



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 115<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 163

WASHINGTON, THURSDAY, JULY 20, 2017

No. 123

## House of Representatives

The House met at 9 a.m. and was called to order by the Speaker.

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Gracious God, we give You thanks for giving us another day.

You have blessed us with all good gifts, and with thankful hearts we express our gratitude. You have created us with opportunities to serve other people in their need, to share together in respect and affection, and to be faithful in the responsibilities we have been given.

In this moment of prayer, please grant to the Members of this people's House, as they return home to meet with their respective constituents, the gifts of wisdom and discernment, that in their words and actions they will do justice, love with mercy, and walk humbly with You.

May all that is done this day be for Your greater honor and glory.

Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Michigan (Mr. MITCHELL) come forward and lead the House in the Pledge of Allegiance.

Mr. MITCHELL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

### ILLINOIS FLOODING

(Mr. ROSKAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSKAM. Mr. Speaker, it has been a difficult week in northern Illinois. A little over a week ago, torrential rains fell on Wisconsin and northern Illinois. Four Illinois counties have been named disaster areas: Lake County, McHenry County, Kane County, and Cook County.

As difficult as it is, it is an incredibly impressive thing to visit these communities, particularly Algonquin, Port Barrington, and Fox River Grove, among others, all in the Sixth Congressional District. What you will witness is literally hundreds of volunteers following through and filling thousands of bags of sand to help their neighbors.

Municipal employees, first responders, local leaders, the Governor of Illinois, and members of the Illinois delegation have all come together in order to meet our neighbors' needs at this time.

For those of you who are people of faith, I ask that you would pray for these families as they are going through this difficult time. Also, I commend those at home who have lent a hand.

### HONORING REVEREND DR. HOWARD W. PARKER, JR.

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, I rise this morning to honor the Reverend Dr. Howard W. Parker, Jr., who

has served as pastor of historic Sycamore Hill Missionary Baptist Church located in Greenville, North Carolina, for more than 35 years, and will soon retire.

The son of Howard and Bernice Parker, Dr. Parker excelled academically, attending Shaw University, Winston-Salem State University, Wake Forest University, and United Christian College, ultimately receiving a master of divinity degree and an honorary doctor of divinity degree.

Under his devoted leadership, Mr. Speaker, Sycamore Hill Missionary Baptist Church has grown in membership and has become a giant in the Greenville community. In addition to leading his congregation, Dr. Parker served as president of the North Carolina General Baptist State Convention, which represents more than a half a million Missionary Baptists in 1,700 North Carolina congregations.

Dr. Parker's commitment to the community has stretched far beyond the pulpit. He was twice elected to the Pitt County Board of Education and served as the board's chair. He serves as associate chaplain of the Greenville Police Department and is a member of the Greenville Initiative on Gang Violence.

Dr. Parker is married to the former Ruby LaVerna Grantham from Goldsboro. They are the proud parents of two adult children, Kelly and Andrea.

His distinguished career and life of unselfish and dedicated service to mankind has positively impacted the lives of so many. His contributions to the community are far and wide, and too numerous to mention.

I ask my colleagues this morning to join me in honoring Reverend Dr. Howard W. Parker, Jr., and thank him for his important service to God and humanity. We wish him well in the years to come.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

H6045

### CONGRESSIONAL PAYER STATE CAUCUS

(Mr. LANCE asked and was given permission to address the House for 1 minute.)

Mr. LANCE. Mr. Speaker, I rise today to announce the formation of the Congressional Payer State Caucus.

I join my colleague, Congressman BILL FOSTER from Illinois, in leading this bipartisan caucus that will examine the disparity States like New Jersey and Illinois experience by paying more in Federal taxes than we receive in Federal spending. In fact, New Jersey is dead last, with a rate of return of just 77 cents for every Federal tax dollar sent to Washington.

The caucus seeks to recommend legislation to ensure that donor States keep more of their hard-earned funds. For example, working to maintain the State and local tax deduction when this body considers an overhaul of our Nation's Tax Code. Eliminating that deduction would further increase the disparity that already exists.

Alexander Hamilton wrote in the Federalist Papers about his fear that the Federal Government might monopolize taxation to the "entire exclusion and destruction of State governments."

The caucus will work to address this problem and for a greater return on the tremendous Federal revenue stream from economic activity and innovation in New Jersey and other States.

### ENCOURAGING GIRLS TO TAKE UP COMPUTER SCIENCE

(Ms. ROSEN asked and was given permission to address the House for 1 minute.)

Ms. ROSEN. Mr. Speaker, in Nevada and across the country, we are continuing to see a huge demand for workers in the technical industry, including software developers; engineers; and computer programmers, like myself. Despite the progress we have made, fewer than one in five computer science graduates are women.

I am proud to introduce my bill, H.R. 3316, the Code Like a Girl Act, because I believe in breaking down barriers and closing the gender gap once and for all.

This bipartisan legislation invests in computer science education, opening doors for women to become part of a highly skilled workforce. Funding programs that encourage girls to take up computer science is one of the most important steps we can take to break down barriers and level the playing field for women everywhere. The Code Like a Girl Act will go one step further by teaching our girls that zero is false, one is true, and that we matter, too.

I encourage my colleagues to invest in our girls by supporting my bill.

### MADE IN AMERICA WEEK

(Mr. MITCHELL asked and was given permission to address the House for 1 minute.)

Mr. MITCHELL. Mr. Speaker, I rise today in the spirit of Made in America Week.

Since taking office in January, I have had the privilege and honor of meeting with American workers and small-business owners in my district, from manufacturers to the farmers who feed our community and our world.

Unfortunately, we have seen far too many of our jobs leave this country. I am focused on addressing the problems in our economy that are destroying jobs and stalling growth.

We have already made significant progress in reducing the regulatory burdens that make it hard for businesses large and small to survive. Congress has passed and the President has signed 14 Congressional Review Acts overturning excessive and ridiculous regulations. I look forward to passing comprehensive tax reform that is simpler and fairer for all Americans so individuals can keep more of their paycheck and for jobs to stay in America. I will continue to advance solutions to help Americans gain skills needed to compete in our changing workforce.

Mr. Speaker, let's remain focused on keeping jobs in America and products made in America.

### FIFTH ANNIVERSARY OF COLORADO SHOOTING

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, July 20, 5 years ago, we had a terrible tragedy in Colorado. Twelve young people were killed, 70 were injured, and countless suffered emotional trauma.

Today I want to recognize these 12. Despite the tragedy we suffered and the impact on our community, there were at least two bright spots: the response of law enforcement, firefighters, ambulance drivers, and medical personnel in dealing with what was a war zone.

Over the 5 years, the families have come together and become great friends, recognizing and celebrating the lives of the people who were taken by that crazed shooter.

I want to recognize them, I want to recognize the dedicated people who assisted them, and just let everybody know that we won't forget. Time goes on and the memories dim a little bit, but these were great young people. Our first responders were wonderful.

### RECOGNIZING GREG ELLIOT

(Mr. MOONEY of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOONEY of West Virginia. Mr. Speaker, I rise today to recognize a truly outstanding constituent in the field of healthcare, Greg Elliot of Charleston, West Virginia. He has been selected this year as one of the recipients of the prestigious Joe Warner Patient Advocacy Award.

The National Center for Assisted Living, the Nation's largest association of professional long-term healthcare providers, bestows this annual award on association members who have worked diligently to educate Members of Congress about the needs of long-term care patients, and to advance the quality in the long-term and post-acute care community.

Mr. Elliot is a second-generation owner of AMFM, which operates 17 long-term, skilled nursing and rehabilitation centers throughout West Virginia.

Greg is frequently in Washington visiting my congressional office, advocating on behalf of West Virginia seniors.

The third-party research institute, My InnerView, has ranked AMFM facilities in the top 10 percent in the Nation 46 times for customer or employee satisfaction.

Greg Elliot resides in Charleston with his wife of 16 years, Jennifer; his 10-year-old daughter, Elizabeth; and their two dogs.

Mr. Speaker, please join me in thanking Greg for his years of dedication and care to our Nation's frail, elderly, and disabled. His career reflects the ideals embodied in the Joe Warner Patient Advocacy Award.

### LET'S WORK TOGETHER ON HEALTHCARE

(Mr. RUIZ asked and was given permission to address the House for 1 minute.)

Mr. RUIZ. Mr. Speaker, many health insurance executives say they are raising premiums and leaving exchanges because of uncertainty and the threat of not paying the cost-sharing reductions and not funding them.

Brad Wilson, CEO of Blue Cross Blue Shield of North Carolina told The Washington Post in May: "The failure of the administration and the House to bring certainty and clarity by funding CSRs has caused our company to file a 22.9 percent premium increase, rather than one that is materially lower."

We need a bipartisan solution to stabilize exchanges. We need to stop threatening not to pay the CSRs.

I introduced the Marketplace Certainty Act, which provides stability by permanently funding and expanding eligibility for these subsidies. This is pragmatic, commonsense legislation to stop premiums from skyrocketing, keep insurers in exchanges, and help people struggling to afford healthcare.

I urge Republicans and Democrats to put people over partisanship and solutions above ideology by working together, by sponsoring my bill, and helping American families afford healthcare.

### INDEPENDENT COMMISSION FOR RUSSIA INVESTIGATION

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute.)

Ms. VELÁZQUEZ. Mr. Speaker, since last year, when our intelligence community concluded that Russia sought to influence our elections, we have seen a series of terrifying headlines. This has not stopped.

Last week, we found out the President's son took a meeting in which he anticipated receiving from the Russian Government damaging information on the Democratic nominee. This was after it was spelled out in black and white in an email that the information came from the Kremlin. Donald, Jr.'s, response: I love it. But now we must go further. We need an independent commission, which Congress can authorize.

Speaker RYAN, these issues go beyond party. They go to the heart of our democracy. The American people deserve the truth. Allow a vote on an independent commission before the August recess.

□ 0915

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. POE of Texas). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

The House will resume proceedings on the postponed question at a later time.

#### DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT

Mr. MCCAUL. Mr. Speaker, pursuant to House Resolution 454, I move to suspend the rules and pass the bill (H.R. 2825) to amend the Homeland Security Act of 2002 to make certain improvements in the laws administered by the Secretary of Homeland Security, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2825

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Department of Homeland Security Authorization Act” or the “DHS Authorization Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. References.

#### DIVISION A—HOMELAND SECURITY

##### TITLE I—DEPARTMENT OF HOMELAND SECURITY HEADQUARTERS

Sec. 1001. Short title.

##### Subtitle A—Headquarters Operations

- Sec. 1101. Homeland security enterprise defined.
- Sec. 1102. Functions and components of Headquarters of Department of Homeland Security.
- Sec. 1103. Repeal of Director of Shared Services and Office of Counter-narcotics Enforcement of Department of Homeland Security.

Sec. 1104. Responsibilities and functions of Chief Privacy Officer.

Sec. 1105. Responsibilities of Chief Financial Officer.

Sec. 1106. Chief Information Officer.

Sec. 1107. Quadrennial Homeland Security review.

Sec. 1108. Office of Strategy, Policy, and Plans.

Sec. 1109. Office of External Affairs.

Sec. 1110. Chief Procurement Officer.

Sec. 1111. Chief Security Officer.

Sec. 1112. Office of Inspector General.

Sec. 1113. Office for Civil Rights and Civil Liberties.

Sec. 1114. Department of Homeland Security Rotation Program.

Sec. 1115. Future Years Homeland Security Program.

Sec. 1116. Field efficiencies plan.

Sec. 1117. Submission to Congress of information regarding reprogramming or transfer of Department of Homeland Security resources to respond to operational surges.

Sec. 1118. Report to Congress on cost savings and efficiency.

Sec. 1119. Research and development and CBRNE organizational review.

Sec. 1120. Activities related to children.

##### Subtitle B—Human Resources and Other Matters

Sec. 1131. Chief Human Capital Officer responsibilities.

Sec. 1132. Employee engagement steering committee and action plan.

Sec. 1133. Annual employee award program.

Sec. 1134. Independent investigation and implementation plan.

Sec. 1135. Timely guidance to DHS personnel regarding Executive Orders.

Sec. 1136. Secretary's responsibilities regarding election infrastructure.

##### TITLE II—DEPARTMENT OF HOMELAND SECURITY ACQUISITION ACCOUNT- ABILITY AND EFFICIENCY

Sec. 1201. Definitions.

##### Subtitle A—Acquisition Authorities

Sec. 1211. Acquisition authorities for Under Secretary for Management of the Department of Homeland Security.

Sec. 1212. Acquisition authorities for Chief Financial Officer of the Department of Homeland Security.

Sec. 1213. Acquisition authorities for Chief Information Officer of the Department of Homeland Security.

Sec. 1214. Acquisition authorities for Program Accountability and Risk Management.

Sec. 1215. Acquisition innovation.

##### Subtitle B—Acquisition Program Management Discipline

Sec. 1221. Acquisition Review Board.

Sec. 1222. Requirements to reduce duplication in acquisition programs.

Sec. 1223. Department leadership council.

Sec. 1224. Government Accountability Office review of Board and of requirements to reduce duplication in acquisition programs.

Sec. 1225. Excluded party list system waivers.

Sec. 1226. Inspector General oversight of suspension and debarment.

##### Subtitle C—Acquisition Program Manage- ment Accountability and Transparency

Sec. 1231. Congressional notification for major acquisition programs.

Sec. 1232. Multiyear Acquisition Strategy.

Sec. 1233. Acquisition reports.

##### TITLE III—INTELLIGENCE AND INFORMATION SHARING

##### Subtitle A—Department of Homeland Security Intelligence Enterprise

Sec. 1301. Homeland intelligence doctrine.

Sec. 1302. Analysts for the Chief Intelligence Officer.

Sec. 1303. Annual homeland terrorist threat assessments.

Sec. 1304. Department of Homeland Security data framework.

Sec. 1305. Establishment of Insider Threat Program.

Sec. 1306. Threat assessment on terrorist use of virtual currency.

Sec. 1307. Department of Homeland Security counterterrorism advisory board.

Sec. 1308. Border and gang threat assessment.

Sec. 1309. Security clearance management and administration.

##### Subtitle B—Stakeholder Information Sharing

Sec. 1311. Department of Homeland Security Fusion Center Partnership Initiative.

Sec. 1312. Fusion center personnel needs assessment.

Sec. 1313. Program for State and local analyst clearances.

Sec. 1314. Information technology assessment.

Sec. 1315. Department of Homeland Security classified facility inventory and dissemination.

Sec. 1316. Terror inmate information sharing.

Sec. 1317. Annual report on Office for State and Local Law Enforcement.

Sec. 1318. Annual catalog on Department of Homeland Security training, publications, programs, and services for State, local, and tribal law enforcement agencies.

##### TITLE IV—MARITIME SECURITY

Sec. 1401. Strategic plan to enhance the security of the international supply chain.

Sec. 1402. Container Security Initiative.

Sec. 1403. Cyber at ports.

Sec. 1404. Facility inspection intervals.

Sec. 1405. Updates of maritime operations coordination plan.

Sec. 1406. Evaluation of Coast Guard Deployable Specialized Forces.

Sec. 1407. Cost benefit analysis of co-locating DHS assets.

Sec. 1408. Repeal of interagency operational centers for port security and secure systems of transportation.

Sec. 1409. Maritime security capabilities assessments.

Sec. 1410. Conforming and clerical amendments.

##### TITLE V—TRANSPORTATION SECURITY ADMINISTRATION

##### Subtitle A—Administration

Sec. 1501. Amendments to the Homeland Security Act of 2002 and title 5, United States Code.

Sec. 1502. Amendments to title 49, United States Code.

Sec. 1503. Amendments to the Aviation and Transportation Security Act.

Sec. 1504. Information required to be submitted to Congress under the strategic 5-year technology investment plan of the Transportation Security Administration.

Sec. 1505. Maintenance of security-related technology.

Sec. 1506. Transportation Security Administration efficiency.

- Sec. 1507. Transportation senior executive service accountability.
- Subtitle B—Passenger Security and Screening
- Sec. 1511. Department of Homeland Security trusted traveler program collaboration.
- Sec. 1512. PreCheck Biometric pilot project.
- Sec. 1513. Identity and travel document verification.
- Sec. 1514. Computed tomography pilot project.
- Sec. 1515. Explosives detection canine teams for aviation.
- Sec. 1516. Standard operating procedures at airport checkpoints.
- Sec. 1517. Traveler redress improvement.
- Sec. 1518. Screening in areas other than passenger terminals.
- Sec. 1519. Federal Air Marshal Service agreements.
- Sec. 1520. Federal Air Marshal mission scheduling automation.
- Sec. 1521. Canine detection research and development.
- Sec. 1522. International Civil Aviation Organization.
- Sec. 1523. Passenger security fee.
- Sec. 1524. Last point of departure airport certification.
- Sec. 1525. Security incident response at airports and surface transportation hubs.
- Sec. 1526. Airport security screening opt-out program.
- Sec. 1527. Personnel management system review.
- Sec. 1528. Innovation task force.
- Sec. 1529. Airport law enforcement reimbursement.
- Subtitle C—Transportation Security Screening Personnel Training and Accountability
- Sec. 1531. Transportation security training programs.
- Sec. 1532. Alternate new security screening personnel training program cost and feasibility study.
- Sec. 1533. Prohibition of advance notice of covert testing to security screeners.
- Subtitle D—Airport Access Controls and Perimeter Security
- Sec. 1541. Reformation of certain programs of the Transportation Security Administration.
- Sec. 1542. Airport perimeter and access control security.
- Sec. 1543. Exit lane security.
- Sec. 1544. Reimbursement for deployment of armed law enforcement personnel at airports.
- Subtitle E—Air Cargo Security
- Sec. 1551. Air cargo advance screening program.
- Sec. 1552. Explosives detection canine teams for air cargo security.
- Subtitle F—Information Sharing and Cybersecurity
- Sec. 1561. Information sharing and cybersecurity.
- Subtitle G—Surface Transportation Security
- Sec. 1571. Definitions.
- Sec. 1572. Surface transportation security assessment and implementation of risk-based strategy.
- Sec. 1573. Risk-based budgeting and resource allocation.
- Sec. 1574. Surface transportation security management and interagency coordination review.
- Sec. 1575. Transparency.
- Sec. 1576. TSA counterterrorism asset deployment.
- Sec. 1577. Surface transportation security advisory committee.
- Sec. 1578. Review of the explosives detection canine team program.
- Sec. 1579. Expansion of national explosives detection canine team program.
- Sec. 1580. Explosive detection technology.
- Sec. 1581. Study on security standards and best practices for United States and foreign passenger transportation systems.
- Sec. 1582. Amtrak security upgrades.
- Sec. 1583. Study on surface transportation inspectors.
- Sec. 1584. Security awareness program.
- Sec. 1585. Voluntary use of credentialing.
- Sec. 1586. Background records checks for issuance of hazmat licenses.
- Sec. 1587. Recurrent vetting for surface transportation credential-holders.
- Sec. 1588. Pipeline security study.
- Subtitle H—Security Enhancements in Public Areas of Transportation Facilities
- Sec. 1591. Working group.
- Sec. 1592. Technical assistance; Vulnerability assessment tools.
- Sec. 1593. Operations centers.
- Sec. 1594. Review of regulations.
- Sec. 1595. Definition.
- TITLE VI—EMERGENCY PREPAREDNESS, RESPONSE, AND COMMUNICATIONS
- Subtitle A—Grants, Training, Exercises, and Coordination
- Sec. 1601. Urban Area Security Initiative.
- Sec. 1602. State Homeland Security Grant Program.
- Sec. 1603. Grants to directly eligible tribes.
- Sec. 1604. Law enforcement terrorism prevention.
- Sec. 1605. Prioritization.
- Sec. 1606. Allowable uses.
- Sec. 1607. Approval of certain equipment.
- Sec. 1608. Memoranda of understanding.
- Sec. 1609. Grants metrics.
- Sec. 1610. Grant management best practices.
- Sec. 1611. Prohibition on consolidation.
- Sec. 1612. Maintenance of grant investments.
- Sec. 1613. Transit security grant program.
- Sec. 1614. Port security grant program.
- Sec. 1615. Cyber preparedness.
- Sec. 1616. Major metropolitan area counterterrorism training and exercise grant program.
- Sec. 1617. Operation Stonegarden.
- Sec. 1618. Non-Profit Security Grant Program.
- Sec. 1619. Study of the use of grant funds for cybersecurity.
- Subtitle B—Communications
- Sec. 1631. Office of Emergency Communications.
- Sec. 1632. Responsibilities of Office of Emergency Communications Director.
- Sec. 1633. Annual reporting on activities of the Office of Emergency Communications.
- Sec. 1634. National Emergency Communications Plan.
- Sec. 1635. Technical edit.
- Sec. 1636. Public Safety Broadband Network.
- Sec. 1637. Communications training.
- Subtitle C—Medical Preparedness
- Sec. 1641. Chief Medical Officer.
- Sec. 1642. Medical Countermeasures Program.
- TITLE VII—OTHER MATTERS
- Sec. 1701. Decision regarding certain executive memoranda.
- Sec. 1702. Permanent authorization for Asia-Pacific Economic Cooperation Business Travel Card Program.
- Sec. 1703. Authorization of appropriations for Office of Inspector General.
- Sec. 1704. Canine teams.
- Sec. 1705. Technical amendments to the Homeland Security Act of 2002.
- Sec. 1706. Savings clause.
- DIVISION B—U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
- Sec. 2001. Short title.
- Sec. 2002. Establishment of U.S. Immigration and Customs Enforcement.
- DIVISION C—UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES
- Sec. 3001. Short title.
- Sec. 3002. Establishment of United States Citizenship and Immigration Services.
- DIVISION D—UNITED STATES SECRET SERVICE
- Sec. 4001. Short title.
- Sec. 4002. Presidential appointment of Director of the Secret Service.
- Sec. 4003. Restricted building or grounds.
- Sec. 4004. Threats against former vice presidents.
- Sec. 4005. Increased training.
- Sec. 4006. Training facilities.
- Sec. 4007. Evaluation of vulnerabilities and threats.
- Sec. 4008. Evaluation of use of technology.
- Sec. 4009. Evaluation of use of additional weaponry.
- Sec. 4010. Security costs for secondary residences.
- Sec. 4011. Establishment of Ethics Program Office.
- Sec. 4012. Secret Service protection at polling places.
- Sec. 4013. Sense of Congress.
- DIVISION E—COAST GUARD
- Sec. 5001. Short title.
- TITLE I—AUTHORIZATIONS
- Sec. 5101. Authorizations of appropriations.
- Sec. 5102. Authorized levels of military strength and training.
- TITLE II—COAST GUARD
- Sec. 5201. Training; public safety personnel.
- Sec. 5202. Commissioned service retirement.
- Sec. 5203. Officer promotion zones.
- Sec. 5204. Cross reference.
- Sec. 5205. Repeal.
- Sec. 5206. Unmanned aircraft system.
- Sec. 5207. Coast Guard health-care professionals; licensure portability.
- Sec. 5208. Incentive contracts for Coast Guard yard and industrial establishments.
- Sec. 5209. Maintaining cutters in class.
- Sec. 5210. Congressional affairs; Director.
- Sec. 5211. Contracting for major acquisitions programs.
- Sec. 5212. National Security Cutter.
- Sec. 5213. Radar refresher training.
- Sec. 5214. Repeal.
- Sec. 5215. Extension of authority.
- Sec. 5216. Authorization of amounts for Fast Response Cutters.
- Sec. 5217. Authorization of amounts for ice trials of icebreaker vessels.
- Sec. 5218. Shoreside infrastructure.
- Sec. 5219. Aircraft improvements.
- Sec. 5220. Acquisition plan for inland waterway and river tenders and Bay-class icebreakers.
- Sec. 5221. Report on sexual assault victim recovery in the Coast Guard.
- TITLE III—PORTS AND WATERWAYS SAFETY
- Sec. 5301. Codification of Ports and Waterways Safety Act.
- Sec. 5302. Conforming amendments.
- Sec. 5303. Transitional and savings provisions.
- Sec. 5304. Rule of construction.
- Sec. 5305. Advisory Committee: Repeal.
- Sec. 5306. Regattas and marine parades.
- Sec. 5307. Regulation of vessels in territorial waters of United States.

## TITLE IV—MARITIME TRANSPORTATION SAFETY

- Sec. 5401. Clarification of logbook entries.
- Sec. 5402. Technical corrections: licenses, certifications of registry, and merchant mariner documents.
- Sec. 5403. Numbering for undocumented barges.
- Sec. 5404. Drawbridge deviation exemption.
- Sec. 5405. Deadline for compliance with alternate safety compliance programs.
- Sec. 5406. Authorization for marine debris program.
- Sec. 5407. Alternative distress signals.
- Sec. 5408. Atlantic Coast Port Access Route Study recommendations.
- Sec. 5409. Documentation of recreational vessels.
- Sec. 5410. Certificates of documentation for recreational vessels.
- Sec. 5411. Backup global positioning system.
- Sec. 5412. Waters deemed not navigable waters of the United States for certain purposes.
- Sec. 5413. Uninspected passenger vessels in St. Louis County, Minnesota.
- Sec. 5414. Engine cut-off switch requirements.
- Sec. 5415. Analysis of commercial fishing vessel classification requirements.

## TITLE V—MISCELLANEOUS

- Sec. 5501. Repeal.
- Sec. 5502. Reimbursements for non-Federal construction costs of certain aids to navigation.
- Sec. 5503. Corrections to provisions enacted by Coast Guard Authorization Acts.
- Sec. 5504. Ship Shoal Lighthouse transfer: Repeal.
- Sec. 5505. Coast Guard maritime domain awareness.
- Sec. 5506. Towing safety management system fees.
- Sec. 5507. Oil spill disbursements auditing and report.
- Sec. 5508. Land exchange, Ayakulik Island, Alaska.
- Sec. 5509. Vessel response plans in the Arctic Report.
- Sec. 5510. Assessment of public comments on additional anchorages on the Hudson River.
- Sec. 5511. Public safety answering points and maritime search and rescue coordination.
- Sec. 5512. Documentation of “America’s Finest”.

## DIVISION F—FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

- Sec. 6001. Short title.
- Sec. 6002. Reauthorization of Federal Emergency Management Agency.
- Sec. 6003. Comprehensive study of disaster costs and losses.
- Sec. 6004. National Domestic Preparedness Consortium.
- Sec. 6005. Rural Domestic Preparedness Consortium.
- Sec. 6006. National preparation and response efforts relating to earthquakes and tsunamis.
- Sec. 6007. Authorities.
- Sec. 6008. Center for faith-based and neighborhood partnerships.
- Sec. 6009. Emergency support functions.
- Sec. 6010. Review of National Incident Management System.
- Sec. 6011. Remedial action management program.
- Sec. 6012. Center for Domestic Preparedness.
- Sec. 6013. FEMA Senior Law Enforcement Advisor.
- Sec. 6014. Technical expert authorized.

- Sec. 6015. Mission support.
- Sec. 6016. Systems modernization.
- Sec. 6017. Strategic human capital plan.
- Sec. 6018. Office of Disability Integration and Coordination of Department of Homeland Security.
- Sec. 6019. Technical amendments to National Emergency Management.

## SEC. 2. REFERENCES.

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

## DIVISION A—HOMELAND SECURITY

## TITLE I—DEPARTMENT OF HOMELAND SECURITY HEADQUARTERS

## SEC. 1001. SHORT TITLE.

This division may be cited as the “Department of Homeland Security Authorization Act for Fiscal Years 2018 and 2019”.

## Subtitle A—Headquarters Operations

## SEC. 1101. HOMELAND SECURITY ENTERPRISE DEFINED.

Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended—

(1) by redesignating paragraphs (9) through (20) as paragraphs (10) through (21), respectively; and

(2) by inserting after paragraph (8) the following new paragraph (9):

“(9) The term ‘homeland security enterprise’ means any relevant governmental or nongovernmental entity involved in homeland security, including a Federal, State, or local government official, private sector representative, academic, or other policy expert.”.

## SEC. 1102. FUNCTIONS AND COMPONENTS OF HEADQUARTERS OF DEPARTMENT OF HOMELAND SECURITY.

Section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking “through the Office of State and Local Coordination (established under section 801)” and inserting “through the Office of Partnership and Engagement”;

(B) in paragraph (2), by striking “and” after the semicolon at the end;

(C) in paragraph (3), by striking the period and inserting “; and”; and

(D) by adding at the end the following:

“(4) entering into agreements with governments of other countries, in consultation with the Secretary of State, and international nongovernmental organizations in order to achieve the missions of the Department.”; and

(2) by adding at the end the following new subsection:

“(h) HEADQUARTERS.—

“(1) COMPONENTS.—There is in the Department a Headquarters. The Department Headquarters shall include each of the following:

“(A) The Office of the Secretary.

“(B) The Office of the Deputy Secretary.

“(C) The Executive Secretary.

“(D) The Management Directorate, including the Office of the Chief Financial Officer.

“(E) The Office of Strategy, Policy, and Plans.

“(F) The Office of the General Counsel.

“(G) The Office of the Chief Privacy Officer.

“(H) The Office for Civil Rights and Civil Liberties.

“(I) The Office of Operations Coordination.

“(J) The Office of Intelligence and Analysis.

“(K) The Office of Legislative Affairs.

“(L) The Office of Public Affairs.

“(M) The Office of the Inspector General.

“(N) The Office of the Citizenship and Immigration Services Ombudsman.

“(O) The Office of Partnership and Engagement.

“(2) FUNCTIONS.—The Secretary, acting through the appropriate official of the Headquarters, shall—

“(A) establish an overall strategy to successfully further the mission of the Department;

“(B) establish initiatives that improve Department-wide operational performance;

“(C) establish mechanisms to—

“(i) ensure that components of the Department comply with Department policies and fully implement the strategies and initiatives of the Secretary; and

“(ii) require the head of each component of the Department and component chief officers to comply with such policies and implement such strategies and initiatives;

“(D) establish annual operational and management objectives to evaluate the performance of the Department;

“(E) ensure that the Department successfully meets operational and management performance objectives through conducting oversight of component agencies;

“(F) ensure that the strategies, priorities, investments, and workforce of Department components align with Department objectives;

“(G) establish and implement policies related to Department ethics and compliance standards;

“(H) establish and implement, in consultation with the Office of Civil Rights and Civil Liberties, policies which preserve individual liberty, fairness, and equality under the law;

“(I) manage and encourage shared services across Department components;

“(J) lead and coordinate interaction with Congress and other external organizations; and

“(K) carry out other such functions as the Secretary determines are appropriate.”.

## SEC. 1103. REPEAL OF DIRECTOR OF SHARED SERVICES AND OFFICE OF COUNTERNARCOTICS ENFORCEMENT OF DEPARTMENT OF HOMELAND SECURITY.

(a) ABOLISHMENT OF DIRECTOR OF SHARED SERVICES.—

(1) ABOLISHMENT.—The position of Director of Shared Services of the Department of Homeland Security is abolished.

(2) CONFORMING AMENDMENT.—The Homeland Security Act of 2002 is amended by striking section 475 (6 U.S.C. 295).

(3) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by striking the item relating to section 475.

(b) ABOLISHMENT OF THE OFFICE OF COUNTERNARCOTICS ENFORCEMENT.—

(1) ABOLISHMENT.—The Office of Counternarcotics Enforcement is abolished.

(2) CONFORMING AMENDMENTS.—The Homeland Security Act of 2002 is amended—

(A) in subparagraph (B) of section 843(b)(1) (6 U.S.C. 413(b)(1)), by striking “by—” and all that follows through the end of that subparagraph and inserting “by the Secretary; and”; and

(B) by striking section 878 (6 U.S.C. 112).

(3) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by striking the item relating to section 878.

## SEC. 1104. RESPONSIBILITIES AND FUNCTIONS OF CHIEF PRIVACY OFFICER.

(a) IN GENERAL.—Section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by inserting “to be the Chief Privacy Officer of the Department,” after “in the Department,”; and

(ii) by striking “to the Secretary, to assume” and inserting “to the Secretary. Such official shall have”;

(B) in paragraph (5), by striking “and” at the end;

(C) by striking paragraph (6); and

(D) by inserting after paragraph (5) the following new paragraphs:

“(6) developing guidance to assist components of the Department in developing privacy policies and practices;

“(7) establishing a mechanism to ensure such components are in compliance with Federal, regulatory, statutory, and Department privacy requirements, mandates, directives, and policies;

“(8) working with the Chief Information Officer of the Department to identify methods for managing and overseeing the records, management policies, and procedures of the Department;

“(9) working with components and offices of the Department to ensure that information sharing activities incorporate privacy protections;

“(10) serving as the Chief FOIA Officer of the Department for purposes of subsection (j) of section 552 of title 5, United States Code (popularly known as the Freedom of Information Act), to manage and process requests related to such section;

“(11) developing guidance on procedures to be followed by individuals making requests for information under section 552 of title 5, United States Code;

“(12) overseeing the management and processing of requests for information under section 552 of title 5, United States Code, within Department Headquarters and relevant Department component offices;

“(13) identifying and eliminating unnecessary and duplicative actions taken by the Department in the course of processing requests for information under section 552 of title 5, United States Code;

“(14) preparing an annual report to Congress that includes—

“(A) a description of the activities of the Department that affect privacy during the fiscal year covered by the report, including complaints of privacy violations, implementation of section 552a of title 5, United States Code (popularly known as the Privacy Act of 1974), internal controls, and other matters; and

“(B) the number of new technology programs implemented in the Department during the fiscal year covered by the report, the number of such programs that the Chief Privacy Officer has evaluated to ensure that privacy protections are considered and implemented, the number of such programs that effectively implemented privacy protections into new technology programs, and an explanation of why any new programs did not effectively implement privacy protections; and

“(15) carrying out such other responsibilities as the Secretary determines are appropriate, consistent with this section.”; and

(2) by adding at the end the following new subsection:

“(f) REASSIGNMENT OF FUNCTIONS.—Notwithstanding subsection (a)(10), the Secretary may reassign the functions related to managing and processing requests for information under section 552 of title 5, United States Code, to another officer within the Department, consistent with requirements of that section.”.

#### SEC. 1105. RESPONSIBILITIES OF CHIEF FINANCIAL OFFICER.

(a) IN GENERAL.—Section 703 of the Homeland Security Act of 2002 (6 U.S.C. 342) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

“(b) RESPONSIBILITIES.—In carrying out the responsibilities, authorities, and functions

specified in section 902 of title 31, United States Code, the Chief Financial Officer shall—

“(1) oversee Department budget formulation and execution;

“(2) lead and provide guidance on performance-based budgeting practices for the Department to ensure that the Department and its components are meeting missions and goals;

“(3) lead cost-estimating practices for the Department, including the development of policies on cost estimating and approval of life cycle cost estimates;

“(4) coordinate with the Office of Strategy, Policy, and Plans to ensure that the development of the budget for the Department is compatible with the long-term strategic plans, priorities, and policies of the Secretary;

“(5) develop financial management policy for the Department and oversee the implementation of such policy, including the establishment of effective internal controls over financial reporting systems and processes throughout the Department;

“(6) provide guidance for and over financial system modernization efforts throughout the Department;

“(7) lead the efforts of the Department related to financial oversight, including identifying ways to streamline and standardize business processes;

“(8) oversee the costs of acquisition programs and related activities to ensure that actual and planned costs are in accordance with budget estimates and are affordable, or can be adequately funded, over the lifecycle of such programs and activities;

“(9) fully implement a common accounting structure to be used across the entire Department by fiscal year 2020; and

“(10) track, approve, oversee, and make public information on expenditures by components of the Department for conferences, as appropriate, including by requiring each component to—

“(A) report to the Inspector General of the Department the expenditures by such component for each conference hosted or attended by Department employees for which the total expenditures of the Department exceed \$20,000, within 15 days after the date of the conference; and

“(B) with respect to such expenditures, provide to the Inspector General—

“(i) the information described in subsections (a), (b), and (c) of section 739 of title VII of division E of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113-235); and

“(ii) documentation of such expenditures.”.

(b) RULE OF CONSTRUCTION.—Nothing in the amendment made by this section may be construed as altering or amending the responsibilities, authorities, and functions of the Chief Financial Officer of the Department of Homeland Security under section 902 of title 31, United States Code.

#### SEC. 1106. CHIEF INFORMATION OFFICER.

(a) IN GENERAL.—Section 703 of the Homeland Security Act of 2002 (6 U.S.C. 343) is amended—

(1) in subsection (a), by adding at the end the following new sentence: “In addition to the functions under section 3506(a)(2) of title 44, United States Code, the Chief Information Officer shall perform the functions set forth in this section and such other functions as may be assigned by the Secretary.”; and

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following new subsections:

“(b) RESPONSIBILITIES.—In addition to performing the functions under section 3506 of

title 44, United States Code, the Chief Information Officer shall serve as the lead technical authority for information technology programs of the Department and Department components, and shall—

“(1) advise and assist the Secretary, heads of the components of the Department, and other senior officers in carrying out the responsibilities of the Department for all activities relating to the budgets, programs, security, and operations of the information technology functions of the Department;

“(2) to the extent delegated by the Secretary, exercise leadership and authority over Department information technology management and establish the information technology priorities, policies, processes, standards, guidelines, and procedures of the Department to ensure interoperability and standardization of information technology;

“(3) maintain a consolidated inventory of the mission critical and mission essential information systems of the Department, and develop and maintain contingency plans for responding to a disruption in the operation of any of those information systems;

“(4) maintain the security, visibility, reliability, integrity, and availability of data and information technology of the Department;

“(5) establish and implement policies and procedures to effectively monitor and manage vulnerabilities in the supply chain for purchases of information technology, in consultation with the Chief Procurement Officer of the Department;

“(6) review contracts and interagency agreements associated with major information technology investments and information technology investments that have had cost, schedule, or performance challenges in the past;

“(7) assess the risk of all major information technology investments and publically report the risk rating to the Office of Management and Budget; and

“(8) carry out any other responsibilities delegated by the Secretary consistent with an effective information system management function.

(c) STRATEGIC PLANS.—In coordination with the Chief Financial Officer, the Chief Information Officer shall develop an information technology strategic plan every five years and report to the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate on the extent to which—

“(1) the budget of the Department aligns with priorities specified in the information technology strategic plan;

“(2) the information technology strategic plan informs the budget process of the Department;

“(3) information technology priorities were or were not funded and the reasons for not funding all priorities in a given fiscal year;

“(4) the Department has identified and addressed skills gaps needed to implement the information technology strategic plan; and

“(5) unnecessary duplicate information technology within and across the components of the Department has been eliminated.”.

#### (b) SOFTWARE LICENSING.—

(1) SOFTWARE INVENTORY.—Not later than 180 days after the date of the enactment of this Act and every two years thereafter until 2022, the Chief Information Officer of the Department of Homeland Security, in consultation with Department component chief information officers, shall—

(A) conduct a Department-wide inventory of all existing software licenses held by the

Department, including utilized and unutilized licenses;

(B) assess the needs of the Department and the components of the Department for software licenses for the subsequent two fiscal years;

(C) examine how the Department can achieve the greatest possible economies of scale and cost savings in the procurement of software licenses;

(D) determine how the use of shared cloud-computing services will impact the needs for software licenses for the subsequent two fiscal years;

(E) establish plans and estimated costs for eliminating unutilized software licenses for the subsequent two fiscal years; and

(F) submit a copy of each inventory conducted under subparagraph (A) to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

(2) **PLAN TO REDUCE SOFTWARE LICENSES.**—If the Chief Information Officer determines through the inventory conducted under paragraph (1) that the number of software licenses held by the Department and the components of the Department exceed the needs of the Department, not later than 90 days after the date on which the inventory is completed, the Secretary of Homeland Security shall establish a plan for reducing the number of such software licenses to meet needs of the Department.

(3) **PROHIBITION ON PROCUREMENT OF NEW SOFTWARE LICENSES.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), upon completion of a plan under paragraph (2), no additional resources may be obligated for the procurement of new software licenses for the Department until such time as the need of the Department exceeds the number of used and unused licenses held by the Department.

(B) **EXCEPTION.**—The Chief Information Officer may authorize the purchase of additional licenses and amend the number of needed licenses as necessary.

(C) **COMPTROLLER GENERAL REVIEW.**—Not later than fiscal year 2019, the Comptroller General of the United States shall review the extent to which the Chief Information Officer fulfilled all requirements established in this section and the amendment made by this section.

(d) **COMPLETION OF FIRST DEFINITION OF CAPABILITIES.**—Not later than one year after the date of the enactment of this Act, the Chief Information Officer shall complete the first information technology strategic plan required under subsection (c) of section 701 of the Homeland Security Act of 2002, as added by subsection (a) of this section.

#### **SEC. 1107. QUADRENNIAL HOMELAND SECURITY REVIEW.**

(a) **IN GENERAL.**—Section 707 of the Homeland Security Act of 2002 (6 U.S.C. 347) is amended—

(1) in subsection (a)(3)—

(A) in subparagraph (B), by striking “and” at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following new subparagraph (C):

“(C) representatives from appropriate advisory committees established pursuant to section 871, including the Homeland Security Advisory Council and the Homeland Security Science and Technology Advisory Committee, or otherwise established, including the Aviation Security Advisory Committee established pursuant to section 44946 of title 49, United States Code; and”;

(2) in subsection (b)—

(A) in paragraph (2), by inserting before the semicolon at the end the following:

“based on the risk assessment required pursuant to subsection (c)(2)(B)”;

(B) in paragraph (3)—

(i) by inserting “, to the extent practicable,” after “describe”; and

(ii) by striking “budget plan” and inserting “resources required”;

(C) in paragraph (4)—

(i) by inserting “, to the extent practicable,” after “identify”;

(ii) by striking “budget plan required to provide sufficient resources to successfully” and inserting “resources required to”; and

(iii) by striking the semicolon at the end and inserting “, including any resources identified from redundant, wasteful, or unnecessary capabilities and capacities that can be redirected to better support other existing capabilities and capacities, as the case may be; and”;

(D) in paragraph (5), by striking “; and” and inserting a period; and

(E) by striking paragraph (6);

(3) in subsection (c)—

(A) in paragraph (1), by striking “December 31 of the year” and inserting “60 days after the date of the submittal of the President’s budget for the fiscal year after the fiscal year”;

(B) in paragraph (2)—

(i) in subparagraph (B), by striking “description of the threats to” and inserting “risk assessment of”;

(ii) in subparagraph (C), by inserting “, as required under subsection (b)(2)” before the semicolon at the end;

(iii) in subparagraph (D)—

(I) by inserting “to the extent practicable,” before “a description”; and

(II) by striking “budget plan” and inserting “resources required”;

(iv) in subparagraph (F)—

(I) by inserting “to the extent practicable,” before “a discussion”; and

(II) by striking “the status of”;

(v) in subparagraph (G)—

(I) by inserting “to the extent practicable,” before “a discussion”;

(II) by striking “the status of”;

(III) by inserting “and risks” before “to national homeland”; and

(IV) by inserting “and” after the semicolon at the end;

(vi) by striking subparagraph (H); and

(vii) by redesignating subparagraph (I) as subparagraph (H);

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following new paragraph (3):

“(3) **DOCUMENTATION.**—The Secretary shall retain the following documentation regarding the quadrennial homeland security review:

“(A) Records regarding the consultation carried out pursuant to subsection (a)(3), including—

“(i) all written communications, including communications sent out by the Secretary and feedback submitted to the Secretary through technology, online communications tools, in-person discussions, and the inter-agency process; and

“(ii) information on how feedback received by the Secretary informed the quadrennial homeland security review.

“(B) Information regarding the risk assessment, as required under subsection (c)(2)(B), including—

“(i) the risk model utilized to generate the risk assessment;

“(ii) information, including data used in the risk model, utilized to generate the risk assessment;

“(iii) sources of information, including other risk assessments, utilized to generate the risk assessment; and

“(iv) information on assumptions, weighing factors, and subjective judgments utilized to generate the risk assessment, together with information on the rationale or basis thereof.”; and

(4) by redesignating subsection (d) as subsection (e); and

(5) by inserting after subsection (c) the following new subsection (d):

“(d) **REVIEW.**—Not later than 90 days after the submission of each report required under subsection (c)(1), the Secretary shall provide to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate information on the degree to which the findings and recommendations developed in the quadrennial homeland security review covered by the report were integrated into the acquisition strategy and expenditure plans for the Department.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to a quadrennial homeland security review conducted after December 31, 2017.

#### **SEC. 1108. OFFICE OF STRATEGY, POLICY, AND PLANS.**

(a) **IN GENERAL.**—Section 708 of the Homeland Security Act of 2002 (as redesignated pursuant to section 1705(g) of this Act; relating to the Office of Strategy, Policy, and Plans of the Department of Homeland Security) is amended—

(1) in subsection (a), by adding at the end the following: “The Office of Strategy, Policy, and Plans shall include the following components:

“(1) The Office of International Affairs.

“(2) The Office of Cyber, Infrastructure, and Resilience Policy.

“(3) The Office of Strategy, Planning, Analysis, and Risk.

“(4) The Office of Threat Prevention and Security Policy.

“(5) The Office of Border, Immigration, and Trade Policy.”;

(2) by redesignating subsections (e) through (g) as subsections (f) through (h), respectively; and

(3) by inserting after subsection (d) the following new subsection:

“(e) **ASSISTANT SECRETARY FOR INTERNATIONAL AFFAIRS.**—The Office of International Affairs shall be led by an Assistant Secretary for International Affairs appointed by the Secretary. The Assistant Secretary shall—

“(1) coordinate international activities within the Department, including activities carried out by the components of the Department, in consultation with other Federal officials with responsibility for counterterrorism and homeland security matters;

“(2) advise, inform, and assist the Secretary with respect to the development and implementation of the policy priorities of the Department, including strategic priorities for the deployment of assets, including personnel, outside the United States;

“(3) develop, in consultation with the Under Secretary for Management, guidance for selecting, assigning, training, and monitoring overseas deployments of Department personnel, including minimum standards for pre-deployment training;

“(4) maintain awareness regarding the international travel of senior officers of the Department and their intent to pursue negotiations with foreign government officials, and review resulting draft agreements; and

“(5) perform such other functions as are established by law or delegated by the Under Secretary for Policy.”.

(b) **ABOLISHMENT OF OFFICE OF INTERNATIONAL AFFAIRS.**—

(1) **IN GENERAL.**—The Office of International Affairs within the Office of the Secretary of Homeland Security is abolished.



(2) TRANSFER OF ASSETS AND PERSONNEL.—The functions authorized to be performed by such office as of the day before the date of the enactment of this Act, and the assets and personnel associated with such functions, are transferred to the head of the Office of International Affairs provided for by section 708 of the Homeland Security Act of 2002, as amended by this section.

(3) CONFORMING AMENDMENT.—The Homeland Security Act of 2002 is amended by striking section 879 (6 U.S.C. 459).

(4) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by striking the item relating to section 879.

(c) CONFORMING AMENDMENTS RELATING TO ASSISTANT SECRETARIES.—Subsection (a) of section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113) is amended—

(1) in the subsection heading, by inserting “; ASSISTANT SECRETARIES AND OTHER OFFICERS” after “UNDER SECRETARIES”;

(2) in paragraph (1), by amending subparagraph (I) to read as follows:

“(I) An Administrator of the Transportation Security Administration.”;

(3) by amending paragraph (2) to read as follows:

“(2) ASSISTANT SECRETARIES.—The following Assistant Secretaries shall be appointed by the President or the Secretary, as the case may be, without the advice and consent of the Senate:

“(A) PRESIDENTIAL APPOINTMENTS.—The Department shall have the following Assistant Secretaries appointed by the President:

“(i) The Assistant Secretary, Infrastructure Protection.

“(ii) The Assistant Secretary for Public Affairs.

“(iii) The Assistant Secretary for Legislative Affairs.

“(B) SECRETARIAL APPOINTMENTS.—The Department shall have the following Assistant Secretaries appointed by the Secretary:

“(i) The Principal Assistant Secretary for External Affairs.

“(ii) The Assistant Secretary, Office of Cybersecurity and Communications.

“(iii) The Assistant Secretary for International Affairs.

“(iv) The Assistant Secretary for Partnership and Engagement.

“(v) The Assistant Secretary for Threat Prevention and Security Policy.

“(vi) The Assistant Secretary for Border, Immigration, and Trade Policy.

“(vii) The Assistant Secretary for Cyber, Infrastructure, and Resilience Policy.

“(viii) The Assistant Secretary for Strategy, Planning, Analysis, and Risk.

“(ix) The Assistant Secretary for State and Local Law Enforcement.”; and

(4) by adding at the end the following new paragraphs:

“(3) ASSISTANT SECRETARY FOR LEGISLATIVE AFFAIRS.—The Assistant Secretary for Legislative Affairs shall oversee one internal reporting structure for engaging with authorizing and appropriating congressional committees.

“(4) LIMITATION ON CREATION OF POSITIONS.—No Assistant Secretary position may be created in addition to the positions provided for by this section unless such position is authorized by a statute enacted after the date of the enactment of the Department of Homeland Security Authorization Act for Fiscal Years 2018 and 2019.”.

(d) HOMELAND SECURITY ADVISORY COUNCIL.—Subsection (b) of section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112) is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(4) shall establish a Homeland Security Advisory Council to provide advice and recommendations on homeland security-related matters, including advice with respect to the preparation of the Quadrennial Homeland Security Review.”.

(e) PROHIBITION ON NEW OFFICES.—No new office may be created to perform functions transferred by this section, other than as provided in section 709 of the Homeland Security Act of 2002, as amended by this Act.

(f) DEFINITIONS.—In this section each of the terms “functions”, “assets”, and “personnel” has the meaning given each such term under section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(g) DUPLICATION REVIEW.—

(1) REVIEW REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall complete a review of the functions and responsibilities of each Department of Homeland Security component responsible for international affairs to identify and eliminate areas of unnecessary duplication.

(2) SUBMISSION TO CONGRESS.—Not later than 30 days after the completion of the review required under paragraph (1), the Secretary shall provide the results of the review to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

(3) ACTION PLAN.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional homeland security committees an action plan, including corrective steps and an estimated date of completion, to address areas of duplication, fragmentation, and overlap and opportunities for cost savings and revenue enhancement, as identified by the Government Accountability Office based on the annual report of the Government Accountability Office entitled “Additional Opportunities to Reduce Fragmentation, Overlap, and Duplication and Achieve Other Financial Benefits”.

#### SEC. 1109. OFFICE OF EXTERNAL AFFAIRS.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is amended by adding at the end the following new section:

##### “SEC. 709. OFFICE OF EXTERNAL AFFAIRS.

“(a) IN GENERAL.—There is established in the Department an Office of External Affairs.

“(b) HEAD OF THE OFFICE.—The Office of External Affairs shall be headed by a Principal Assistant Secretary for External Affairs, who shall be appointed by the Secretary. The Principal Assistant Secretary shall report to the Secretary.

“(c) COMPOSITION.—The Office of External Affairs shall include the following components:

“(1) The Office of Legislative Affairs, led by the Assistant Secretary for Legislative Affairs who shall report to the Principal Assistant Secretary for External Affairs.

“(2) The Office of Public Affairs, led by the Assistant Secretary for Public Affairs who shall report to the Principal Assistant Secretary for External Affairs.

“(3) The Office of Partnership and Engagement, led by the Assistant Secretary for Partnership and Engagement who shall report to the Principal Assistant Secretary for External Affairs.

“(d) ASSISTANT SECRETARY FOR PARTNERSHIP AND ENGAGEMENT.—The Assistant Secretary for Partnership and Engagement shall be appointed by the Secretary and shall—

“(1) lead the efforts of the Department to incorporate external feedback from stake-

holders into policy and strategic planning efforts, as appropriate, in consultation with the Office for Civil Rights and Civil Liberties;

“(2) conduct the activities specified in section 2006(b);

“(3) advise the Secretary on the effects of the policies, regulations, processes, and actions of the Department on the private sector and create and foster strategic communications with the private sector to enhance the primary mission of the Department to protect the homeland;

“(4) coordinate the activities of the Department relating to State and local government;

“(5) provide State and local governments with regular information, research, and technical support to assist local efforts at securing the homeland; and

“(6) perform such other functions as are established by law or delegated by the Secretary.”.

(b) TRANSFER OF FUNCTIONS, ASSETS, AND PERSONNEL OF OFFICE FOR STATE AND LOCAL LAW ENFORCEMENT.—The functions authorized to be performed by the Office for State and Local Law Enforcement of the Department of Homeland Security as of the day before the date of the enactment of this Act, and the assets and personnel associated with such functions, are transferred to the Office of Partnership and Engagement under section 709 of the Homeland Security Act of 2002, as added by this section.

(c) ABOLISHMENT OF OFFICE FOR STATE AND LOCAL GOVERNMENT COORDINATION.—

(1) IN GENERAL.—The Office for State and Local Government Coordination of the Department of Homeland Security is abolished.

(2) TRANSFER OF FUNCTIONS AND ASSETS.—The functions authorized to be performed by such Office for State and Local Government Coordination immediately on the day before the date of the enactment of this Act, and the assets and personnel associated with such functions, are transferred to the Office of Partnership and Engagement under section 709 of the Homeland Security Act of 2002, as added by this section.

(3) CONFORMING AMENDMENT.—The Homeland Security Act of 2002 is amended by striking section 801 (6 U.S.C. 631).

(4) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by striking the item relating to section 801.

(d) ABOLISHMENT OF SPECIAL ASSISTANT TO SECRETARY OF HOMELAND SECURITY.—

(1) IN GENERAL.—The Special Assistant to the Secretary authorized by section 102(f) of the Homeland Security Act of 2002 (6 U.S.C. 112(f)), as in effect on the day before the date of the enactment of this Act, is abolished.

(2) TRANSFER OF FUNCTIONS AND ASSETS.—The functions authorized to be performed by such Special Assistant to the Secretary immediately before the enactment of this Act, and the assets and personnel associated with such functions, are transferred to the Office of Partnership and Engagement under section 709 of the Homeland Security Act of 2002, as added by this section.

(3) CONFORMING AMENDMENT.—Section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112) is amended by striking subsection (f).

(e) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 708 (as redesignated pursuant to section 1705(o) of this Act) the following new item:

“Sec. 709. Office of External Affairs.”.

#### SEC. 1110. CHIEF PROCUREMENT OFFICER.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.), as



amended by this Act, is further amended by adding at the end the following new section:

**“SEC. 710. CHIEF PROCUREMENT OFFICER.**

“(a) IN GENERAL.—There is in the Department a Chief Procurement Officer, who shall serve as a senior business advisor to agency officials on procurement-related matters and report directly to the Under Secretary for Management. The Chief Procurement Officer is the senior procurement executive for purposes of subsection (c) of section 1702 of title 41, United States Code, and shall perform procurement functions as specified in such subsection.

“(b) RESPONSIBILITIES.—The Chief Procurement Officer shall—

“(1) delegate or retain contracting authority, as appropriate;

“(2) issue procurement policies and oversee the heads of contracting activity of the Department to ensure compliance with those policies;

“(3) serve as the main liaison of the Department to industry on procurement-related issues;

“(4) account for the integrity, performance, and oversight of Department procurement and contracting functions;

“(5) ensure that procurement contracting strategies and plans are consistent with the intent and direction of the Acquisition Review Board;

“(6) oversee a centralized acquisition workforce certification and training program using, as appropriate, existing best practices and acquisition training opportunities from the Federal Government, private sector, or universities and colleges to include training on how best to identify actions that warrant referrals for suspension or debarment;

“(7) provide input on the periodic performance reviews of each head of contracting activity of the Department;

“(8) collect baseline data and use such data to establish performance measures on the impact of strategic sourcing initiatives on the private sector, including small businesses;

“(9) establish and implement policies and procedures to effectively monitor and manage vulnerabilities in the supply chain for all Department purchases;

“(10) ensure that a fair proportion of the value of Federal contracts and subcontracts are awarded to small businesses (in accordance with the procurement contract goals under section 15(g) of the Small Business Act (15 U.S.C. 644(g)), maximize opportunities for small business participation in such contracts, and ensure, to the extent practicable, small businesses that achieve qualified vendor status for security-related technologies are provided an opportunity to compete for contracts for such technology;

“(11) conduct oversight of implementation of administrative agreements to resolve suspension or debarment proceedings; and

“(12) carry out any other procurement duties that the Under Secretary for Management may designate.

“(c) HEAD OF CONTRACTING ACTIVITY DEFINED.—In this section the term ‘head of contracting activity’ means an official responsible for the creation, management, and oversight of a team of procurement professionals properly trained, certified, and warranted to accomplish the acquisition of products and services on behalf of the designated components, offices, and organizations of the Department, and as authorized, other government entities.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002, as amended by this Act, is further amended by inserting after the item

relating to section 709 the following new item:

“Sec. 710. Chief Procurement Officer.”.

**SEC. 1111. CHIEF SECURITY OFFICER.**

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is further amended by inserting after the item relating to section 710, as added by this Act, the following new section:

**“SEC. 711. CHIEF SECURITY OFFICER.**

“(a) IN GENERAL.—There is in the Department a Chief Security Officer, who shall report directly to the Under Secretary for Management.

“(b) RESPONSIBILITIES.—The Chief Security Officer shall—

“(1) develop and implement the security policies, programs, and standards of the Department;

“(2) identify training and provide education to Department personnel on security-related matters; and

“(3) provide support to Department components on security-related matters.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by inserting after the item relating to section 710, as added by this Act, the following new item:

“Sec. 711. Chief Security Officer.”.

**SEC. 1112. OFFICE OF INSPECTOR GENERAL.**

(a) SENSE OF CONGRESS.—

(1) FINDINGS.—Congress finds the following:

(A) The Inspector General Act of 1978 mandates that Inspectors General are to conduct audits and investigations relating to the programs and operations of Federal departments to promote economy, efficiency, and effectiveness in the administration of programs and operations, and to prevent and detect fraud and abuse in such programs and operations.

(B) The Inspector General Act of 1978 mandates that Inspectors General are to provide a means for keeping Federal departments and the Congress fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress of corrective action.

(C) The Office of the Inspector General of the Department of Homeland Security detects, investigates, and prevents instances of waste, fraud, abuse, and mismanagement within the Department, and offers solutions for response.

(D) The Office of the Inspector General of the Department of Homeland Security consistently produces high-value, high-impact work that enhances the security and safety of the homeland.

(E) The Inspector General of the Department of Homeland Security provides the leadership and accountability within the Office of the Inspector General to oversee a cabinet-level agency.

(F) The Inspector General of the Department of Homeland Security stands as a leader within the Inspector General community through consistent exemplary service.

(G) The Office of Inspector General of the Department of Homeland Security offers the Federal Government and American taxpayers an impressive return on investment, measured in dollars spent versus dollars saved.

(H) The Office of the Inspector General of the Department of Homeland Security enhances the Department's ability to effectively and efficiently administer laws.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the Inspector General of the Department of Homeland Security plays a vital role in fulfilling the Department's daily missions.

(b) NOTIFICATION.—The heads of offices and components of the Department of Homeland

Security shall promptly advise the Inspector General of the Department of all allegations of misconduct with respect to which the Inspector General has investigative authority under the Inspector General Act of 1978. The Inspector General may waive the notification requirement under this subsection with respect to any category or subset of allegations of misconduct.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed as affecting the authority of the Secretary of Homeland Security under subsection (a) of section 81 of the Inspector General Act of 1978 (5 U.S.C. App. 81).

**SEC. 1113. OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES.**

(a) IN GENERAL.—Section 705 of the Homeland Security Act of 2002 (6 U.S.C. 345) is amended—

(1) in the section heading, by striking “**ESTABLISHMENT OF OFFICER FOR**”;

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection:

“(b) OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES.—There is in the Department an Office for Civil Rights and Civil Liberties. Under the direction of the Officer for Civil Rights and Civil Liberties, the Office shall support the Officer in the following:

“(1) Integrating civil rights and civil liberties into activities of the Department by conducting programs and providing policy advice and other technical assistance.

“(2) Investigating complaints and information indicating possible abuses of civil rights or civil liberties, unless the Inspector General of the Department determines that any such complaint or information should be investigated by the Inspector General.

“(3) Carrying out the Department's equal employment opportunity and diversity policies and programs, including complaint management and adjudication.

“(4) Communicating with individuals and communities whose civil rights and civil liberties may be affected by Department activities.

“(5) Any other activities as assigned by the Officer.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$22,571,000 for each of fiscal years 2018 and 2019 to carry out section 705 of the Homeland Security Act of 2002, as amended by subsection (a) of this section.

**SEC. 1114. DEPARTMENT OF HOMELAND SECURITY ROTATION PROGRAM.**

(a) ENHANCEMENTS TO THE ROTATION PROGRAM.—Section 844 of the Homeland Security Act of 2002 (6 U.S.C. 414) is amended—

(1) by striking “(a) ESTABLISHMENT.”;

(2) by redesignating paragraphs (1) through (5) as subsections (a) through (e), respectively, and adjusting the margins accordingly;

(3) in subsection (a), as so redesignated—

(A) by striking “Not later than 180 days after the date of enactment of this section, the” and inserting “The”; and

(B) by striking “for employees of the Department” and inserting “for certain personnel within the Department”;

(4) in subsection (b), as so redesignated—

(A) by redesignating subparagraphs (A) through (G) as paragraphs (3) through (9), respectively, and adjusting the margins accordingly;

(B) by inserting before paragraph (3), as so redesignated, the following new paragraphs:

“(1) seek to foster greater departmental integration and unity of effort;

“(2) seek to help enhance the knowledge, skills, and abilities of participating personnel with respect to the programs, policies, and activities of the Department.”;

(C) in paragraph (4), as so redesignated, by striking “middle and senior level”; and

(D) in paragraph (7), as so redesignated, by inserting before “invigorate” the following: “seek to improve morale and retention throughout the Department and”;

(5) in subsection (c), as redesignated by paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and adjusting the margins accordingly; and

(B) in paragraph (2), as so redesignated—

(i) by striking clause (iii); and

(ii) by redesignating clauses (i), (ii), and (iv) through (viii) as subparagraphs (A) through (G), respectively, and adjusting the margins accordingly;

(6) by redesignating subsections (d) and (e), as redesignated by paragraph (2), as subsections (e) and (f), respectively;

(7) by inserting after subsection (c) the following new subsection:

“(d) ADMINISTRATIVE MATTERS.—In carrying out the Rotation Program the Secretary shall—

“(1) before selecting employees for participation in the Rotation Program, disseminate information broadly within the Department about the availability of the Rotation Program, qualifications for participation in the Rotation Program, including full-time employment within the employing component or office not less than one year, and the general provisions of the Rotation Program;

“(2) require as a condition of participation in the Rotation Program that an employee—

“(A) is nominated by the head of the component or office employing the employee; and

“(B) is selected by the Secretary, or the Secretary’s designee, solely on the basis of relative ability, knowledge, and skills, after fair and open competition that assures that all candidates receive equal opportunity;

“(3) ensure that each employee participating in the Rotation Program shall be entitled to return, within a reasonable period of time after the end of the period of participation, to the position held by the employee, or a corresponding or higher position, in the component or office that employed the employee prior to the participation of the employee in the Rotation Program;

“(4) require that the rights that would be available to the employee if the employee were detailed from the employing component or office to another Federal agency or office remain available to the employee during the employee participation in the Rotation Program; and

“(5) require that, during the period of participation by an employee in the Rotation Program, performance evaluations for the employee—

“(A) shall be conducted by officials in the office or component employing the employee with input from the supervisors of the employee at the component or office in which the employee is placed during that period; and

“(B) shall be provided the same weight with respect to promotions and other rewards as performance evaluations for service in the office or component employing the employee.”; and

(8) by adding at the end the following new subsection:

“(g) INTELLIGENCE ROTATIONAL ASSIGNMENT PROGRAM.—

“(1) ESTABLISHMENT.—The Secretary shall establish an Intelligence Rotational Assignment Program as part of the Rotation Program under subsection (a).

“(2) ADMINISTRATION.—The Chief Human Capital Officer, in conjunction with the Chief Intelligence Officer, shall administer the Intelligence Rotational Assignment Program established pursuant to paragraph (1).

“(3) ELIGIBILITY.—The Intelligence Rotational Assignment Program established pursuant to paragraph (1) shall be open to employees serving in existing analyst positions within the Department’s Intelligence Enterprise and other Department employees as determined appropriate by the Chief Human Capital Officer and the Chief Intelligence Officer.

“(4) COORDINATION.—The responsibilities specified in subsection (c)(2) that apply to the Rotation Program under such subsection shall, as applicable, also apply to the Intelligence Rotational Assignment Program under this subsection.”.

(b) CONGRESSIONAL NOTIFICATION AND OVERSIGHT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall provide to the Committee on Homeland Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate information about the status of the Homeland Security Rotation Program authorized by section 844 of the Homeland Security Act of 2002, as amended by subsection (a) of this section.

#### SEC. 1115. FUTURE YEARS HOMELAND SECURITY PROGRAM.

(a) IN GENERAL.—Section 874 of the Homeland Security Act of 2002 (6 U.S.C. 454) is amended—

(1) in the section heading, by striking “YEAR” and inserting “YEARS”;

(2) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—Not later than 60 days after the date on which the budget of the President is submitted to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives (referred to in this section as the ‘appropriate committees’) a Future Years Homeland Security Program that covers the fiscal year for which the budget is submitted and the 4 succeeding fiscal years.”; and

(3) by striking subsection (c) and inserting the following new subsections:

“(c) PROJECTION OF ACQUISITION ESTIMATES.—On and after February 1, 2018, each Future Years Homeland Security Program shall project—

“(1) acquisition estimates for the fiscal year for which the budget is submitted and the four succeeding fiscal years, with specified estimates for each fiscal year, for all major acquisitions by the Department and each component of the Department; and

“(2) estimated annual deployment schedules for all physical asset major acquisitions over the five-fiscal-year period described in paragraph (1) and the full operating capability for all information technology major acquisitions.

“(d) SENSITIVE AND CLASSIFIED INFORMATION.—The Secretary may include with each Future Years Homeland Security Program a classified or other appropriately controlled document containing any information required to be submitted under this section that is restricted from public disclosure in accordance with Federal law or any Executive Order.

“(e) AVAILABILITY OF INFORMATION TO THE PUBLIC.—The Secretary shall make available to the public in electronic form the information required to be submitted to the appropriate committees under this section, other than information described in subsection (d).”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by striking the item relating to

section 874 and inserting the following new item:

“874. Future Years Homeland Security Program.”.

#### SEC. 1116. FIELD EFFICIENCIES PLAN.

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and Committee on Homeland Security and Governmental Affairs of the Senate a field efficiencies plan that—

(A) examines the facilities and administrative and logistics functions of components of the Department of Homeland Security located within designated geographic areas; and

(B) provides specific recommendations and an associated cost-benefit analysis for the consolidation of the facilities and administrative and logistics functions of components of the Department within each designated geographic area.

(2) CONTENTS.—The field efficiencies plan submitted under paragraph (1) shall include the following:

(A) An accounting of leases held by the Department or its components that have expired in the current fiscal year or will be expiring in the next fiscal year, that have begun or been renewed in the current fiscal year, or that the Department or its components plan to sign or renew in the next fiscal year.

(B) For each designated geographic area—

(i) An evaluation of specific facilities at which components, or operational entities of components, of the Department may be closed or consolidated, including consideration of when leases expire or facilities owned by the government become available.

(ii) An evaluation of potential consolidation with facilities of other Federal, State, or local entities, including—

(I) offices;

(II) warehouses;

(III) training centers;

(IV) housing;

(V) ports, shore facilities, and airfields;

(VI) laboratories; and

(VII) other assets as determined by the Secretary.

(iii) An evaluation of the potential for the consolidation of administrative and logistics functions, including—

(I) facility maintenance;

(II) fleet vehicle services;

(III) mail handling and shipping and receiving;

(IV) facility security;

(V) procurement of goods and services;

(VI) information technology and telecommunications services and support; and

(VII) additional ways to improve unity of effort and cost savings for field operations and related support activities as determined by the Secretary.

(C) An implementation plan, including—

(i) near-term actions that can co-locate, consolidate, or dispose of property within 24 months;

(ii) identifying long-term occupancy agreements or leases that cannot be changed without a significant cost to the Government; and

(iii) how the Department can ensure it has the capacity, in both personnel and funds, needed to cover up-front costs to achieve consolidation and efficiencies.

(D) An accounting of any consolidation of the real estate footprint of the Department or any component of the Department, including the co-location of personnel from different components, offices, and agencies within the Department.

**SEC. 1117. SUBMISSION TO CONGRESS OF INFORMATION REGARDING REPROGRAMMING OR TRANSFER OF DEPARTMENT OF HOMELAND SECURITY RESOURCES TO RESPOND TO OPERATIONAL SURGES.**

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 is further amended by adding at the end the following new section:

**“SEC. 712. ANNUAL SUBMITTAL TO CONGRESS OF INFORMATION ON REPROGRAMMING OR TRANSFERS OF FUNDS TO RESPOND TO OPERATIONAL SURGES.**

“For each fiscal year until fiscal year 2023, the Secretary of Homeland Security shall provide to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, together with the annual budget request for the Department, information on—

“(1) any circumstance during the year covered by the report in which the Secretary exercised the authority to reprogram or transfer funds to address unforeseen costs, including costs associated with operational surges; and

“(2) any circumstance in which any limitation on the transfer or reprogramming of funds affected the ability of the Secretary to address such unforeseen costs.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by inserting after the item relating to section 711, as added by this Act, the following new item:

“712. Annual submittal to Congress of information on reprogramming or transfers of funds to respond to operational surges.”.

**SEC. 1118. REPORT TO CONGRESS ON COST SAVINGS AND EFFICIENCY.**

(a) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Secretary of Homeland Security, acting through the Under Secretary of Homeland Security for Management, shall submit to the congressional homeland security committees a report that includes each of the following:

(1) A detailed accounting of the management and administrative expenditures and activities of each component of the Department of Homeland Security and identifies potential cost savings, avoidances, and efficiencies for those expenditures and activities.

(2) An examination of major physical assets of the Department, as defined by the Secretary;

(3) A review of the size, experience level, and geographic distribution of the operational personnel of the Department.

(4) Recommendations for adjustments in the management and administration of the Department that would reduce deficiencies in the capabilities of the Department, reduce costs, and enhance efficiencies.

(b) FORM OF REPORT.—The report required under subsection (a) shall be submitted in unclassified form but may include a classified annex.

**SEC. 1119. RESEARCH AND DEVELOPMENT AND CBRNE ORGANIZATIONAL REVIEW.**

(a) DEPARTMENT OF HOMELAND SECURITY RESEARCH AND DEVELOPMENT ACTIVITIES.—

(1) IN GENERAL.—The Secretary of Homeland Security shall assess the organization and management of the Department of Homeland Security’s research and development activities, and shall develop and submit to the Committee on Homeland Security and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, not later than six months after the date of the enactment of this Act, a proposed organiza-

tional structure for the efficient and effective management of such research and development activities.

(2) ORGANIZATIONAL JUSTIFICATION.—The proposed organizational structure for the management of the Department of Homeland Security’s research and development activities included in the assessment required under paragraph (1) shall include the following:

(A) A discussion of the methodology for determining such proposed organizational structure.

(B) A comprehensive inventory of research and development activities of the Department, and the proposed location of each activity under such proposed organizational structure, including a description of the effects on specific directorates and offices based on any proposed relocation of their activities.

(C) Information relating to how such proposed organizational structure will facilitate and promote enhanced coordination and better collaboration between the research and development activities of the Department and the offices and components of the Department, including a specific description of operational challenges resulting from the current organizational structure and a detailed explanation of how the proposed organizational structure will address such challenges.

(D) Information relating to how such proposed organizational structure will support the development of research and development priorities and capabilities across the Department.

(E) A discussion of any resulting cost savings and efficiencies from such proposed organizational structure.

(F) Recommendations for any necessary statutory changes, an explanation of why no statutory or organizational changes are necessary, or a request for additional time to complete the organizational justification.

(b) DEPARTMENT OF HOMELAND SECURITY CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR, AND EXPLOSIVES ACTIVITIES.—

(1) IN GENERAL.—The Secretary of Homeland Security shall—

(A) assess the organization and management of the Department of Homeland Security’s chemical, biological, radiological, nuclear, and explosives activities, including the activities of the Office of Health Affairs, the Domestic Nuclear Detection Office, and the Office for Bombing Prevention; and

(B) by not later than six months after the date of the enactment of this Act, develop and submit to the Committee on Homeland Security and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a proposed organizational structure to ensure enhanced coordination, effectiveness, and efficiency by providing strengthened chemical, biological, radiological, nuclear, and explosives capabilities in support of homeland security.

(2) ORGANIZATIONAL JUSTIFICATION.—The proposed organizational structure for the management of the Department of Homeland Security’s chemical, biological, radiological, nuclear, and explosives activities included in the assessment required under paragraph (1) shall include the following:

(A) A discussion of the methodology for determining such proposed organizational structure.

(B) A comprehensive inventory of chemical, biological, radiological, nuclear, and explosives activities of the Department, and the proposed location of each activity under such proposed organizational structure.

(C) Information relating to how such proposed organizational structure will enhance

the development of chemical, biological, radiological, nuclear, and explosives priorities and capabilities across the Department, including a specific description of operational challenges resulting from the current organizational structure and a detailed explanation of how the proposed organizational structure will address such challenges.

(D) A discussion of any resulting cost savings and efficiencies from such proposed organizational structure.

(E) Recommendations for any necessary statutory changes, an explanation of why no statutory or organizational changes are necessary, or a request for additional time to complete the organizational justification.

(c) REVIEW REQUIRED.—Not later than three months after the submission of the proposed organizational justifications required under subsections (a)(1) and (b)(1), the Comptroller General of the United States shall submit to the Committee on Homeland Security and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a review of the organizational justifications. The review shall consider how the proposed organizational realignment, or lack thereof, of research and development activities and chemical, biological, radiological, nuclear, and explosives activities will improve or impede the Department’s ongoing efforts in such mission areas, including an assessment of—

(1) any potential cost savings or additional costs incurred as a result of any proposed organizational realignment;

(2) an assessment of the comparison of benefits and costs of the proposed organizational structure;

(3) the extent to which the organizational justification submitted pursuant to subsections (a)(1) and (b)(1) fully assesses, documents, and addresses any potential problems that could result from any proposed organizational realignment;

(4) the extent to which the organizational justification identifies specific deficiencies in operations resulting from the existing organizational structure of the Department and an explanation of how any proposed realignment will address such deficiencies;

(5) the extent to which the Department solicited and incorporated the feedback of its workforce in the proposed organizational structure; and

(6) the extent to which the Department conducted and incorporated stakeholder outreach in developing the proposed organizational structure.

**SEC. 1120. ACTIVITIES RELATED TO CHILDREN.**

Paragraph (6) of subsection (c) of section 708 of the Homeland Security Act of 2002 (6 U.S.C. 349(c)), as redesignated by section 410 of this Act, is amended by inserting “, including feedback from organizations representing the needs of children,” after “stakeholder feedback”.

**Subtitle B—Human Resources and Other Matters**

**SEC. 1131. CHIEF HUMAN CAPITAL OFFICER RESPONSIBILITIES.**

Section 704 of the Homeland Security Act of 2002 (6 U.S.C. 344) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting “, including with respect to leader development and employee engagement,” after “policies”;

(ii) by striking “and in line” and inserting “, in line”;

(iii) by inserting “and informed by best practices within the Federal government and the private sector,” after “priorities.”;

(B) in paragraph (2), by striking “develop performance measures to provide a basis for

monitoring and evaluating” and inserting “evaluate, on an ongoing basis.”;

(C) in paragraph (3), by inserting “that, to the extent practicable, are informed by employee feedback,” after “policies”;

(D) in paragraph (4), by inserting “including leader development and employee engagement programs,” before “in coordination”;

(E) in paragraph (5), by inserting before the semicolon at the end the following: “that is informed by an assessment, carried out by the Chief Human Capital Officer, of the learning and developmental needs of employees in supervisory and non-supervisory roles across the Department and appropriate workforce planning initiatives”;

(F) by redesignating paragraphs (9) and (10) as paragraphs (11) and (12), respectively; and

(G) by inserting after paragraph (8) the following new paragraphs:

“(9) maintain a catalogue of available employee development opportunities, including the Homeland Security Rotation Program pursuant to section 844, departmental leadership development programs, interagency development programs, and other rotational programs;

“(10) ensure that employee discipline and adverse action programs comply with the requirements of all pertinent laws, rules, regulations, and Federal guidance, and ensure due process for employees.”;

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(3) by inserting after subsection (c) the following new subsection:

“(d) CHIEF LEARNING AND ENGAGEMENT OFFICER.—The Chief Human Capital Officer may designate an employee of the Department to serve as a Chief Learning and Engagement Officer to assist the Chief Human Capital Officer in carrying out this section.”; and

(4) in subsection (e), as so redesignated—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (5), (6), and (7), respectively; and

(B) by inserting after paragraph (1) the following new paragraphs:

“(2) information on employee development opportunities catalogued pursuant to paragraph (9) of subsection (b) and any available data on participation rates, attrition rates, and impacts on retention and employee satisfaction;

“(3) information on the progress of Department-wide strategic workforce planning efforts as determined under paragraph (2) of subsection (b);

“(4) information on the activities of the steering committee established pursuant to section 710(a), including the number of meeting, types of materials developed and distributed, and recommendations made to the Secretary.”.

#### **SEC. 1132. EMPLOYEE ENGAGEMENT STEERING COMMITTEE AND ACTION PLAN.**

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is amended by adding at the end the following new section:

##### **“SEC. 714. EMPLOYEE ENGAGEMENT.**

“(a) STEERING COMMITTEE.—Not later than 120 days after the date of the enactment of this section, the Secretary shall establish an employee engagement steering committee, including representatives from operational components, headquarters, and field personnel, including supervisory and non-supervisory personnel, and employee labor organizations that represent Department employees, and chaired by the Under Secretary for Management, to carry out the following activities:

“(1) Identify factors that have a negative impact on employee engagement, morale,

and communications within the Department, such as perceptions about limitations on career progression, mobility, or development opportunities, collected through employee feedback platforms, including through annual employee surveys, questionnaires, and other communications, as appropriate.

“(2) Identify, develop, and distribute initiatives and best practices to improve employee engagement, morale, and communications within the Department, including through annual employee surveys, questionnaires, and other communications, as appropriate.

“(3) Monitor efforts of each component to address employee engagement, morale, and communications based on employee feedback provided through annual employee surveys, questionnaires, and other communications, as appropriate.

“(4) Advise the Secretary on efforts to improve employee engagement, morale, and communications within specific components and across the Department.

“(5) Conduct regular meetings and report, not less than once per quarter, to the Under Secretary for Management, the head of each component, and the Secretary on Department-wide efforts to improve employee engagement, morale, and communications.

“(b) ACTION PLAN; REPORTING.—The Secretary, acting through the Chief Human Capital Officer, shall—

“(1) not later than 120 days after the date of the establishment of the steering committee under subsection (a), issue a Department-wide employee engagement action plan, reflecting input from the employee engagement steering committee established pursuant to subsection (a) and employee feedback provided through annual employee surveys, questionnaires, and other communications in accordance with paragraph (1) of such subsection, to execute strategies to improve employee engagement, morale, and communications within the Department; and

“(2) require the head of each component to—

“(A) develop and implement a component-specific employee engagement plan to advance the action plan required under paragraph (1) that includes performance measures and objectives, is informed by employee feedback provided through annual employee surveys, questionnaires, and other communications, as appropriate, and sets forth how employees and, where applicable, their labor representatives are to be integrated in developing programs and initiatives;

“(B) monitor progress on implementation of such action plan; and

“(C) provide to the Chief Human Capital Officer and the steering committee quarterly reports on actions planned and progress made under this paragraph.

“(c) TERMINATION.—This section shall terminate on the date that is five years after the date of the enactment of this section.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item related to section 713, as added by this Act, the following new item:

“Sec. 714. Employee engagement.”.

(c) SUBMISSIONS TO CONGRESS.—

(1) DEPARTMENT-WIDE EMPLOYEE ENGAGEMENT ACTION PLAN.—The Secretary of Homeland Security, acting through the Chief Human Capital Officer of the Department of Homeland Security, shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate the Department-wide employee engagement action plan required under subsection (b)(1) of section 714 of the Homeland Security Act of 2002 (as added by

subsection (a) of this section) not later than 30 days after the issuance of such plan under such subsection (b)(1).

(2) COMPONENT-SPECIFIC EMPLOYEE ENGAGEMENT PLANS.—Each head of a component of the Department of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate the component-specific employee engagement plan of each such component required under subsection (b)(2) of section 714 of the Homeland Security Act of 2002 (as added by subsection (a) of this section) not later than 30 days after the issuance of each such plan under such subsection (b)(2).

#### **SEC. 1133. ANNUAL EMPLOYEE AWARD PROGRAM.**

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

##### **“SEC. 715. ANNUAL EMPLOYEE AWARD PROGRAM.**

“(a) IN GENERAL.—The Secretary may establish an annual employee award program to recognize Department employees or groups of employees for significant contributions to the achievement of the Department’s goals and missions. If such a program is established, the Secretary shall—

“(1) establish within such program categories of awards, each with specific criteria, that emphasizes honoring employees who are at the non-supervisory level;

“(2) publicize within the Department how any employee or group of employees may be nominated for an award;

“(3) establish an internal review board comprised of representatives from Department components, headquarters, and field personnel to submit to the Secretary award recommendations regarding specific employees or groups of employees;

“(4) select recipients from the pool of nominees submitted by the internal review board under paragraph (3) and convene a ceremony at which employees or groups of employees receive such awards from the Secretary; and

“(5) publicize such program within the Department.

“(b) INTERNAL REVIEW BOARD.—The internal review board described in subsection (a)(3) shall, when carrying out its function under such subsection, consult with representatives from operational components and headquarters, including supervisory and non-supervisory personnel, and employee labor organizations that represent Department employees.

“(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize additional funds to carry out the requirements of this section or to require the Secretary to provide monetary bonuses to recipients of an award under this section.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002, as amended this Act, is further amended by inserting after the item relating to section 714 the following new item:

“Sec. 715. Annual employee award program.”.

#### **SEC. 1134. INDEPENDENT INVESTIGATION AND IMPLEMENTATION PLAN.**

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act or the issuance of a report by the Inspector General of the Department of Homeland Security on the extent to which the Department has an equitable and consistent disciplinary process, whichever is later, but in no case later than one year after such date of enactment, the Comptroller General of the United States shall utilize, if available, such

report and investigate whether the application of discipline and adverse actions are administered in an equitable and consistent manner that results in the same or substantially similar disciplinary outcomes across the Department for misconduct by a non-supervisory or supervisor employee who engaged in the same or substantially similar misconduct.

(b) **CONSULTATION.**—In carrying out the investigation described in subsection (a), the Comptroller General of the United States shall consult with the employee engagement steering committee established pursuant to subsection (b)(1) of section 714 of the Homeland Security Act of 2002 (as added by this Act).

(c) **ACTION BY UNDER SECRETARY FOR MANAGEMENT.**—Upon completion of the investigation described in subsection (a), the Under Secretary for Management of the Department of Homeland Security shall review the findings and recommendations of such investigation and implement a plan, in consultation with the employee engagement steering committee established pursuant to subsection (b)(1) of section 714 of the Homeland Security Act of 2002, to correct any relevant deficiencies identified by the Comptroller General of the United States. The Under Secretary for Management shall direct the employee engagement steering committee to review such plan to inform committee activities and action plans authorized under such section 714.

**SEC. 1135. TIMELY GUIDANCE TO DHS PERSONNEL REGARDING EXECUTIVE ORDERS.**

(a) **IN GENERAL.**—Title VII of the Homeland Security Act of 2002 is further amended by adding at the end the following new section:

**“SEC. 716. TIMELY GUIDANCE TO PERSONNEL REGARDING EXECUTIVE ORDERS.**

“To the maximum extent practicable, before any Executive Order affecting Department functions, programs, or operations takes effect, the Secretary, in coordination with the heads of relevant Department components and offices, shall make every effort to, as expeditiously as possible, provide to relevant Department personnel written guidance regarding how such Executive Order is to be implemented.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of such Act is further amended by inserting after the item relating to section 715, as added by this Act, the following new item:

“Sec. 716. Timely guidance to personnel regarding Executive Orders.”.

**SEC. 1136. SECRETARY'S RESPONSIBILITIES REGARDING ELECTION INFRASTRUCTURE.**

The Secretary of Homeland Security shall continue to prioritize the provision of assistance, on a voluntary basis, to State and local election officials in recognition of the importance of election infrastructure to the United States and that its incapacity or destruction would have a debilitating impact on national security, and that state and non-state adversaries should not compromise election infrastructure.

**TITLE II—DEPARTMENT OF HOMELAND SECURITY ACQUISITION ACCOUNTABILITY AND EFFICIENCY**

**SEC. 1201. DEFINITIONS.**

(a) **IN GENERAL.**—Subtitle D of title VIII of the Homeland Security Act of 2002 is amended by inserting before section 831 the following new section:

**“SEC. 830. DEFINITIONS.**

“In this subtitle:

“(1) The term ‘acquisition’ has the meaning given such term in section 131 of title 41, United States Code.

“(2) The term ‘acquisition decision authority’ means the authority, held by the Secretary acting through the Deputy Secretary or Under Secretary for Management to—

“(A) ensure compliance with Federal law, the Federal Acquisition Regulation, and Department acquisition management directives;

“(B) review (including approving, pausing, modifying, or canceling) an acquisition program through the life cycle of such program;

“(C) ensure that acquisition program managers have the resources necessary to successfully execute an approved acquisition program;

“(D) ensure good acquisition program management of cost, schedule, risk, and system performance of the acquisition program at issue, including assessing acquisition program baseline breaches and directing any corrective action for such breaches; and

“(E) ensure that acquisition program managers, on an ongoing basis, monitor cost, schedule, and performance against established baselines and use tools to assess risks to an acquisition program at all phases of the life cycle of such program to avoid and mitigate acquisition program baseline breaches.

“(3) The term ‘acquisition decision event’ means, with respect to an acquisition program, a predetermined point within each of the acquisition phases at which the acquisition decision authority determines whether such acquisition program shall proceed to the next acquisition phase.

“(4) The term ‘acquisition decision memorandum’ means, with respect to an acquisition, the official acquisition decision event record that includes a documented record of decisions, exit criteria, and assigned actions for such acquisition, as determined by the person exercising acquisition decision authority for such acquisition.

“(5) The term ‘acquisition program’ means the process by which the Department acquires, with any appropriated amounts, by contract for purchase or lease, property or services (including construction) that support the missions and goals of the Department.

“(6) The term ‘acquisition program baseline’, with respect to an acquisition program, means a summary of the cost, schedule, and performance parameters, expressed in standard, measurable, quantitative terms, which must be met in order to accomplish the goals of such program.

“(7) The term ‘best practices’, with respect to acquisition, means a knowledge-based approach to capability development that includes—

“(A) identifying and validating needs;

“(B) assessing alternatives to select the most appropriate solution;

“(C) clearly establishing well-defined requirements;

“(D) developing realistic cost assessments and schedules;

“(E) securing stable funding that matches resources to requirements;

“(F) demonstrating technology, design, and manufacturing maturity;

“(G) using milestones and exit criteria or specific accomplishments that demonstrate progress;

“(H) adopting and executing standardized processes with known success across programs;

“(I) establishing an adequate workforce that is qualified and sufficient to perform necessary functions; and

“(J) integrating the capabilities described in subparagraphs (A) through (I) into the Department’s mission and business operations.

“(8) The term ‘breach’, with respect to a major acquisition program, means a failure to meet any cost, schedule, or performance

threshold specified in the most recently approved acquisition program baseline.

“(9) The term ‘congressional homeland security committees’ means—

“(A) the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(B) the Committee on Appropriations of the House of Representatives and of the Senate.

“(10) The term ‘Component Acquisition Executive’ means the senior acquisition official within a component who is designated in writing by the Under Secretary for Management, in consultation with the component head, with authority and responsibility for leading a process and staff to provide acquisition and program management oversight, policy, and guidance to ensure that statutory, regulatory, and higher level policy requirements are fulfilled, including compliance with Federal law, the Federal Acquisition Regulation, and Department acquisition management directives established by the Under Secretary for Management.

“(11) The term ‘life cycle cost’ means the total ownership cost of an acquisition, including all relevant costs related to acquiring, owning, operating, maintaining, and disposing of the system, project, or product over a specified period of time.

“(12) The term ‘major acquisition program’ means a Department acquisition program that is estimated by the Secretary to require an eventual total expenditure of at least \$300,000,000 (based on fiscal year 2017 constant dollars) over its life cycle cost.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of such Act is further amended by inserting before the item relating to section 831 the following new item:

“830. Definitions.”.

**Subtitle A—Acquisition Authorities**

**SEC. 1211. ACQUISITION AUTHORITIES FOR UNDER SECRETARY FOR MANAGEMENT OF THE DEPARTMENT OF HOMELAND SECURITY.**

Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) in subsection (a)(2), by inserting “and acquisition management” after “procurement”;

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following new subsection:

“(d) **ACQUISITION AND RELATED RESPONSIBILITIES.**—

“(1) **IN GENERAL.**—Notwithstanding subsection (a) of section 1702 of title 41, United States Code, the Under Secretary for Management is the Chief Acquisition Officer of the Department. As Chief Acquisition Officer, the Under Secretary shall have the authorities and perform the functions specified in subsection (b) of such section and shall perform all other functions and responsibilities delegated by the Secretary or described in this subsection.

“(2) **FUNCTIONS AND RESPONSIBILITIES.**—In addition to the authorities and functions specified in section 1702(b) of title 41, United States Code, the functions and responsibilities of the Under Secretary for Management related to acquisition include the following:

“(A) Advising the Secretary regarding acquisition management activities, taking into account risks of failure to achieve cost, schedule, or performance parameters, to ensure that the Department achieves its mission through the adoption of widely accepted program management best practices and standards and, where appropriate, acquisition innovation best practices.

“(B) Leading the acquisition oversight body of the Department, the Acquisition Review Board, and exercising the acquisition

decision authority to approve, pause, modify (including the rescission of approvals of program milestones), or cancel major acquisition programs, unless the Under Secretary delegates such authority to a Component Acquisition Executive pursuant to paragraph (3).

“(C) Establishing policies for acquisition that implement an approach that takes into account risks of failure to achieve cost, schedule, or performance parameters that all components of the Department shall comply with, including outlining relevant authorities for program managers to effectively manage acquisition programs.

“(D) Ensuring that each major acquisition program has a Department-approved acquisition program baseline, pursuant to the Department’s acquisition management policy.

“(E) Ensuring that the heads of components and Component Acquisition Executives comply with Federal law, the Federal Acquisition Regulation, and Department acquisition management directives.

“(F) Providing additional scrutiny and oversight for an acquisition that is not a major acquisition if—

“(i) the acquisition is for a program that is important to departmental strategic and performance plans;

“(ii) the acquisition is for a program with significant program or policy implications; and

“(iii) the Secretary determines that such scrutiny and oversight for the acquisition is proper and necessary.

“(G) Ensuring that grants and financial assistance are provided only to individuals and organizations that are not suspended or debarred.

“(H) Distributing guidance throughout the Department to ensure that contractors involved in acquisitions, particularly contractors that access the Department’s information systems and technologies, adhere to relevant Department policies related to physical and information security as identified by the Under Secretary for Management.

“(I) Overseeing the Component Acquisition Executive organizational structure to ensure Component Acquisition Executives have sufficient capabilities and comply with Department acquisition policies.

“(J) Ensuring acquisition decision memoranda adequately document decisions made at acquisition decision events, including any affirmative determination of contractor responsibility at the down selection phase and any other significant procurement decisions related to the acquisition at issue.

“(3) DELEGATION OF ACQUISITION DECISION AUTHORITY.—

“(A) LEVEL 3 ACQUISITIONS.—The Under Secretary for Management may delegate acquisition decision authority in writing to the relevant Component Acquisition Executive for an acquisition program that has a life cycle cost estimate of less than \$300,000,000.

“(B) LEVEL 2 ACQUISITIONS.—The Under Secretary for Management may delegate acquisition decision authority in writing to the relevant Component Acquisition Executive for a major acquisition program that has a life cycle cost estimate of at least \$300,000,000 but not more than \$1,000,000,000 if all of the following requirements are met:

“(i) The component concerned possesses working policies, processes, and procedures that are consistent with Department-level acquisition policy.

“(ii) The Component Acquisition Executive concerned has adequate, experienced, and dedicated professional employees with program management training, as applicable, commensurate with the size of the acquisition programs and related activities delegated to such Component Acquisition Execu-

tive by the Under Secretary for Management.

“(iii) Each major acquisition program concerned has written documentation showing that it has a Department-approved acquisition program baseline and it is meeting agreed-upon cost, schedule, and performance thresholds.

“(4) RELATIONSHIP TO UNDER SECRETARY FOR SCIENCE AND TECHNOLOGY.—

“(A) IN GENERAL.—Nothing in this subsection shall diminish the authority granted to the Under Secretary for Science and Technology under this Act. The Under Secretary for Management and the Under Secretary for Science and Technology shall cooperate in matters related to the coordination of acquisitions across the Department so that investments of the Directorate of Science and Technology are able to support current and future requirements of the components of the Department.

“(B) OPERATIONAL TESTING AND EVALUATION.—The Under Secretary for Science and Technology shall—

“(i) ensure, in coordination with relevant component heads, that major acquisition programs—

“(I) complete operational testing and evaluation of technologies and systems;

“(II) use independent verification and validation of operational test and evaluation implementation and results; and

“(III) document whether such programs meet all performance requirements included in their acquisition program baselines;

“(ii) ensure that such operational testing and evaluation includes all system components and incorporates operators into the testing to ensure that systems perform as intended in the appropriate operational setting; and

“(iii) determine if testing conducted by other Federal agencies and private entities is relevant and sufficient in determining whether systems perform as intended in the operational setting.

“(5) DEFINITIONS.—In this subsection, the terms ‘acquisition’, ‘best practices’, ‘acquisition decision authority’, ‘major acquisition program’, ‘acquisition program baseline’, and ‘Component Acquisition Executive’ have the meanings given such terms in section 830.”

#### SEC. 1212. ACQUISITION AUTHORITIES FOR CHIEF FINANCIAL OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY.

Paragraph (2) of section 702(b) of the Homeland Security Act of 2002 (6 U.S.C. 342(b)) is amended by adding at the end the following new subparagraph:

“(J) Oversee the costs of acquisition programs and related activities to ensure that actual and planned costs are in accordance with budget estimates and are affordable, or can be adequately funded, over the life cycle of such programs and activities.”

#### SEC. 1213. ACQUISITION AUTHORITIES FOR CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY.

Section 703 of the Homeland Security Act of 2002 (6 U.S.C. 343), as amended by this Act, is further amended by adding at the end the following new subsection:

“(e) ACQUISITION RESPONSIBILITIES.—The acquisition responsibilities of the Chief Information Officer shall include the following:

“(1) Oversee the management of the Homeland Security Enterprise Architecture and ensure that, before each acquisition decision event (as such term is defined in section 830), approved information technology acquisitions comply with departmental information technology management processes, technical requirements, and the Homeland Security Enterprise Architecture, and in any case in

which information technology acquisitions do not comply with the Department’s management directives, make recommendations to the Acquisition Review Board regarding such noncompliance.

“(2) Be responsible for providing recommendations to the Acquisition Review Board regarding information technology programs, and be responsible for developing information technology acquisition strategic guidance.”

#### SEC. 1214. ACQUISITION AUTHORITIES FOR PROGRAM ACCOUNTABILITY AND RISK MANAGEMENT.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is further amended by adding at the end the following:

#### “SEC. 717. ACQUISITION AUTHORITIES FOR PROGRAM ACCOUNTABILITY AND RISK MANAGEMENT.

“(a) ESTABLISHMENT OF OFFICE.—There is in the Management Directorate of the Department an office to be known as ‘Program Accountability and Risk Management’. The purpose of the office is to—

“(1) provide consistent accountability, standardization, and transparency of major acquisition programs of the Department; and

“(2) serve as the central oversight function for all Department acquisition programs.

“(b) RESPONSIBILITIES OF EXECUTIVE DIRECTOR.—The Program Accountability and Risk Management shall be led by an Executive Director to oversee the requirement under subsection (a). The Executive Director shall report directly to the Under Secretary for Management, and shall carry out the following responsibilities:

“(1) Monitor regularly the performance of Department acquisition programs between acquisition decision events to identify problems with cost, performance, or schedule that components may need to address to prevent cost overruns, performance issues, or schedule delays.

“(2) Assist the Under Secretary for Management in managing the acquisition programs and related activities of the Department.

“(3) Conduct oversight of individual acquisition programs to implement Department acquisition program policy, procedures, and guidance with a priority on ensuring the data the office collects and maintains from Department components is accurate and reliable.

“(4) Serve as the focal point and coordinator for the acquisition life cycle review process and as the executive secretariat for the Acquisition Review Board.

“(5) Advise the persons having acquisition decision authority in making acquisition decisions consistent with all applicable laws and in establishing clear lines of authority, accountability, and responsibility for acquisition decision making within the Department.

“(6) Engage in the strategic planning and performance evaluation process required under section 306 of title 5, United States Code, and sections 1105(a)(28), 1115, 1116, and 9703 of title 31, United States Code, by supporting the Chief Procurement Officer in developing strategies and specific plans for hiring, training, and professional development in order to rectify any deficiency within the Department’s acquisition workforce.

“(7) Develop standardized certification standards in consultation with the Component Acquisition Executives for all acquisition program managers.

“(8) In the event that a certification or action of an acquisition program manager needs review for purposes of promotion or removal, provide input, in consultation with the relevant Component Acquisition Executive, into the performance evaluation of the



relevant acquisition program manager and report positive or negative experiences to the relevant certifying authority.

“(9) Provide technical support and assistance to Department acquisitions and acquisition personnel in conjunction with the Chief Procurement Officer.

“(10) Prepare the Comprehensive Acquisition Status Report for the Department, as required by title I of division D of the Consolidated Appropriations Act, 2016 (Public Law 114-113), and make such report available to the congressional homeland security committees.

“(c) RESPONSIBILITIES OF COMPONENTS.—Each head of a component shall comply with Federal law, the Federal Acquisition Regulation, and Department acquisition management directives established by the Under Secretary for Management. For each major acquisition program, each head of a component shall—

“(1) define baseline requirements and document changes to such requirements, as appropriate;

“(2) establish a complete life cycle cost estimate with supporting documentation, including an acquisition program baseline;

“(3) verify each life cycle cost estimate against independent cost estimates, and reconcile any differences;

“(4) complete a cost-benefit analysis with supporting documentation;

“(5) develop and maintain a schedule that is consistent with scheduling best practices as identified by the Comptroller General of the United States, including, in appropriate cases, an integrated master schedule; and

“(6) ensure that all acquisition program information provided by the component is complete, accurate, timely, and valid.

“(d) CONGRESSIONAL HOMELAND SECURITY COMMITTEES DEFINED.—In this section, the term ‘congressional homeland security committees’ means—

“(1) the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(2) the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

#### “SEC. 718. ACQUISITION DOCUMENTATION.

“(a) IN GENERAL.—For each major acquisition program, the Executive Director responsible for the preparation of the Comprehensive Acquisition Status Report, pursuant to paragraph (11) of section 710(b), shall require certain acquisition documentation to be submitted by Department components or offices.

“(b) WAIVER.—The Secretary may waive the requirement for submission under subsection (a) for a program for a fiscal year if either—

“(1) the program has not—

“(A) entered the full rate production phase in the acquisition life cycle;

“(B) had a reasonable cost estimate established; and

“(C) had a system configuration defined fully; or

“(2) the program does not meet the definition of ‘capital asset’, as defined by the Director of the Office of Management and Budget.

“(c) CONGRESSIONAL OVERSIGHT.—At the same time the President’s budget is submitted for a fiscal year under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and Committee on Homeland Security and Governmental Affairs of the Senate information on the exercise of authority under subsection (b) in the prior fiscal year that includes the following specific information regarding

each program for which a waiver is issued under subsection (b):

“(1) The grounds for granting a waiver for that program.

“(2) The projected cost of that program.

“(3) The proportion of a component’s annual acquisition budget attributed to that program, as available.

“(4) Information on the significance of the program with respect to the component’s operations and execution of its mission.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is further amended by inserting after the item relating to section 716, as added by this Act, the following new items:

“Sec. 717. Acquisition authorities for Program Accountability and Risk Management.

“Sec. 718. Acquisition documentation.”.

#### SEC. 1215. ACQUISITION INNOVATION.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) as amended by this Act, is further amended by adding at the end the following new section:

#### “SEC. 719. ACQUISITION INNOVATION.

“The Under Secretary for Management may—

“(1) designate an individual within the Department to manage acquisition innovation efforts of the Department;

“(2) test emerging acquisition best practices to carrying out acquisitions, consistent with the Federal Acquisition Regulation and Department acquisition management directives, as appropriate;

“(3) develop and distribute best practices and lessons learned regarding acquisition innovation throughout the Department;

“(4) establish metrics to measure the effectiveness of acquisition innovation efforts with respect to cost, operational efficiency of the acquisition program (including timeframes for executing contracts), and collaboration with the private sector, including small businesses; and

“(5) determine impacts of acquisition innovation efforts on the private sector by—

“(A) engaging with the private sector, including small businesses, to provide information and obtain feedback on procurement practices and acquisition innovation efforts of the Department;

“(B) obtaining feedback from the private sector on the impact of acquisition innovation efforts of the Department; and

“(C) incorporating such feedback, as appropriate, into future acquisition innovation efforts of the Department.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 718, as added by this Act, the following new item:

“Sec. 719. Acquisition innovation.”.

(c) INFORMATION.—Not later than 90 days after the date on which the Secretary of Homeland Security submits the annual budget justification for the Department of Homeland Security for each of fiscal years 2019 through 2023, the Secretary shall, if appropriate, provide information to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the activities undertaken in the previous fiscal year in furtherance of section 719 of the Homeland Security Act of 2002, as added by subsection (a), on the following:

(1) Emerging acquisition best practices that were tested within the Department during such fiscal year.

(2) Efforts to distribute best practices and lessons learned within the Department, in-

cluding through web-based seminars, training, and forums, during such fiscal year.

(3) Utilization by components throughout the Department of best practices distributed by the Under Secretary of Management pursuant to paragraph (3) of such section 719.

(4) Performance as measured by the metrics established under paragraph (4) of such section 719.

(5) Outcomes of efforts to distribute best practices and lessons learned within the Department, including through web-based seminars, training, and forums.

(6) Any impacts of the utilization of innovative acquisition mechanisms by the Department on the private sector, including small businesses.

(7) The criteria used to identify specific acquisition programs or activities to be included in acquisition innovation efforts and the outcomes of such programs or activities.

(8) Recommendations, as necessary, to enhance acquisition innovation in the Department.

#### Subtitle B—Acquisition Program Management Discipline

#### SEC. 1221. ACQUISITION REVIEW BOARD.

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is amended by adding at the end the following new section:

#### “SEC. 836. ACQUISITION REVIEW BOARD.

“(a) IN GENERAL.—The Secretary shall establish an Acquisition Review Board (in this section referred to as the ‘Board’) to—

“(1) strengthen accountability and uniformity within the Department acquisition review process;

“(2) review major acquisition programs; and

“(3) review the use of best practices.

“(b) COMPOSITION.—The Under Secretary for Management shall serve as chair of the Board. The Secretary shall also ensure participation by other relevant Department officials, including at least two component heads or their designees, as permanent members of the Board.

“(c) MEETINGS.—The Board shall meet regularly for purposes of ensuring all acquisitions processes proceed in a timely fashion to achieve mission readiness. The Board shall convene at the discretion of the Secretary and at any time—

“(1) a major acquisition program—

“(A) requires authorization to proceed from one acquisition decision event to another throughout the acquisition life cycle;

“(B) is in breach of its approved requirements; or

“(C) requires additional review, as determined by the Under Secretary for Management; or

“(2) a non-major acquisition program requires review, as determined by the Under Secretary for Management.

“(d) RESPONSIBILITIES.—The responsibilities of the Board are as follows:

“(1) Determine whether a proposed acquisition has met the requirements of key phases of the acquisition life cycle framework and is able to proceed to the next phase and eventual full production and deployment.

“(2) Oversee whether a proposed acquisition’s business strategy, resources, management, and accountability is executable and is aligned to strategic initiatives.

“(3) Support the person with acquisition decision authority for an acquisition in determining the appropriate direction for such acquisition at key acquisition decision events.

“(4) Conduct systematic reviews of acquisitions to ensure that such acquisitions are progressing in compliance with the approved documents for their current acquisition phases.



“(5) Review the acquisition documents of each major acquisition program, including the acquisition program baseline and documentation reflecting consideration of trade-offs among cost, schedule, and performance objectives, to ensure the reliability of underlying data.

“(6) Ensure that practices are adopted and implemented to require consideration of trade-offs among cost, schedule, and performance objectives as part of the process for developing requirements for major acquisition programs prior to the initiation of the second acquisition decision event, including, at a minimum, the following practices:

“(A) Department officials responsible for acquisition, budget, and cost estimating functions are provided with the appropriate opportunity to develop estimates and raise cost and schedule matters before performance objectives are established for capabilities when feasible.

“(B) Full consideration is given to possible trade-offs among cost, schedule, and performance objectives for each alternative.

“(e) ACQUISITION PROGRAM BASELINE REPORT REQUIREMENT.—If the person exercising acquisition decision authority over a major acquisition program approves such program to proceed into the planning phase before such program has a Department-approved acquisition program baseline, the Under Secretary for Management shall create and approve an acquisition program baseline report regarding such approval, and the Secretary shall—

“(1) within seven days after an acquisition decision memorandum is signed, notify in writing the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate of such decision; and

“(2) within 60 days after the acquisition decision memorandum is signed, submit to such committees a report stating the rationale for such decision and a plan of action to require an acquisition program baseline for such program.

“(f) REPORT.—The Under Secretary for Management shall provide information to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on an annual basis through fiscal year 2022 on the activities of the Board for the prior fiscal year that includes information relating to the following:

“(1) For each meeting of the Board, any acquisition decision memoranda.

“(2) Results of the systematic reviews conducted pursuant to paragraph (4) of subsection (d).

“(3) Results of acquisition document reviews required pursuant to paragraph (5) of subsection (d).

“(4) Activities to ensure that practices are adopted and implemented throughout the Department pursuant to paragraph (6) of subsection (d).”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is further amended by adding after the item relating to section 835 the following new item:

“Sec. 836. Acquisition Review Board.”.

#### **SEC. 1222. REQUIREMENTS TO REDUCE DUPLICATION IN ACQUISITION PROGRAMS.**

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is further amended by adding at the end the following new section:

#### **“SEC. 837. REQUIREMENTS TO REDUCE DUPLICATION IN ACQUISITION PROGRAMS.**

“(a) REQUIREMENT TO ESTABLISH POLICIES.—In an effort to reduce unnecessary duplication and inefficiency for all Department

investments, including major acquisition programs, the Deputy Secretary, in consultation with the Under Secretary for Management, shall establish Department-wide policies to integrate all phases of the investment life cycle and help the Department identify, validate, and prioritize common component requirements for major acquisition programs in order to increase opportunities for effectiveness and efficiencies. The policies shall also include strategic alternatives for developing and facilitating a Department component-driven requirements process that includes oversight of a development test and evaluation capability; identification of priority gaps and overlaps in Department capability needs; and provision of feasible technical alternatives, including innovative commercially available alternatives, to meet capability needs.

“(b) MECHANISMS TO CARRY OUT REQUIREMENT.—The Under Secretary for Management shall coordinate the actions necessary to carry out subsection (a), using such mechanisms as considered necessary by the Secretary to help the Department reduce unnecessary duplication and inefficiency for all Department investments, including major acquisition programs.

“(c) COORDINATION.—In coordinating the actions necessary to carry out subsection (a), the Deputy Secretary shall consult with the Under Secretary for Management, Component Acquisition Executives, and any other Department officials, including the Under Secretary for Science and Technology or his designee, with specific knowledge of Department or component acquisition capabilities to prevent unnecessary duplication of requirements.

“(d) ADVISORS.—The Deputy Secretary, in consultation with the Under Secretary for Management, shall seek and consider input within legal and ethical boundaries from members of Federal, State, local, and tribal governments, nonprofit organizations, and the private sector, as appropriate, on matters within their authority and expertise in carrying out the Department’s mission.

“(e) MEETINGS.—The Deputy Secretary, in consultation with the Under Secretary for Management, shall meet at least quarterly and communicate with components often to ensure that components do not overlap or duplicate spending or activities on major investments and acquisition programs within their areas of responsibility.

“(f) RESPONSIBILITIES.—In carrying out this section, the responsibilities of the Deputy Secretary, in consultation with the Under Secretary for Management, are as follows:

“(1) To review and validate the requirements documents of major investments and acquisition programs prior to acquisition decision events of the investments or programs.

“(2) To ensure the requirements and scope of a major investment or acquisition program are stable, measurable, achievable, at an acceptable risk level, and match the resources planned to be available.

“(3) Before any entity of the Department issues a solicitation for a new contract, coordinate with other Department entities as appropriate to prevent unnecessary duplication and inefficiency and—

“(A) to implement portfolio reviews to identify common mission requirements and crosscutting opportunities among components to harmonize investments and requirements and prevent unnecessary overlap and duplication among components; and

“(B) to the extent practicable, to standardize equipment purchases, streamline the acquisition process, improve efficiencies, and conduct best practices for strategic sourcing.

“(4) To ensure program managers of major investments and acquisition programs con-

duct analyses, giving particular attention to factors such as cost, schedule, risk, performance, and operational efficiency in order to determine that programs work as intended within cost and budget expectations.

“(5) To propose schedules for delivery of the operational capability needed to meet each Department investment and major acquisition program.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is further amended by adding after the item relating to section 836, as added by this Act, the following new item:

“Sec. 837. Requirements to reduce duplication in acquisition programs.”.

#### **SEC. 1223. DEPARTMENT LEADERSHIP COUNCIL.**

(a) IN GENERAL.—Subtitle H of title VIII of the Homeland Security Act of 2002 is amended by adding at the end the following new section:

#### **“SEC. 890B. DEPARTMENT LEADERSHIP COUNCIL.**

“(a) DEPARTMENT LEADERSHIP COUNCIL.—

“(1) ESTABLISHMENT.—The Secretary may establish a Department leadership council as the Secretary determines necessary to ensure coordination and improve programs and activities of the Department.

“(2) FUNCTION.—A Department leadership council shall—

“(A) serve as coordinating forums;

“(B) advise the Secretary and Deputy Secretary on Department strategy, operations, and guidance; and

“(C) consider and report on such other matters as the Secretary or Deputy Secretary may direct.

“(3) RELATIONSHIP TO OTHER FORUMS.—The Secretary or Deputy Secretary may delegate the authority to direct the implementation of any decision or guidance resulting from the action of a Department leadership council to any office, component, coordinator, or other senior official of the Department.

“(4) MISSION.—In addition to other matters assigned to it by the Secretary and Deputy Secretary, a leadership council shall—

“(A) identify, assess, and validate joint requirements (including existing systems and associated capability gaps) to meet mission needs of the Department;

“(B) ensure that appropriate efficiencies are made among life-cycle cost, schedule, and performance objectives, and procurement quantity objectives, in the establishment and approval of joint requirements; and

“(C) make prioritized capability recommendations for the joint requirements validated under subparagraph (A) to the Secretary, the Deputy Secretary, or the chairperson of a Department leadership council designated by the Secretary to review decisions of the leadership council.

“(5) CHAIRPERSON.—The Secretary shall appoint a chairperson of a leadership council, for a term of not more than 2 years, from among senior officials from components of the Department or other senior officials as designated by the Secretary.

“(6) COMPOSITION.—A leadership council shall be composed of senior officials representing components of the Department and other senior officials as designated by the Secretary.

“(7) RELATIONSHIP TO FUTURE YEARS HOMELAND SECURITY PROGRAM.—The Secretary shall ensure that the Future Years Homeland Security Program required under section 874 is consistent with any recommendations of a leadership council required under paragraph (2)(C), as affirmed by the Secretary, the Deputy Secretary, or the chairperson of a Department leadership council designated by the Secretary under that paragraph.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 890A the following new item: “Sec. 890B. Department leadership council.”.

**SEC. 1224. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF BOARD AND OF REQUIREMENTS TO REDUCE DUPLICATION IN ACQUISITION PROGRAMS.**

(a) REVIEW REQUIRED.—The Comptroller General of the United States shall conduct a review of the effectiveness of the Acquisition Review Board established under section 836 of the Homeland Security Act of 2002 (as added by this Act) and the requirements to reduce unnecessary duplication in acquisition programs established under section 837 of such Act (as added by this Act) in improving the Department's acquisition management process.

(b) SCOPE OF REPORT.—The review shall include the following:

(1) An assessment of the effectiveness of the Board in increasing program management oversight, best practices and standards, and discipline among the components of the Department, including in working together and in preventing overlap and unnecessary duplication.

(2) An assessment of the effectiveness of the Board in instilling program management discipline.

(3) A statement of how regularly each major acquisition program is reviewed by the Board, how often the Board stops major acquisition programs from moving forward in the phases of the acquisition life cycle process, and the number of major acquisition programs that have been halted because of problems with operational effectiveness, schedule delays, or cost overruns.

(4) An assessment of the effectiveness of the Board in impacting acquisition decision-making within the Department, including the degree to which the Board impacts decision making within other headquarters mechanisms and bodies involved in the administration of acquisition activities.

(c) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the congressional homeland security committees a report on the review required by this section. The report shall be submitted in unclassified form but may include a classified annex.

**SEC. 1225. EXCLUDED PARTY LIST SYSTEM WAIVERS.**

Not later than five days after the issuance of a waiver by the Secretary of Homeland Security of Federal requirements that an agency not engage in business with a contractor in the Excluded Party List System (or successor system) as maintained by the General Services Administration, the Secretary shall submit to Congress notice of such waiver and an explanation for a finding by the Secretary that a compelling reason exists for issuing such waiver.

**SEC. 1226. INSPECTOR GENERAL OVERSIGHT OF SUSPENSION AND DEBARMENT.**

The Inspector General of the Department of Homeland Security shall—

(1) conduct audits as determined necessary by the Inspector General regarding grant and procurement awards to identify instances in which a contract or grant was improperly awarded to a suspended or debarred entity and whether corrective actions were taken to prevent recurrence; and

(2) review the suspension and debarment program throughout the Department to assess whether suspension and debarment criteria are consistently applied throughout the Department and whether disparities exist in the application of such criteria, particularly with respect to business size and categories.

**Subtitle C—Acquisition Program Management Accountability and Transparency**

**SEC. 1231. CONGRESSIONAL NOTIFICATION FOR MAJOR ACQUISITION PROGRAMS.**

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is further amended by adding at the end the following new section:

**“SEC. 838. CONGRESSIONAL NOTIFICATION AND OTHER REQUIREMENTS FOR MAJOR ACQUISITION PROGRAM BREACH.**

**“(a) REQUIREMENTS WITHIN DEPARTMENT IN EVENT OF BREACH.—**

**“(1) NOTIFICATIONS.—**

**“(A) NOTIFICATION OF BREACH.—**If a breach occurs in a major acquisition program, the program manager for such program shall notify the Component Acquisition Executive for such program, the head of the component concerned, the Executive Director of the Program Accountability and Risk Management division, the Under Secretary for Management, and the Deputy Secretary not later than 30 calendar days after such breach is identified.

**“(B) NOTIFICATION TO SECRETARY.—**If a breach occurs in a major acquisition program and such breach results in a cost overrun greater than 15 percent, a schedule delay greater than 180 days, or a failure to meet any of the performance thresholds from the cost, schedule, or performance parameters specified in the most recently approved acquisition program baseline for such program, the Component Acquisition Executive for such program shall notify the Secretary and the Inspector General of the Department not later than five business days after the Component Acquisition Executive for such program, the head of the component concerned, the Executive Director of the Program Accountability and Risk Management Division, the Under Secretary for Management, and the Deputy Secretary are notified of the breach pursuant to subparagraph (A).

**“(2) REMEDIATION PLAN AND ROOT CAUSE ANALYSIS.—**

**“(A) IN GENERAL.—**If a breach occurs in a major acquisition program, the program manager for such program shall submit to the head of the component concerned, the Executive Director of the Program Accountability and Risk Management division, and the Under Secretary for Management in writing a remediation plan and root cause analysis relating to such breach and program. Such plan and analysis shall be submitted at a date established at the discretion of the Under Secretary for Management.

**“(B) REMEDIATION PLAN.—**The remediation plan required under this subparagraph (A) shall—

**“(i) explain the circumstances of the breach at issue;**

**“(ii) provide prior cost estimating information;**

**“(iii) include a root cause analysis that determines the underlying cause or causes of shortcomings in cost, schedule, or performance of the major acquisition program with respect to which such breach has occurred, including the role, if any, of—**

**“(I) unrealistic performance expectations;**

**“(II) unrealistic baseline estimates for cost or schedule or changes in program requirements;**

**“(III) immature technologies or excessive manufacturing or integration risk;**

**“(IV) unanticipated design, engineering, manufacturing, or technology integration issues arising during program performance;**

**“(V) changes to the scope of such program;**

**“(VI) inadequate program funding or changes in planned out-year funding from one 5-year funding plan to the next 5-year funding plan as outlined in the Future Years Homeland Security Program required under section 874;**

**“(VII) legislative, legal, or regulatory changes; or**

**“(VIII) inadequate program management personnel, including lack of sufficient number of staff, training, credentials, certifications, or use of best practices;**

**“(iv) propose corrective action to address cost growth, schedule delays, or performance issues;**

**“(v) explain the rationale for why a proposed corrective action is recommended; and**

**“(vi) in coordination with the Component Acquisition Executive for such program, discuss all options considered, including the estimated impact on cost, schedule, or performance of such program if no changes are made to current requirements, the estimated cost of such program if requirements are modified, and the extent to which funding from other programs will need to be reduced to cover the cost growth of such program.**

**“(3) REVIEW OF CORRECTIVE ACTIONS.—**

**“(A) IN GENERAL.—**The Under Secretary for Management shall review the remediation plan required under paragraph (2). The Under Secretary may approve such plan or provide an alternative proposed corrective action within 30 days of the submission of such plan under such paragraph.

**“(B) SUBMISSION TO CONGRESS.—**Not later than 30 days after the review required under subparagraph (A) is completed, the Under Secretary for Management shall submit to the congressional homeland security committees the following:

**“(i) A copy of the remediation plan and the root cause analysis required under paragraph (2).**

**“(ii) A statement describing the corrective action or actions that have occurred pursuant to paragraph (2)(b)(iv) for the major acquisition program at issue, with a justification for such action or actions.**

**“(b) REQUIREMENTS RELATING TO CONGRESSIONAL NOTIFICATION IF BREACH OCCURS.—**

**“(1) NOTIFICATION TO CONGRESS.—**If a notification to the Secretary is made under subsection (a)(1)(B) relating to a breach in a major acquisition program, the Under Secretary for Management shall notify the congressional homeland security committees of such breach in the next quarterly Comprehensive Acquisition Status Report, as required by title I of division D of the Consolidated Appropriations Act, 2016, (Public Law 114-113) following receipt by the Under Secretary of notification under such subsection.

**“(2) SIGNIFICANT VARIANCES IN COSTS OR SCHEDULE.—**If a likely cost overrun is greater than 20 percent or a likely delay is greater than 12 months from the costs and schedule specified in the acquisition program baseline for a major acquisition program, the Under Secretary for Management shall include in the notification required in paragraph (1) a written certification, with supporting explanation, that—

**“(A) such program is essential to the accomplishment of the Department's mission;**

**“(B) there are no alternatives to the capability or asset provided by such program that will provide equal or greater capability in both a more cost-effective and timely manner;**

**“(C) the new acquisition schedule and estimates for total acquisition cost are reasonable; and**

**“(D) the management structure for such program is adequate to manage and control cost, schedule, and performance.**

**“(c) CONGRESSIONAL HOMELAND SECURITY COMMITTEES DEFINED.—**In this section, the term ‘congressional homeland security committees’ means—

**“(1) the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate; and**

“(2) the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 837, as added by this Act, the following new item:

“Sec. 838. Congressional notification and other requirements for major acquisition program breach.”.

#### SEC. 1232. MULTIYEAR ACQUISITION STRATEGY.

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is further amended by adding at the end the following new section:

##### “SEC. 839. MULTIYEAR ACQUISITION STRATEGY.

“(a) MULTIYEAR ACQUISITION STRATEGY REQUIRED.—

“(1) IN GENERAL.—Not later than one year after the date of the enactment of this section, the Secretary shall submit to the appropriate congressional committees and the Comptroller General of the United States a multiyear acquisition strategy to guide the overall direction of the acquisitions of the Department while allowing flexibility to deal with ever-changing threats and risks, to keep pace with changes in technology that could impact deliverables, and to help industry better understand, plan, and align resources to meet the future acquisition needs of the Department. Such strategy shall be updated and included in each Future Years Homeland Security Program required under section 874.

“(2) FORM.—The strategy required under paragraph (1) shall be submitted in unclassified form but may include a classified annex for any sensitive or classified information if necessary. The Secretary shall publish such strategy in an unclassified format that is publicly available.

“(b) CONSULTATION.—In developing the strategy required under subsection (a), the Secretary shall, as the Secretary determines appropriate, consult with headquarters, components, employees in the field, and individuals from industry and the academic community.

“(c) CONTENTS OF STRATEGY.—The strategy shall include the following:

“(1) PRIORITIZED LIST.—A systematic and integrated prioritized list developed by the Under Secretary for Management in coordination with all of the Component Acquisition Executives of Department major acquisition programs that Department and component acquisition investments seek to address, including the expected security and economic benefit of the program or system that is the subject of acquisition and an analysis of how the security and economic benefit derived from such program or system will be measured.

“(2) INVENTORY.—A plan to develop a reliable Department-wide inventory of investments and real property assets to help the Department—

“(A) plan, budget, schedule, and acquire upgrades of its systems and equipment; and

“(B) plan for the acquisition and management of future systems and equipment.

“(3) FUNDING GAPS.—A plan to address funding gaps between funding requirements for major acquisition programs and known available resources, including, to the maximum extent practicable, ways of leveraging best practices to identify and eliminate overpayment for items to—

“(A) prevent wasteful purchasing;

“(B) achieve the greatest level of efficiency and cost savings by rationalizing purchases;

“(C) align pricing for similar items; and

“(D) utilize purchase timing and economies of scale.

“(4) IDENTIFICATION OF CAPABILITIES.—An identification of test, evaluation, modeling,

and simulation capabilities that will be required to—

“(A) support the acquisition of technologies to meet the needs of such strategy;

“(B) leverage to the greatest extent possible emerging technological trends and research and development trends within the public and private sectors; and

“(C) identify ways to ensure that appropriate technology is acquired and integrated into the Department's operating doctrine to improve mission performance.

“(5) FOCUS ON FLEXIBLE SOLUTIONS.—An assessment of ways the Department can improve its ability to test and acquire innovative solutions to allow needed incentives and protections for appropriate risk-taking in order to meet its acquisition needs with resiliency, agility, and responsiveness to assure homeland security and facilitate trade.

“(6) FOCUS ON INCENTIVES TO SAVE TAXPAYER DOLLARS.—An assessment of ways the Department can develop incentives for program managers and senior Department acquisition officials to—

“(A) prevent cost overruns;

“(B) avoid schedule delays; and

“(C) achieve cost savings in major acquisition programs.

“(7) FOCUS ON ADDRESSING DELAYS AND BID PROTESTS.—An assessment of ways the Department can improve the acquisition process to minimize cost overruns in—

“(A) requirements development;

“(B) procurement announcements;

“(C) requests for proposals;

“(D) evaluation of proposals;

“(E) protests of decisions and awards; and

“(F) the use of best practices.

“(8) FOCUS ON IMPROVING OUTREACH.—An identification and assessment of ways to increase opportunities for communication and collaboration with industry, small and disadvantaged businesses, intra-government entities, university centers of excellence, accredited certification and standards development organizations, and national laboratories to ensure that the Department understands the market for technologies, products, and innovation that is available to meet its mission needs and to inform the Department's requirements-setting process before engaging in an acquisition, including—

“(A) methods designed especially to engage small and disadvantaged businesses, a cost-benefit analysis of the tradeoffs that small and disadvantaged businesses provide, information relating to barriers to entry for small and disadvantaged businesses, and information relating to unique requirements for small and disadvantaged businesses; and

“(B) within the Department Vendor Communication Plan and Market Research Guide, instructions for interaction by acquisition program managers with such entities to—

“(i) prevent misinterpretation of acquisition regulations; and

“(ii) permit, within legal and ethical boundaries, interacting with such entities with transparency.

“(9) COMPETITION.—A plan regarding competition under subsection (d).

“(10) ACQUISITION WORKFORCE.—A plan regarding the Department acquisition workforce under subsection (e).

“(d) COMPETITION PLAN.—The strategy required under subsection (a) shall also include a plan to address actions to ensure competition, or the option of competition, for major acquisition programs. Such plan may include assessments of the following measures in appropriate cases if such measures are cost effective:

“(1) Competitive prototyping.

“(2) Dual-sourcing.

“(3) Unbundling of contracts.

“(4) Funding of next-generation prototype systems or subsystems.

“(5) Use of modular, open architectures to enable competition for upgrades.

“(6) Acquisition of complete technical data packages.

“(7) Periodic competitions for subsystem upgrades.

“(8) Licensing of additional suppliers, including small businesses.

“(9) Periodic system or program reviews to address long-term competitive effects of program decisions.

“(e) ACQUISITION WORKFORCE PLAN.—

“(1) ACQUISITION WORKFORCE.—The strategy required under subsection (a) shall also include a plan to address Department acquisition workforce accountability and talent management that identifies the acquisition workforce needs of each component performing acquisition functions and develops options for filling such needs with qualified individuals, including a cost-benefit analysis of contracting for acquisition assistance.

“(2) ADDITIONAL MATTERS COVERED.—The acquisition workforce plan under this subsection shall address ways to—

“(A) improve the recruitment, hiring, training, and retention of Department acquisition workforce personnel, including contracting officer's representatives, in order to retain highly qualified individuals who have experience in the acquisition life cycle, complex procurements, and management of large programs;

“(B) empower program managers to have the authority to manage their programs in an accountable and transparent manner as such managers work with the acquisition workforce;

“(C) prevent duplication within Department acquisition workforce training and certification requirements through leveraging already-existing training within the Federal Government, academic community, or private industry;

“(D) achieve integration and consistency with Government-wide training and accreditation standards, acquisition training tools, and training facilities;

“(E) designate the acquisition positions that will be necessary to support the Department acquisition requirements, including in the fields of—

“(i) program management;

“(ii) systems engineering;

“(iii) procurement, including contracting;

“(iv) test and evaluation;

“(v) life cycle logistics;

“(vi) cost estimating and program financial management; and

“(vii) additional disciplines appropriate to Department mission needs;

“(F) strengthen the performance of contracting officers' representatives (as defined in subpart 1.602-2 and subpart 2.101 of the Federal Acquisition Regulation), including by—

“(i) assessing the extent to which such representatives are certified and receive training that is appropriate;

“(ii) assessing what training is most effective with respect to the type and complexity of assignment; and

“(iii) implementing actions to improve training based on such assessments; and

“(G) identify ways to increase training for relevant investigators and auditors of the Department to examine fraud in major acquisition programs, including identifying opportunities to leverage existing Government and private sector resources in coordination with the Inspector General of the Department.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting

after the item relating to section 838, as added by this Act, the following new item:

“Sec. 839. Multiyear acquisition strategy.”.

(C) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF MULTI-YEAR ACQUISITION STRATEGY.—

(1) REVIEW.—After submission of the first multiyear acquisition strategy in accordance with section 839 of the Homeland Security Act of 2002, as added by subsection (a), after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a review of such plan within 180 days to analyze the viability of such plan's effectiveness in the following:

(A) Complying with the requirements of such section 839.

(B) Establishing clear connections between Department of Homeland Security objectives and acquisition priorities.

(C) Demonstrating that Department acquisition policy reflects program management best practices and standards.

(D) Ensuring competition or the option of competition for major acquisition programs.

(E) Considering potential cost savings through using already-existing technologies when developing acquisition program requirements.

(F) Preventing duplication within Department acquisition workforce training requirements through leveraging already-existing training within the Federal Government, academic community, or private industry.

(G) Providing incentives for acquisition program managers to reduce acquisition and procurement costs through the use of best practices and disciplined program management.

(2) DEFINITIONS.—The terms “acquisition”, “best practices”, and “major acquisition programs” have the meaning given such terms in section 830 of the Homeland Security Act of 2002, as added by this Act.

(3) REPORT.—Not later than 180 days after the completion of the review required by subsection (a), the Comptroller General of the United States shall submit to the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate a report on the review. Such report shall be submitted in unclassified form but may include a classified annex.

#### SEC. 1233. ACQUISITION REPORTS.

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is further amended by adding at the end the following new section:

##### “SEC. 840. ACQUISITION REPORTS.

“(a) COMPREHENSIVE ACQUISITION STATUS REPORT.—

“(1) IN GENERAL.—At the same time as the President's budget is submitted for a fiscal year under section 1105(a) of title 31, United States Code, the Under Secretary for Management shall submit to the congressional homeland security committees an annual comprehensive acquisition status report. The report shall include the following:

“(A) The information required under the heading ‘Office of the Under Secretary for Management’ under title I of division D of the Consolidated Appropriations Act, 2012 (Public Law 112-74) (as required under the Department of Homeland Security Appropriations Act, 2013 (Public Law 113-6)).

“(B) A listing of programs that have been cancelled, modified, paused, or referred to the Under Secretary for Management or Deputy Secretary for additional oversight or action by the Board, Department Office of Inspector General, or the Comptroller General.

“(C) A listing of established Executive Steering Committees, which provide govern-

ance of a program or related set of programs and lower-tiered oversight, and support between acquisition decision events and component reviews, including the mission and membership for each.

“(2) INFORMATION FOR MAJOR ACQUISITION PROGRAMS.—For each major acquisition program, the report shall include the following:

“(A) A narrative description, including current gaps and shortfalls, the capabilities to be fielded, and the number of planned increments or units.

“(B) Acquisition Review Board (or other board designated to review the acquisition) status of each acquisition, including the current acquisition phase, the date of the last review, and a listing of the required documents that have been reviewed with the dates reviewed or approved.

“(C) The most current, approved acquisition program baseline (including project schedules and events).

“(D) A comparison of the original acquisition program baseline, the current acquisition program baseline, and the current estimate.

“(E) Whether or not an independent verification and validation has been implemented, with an explanation for the decision and a summary of any findings.

“(F) A rating of cost risk, schedule risk, and technical risk associated with the program (including narrative descriptions and mitigation actions).

“(G) Contract status (including earned value management data as applicable).

“(H) A lifecycle cost of the acquisition, and time basis for the estimate.

“(3) UPDATES.—The Under Secretary shall submit quarterly updates to such report not later than 45 days after the completion of each quarter.

“(b) QUARTERLY PROGRAM ACCOUNTABILITY REPORT.—The Under Secretary for Management shall prepare a quarterly program accountability report to meet the mandate of the Department to perform program health assessments and improve program execution and governance. The report shall be submitted to the congressional homeland security committees.

“(c) CONGRESSIONAL HOMELAND SECURITY COMMITTEES DEFINED.—In this section, the term ‘congressional homeland security committees’ means—

“(1) the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(2) the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.”.

(b) LEVEL 3 ACQUISITION PROGRAMS OF COMPONENTS OF THE DEPARTMENT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, component heads of the Department of Homeland Security shall identify to the Under Secretary for Management of the Department all level 3 acquisition programs of each respective component. Not later than 30 days after receipt of such information, the Under Secretary shall certify in writing to the congressional homeland security committees whether such component heads have properly identified such programs. To carry out this paragraph, the Under Secretary shall establish a process with a repeatable methodology to continually identify level 3 acquisition programs.

(2) POLICIES AND GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, component heads of the Department of Homeland Security shall submit to the Under Secretary for Management of the Department their respective policies and relevant guidance for level 3 acquisition programs of each respective component. Not

later than 90 days after receipt of such policies and guidance, the Under Secretary for Management shall certify to the congressional homeland security committees that each component's respective policies and guidance adhere to Department-wide acquisition policies.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by inserting after the item relating to section 839 the following new item:

“840. Acquisition reports.”.

#### TITLE III—INTELLIGENCE AND INFORMATION SHARING

##### Subtitle A—Department of Homeland Security Intelligence Enterprise

#### SEC. 1301. HOMELAND INTELLIGENCE DOCTRINE.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following new section:

##### “SEC. 210G. HOMELAND INTELLIGENCE DOCTRINE.

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary, acting through the Chief Intelligence Officer of the Department, in coordination with intelligence components of the Department, the Office of the General Counsel, the Privacy Office, and the Office for Civil Rights and Civil Liberties, shall develop and disseminate written Department-wide guidance for the processing, analysis, production, and dissemination of homeland security information (as such term is defined in section 892) and terrorism information (as such term is defined in section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485)).

“(b) CONTENTS.—The guidance required under subsection (a) shall, at a minimum, include the following:

“(1) A description of guiding principles and purposes of the Department's intelligence enterprise.

“(2) A summary of the roles and responsibilities of each intelligence component of the Department and programs of the intelligence components of the Department in the processing, analysis, production, or dissemination of homeland security information and terrorism information, including relevant authorities and restrictions applicable to each intelligence component of the Department and programs of each such intelligence components.

“(3) Guidance for the processing, analysis, and production of such information.

“(4) Guidance for the dissemination of such information, including within the Department, among and between Federal departments and agencies, among and between State, local, tribal, and territorial governments, including law enforcement, and with foreign partners and the private sector.

“(5) An assessment and description of how the dissemination to the intelligence community (as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))) and Federal law enforcement of homeland security information and terrorism information assists such entities in carrying out their respective missions.

“(c) FORM.—The guidance required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

“(d) ANNUAL REVIEW.—For each of the five fiscal years beginning with the fiscal year that begins after the date of the enactment of this section, the Secretary shall conduct a review of the guidance required under subsection (a) and, as appropriate, revise such guidance.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting

after the item relating to section 210F the following new item:

“Sec. 210G. Homeland intelligence doctrine.”.

**SEC. 1302. ANALYSTS FOR THE CHIEF INTELLIGENCE OFFICER.**

Paragraph (1) of section 201(e) of the Homeland Security Act of 2002 (6 U.S.C. 121(e)) is amended by adding at the end the following new sentence: “The Secretary shall also provide the Chief Intelligence Officer with a staff having appropriate expertise and experience to assist the Chief Intelligence Officer.”.

**SEC. 1303. ANNUAL HOMELAND TERRORIST THREAT ASSESSMENTS.**

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

**“SEC. 210H. HOMELAND TERRORIST THREAT ASSESSMENTS.**

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this section and for each of the next five fiscal years (beginning in the fiscal year that begins after the date of the enactment of this section) the Secretary, acting through the Under Secretary for Intelligence and Analysis, and using departmental information, including component information, and information provided through State and major urban area fusion centers, shall conduct an assessment of the terrorist threat to the homeland.

“(b) CONTENTS.—Each assessment under subsection (a) shall include the following:

“(1) Empirical data assessing terrorist activities and incidents over time in the United States, including terrorist activities and incidents planned or supported by persons outside of the United States targeting the homeland.

“(2) An evaluation of current terrorist tactics, as well as ongoing and possible future changes in terrorist tactics.

“(3) An assessment of criminal activity encountered or observed by officers or employees of components in the field which is suspected of financing terrorist activity.

“(4) Detailed information on all individuals denied entry to or removed from the United States as a result of material support provided to a foreign terrorist organization (as such term is used in section 219 of the Immigration and Nationality Act (8 U.S.C. 1189)).

“(5) The efficacy and spread of foreign terrorist organization propaganda, messaging, or recruitment.

“(6) An assessment of threats, including cyber threats, to the homeland, including to critical infrastructure and Federal civilian networks.

“(7) An assessment of current and potential terrorism and criminal threats posed by individuals and organized groups seeking to unlawfully enter the United States.

“(8) An assessment of threats to the transportation sector, including surface and aviation transportation systems.

“(c) ADDITIONAL INFORMATION.—The assessments required under subsection (a)—

“(1) shall, to the extent practicable, utilize existing component data collected from the field; and

“(2) may incorporate relevant information and analysis from other agencies of the Federal Government, agencies of State and local governments (including law enforcement agencies), as well as the private sector, disseminated in accordance with standard information sharing procedures and policies.

“(d) FORM.—The assessments required under subsection (a) shall be shared with the appropriate congressional committees and submitted in classified form, but—

“(1) shall include unclassified summaries; and

“(2) may include unclassified annexes, if appropriate.”.

(b) CONFORMING AMENDMENT.—Subsection (d) of section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121) is amended by adding at the end the following new paragraph:

“(27) To carry out section 210H (relating to homeland terrorist threat assessments).”.

(c) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 210G, as added by this Act, the following new item:

“Sec. 210H. Homeland terrorist threat assessments.”.

**SEC. 1304. DEPARTMENT OF HOMELAND SECURITY DATA FRAMEWORK.**

(a) IN GENERAL.—The Secretary of Homeland Security shall develop a data framework to integrate existing Department of Homeland Security datasets and systems, as appropriate, for access by authorized personnel in a manner consistent with relevant legal authorities and privacy, civil rights, and civil liberties policies and protections. In developing such framework, the Secretary shall ensure, in accordance with all applicable statutory and regulatory requirements, the following information is included:

(1) All information acquired, held, or obtained by an office or component of the Department that falls within the scope of the information sharing environment, including homeland security information, terrorism information, weapons of mass destruction information, and national intelligence.

(2) Any information or intelligence relevant to priority mission needs and capability requirements of the homeland security enterprise, as determined appropriate by the Secretary.

(b) DATA FRAMEWORK ACCESS.—

(1) IN GENERAL.—The Secretary of Homeland Security shall ensure that the data framework required under this section is accessible to employees of the Department of Homeland Security who the Secretary determines—

(A) have an appropriate security clearance;

(B) are assigned to perform a function that requires access to information in such framework; and

(C) are trained in applicable standards for safeguarding and using such information.

(2) GUIDANCE.—The Secretary of Homeland Security shall—

(A) issue guidance for Department of Homeland Security employees authorized to access and contribute to the data framework pursuant to paragraph (1); and

(B) ensure that such guidance enforces a duty to share between offices and components of the Department when accessing or contributing to such framework for mission needs.

(3) EFFICIENCY.—The Secretary of Homeland Security shall promulgate data standards and instruct components of the Department of Homeland Security to make available information through the data framework under this section in a machine-readable standard format, to the greatest extent practicable.

(c) EXCLUSION OF INFORMATION.—The Secretary of Homeland Security may exclude from the data framework information that the Secretary determines access to or the confirmation of the existence of could—

(1) jeopardize the protection of sources, methods, or activities;

(2) compromise a criminal or national security investigation;

(3) be inconsistent with the other Federal laws or regulations; or

(4) be duplicative or not serve an operational purpose if included in such framework.

(d) SAFEGUARDS.—The Secretary of Homeland Security shall incorporate into the data framework systems capabilities for auditing and ensuring the security of information included in such framework. Such capabilities shall include the following:

(1) Mechanisms for identifying insider threats.

(2) Mechanisms for identifying security risks.

(3) Safeguards for privacy, civil rights, and civil liberties.

(e) DEADLINE FOR IMPLEMENTATION.—Not later than two years after the date of the enactment of this Act, the Secretary of Homeland Security shall ensure the data framework required under this section has the ability to include appropriate information in existence within the Department of Homeland Security to meet its critical mission operations.

(f) NOTICE TO CONGRESS.—

(1) OPERATIONAL NOTIFICATION.—Not later than 60 days after the date on which the data framework required under this section is fully operational, the Secretary of Homeland Security shall provide notice to the appropriate congressional committees of such.

(2) REGULAR STATUS.—The Secretary shall submit to the appropriate congressional committees regular updates on the status of the data framework required under this section, including, when applicable, the use of such data framework to support classified operations.

(g) DEFINITIONS.—In this section:

(1) NATIONAL INTELLIGENCE.—The term “national intelligence” has the meaning given such term in section 3(5) of the National Security Act of 1947 (50 U.S.C. 3003(5)).

(2) APPROPRIATE CONGRESSIONAL COMMITTEE.—The term “appropriate congressional committee” has the meaning given such term in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(11)).

**SEC. 1305. ESTABLISHMENT OF INSIDER THREAT PROGRAM.**

(a) IN GENERAL.—Title I of the Homeland Security Act of 2002 (6 U.S.C. 111 et seq.) is amended by adding at the end the following new section:

**“SEC. 104. INSIDER THREAT PROGRAM.**

“(a) ESTABLISHMENT.—The Secretary shall establish an Insider Threat Program within the Department. Such Program shall—

“(1) provide training and education for Department personnel to identify, prevent, mitigate, and respond to insider threat risks to the Department’s critical assets;

“(2) provide investigative support regarding potential insider threats that may pose a risk to the Department’s critical assets; and

“(3) conduct risk mitigation activities for insider threats.

“(b) STEERING COMMITTEE.—

“(1) IN GENERAL.—The Secretary shall establish a Steering Committee within the Department. The Under Secretary for Intelligence and Analysis shall serve as the Chair of the Steering Committee. The Chief Security Officer shall serve as the Vice Chair. The Steering Committee shall be comprised of representatives of the Office of Intelligence and Analysis, the Office of the Chief Information Officer, the Office of the General Counsel, the Office for Civil Rights and Civil Liberties, the Privacy Office, the Office of the Chief Human Capital Officer, the Office of the Chief Financial Officer, the Federal Protective Service, the Office of the Chief Procurement Officer, the Science and Technology Directorate, and other components or offices of the Department as appropriate. Such representatives shall meet on a

regular basis to discuss cases and issues related to insider threats to the Department's critical assets, in accordance with subsection (a).

“(2) RESPONSIBILITIES.—Not later than one year after the date of the enactment of this section, the Under Secretary for Intelligence and Analysis and the Chief Security Officer, in coordination with the Steering Committee established pursuant to paragraph (1), shall—

“(A) develop a holistic strategy for Department-wide efforts to identify, prevent, mitigate, and respond to insider threats to the Department's critical assets;

“(B) develop a plan to implement the insider threat measures identified in the strategy developed under subparagraph (A) across the components and offices of the Department;

“(C) document insider threat policies and controls;

“(D) conduct a baseline risk assessment of insider threats posed to the Department's critical assets;

“(E) examine existing programmatic and technology best practices adopted by the Federal Government, industry, and research institutions to implement solutions that are validated and cost-effective;

“(F) develop a timeline for deploying workplace monitoring technologies, employee awareness campaigns, and education and training programs related to identifying, preventing, mitigating, and responding to potential insider threats to the Department's critical assets;

“(G) require the Chair and Vice Chair of the Steering Committee to consult with the Under Secretary for Science and Technology and other appropriate stakeholders to ensure the Insider Threat Program is informed, on an ongoing basis, by current information regarding threats, beset practices, and available technology; and

“(H) develop, collect, and report metrics on the effectiveness of the Department's insider threat mitigation efforts.

“(c) DEFINITIONS.—In this section:

“(1) CRITICAL ASSETS.—The term ‘critical assets’ means the people, facilities, information, and technology required for the Department to fulfill its mission.

“(2) INSIDER.—The term ‘insider’ means—

“(A) any person who has access to classified national security information and is employed by, detailed to, or assigned to the Department, including members of the Armed Forces, experts or consultants to the Department, industrial or commercial contractors, licensees, certificate holders, or grantees of the Department, including all subcontractors, personal services contractors, or any other category of person who acts for or on behalf of the Department, as determined by the Secretary; or

“(B) State, local, tribal, territorial, and private sector personnel who possess security clearances granted by the Department.

“(3) INSIDER THREAT.—The term ‘insider threat’ means the threat that an insider will use his or her authorized access, wittingly or unwittingly, to do harm to the security of the United States, including damage to the United States through espionage, terrorism, the unauthorized disclosure of classified national security information, or through the loss or degradation of departmental resources or capabilities.”.

(b) REPORTING.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of section 104 of the Homeland Security Act of 2002 (as added by subsection (a) of this section) and the biennially thereafter for the next four years, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and the Permanent Select Com-

mittee on Intelligence of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate a report on how the Department of Homeland Security and its components and offices have implemented the strategy developed pursuant to subsection (b)(2)(A) of such section 104, the status of the Department's risk assessment of critical assets, the types of insider threat training conducted, the number of Department employees who have received such training, and information on the effectiveness of the Insider Threat Program (established pursuant to subsection (a) of such section 104), based on metrics developed, collected, and reported pursuant to subsection (b)(2)(H) of such section 104.

(2) DEFINITIONS.—In this subsection, the terms “critical assets”, “insider”, and “insider threat” have the meanings given such terms in section 104 of the Homeland Security Act of 2002 (as added by subsection (a) of this section).

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 103 the following new item:

“Sec. 104. Insider Threat Program.”.

#### SEC. 1306. THREAT ASSESSMENT ON TERRORIST USE OF VIRTUAL CURRENCY.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Under Secretary of Homeland Security for Intelligence and Analysis, as authorized by section 201(b)(1) of the Homeland Security Act of 2002 (6 U.S.C. 121), shall, in coordination with appropriate Federal partners, develop and disseminate a threat assessment regarding the actual and potential threat posed by individuals using virtual currency to carry out activities in furtherance of an act of terrorism, including the provision of material support or resources to a foreign terrorist organization. Consistent with the protection of classified and confidential unclassified information, the Under Secretary shall share the threat assessment developed under this section with State, local, and tribal law enforcement officials, including officials that operate within State, local, and regional fusion centers through the Department of Homeland Security State, Local, and Regional Fusion Center Initiative established in section 210A of the Homeland Security Act of 2002 (6 U.S.C. 124h).

(b) DEFINITIONS.—In this section:

(1) FOREIGN TERRORIST ORGANIZATION.—The term “foreign terrorist organization” means an organization designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(2) VIRTUAL CURRENCY.—The term “virtual currency” means a digital representation of value that functions as a medium of exchange, a unit of account, or a store of value.

#### SEC. 1307. DEPARTMENT OF HOMELAND SECURITY COUNTERTERRORISM ADVISORY BOARD.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

##### “SEC. 210I. DEPARTMENTAL COORDINATION ON COUNTERTERRORISM.

“(a) ESTABLISHMENT.—There is in the Department a board to be composed of senior representatives of departmental operational components and headquarters elements. The purpose of the board shall be to coordinate and integrate departmental intelligence, activities, and policy related to the counterterrorism mission and functions of the Department.

“(b) CHARTER.—There shall be a charter to govern the structure and mission of the board. Such charter shall direct the board to focus on the current threat environment and the importance of aligning departmental counterterrorism activities under the Secretary's guidance. The charter shall be reviewed and updated every four years, as appropriate.

“(c) MEMBERS.—

“(1) CHAIR.—The Secretary shall appoint a Coordinator for Counterterrorism within the Department who will serve as the chair of the board.

“(2) ADDITIONAL MEMBERS.—The Secretary shall appoint additional members of the board from among the following:

“(A) The Transportation Security Administration.

“(B) U.S. Customs and Border Protection.

“(C) U.S. Immigration and Customs Enforcement.

“(D) The Federal Emergency Management Agency.

“(E) The Coast Guard.

“(F) United States Citizenship and Immigration Services.

“(G) The United States Secret Service.

“(H) The National Protection and Programs Directorate.

“(I) The Office of Operations Coordination.

“(J) The Office of the General Counsel.

“(K) The Office of Intelligence and Analysis.

“(L) The Office of Policy.

“(M) The Science and Technology Directorate.

“(N) Other departmental offices and programs as determined appropriate by the Secretary.

“(d) MEETINGS.—The board shall meet on a regular basis to discuss intelligence and coordinate ongoing threat mitigation efforts and departmental activities, including coordination with other Federal, State, local, tribal, territorial, and private sector partners, and shall make recommendations to the Secretary.

“(e) TERRORISM ALERTS.—The board shall advise the Secretary on the issuance of terrorism alerts pursuant to section 203 of this Act.

“(f) PROHIBITION ON ADDITIONAL FUNDS.—No additional funds are authorized to carry out this section.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 210H, as added by this Act, the following new item:

“Sec. 210I. Departmental coordination on counterterrorism.”.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security, acting through the Coordinator for Counterterrorism, shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the status and activities of the board established under section 210I of the Homeland Security Act of 2002, as added by subsection (a) of this section.

#### SEC. 1308. BORDER AND GANG THREAT ASSESSMENT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall conduct a threat assessment on whether human smuggling organizations and transnational gangs are exploiting vulnerabilities in border security screening programs to gain access to the United States and threaten the United States or border security.



(b) **RECOMMENDATIONS.**—Upon completion of the threat assessment required under subsection (a), the Secretary of Homeland Security shall make a determination if any changes are required to address security vulnerabilities identified in such assessment.

**SEC. 1309. SECURITY CLEARANCE MANAGEMENT AND ADMINISTRATION.**

(a) **IN GENERAL.**—Title VII of the Homeland Security Act of 2002 is amended—

(1) by inserting before section 701 (6 U.S.C. 341) the following:

**“Subtitle A—Headquarters Activities”;**

and

(2) by adding at the end the following new subtitle:

**“Subtitle B—Security Clearances**

**“SEC. 731. DESIGNATION OF NATIONAL SECURITY SENSITIVE AND PUBLIC TRUST POSITIONS.**

“(a) **IN GENERAL.**—The Secretary shall require the designation of the sensitivity level of national security positions (pursuant to part 1400 of title 5, Code of Federal Regulations, or similar successor regulation) be conducted in a consistent manner with respect to all components and offices of the Department, and consistent with Federal guidelines.

“(b) **IMPLEMENTATION.**—In carrying out subsection (a), the Secretary shall require the utilization of uniform designation tools throughout the Department and provide training to appropriate staff of the Department on such utilization. Such training shall include guidance on factors for determining eligibility for access to classified information and eligibility to hold a national security position.

**“SEC. 732. REVIEW OF POSITION DESIGNATIONS.**

“(a) **IN GENERAL.**—Not later than one year after the date of the enactment of this subtitle, and every five years thereafter, the Secretary shall review all sensitivity level designations of national security positions (pursuant to part 1400 of title 5, Code of Federal Regulations, or similar successor regulation) at the Department.

“(b) **DETERMINATION.**—If during the course of a review required under subsection (a), the Secretary determines that a change in the sensitivity level of a position that affects the need for an individual to obtain access to classified information is warranted, such access shall be administratively adjusted and an appropriate level periodic reinvestigation completed, as necessary.

“(c) **CONGRESSIONAL REPORTING.**—Upon completion of each review required under subsection (a), the Secretary shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the findings of each such review, including the number of positions by classification level and by component and office of the Department in which the Secretary made a determination in accordance with subsection (b) to—

“(1) require access to classified information;

“(2) no longer require access to classified information; or

“(3) otherwise require a different level of access to classified information.

**“SEC. 733. AUDITS.**

“Beginning not later than 180 days after the date of the enactment of this section, the Inspector General of the Department shall conduct regular audits of compliance of the Department with part 1400 of title 5, Code of Federal Regulations, or similar successor regulation.

**“SEC. 734. REPORTING.**

“(a) **IN GENERAL.**—The Secretary shall annually through fiscal year 2022 submit to the

Committee on Homeland Security and the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the following:

“(1) The number of denials, suspensions, revocations, and appeals of the eligibility for access to classified information of an individual throughout the Department.

“(2) The date and status or disposition of each reported action under paragraph (1).

“(3) The identification of the sponsoring entity, whether by a component, office, or headquarters of the Department, of each action under paragraph (1), and description of the grounds for each such action.

“(4) Demographic data, including data relating to race, sex, national origin, and disability, of each individual for whom eligibility for access to classified information was denied, suspended, revoked, or appealed, and the number of years that each such individual was eligible for access to such information.

“(5) In the case of a suspension in excess of 180 days, an explanation for such duration.

“(b) **FORM.**—The report required under subsection (a) shall be submitted in unclassified form and be made publicly available, but may include a classified annex for any sensitive or classified information if necessary.

**“SEC. 735. UNIFORM ADJUDICATION, SUSPENSION, DENIAL, AND REVOCATION.**

“Not later than one year after the date of the enactment of this section, the Secretary, in consultation with the Homeland Security Advisory Committee, shall develop a plan to achieve greater uniformity within the Department with respect to the adjudication of eligibility of an individual for access to classified information that are consistent with the Adjudicative Guidelines for Determining Access to Classified Information published on December 29, 2005, or similar successor regulation. The Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate the plan. The plan shall consider the following:

“(1) Mechanisms to foster greater compliance with the uniform Department adjudication, suspension, denial, and revocation standards by the head of each component and office of the Department with the authority to adjudicate access to classified information.

“(2) The establishment of an internal appeals panel responsible for final national security clearance denial and revocation determinations that is comprised of designees who are career, supervisory employees from components and offices of the Department with the authority to adjudicate access to classified information and headquarters, as appropriate.

**“SEC. 736. DATA PROTECTION.**

“The Secretary shall ensure that all information received for the adjudication of eligibility of an individual for access to classified information is consistent with the Adjudicative Guidelines for Determining Access to Classified Information published on December 29, 2005, or similar successor regulation, and is protected against misappropriation.

**“SEC. 737. REFERENCE.**

“Except as otherwise provided, for purposes of this subtitle, any reference to the ‘Department’ includes all components and offices of the Department.”

(b) **CLERICAL AMENDMENT.**—The table of contents of the Homeland Security Act of 2002 is amended—

(1) by inserting before the item relating to section 701 the following new item:

**“Subtitle A—Headquarters Activities”;**

and

(2) by inserting after the final item relating to title VII the following new items:

**“Subtitle B—Security Clearances**

“Sec. 731. Designation of national security sensitive and public trust positions.

“Sec. 732. Review of position designations.

“Sec. 733. Audits.

“Sec. 734. Reporting.

“Sec. 735. Uniform adjudication, suspension, denial, and revocation.

“Sec. 736. Data protection.

“Sec. 737. Reference.”

**Subtitle B—Stakeholder Information Sharing**

**SEC. 1311. DEPARTMENT OF HOMELAND SECURITY FUSION CENTER PARTNERSHIP INITIATIVE.**

(a) **IN GENERAL.**—Section 210A of the Homeland Security Act of 2002 (6 U.S.C. 124h) is amended—

(1) by amending the section heading to read as follows:

**“SEC. 210A. DEPARTMENT OF HOMELAND SECURITY FUSION CENTER PARTNERSHIP INITIATIVE.”;**

(2) in subsection (a), by adding at the end the following new sentence: “Beginning on the date of the enactment of the Department of Homeland Security Authorization Act of 2017, such Initiative shall be known as the ‘Department of Homeland Security Fusion Center Partnership Initiative.’”;

(3) by amending subsection (b) to read as follows:

“(b) **INTERAGENCY SUPPORT AND COORDINATION.**—Through the Department of Homeland Security Fusion Center Partnership Initiative, in coordination with principal officials of fusion centers in the National Network of Fusion Centers and the officers designated as the Homeland Security Advisors of the States, the Secretary shall—

“(1) coordinate with the heads of other Federal departments and agencies to provide operational and intelligence advice and assistance to the National Network of Fusion Centers;

“(2)(A) support the integration of fusion centers into the information sharing environment;

“(B) conduct outreach to such fusion centers to identify any gaps in information sharing; and

“(C) consult with other Federal agencies to develop methods to address any such gaps, as appropriate;

“(3)(A) identify Federal databases and datasets, including databases and datasets used, operated, or managed by Department components, the Federal Bureau of Investigation, and the Department of the Treasury, that are appropriate, in accordance with Federal laws and policies, to address any gaps identified pursuant to paragraph (2), for inclusion in the information sharing environment; and

“(B) coordinate with the appropriate Federal agency to deploy or access such databases and datasets;

“(4) support the maturation and sustainment of the National Network of Fusion Centers;

“(5) reduce inefficiencies and maximize the effectiveness of Federal resource support to the National Network of Fusion Centers;

“(6) provide analytic and reporting advice and assistance to the National Network of Fusion Centers;

“(7) review information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, that is gathered by the National Network of Fusion Centers and incorporate such information, as appropriate, into the Department’s own such information;



“(8) provide for the effective dissemination of information within the scope of the information sharing environment to the National Network of Fusion Centers;

“(9) facilitate close communication and coordination between the National Network of Fusion Centers and the Department and other Federal departments and agencies;

“(10) provide the National Network of Fusion Centers with expertise on Department resources and operations, including, in coordination with the national cybersecurity and communications integration center under section 227, access to timely technical assistance, risk management support, and incident response capabilities with respect to cyber threat indicators, defensive measures, cybersecurity risks, and incidents (as such terms are defined in such section), which may include attribution, mitigation, and remediation, and the provision of information and recommendations on security and resilience, including implications of cybersecurity risks to equipment and technology related to the electoral process;

“(11) coordinate the provision of training and technical assistance to the National Network of Fusion Centers and encourage participating fusion centers to take part in terrorism threat-related exercises conducted by the Department;

“(12) review information relating to cybersecurity risks that is gathered by State, local, and regional fusion centers, and incorporate such information, as appropriate, into the Department's own information relating to cybersecurity risks;

“(13) ensure the dissemination to State, local, and regional fusion centers of the information described in paragraph (12);

“(14) ensure, to the greatest extent practicable, that support for the National Network of Fusion Centers is included as a national priority in applicable homeland security grant guidance;

“(15) ensure that each fusion center in the National Network of Fusion Centers has a privacy policy approved by the Chief Privacy Officer of the Department and a civil rights and civil liberties policy approved by the Officer for Civil Rights and Civil Liberties of the Department;

“(16) coordinate the nationwide suspicious activity report initiative to ensure information gathered by the National Network of Fusion Centers is incorporated as appropriate;

“(17) promote and facilitate, to the greatest extent practicable, nationwide suspicious activity report training of fire, emergency medical services, emergency management, and public health personnel;

“(18) lead Department efforts to ensure fusion centers in the National Network of Fusion Centers are the primary focal points for the sharing of homeland security information, terrorism information, and weapons of mass destruction information with State, local, tribal, and territorial entities to the greatest extent practicable;

“(19) develop and disseminate best practices on the appropriate levels for staffing at fusion centers in the National Network of Fusion Centers of qualified representatives from State, local, tribal, and territorial law enforcement, fire, emergency medical, and emergency management services, and public health disciplines, as well as the private sector; and

“(20) carry out such other duties as the Secretary determines appropriate.”;

(4) in subsection (c)—

(A) by striking so much as precedes paragraph (3)(B) and inserting the following:

“(c) RESOURCE ALLOCATION.—

“(1) INFORMATION SHARING AND PERSONNEL ASSIGNMENT.—

“(A) INFORMATION SHARING.—The Under Secretary for Intelligence and Analysis shall ensure that, as appropriate—

“(i) fusion centers in the National Network of Fusion Centers have access to homeland security information sharing systems; and

“(ii) Department personnel are deployed to support fusion centers in the National Network of Fusion Centers in a manner consistent with the Department's mission and existing statutory limits.

“(B) PERSONNEL ASSIGNMENT.—Department personnel referred to in subparagraph (A)(ii) may include the following:

“(i) Intelligence officers.

“(ii) Intelligence analysts.

“(iii) Other liaisons from components and offices of the Department, as appropriate.

“(C) MEMORANDA OF UNDERSTANDING.—The Under Secretary for Intelligence and Analysis shall negotiate memoranda of understanding between the Department and a State or local government, in coordination with the appropriate representatives from fusion centers in the National Network of Fusion Centers, regarding the exchange of information between the Department and such fusion centers. Such memoranda shall include the following:

“(i) The categories of information to be provided by each entity to the other entity that are parties to any such memoranda.

“(ii) The contemplated uses of the exchanged information that is the subject of any such memoranda.

“(iii) The procedures for developing joint products.

“(iv) The information sharing dispute resolution processes.

“(v) Any protections necessary to ensure the exchange of information accords with applicable law and policies.

“(2) SOURCES OF SUPPORT.—

“(A) IN GENERAL.—Information shared and personnel assigned pursuant to paragraph (1) may be shared or provided, as the case may be, by the following Department components and offices, in coordination with the respective component or office head and in consultation with the principal officials of fusion centers in the National Network of Fusion Centers:

“(i) The Office of Intelligence and Analysis.

“(ii) The Office of Infrastructure Protection.

“(iii) The Transportation Security Administration.

“(iv) U.S. Customs and Border Protection.

“(v) U.S. Immigration and Customs Enforcement.

“(vi) The Coast Guard.

“(vii) The national cybersecurity and communications integration center under section 227.

“(viii) Other components or offices of the Department, as determined by the Secretary.

“(B) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Under Secretary for Intelligence and Analysis shall coordinate with appropriate officials throughout the Federal Government to ensure the deployment to fusion centers in the National Network of Fusion Centers of representatives with relevant expertise of other Federal departments and agencies.

“(3) RESOURCE ALLOCATION CRITERIA.—

“(A) IN GENERAL.—The Secretary shall make available criteria for sharing information and deploying personnel to support a fusion center in the National Network of Fusion Centers in a manner consistent with the Department's mission and existing statutory limits.”; and

(B) in paragraph (4)(B), in the matter preceding clause (i), by inserting “in which such fusion center is located” after “region”;

(5) in subsection (d)—

(A) in paragraph (3), by striking “and” at the end;

(B) by redesignating paragraph (4) as paragraph (5);

(C) by inserting after paragraph (3) the following new paragraph:

“(4) assist, in coordination with the national cybersecurity and communications integration center under section 227, fusion centers in using information relating to cybersecurity risks to develop a comprehensive and accurate threat picture.”;

(D) in paragraph (5), as so redesignated—

(i) by striking “government” and inserting “governments”; and

(ii) by striking the period at the end and inserting “; and”; and

(E) by adding at the end the following new paragraph:

“(6) utilize Department information, including information held by components and offices, to develop analysis focused on the mission of the Department under section 101(b).”;

(6) in subsection (e)—

(A) by amending paragraph (1) to read as follows:

“(1) IN GENERAL.—To the greatest extent practicable, the Secretary shall make it a priority to allocate resources, including deployed personnel, under this section from U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and the Coast Guard to support fusion centers in the National Network of Fusion Centers located in jurisdictions along land or maritime borders of the United States in order to enhance the integrity of and security at such borders by helping Federal, State, local, tribal, and territorial law enforcement authorities to identify, investigate, and otherwise interdict persons, weapons, and related contraband that pose a threat to homeland security.”; and

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking “participating State, local, and regional fusion centers” and inserting “fusion centers in the National Network of Fusion Centers”;

(7) in subsection (j)—

(A) by redesignating paragraph (5) as paragraph (7);

(B) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(C) by inserting before paragraph (2) the following new paragraph:

“(1) the term ‘cybersecurity risk’ has the meaning given such term in section 227.”;

(D) in paragraph (5), as so redesignated, by striking “and” at the end; and

(E) by inserting after such paragraph (5) the following new paragraph:

“(6) the term ‘National Network of Fusion Centers’ means a decentralized arrangement of fusion centers intended to enhance individual State and urban area fusion centers’ ability to leverage the capabilities and expertise of all fusion centers for the purpose of enhancing analysis and homeland security information sharing nationally; and”;

(8) by striking subsection (k).

(b) ACCOUNTABILITY REPORT.—Not later than one year after the date of the enactment of this Act and annually thereafter through 2024, the Under Secretary for Intelligence and Analysis of the Department of Homeland Security shall report to the Committee on Homeland Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate on the efforts of the Office of Intelligence and Analysis of the Department and other relevant components and offices of the Department to enhance

support provided to fusion centers in the National Network of Fusion Centers, including meeting the requirements specified in section 210A of the Homeland Security Act of 2002 (6 U.S.C. 124h), as amended by subsection (a) of this section.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by striking the item relating to section 210A and inserting the following new item:

“Sec. 210A. Department of Homeland Security Fusion Center Partnership Initiative.”.

(d) REFERENCE.—Any reference in any law, rule, or regulation to the “Department of Homeland Security State, Local, and Regional Fusion Center Initiative” shall be deemed to be a reference to the “Department of Homeland Security Fusion Center Partnership Initiative”.

#### SEC. 1312. FUSION CENTER PERSONNEL NEEDS ASSESSMENT.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct an assessment of Department of Homeland Security personnel assigned to fusion centers pursuant to subsection (c) of section 210A of the Homeland Security Act of 2002 (6 U.S.C. 124h), as amended by this Act, including an assessment of whether deploying additional Department personnel to such fusion centers would enhance the Department's mission under section 101(b) of such Act and the National Network of Fusion Centers. The assessment required under this subsection shall include the following:

(1) Information on the current deployment of the Department's personnel to each fusion center.

(2) Information on the roles and responsibilities of the Department's Office of Intelligence and Analysis intelligence officers, intelligence analysts, senior reports officers, reports officers, and regional directors deployed to fusion centers.

(3) Information on Federal resources, in addition to personnel, provided to each fusion center.

(4) An analysis of the optimal number of personnel the Office of Intelligence and Analysis should deploy to fusion centers, including a cost-benefit analysis comparing deployed personnel with technological solutions to support information sharing.

(5) An assessment of fusion centers located in jurisdictions along land and maritime borders of the United States, and the degree to which deploying personnel, as appropriate, from U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and the Coast Guard to such fusion centers would enhance the integrity and security at such borders by helping Federal, State, local, tribal, and territorial law enforcement authorities to identify, investigate, and interdict persons, weapons, and related contraband that pose a threat to homeland security.

(6) An assessment of fusion centers located in jurisdictions with large and medium hub airports, and the degree to which deploying, as appropriate, personnel from the Transportation Security Administration to such fusion centers would enhance the integrity and security of aviation security.

(b) DEFINITIONS.—In this section:

(1) FUSION CENTER.—The term “fusion center” has the meaning given such term in subsection (j) of section 210A of the Homeland Security Act of 2002 (6 U.S.C. 124h).

(2) NATIONAL NETWORK OF FUSION CENTERS.—The term “National Network of Fusion Centers” has the meaning given such term in subsection (j) of section 210A of the Homeland Security Act of 2002 (6 U.S.C. 124h), as amended by this Act.

#### SEC. 1313. PROGRAM FOR STATE AND LOCAL ANALYST CLEARANCES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that any program established by the Under Secretary for Intelligence and Analysis of the Department of Homeland Security to provide eligibility for access to information classified as Top Secret for State, local, tribal, and territorial analysts located in fusion centers shall be consistent with the need to know requirements pursuant to Executive Order No. 13526 (50 U.S.C. 3161 note).

(b) REPORT.—Not later than two years after the date of the enactment of this Act, the Under Secretary of Intelligence and Analysis of the Department of Homeland Security, in consultation with the Director of National Intelligence, shall submit to the Committee on Homeland Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate a report on the following:

(1) The process by which the Under Secretary of Intelligence and Analysis determines a need to know pursuant to Executive Order No. 13526 to sponsor Top Secret clearances for appropriate State, local, tribal, and territorial analysts located in fusion centers.

(2) The effects of such Top Secret clearances on enhancing information sharing with State, local, tribal, and territorial partners.

(3) The cost for providing such Top Secret clearances for State, local, tribal, and territorial analysts located in fusion centers, including training and background investigations.

(4) The operational security protocols, training, management, and risks associated with providing such Top Secret clearances for State, local, tribal, and territorial analysts located in fusion centers.

(c) DEFINITION.—In this section, the term “fusion center” has the meaning given such term in subsection (j) of section 210A of the Homeland Security Act of 2002 (6 U.S.C. 124h).

#### SEC. 1314. INFORMATION TECHNOLOGY ASSESSMENT.

(a) IN GENERAL.—The Under Secretary of Intelligence and Analysis of the Department of Homeland Security, in collaboration with the Chief Information Officer of the Department and representatives from the National Network of Fusion Centers, shall conduct an assessment of information systems (as such term is defined in section 3502 of title 44, United States Code) used to share homeland security information between the Department and fusion centers in the National Network of Fusion Centers and make upgrades to such systems, as appropriate. Such assessment shall include the following:

(1) An evaluation of the accessibility and ease of use of such systems by fusion centers in the National Network of Fusion Centers.

(2) A review to determine how to establish improved interoperability of departmental information systems with existing information systems used by fusion centers in the National Network of Fusion Centers.

(3) An evaluation of participation levels of departmental components and offices of information systems used to share homeland security information with fusion centers in the National Network of Fusion Centers.

(b) DEFINITIONS.—In this section:

(1) FUSION CENTER.—The term “fusion center” has the meaning given such term in subsection (j) of section 210A of the Homeland Security Act of 2002 (6 U.S.C. 124h).

(2) NATIONAL NETWORK OF FUSION CENTERS.—The term “National Network of Fusion Centers” has the meaning given such term in subsection (j) of section 210A of the Homeland Security Act of 2002 (6 U.S.C. 124h), as amended by this Act.

#### SEC. 1315. DEPARTMENT OF HOMELAND SECURITY CLASSIFIED FACILITY INVENTORY AND DISSEMINATION.

(a) IN GENERAL.—The Secretary of Homeland Security shall, to the extent practicable—

(1) maintain an inventory of those Department of Homeland Security facilities that the Department certifies to house classified infrastructure or systems at the secret level and above;

(2) update such inventory on a regular basis; and

(3) share part or all of such inventory with—

(A) Department personnel who have been granted the appropriate security clearance;

(B) non-Federal governmental personnel who have been granted a Top Secret security clearance; and

(C) other personnel as determined appropriate by the Secretary.

(b) INVENTORY.—The inventory of facilities described in subsection (a) may include—

(1) the location of such facilities;

(2) the attributes of such facilities (including the square footage of, the total capacity of, the number of workstations in, and the number of conference rooms in, such facilities);

(3) the entities that operate such facilities; and

(4) the date of establishment of such facilities.

#### SEC. 1316. TERROR INMATE INFORMATION SHARING.

(a) IN GENERAL.—The Secretary of Homeland Security, in coordination with the Attorney General and in consultation with other appropriate Federal officials, shall, as appropriate, share with State, local, and regional fusion centers through the Department of Homeland Security Fusion Center Partnership Initiative under section 210A of the Homeland Security Act of 2002 (6 U.S.C. 124h), as amended by this Act, as well as other relevant law enforcement entities, release information from a Federal correctional facility, including the name, charging date, and expected place and date of release, of certain individuals who may pose a terrorist threat.

(b) SCOPE.—The information shared pursuant to subsection (a) shall be—

(1) for homeland security purposes; and

(2) regarding individuals convicted of a Federal crime of terrorism (as such term is defined in section 2332b of title 18, United States Code).

(c) PERIODIC THREAT ASSESSMENTS.—Consistent with the protection of classified information and controlled unclassified information, the Secretary of Homeland Security shall coordinate with appropriate Federal officials to provide State, local, and regional fusion centers described in subsection (a) with periodic assessments regarding the overall threat from known or suspected terrorists currently incarcerated in a Federal correctional facility, including the assessed risks of such populations engaging in terrorist activity upon release.

(d) PRIVACY PROTECTIONS.—Prior to affecting the information sharing described in subsection (a), the Secretary shall receive input and advice from the Officer for Civil Rights and Civil Liberties, the Officer for Privacy and the Chief Intelligence Officer of the Department.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed as requiring the establishment of a list or registry of individuals convicted of terrorism.

#### SEC. 1317. ANNUAL REPORT ON OFFICE FOR STATE AND LOCAL LAW ENFORCEMENT.

Subsection (b) of section 2006 of the Homeland Security Act of 2002 (6 U.S.C. 607) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph:

“(5) **ANNUAL REPORT.**—For each of fiscal years 2018 through 2022, the Assistant Secretary for State and Local Law Enforcement shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the activities of the Office for State and Local Law Enforcement. Each such report shall include, for the fiscal year covered by the report, a description of each of the following:

“(A) Efforts to coordinate and share information regarding Department and component agency programs with State, local, and tribal law enforcement agencies.

“(B) Efforts to improve information sharing through the Homeland Security Information Network by appropriate component agencies of the Department and by State, local, and tribal law enforcement agencies.

“(C) The status of performance metrics within the Office of State and Local Law Enforcement to evaluate the effectiveness of efforts to carry out responsibilities set forth within the subsection.

“(D) Any feedback from State, local, and tribal law enforcement agencies about the Office, including the mechanisms utilized to collect such feedback.

“(E) Efforts to carry out all other responsibilities of the Office of State and Local Law Enforcement.”.

**SEC. 1318. ANNUAL CATALOG ON DEPARTMENT OF HOMELAND SECURITY TRAINING, PUBLICATIONS, PROGRAMS, AND SERVICES FOR STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT AGENCIES.**

Paragraph (4) of section 2006(b) of the Homeland Security Act of 2002 (6 U.S.C. 607(b)) is amended—

(1) in subparagraph (E), by striking “and” at the end;

(2) in subparagraph (F), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

“(G) produce an annual catalog that summarizes opportunities for training, publications, programs, and services available to State, local, and tribal law enforcement agencies from the Department and from each component and office within the Department and, not later than 30 days after the date of such production, disseminate the catalog, including by—

“(i) making such catalog available to State, local, and tribal law enforcement agencies, including by posting the catalog on the website of the Department and cooperating with national organizations that represent such agencies;

“(ii) making such catalog available through the Homeland Security Information Network; and

“(iii) submitting such catalog to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(H) in coordination with appropriate components and offices of the Department and other Federal agencies, develop, maintain, and make available information on Federal resources intended to support fusion center access to Federal information and resources.”.

**TITLE IV—MARITIME SECURITY**

**SEC. 1401. STRATEGIC PLAN TO ENHANCE THE SECURITY OF THE INTERNATIONAL SUPPLY CHAIN.**

Paragraph (2) of section 201(g) of the Security and Accountability for Every Port Act

of 2006 (6 U.S.C. 941(g)) is amended to read as follows:

“(2) **UPDATES.**—Not later than 270 days after the date of the enactment of this paragraph and every three years thereafter, the Secretary shall submit to the appropriate congressional committees a report that contains an update of the strategic plan required by subsection (a).”.

**SEC. 1402. CONTAINER SECURITY INITIATIVE.**

Subsection (1) of section 205 of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 945) is amended—

(1) by striking “(1) IN GENERAL.—Not later than September 30, 2007,” and inserting “Not later than 270 days after the date of the enactment of the Border and Maritime Security Coordination Improvement Act,”;

(2) by redesignating subparagraphs (A) through (H) as paragraphs (1) through (8), respectively, and by moving the margins of such paragraphs (as so redesignated) two ems to the left; and

(3) by striking paragraph (2).

**SEC. 1403. CYBER AT PORTS.**

(a) **CYBERSECURITY ENHANCEMENTS TO MARITIME SECURITY ACTIVITIES.**—Subparagraph (B) of section 70112(a)(2) of title 46, United States Code, is amended—

(1) by redesignating clauses (i) through (iii) as clauses (ii) and (iv), respectively; and

(2) by inserting before clause (ii) the following new clause:

“(i) shall facilitate the sharing of information relating to cybersecurity risks and incidents (as such terms are defined in section 227 of the Homeland Security Act of 2002 (6 U.S.C. 148)) to address port-specific cybersecurity risks and incidents, which may include the establishment of a working group of members of such committees to address such port-specific cybersecurity risks and incidents;”.

(b) **VULNERABILITY ASSESSMENTS AND SECURITY PLANS.**—Title 46, United States Code, is amended—

(1) in subparagraph (C) of section 70102(b)(1), by inserting “cybersecurity,” after “physical security,”; and

(2) in subparagraph (C) of section 70103(c)(3)—

(A) in clause (i), by inserting “cybersecurity,” after “physical security,”;

(B) in clause (iv), by striking “and” after the semicolon at the end;

(C) by redesignating clause (v) as clause (vi); and

(D) by inserting after clause (iv) the following new clause:

“(v) prevention, management, and response to cybersecurity risks and incidents (as such terms are defined in section 227 of the Homeland Security Act of 2002 (6 U.S.C. 148)); and”.

**SEC. 1404. FACILITY INSPECTION INTERVALS.**

Subparagraph (D) of section 70103(c)(4) of title 46, United States Code, is amended to read as follows:

“(D) subject to the availability of appropriations, verify the effectiveness of each such facility security plan periodically, but not less than one time per year without notice, and more frequently as determined necessary, in a risk based manner, with or without notice to the facility.”.

**SEC. 1405. UPDATES OF MARITIME OPERATIONS COORDINATION PLAN.**

(a) **IN GENERAL.**—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following new section:

**“SEC. 434. UPDATES OF MARITIME OPERATIONS COORDINATION PLAN.**

“Not later than 180 days after the date of the enactment of this section and biennially thereafter, the Secretary shall submit to the Committee on Homeland Security and the

Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a maritime operations coordination plan for the coordination and cooperation of maritime operations undertaken by components and offices of the Department with responsibility for maritime security missions. Such plan shall update the maritime operations coordination plan released by the Department in July 2011, and shall address the following:

“(1) Coordination of planning, integration of maritime operations, and development of joint maritime domain awareness efforts of any component or office of the Department with responsibility for maritime homeland security missions.

“(2) Maintaining effective information sharing and, as appropriate, intelligence integration, with Federal, State, and local officials and the private sector, regarding threats to maritime security.

“(3) Cooperation and coordination with other departments and agencies of the Federal Government, and State and local agencies, in the maritime environment, in support of maritime homeland security missions.

“(4) Work conducted within the context of other national and Department maritime security strategic guidance.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by adding after the item relating to section 433 the following new item:

“Sec. 434. Updates of maritime operations coordination plan.”.

**SEC. 1406. EVALUATION OF COAST GUARD DEPLOYABLE SPECIALIZED FORCES.**

(a) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that describes and assesses the state of the Coast Guard's Deployable Specialized Forces (in this section referred to as the “DSF”). Such report shall include, at a minimum, the following elements:

(1) For each of the past three fiscal years, and for each type of DSF, the following:

(A) A cost analysis, including training, operating, and travel costs.

(B) The number of personnel assigned.

(C) The total number of units.

(D) The total number of operations conducted.

(E) The number of operations requested by each of the following:

(i) The Coast Guard.

(ii) Other components or offices of the Department of Homeland Security.

(iii) Other Federal departments or agencies.

(iv) State agencies.

(v) Local agencies.

(F) The number of operations fulfilled by the entities specified in subparagraph (E).

(2) An examination of alternative distributions of DSFs, including the feasibility, cost (including cost savings), and impact on mission capability of such distributions, including at a minimum the following:

(A) Combining DSFs, primarily focused on counterdrug operations, under one centralized command.

(B) Distributing counter-terrorism and anti-terrorism capabilities to DSFs in each major United States port.

(b) DEPLOYABLE SPECIALIZED FORCE DEFINED.—In this section, the term “Deployable Specialized Force” means a unit of the Coast Guard that serves as a quick reaction force designed to be deployed to handle counter-drug, counter-terrorism, and anti-terrorism operations or other maritime threats to the United States.

**SEC. 1407. COST BENEFIT ANALYSIS OF CO-LOCATING DHS ASSETS.**

(a) IN GENERAL.—For any location in which U.S. Customs and Border Protection’s Office of Air and Marine Operations is based within 45 miles of locations where any other Department of Homeland Security agency also operates air and marine assets, the Secretary of Homeland Security shall conduct a cost-benefit analysis to consider the potential cost of and savings derived from co-locating aviation and maritime operational assets of the Office of Air and Marine Operations at facilities where other agencies of the Department operate such assets. In analyzing such potential cost savings achieved by sharing aviation and maritime facilities, such analysis shall consider, at a minimum, the following factors:

(1) Potential enhanced cooperation derived from Department personnel being co-located.

(2) Potential costs of, and savings derived through, shared maintenance and logistics facilities and activities.

(3) Joint use of base and facility infrastructure, such as runways, hangars, control towers, operations centers, piers and docks, boathouses, and fuel depots.

(4) Potential operational costs of co-locating aviation and maritime assets and personnel.

(5) Short term moving costs required in order to co-locate facilities.

(6) Acquisition and infrastructure costs for enlarging current facilities, as needed.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report summarizing the results of the cost-benefit analysis required under subsection (a) and any planned actions based upon such results.

**SEC. 1408. REPEAL OF INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY AND SECURE SYSTEMS OF TRANSPORTATION.**

Sections 70107A and 70116 of title 46, United States Code, are repealed.

**SEC. 1409. MARITIME SECURITY CAPABILITIES ASSESSMENTS.**

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

**“SEC. 435. MARITIME SECURITY CAPABILITIES ASSESSMENTS.**

“Not later than 180 days after the date of the enactment of this section and annually thereafter, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of the number and type of maritime assets and the number of personnel required to increase the Department’s maritime response rate pursuant to section 1092 of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 223; Public Law 114-328).”

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002, as amended by this Act, is further amended by inserting after the item

relating to section 434 the following new item:

“Sec. 435. Maritime security capabilities assessments.”.

**SEC. 1410. CONFORMING AND CLERICAL AMENDMENTS.**

(a) SECTIONS.—The following provisions of the Security and Accountability for Every Port Act of 2006 (Public Law 109-347) are amended as follows:

(1) By striking section 105.

(2) By redesignating sections 106 and 107 as sections 105 and 106, respectively.

(3) By striking section 108.

(4) By redesignating sections 109 and 110 as sections 107 and 108, respectively.

(5) In section 121 (6 U.S.C. 921)—

(A) by striking subsections (c), (d), and (e); and

(B) redesignating subsections (f), (g), (h), and (i) as subsections (c), (d), (e), and (f), respectively.

(6) By striking sections 122 and 127 (6 U.S.C. 922 and ).

(7) By redesignating sections 123, 124, 125, 126, and 128 as sections 122, 123, 124, 125, and 126, respectively.

(8) In section 233 (6 U.S.C. 983), by striking subsection (c).

(9) By striking section 235 (6 U.S.C. 984).

(10) By redesignating section 236 as section 235.

(11) By striking sections 701 and 708 (and the item relating to such section in the table of contents of such Act).

(12) By redesignating sections 702, 703, 704, 705, 706, 707, and 709 as sections 701, 702, 703, 704, 705, 706, and 707, respectively.

(b) TABLE OF CONTENTS.—

(1) SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT OF 2006.—The table of contents of the Security and Accountability for Every Port Act of 2006 (Public Law 109-347) is amended as follows:

(A) In the list of items relating to subtitle A of title I, by striking the items relating to sections 105 through 110 and inserting the following new items:

“Sec. 105. Prohibition of issuance of transportation security cards to persons convicted of certain felonies.

“Sec. 106. Long-range vessel tracking.

“Sec. 107. Notice of arrival for foreign vessels on the Outer Continental Shelf.

“Sec. 108. Enhanced crewmember identification.”.

(B) In the list of items relating to subtitle C of title I, by striking the items relating to sections 122 through 128 and inserting the following new items:

“Sec. 122. Random searches of containers.

“Sec. 123. Work stoppages and employee-employer disputes.

“Sec. 124. Threat assessment screening of port truck drivers.

“Sec. 125. Border Patrol unit for United States Virgin Islands.

“Sec. 126. Center of Excellence for Maritime Domain Awareness.”.

(C) In the list of items relating to subtitle C of title II, by striking the items relating to sections 235 and 236 and inserting the following new item:

“Sec. 235. Information sharing relating to supply chain security cooperation.”.

(D) In the list of items relating to title VII, by striking the items relating to sections 701 through 709 and inserting the following new items:

“Sec. 701. Disclosures regarding homeland security grants.

“Sec. 702. Trucking security.

“Sec. 703. Air and Marine Operations of the Northern Border Air Wing.

“Sec. 704. Phaseout of vessels supporting oil and gas development.

“Sec. 705. Coast Guard property in Portland, Maine.

“Sec. 706. Methamphetamine and methamphetamine precursor chemicals.

“Sec. 707. Protection of health and safety during disasters.”.

(2) TITLE 46.—In the list of items relating to the analysis for chapter 701 of title 46, United States Code, by striking the items relating to sections 70107A and 70116.

**TITLE V—TRANSPORTATION SECURITY ADMINISTRATION**

**Subtitle A—Administration**

**SEC. 1501. AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002 AND TITLE 5, UNITED STATES CODE.**

(a) HOMELAND SECURITY ACT OF 2002.—Paragraph (1) of section 103(a) of the Homeland Security Act of 2002, as amended by this Act, is further amended by adding at the end the following new subparagraph:

“(K) An Administrator of the Transportation Security Administration, in accordance with section 114 of title 49, United States Code.”.

(b) INCLUSION IN EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

“Administrator of the Transportation Security Administration, Department of Homeland Security.”.

**SEC. 1502. AMENDMENTS TO TITLE 49, UNITED STATES CODE.**

(a) AMENDMENTS.—Section 114 of title 49, United States Code, is amended—

(1) in subsection (a), by striking “Department of Transportation” and inserting “Department of Homeland Security”;

(2) in subsection (b)(1), by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”;

(3) by striking “Under Secretary” each place it appears and inserting “Administrator”;

(4) in subsection (b), in the heading, by striking “UNDER SECRETARY” and inserting “ADMINISTRATOR”;

(5) in subsection (e)(4), by striking “Secretary of Transportation” and inserting “Secretary of Homeland Security”;

(6) in subsection (f)—

(A) in paragraph (6), by striking “Managers” and inserting “Directors”;

(B) in paragraph (14), by inserting “air carriers or” before “foreign air carriers”;

(7) in subsection (g)—

(A) by striking “the Secretary” each place it appears and inserting “the Secretary of Homeland Security”;

(B) in paragraph (3), by striking “The Secretary” and inserting “The Secretary of Homeland Security”;

(8) in subsection (j)(1)(D), by striking “the Secretary” and inserting “the Secretary of Homeland Security”;

(9) in subsection (l)—

(A) in paragraph (2)(A), by striking “the Secretary” and inserting “the Secretary of Homeland Security”;

(B) in paragraph (4)(B), by striking “the Administrator under subparagraph (A)” and inserting “the Administrator of the Federal Aviation Administration under subparagraph (A)”;

(10) in subsection (m)—

(A) in the heading, by striking “UNDER SECRETARY” and inserting “ADMINISTRATOR”;

(B) in paragraph (1), in the heading, by striking “UNDER SECRETARY” and inserting “ADMINISTRATOR”;

(11) in subsection (n), by striking “Department of Transportation” and inserting “Department of Homeland Security”;

(12) in subsection (o), by striking “Department of Transportation” and inserting “Department of Homeland Security”;

(13) in subsection (p)(4), by striking “Secretary of Transportation” and inserting “Secretary of Homeland Security”;

(14) by redesignating subsections (u), (v), and (w) as subsections (t), (cc), and (dd), respectively; and

(15) by inserting after subsection (t), as so redesignated, the following new subsections:

“(u) DEPUTY ADMINISTRATOR.—There is established in the Transportation Security Administration a Deputy Administrator, who shall assist the Administrator in the management of the Transportation Security Administration.

“(v) OFFICE OF PUBLIC AFFAIRS.—

“(1) ESTABLISHMENT.—There is established in the Transportation Security Administration an Office of Public Affairs (in this subsection referred to as the ‘Office’).

“(2) ASSISTANT ADMINISTRATOR.—The head of the Office shall be the Assistant Administrator for Public Affairs, who shall report to the Administrator of the Transportation Security Administration or the Administrator’s designee.

“(3) FUNCTIONS.—The Office shall be responsible for facilitating understanding of the Transportation Security Administration’s mission by communicating with internal and external audiences in a timely, accurate, and transparent manner.

“(w) OFFICE OF CIVIL RIGHTS AND LIBERTIES, OMBUDSMAN, AND TRAVELER ENGAGEMENT.—

“(1) ESTABLISHMENT.—There is established in the Transportation Security Administration an Office of Civil Rights and Liberties, Ombudsman, and Traveler Engagement (in this subsection referred to as the ‘Office’).

“(2) ASSISTANT ADMINISTRATOR.—The head of the Office shall be the Assistant Administrator for Civil Rights and Liberties, Ombudsman, and Traveler Engagement, who shall report to the Administrator of the Transportation Security Administration or the Administrator’s designee.

“(3) FUNCTIONS.—The Office shall be responsible for managing allegations of violations of civil rights and civil liberties from the public, carrying out the Administration’s equal employment opportunity and diversity policies and programs, including complaint management and adjudication, and helping to ensure that employees and the traveling public are treated in a fair and lawful manner.

“(x) OFFICE OF LEGISLATIVE AFFAIRS.—

“(1) ESTABLISHMENT.—There is established in the Transportation Security Administration an Office of Legislative Affairs (in this subsection referred to as the ‘Office’).

“(2) ASSISTANT ADMINISTRATOR.—The head of the Office shall be the Assistant Administrator for Legislative Affairs, who shall report to the Administrator of the Transportation Security Administration or the Administrator’s designee.

“(3) FUNCTIONS.—The Office shall be responsible for developing and implementing strategies within the Transportation Security Administration to achieve congressional approval or authorization of the Administration’s programs and policies.

“(y) OFFICE OF FINANCE AND ADMINISTRATION.—

“(1) ESTABLISHMENT.—There is established in the Transportation Security Administration an Office of Finance and Administration (in this subsection referred to as the ‘Office’).

“(2) CHIEF FINANCIAL OFFICER.—The head of the Office shall be the Chief Financial Officer, who shall report to the Administrator of the Transportation Security Administration or the Administrator’s designee.

“(3) FUNCTIONS.—The Office shall be responsible for financial, budgetary, and administrative activities that support the mission of the Transportation Security Administration.

“(z) OFFICE OF THE CHIEF OF OPERATIONS.—

“(1) ESTABLISHMENT.—There is established in the Transportation Security Administration an Office of the Chief of Operations (in this subsection referred to as the ‘Office’).

“(2) CHIEF OF OPERATIONS.—The head of the Office shall be the Chief of Operations, who shall report to the Administrator of the Transportation Security Administration or the Administrator’s designee.

“(3) FUNCTIONS.—The Office shall be responsible for the following:

“(A) Conducting protection, response, detection, assessment, and investigation activities in airports and other transportation facilities and deploying Federal Air Marshals on United States aircraft traveling domestically and internationally.

“(B) Identifying, analyzing, and mitigating risk by assessing vulnerabilities at international locations to determine risk, evaluating risk impacts to determine mitigation activities, and executing mitigation activities to reduce risk to the United States.

“(C) Providing security and intelligence professionals with timely information in order to prevent a terrorist attack against the transportation systems of the United States.

“(D) Developing security policies and plans that reduce the risk of catastrophic terrorist attacks.

“(E) Providing risk-based, adaptive security that includes airport checkpoint and baggage screening operations, regulatory compliance, cargo inspections, and other specialized programs designed to secure transportation.

“(F) Safeguarding the transportation systems of the United States through the qualification and delivery of innovative security capabilities.

“(aa) OFFICE OF THE CHIEF OF MISSION SUPPORT.—

“(1) ESTABLISHMENT.—There is established in the Transportation Security Administration an Office of the Chief of Mission Support (in this subsection referred to as the ‘Office’).

“(2) CHIEF OF MISSION SUPPORT.—The head of the Office shall be the Chief of Mission Support, who shall report to the Administrator of the Transportation Security Administration or the Administrator’s designee.

“(3) FUNCTIONS.—The Office shall be responsible for the following:

“(A) Negotiating and awarding contracts and other procurement vehicles that improve the Transportation Security Administration’s capabilities.

“(B) Providing strategic, sustainable, and comprehensive programs and services that attract, build, and inspire a talented workforce.

“(C) Overseeing the development, delivery, and evaluation of training programs for Transportation Security Administration employees.

“(D) Providing information technologies and services that enable global transportation security.

“(E) Ensuring the integrity, efficiency, and effectiveness of the Transportation Security Administration’s workforce, operations, and programs through objective audits, covert testing, inspections, and criminal investigations.

“(F) Ensuring consistency in misconduct penalty determinations and an expeditious and fair adjudication process.

“(G) Building the Transportation Security Administration’s capabilities by managing

the acquisition, testing, deployment, and sustainment of security technology and other acquisition programs.

“(bb) OFFICE OF THE CHIEF COUNSEL.—

“(1) ESTABLISHMENT.—There is established in the Transportation Security Administration an Office of the Chief Counsel (in this subsection referred to as the ‘Office’).

“(2) CHIEF COUNSEL.—The head of the Office shall be the Chief Counsel for the Transportation Security Administration, who shall report to the General Counsel of the Department of Homeland Security.

“(3) FUNCTIONS.—The Office shall be responsible for providing legal advice and services across the Transportation Security Administration.”

(b) SECTION 115.—Subsection (c) of section 115 of title 49, United States Code, is amended—

(1) in paragraph (1), by striking “Under Secretary of Transportation for security” and inserting “Administrator of the Transportation Security Administration”; and

(2) in paragraph (6), by striking “Under Secretary” and inserting “Administrator of the Transportation Security Administration”.

(c) SECTION 40119.—Section 40119 of title 49, United States Code, is amended—

(1) in subsection (a), by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”; and

(2) in subsection (b)(4)—

(A) by inserting “of the Federal Aviation Administration” after “Administrator”; and

(B) by inserting “Federal Aviation” before “Administration”; and

(3) in subsection (c), by striking “Under Secretary” and inserting “Administrator of the Transportation Security Administration”.

(d) SECTION 44901.—Section 44901 of title 49, United States Code, is amended—

(1) by striking “Under Secretary of Transportation for Security” each place it appears and inserting “Administrator of the Transportation Security Administration”; and

(2) by striking “Under Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”; and

(3) by striking “Assistant Secretary (Transportation Security Administration)” each place it appears and inserting “Administrator of the Transportation Security Administration”; and

(4) by striking “Assistant Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”; and

(5) in subsection (d), by striking “Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation” each place it appears and inserting “the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives”.

(e) SECTION 44902.—Section 44902 of title 49, United States Code, is amended—

(1) in subsection (a), by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”; and

(2) in subsection (b), by striking “Under Secretary” and inserting “Administrator of the Transportation Security Administration”.

(f) SECTION 44903.—Section 44903 of title 49, United States Code, is amended—

(1) in subsection (b)(1), by inserting “the Secretary of Homeland Security,” before “the Secretary of Transportation”;

(2) in subsection (c)(2)(C), by striking “Secretary of Transportation” and inserting “Secretary of Homeland Security”;

(3) in subsection (d), in the matter preceding paragraph (1), by striking “Secretary of Transportation” and inserting “Secretary of Homeland Security”;

(4) in subsection (g)—

(A) in paragraph (1)(A), in the heading, by striking “UNDER SECRETARY” and inserting “ADMINISTRATOR”; and

(B) in paragraph (2), by striking “Under Secretary’s” each place it appears and inserting “Transportation Security Administration Administrator’s”;

(5) in subsection (h)—

(A) in paragraph (3), by inserting “of Homeland Security” after “Secretary”;

(B) in paragraph (6)(C), in the matter preceding clause (i), by inserting “of Homeland Security” after “Secretary”;

(6) in subsection (i)(1), by striking “, after receiving the recommendations of the National Institute of Justice,”;

(7) in subsection (j)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “Under Secretary for Transportation Security” and inserting “Administrator of the Transportation Security Administration”; and

(ii) in the matter following subparagraph (E), by striking “Secretary of Transportation” and inserting “Secretary of Homeland Security”; and

(B) in paragraph (2), by striking “Secretary of Transportation” each place it appears and inserting “Secretary of Homeland Security”;

(8) in subsection (1)(1), by striking “Under Secretary for Border and Transportation Security of the Department of Homeland Security” and inserting “Administrator of the Transportation Security Administration”;

(9) by striking “Under Secretary of Transportation for Security” each place it appears and inserting “Administrator of the Transportation Security Administration”;

(10) by striking “Under Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”;

(11) by striking “Assistant Secretary of Homeland Security (Transportation Security Administration)” each place it appears and inserting “Administrator of the Transportation Security Administration”; and

(12) by striking “Assistant Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”.

(g) SECTION 44904.—Section 44904 of title 49, United States Code, is amended—

(1) in subsection (a), by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”;

(2) by striking “Under Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”; and

(3) in subsection (d) by striking “Assistant Secretary of Homeland Security (Transportation Security Administration)” and inserting “Administrator of the Transportation Security Administration”.

(h) SECTION 44905.—Section 44905 of title 49, United States Code, is amended—

(1) in subsection (a), by striking “Secretary of Transportation” and inserting “Secretary of Homeland Security”;

(2) in subsection (b), by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”; and

(3) by striking “Under Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”.

(i) SECTION 44906.—Section 44906 of title 49, United States Code, is amended—

(1) by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”; and

(2) by striking “Under Secretary” each place it appears and inserting “Administrator”.

(j) SECTION 44908.—Section 44908 of title 49, United States Code, is amended by striking “Secretary of Transportation” each place it appears and inserting “Secretary of Homeland Security”.

(k) SECTION 44909.—Section 44909 of title 49, United States Code, is amended—

(1) by striking “Under Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”; and

(2) by striking “the Customs Service” each place it appears and inserting “U.S. Customs and Border Protection”.

(l) SECTION 44911.—Section 44911 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraphs (1) through (10), by striking “the” each place it appears and inserting “The”; and

(B) by inserting the following at the end of the following new paragraphs:

“(11) The Coast Guard.

“(12) The Department of Homeland Security.

“(13) The National Geospatial-Intelligence Agency.

“(14) The National Reconnaissance Office.”;

(2) in subsection (b)—

(A) by striking “Secretary of Transportation” and inserting “Secretary of Homeland Security”; and

(B) by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”;

(3) in subsection (d), by striking “the Secretary” and inserting “the Secretary of Homeland Security”; and

(4) in subsection (e)—

(A) by striking “the Secretary” and inserting “the Secretary of Homeland Security”; and

(B) by striking “Under Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”.

(m) SECTION 44912.—Section 44912 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”; and

(B) in paragraph (3), by striking “Secretary of Transportation” and inserting “Secretary of Homeland Security”;

(2) by striking “Under Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”.

(n) SECTION 44913.—Section 44913 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”; and

(B) in paragraph (2), by striking “the Committee on Transportation and Infrastructure” and inserting “the Committee on Homeland Security”;

(2) in subsection (b), by striking “Secretary of Transportation” and inserting “Secretary of Homeland Security”; and

(3) by striking “Under Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”.

(o) SECTION 44914.—Section 44914 of title 49, United States Code, is amended—

(1) by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”; and

(2) by striking “Under Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”.

(p) SECTION 44915.—Section 44915 of title 49, United States Code, is amended by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”.

(q) SECTION 44916.—Section 44916 of title 49, United States Code, is amended—

(1) in subsection (a), by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”; and

(2) in subsection (b), by striking “Under Secretary” and inserting “Administrator of the Transportation Security Administration”.

(r) SECTION 44917.—Section 44917 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”; and

(B) in paragraph (2), by inserting “of Homeland Security, utilizing a risk-based security methodology,” after “Secretary”;

(2) by striking subsections (b) and (c);

(3) redesignating subsection (d) as subsection (b); and

(4) in subsection (b), as so redesignated—

(A) in paragraph (1), by striking “Assistant Secretary for Immigration and Customs Enforcement” and inserting “Administrator of the Transportation Security Administration”; and

(B) in paragraph (3), by striking “Assistant Secretary” each place it appears and inserting “Administrator”.

(s) SECTION 44918.—Section 44918 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)(E), by striking “the Under Secretary for Border and Transportation Security of the Department of Homeland Security” and inserting “the Administrator of the Transportation Security Administration”; and

(B) in paragraphs (5), (6), and (7), by striking “the Administrator” each place it appears and inserting “the Administrator of the Federal Aviation Administration”; and

(2) by striking “Under Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”.

(t) SECTION 44919.—Section 44919 of title 49, United States Code, is amended by striking “Under Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”.

(u) SECTION 44920.—Section 44920 of title 49, United States Code, is amended by striking “Under Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”.

(v) SECTION 44921.—Section 44921 of title 49, United States Code, is amended—

(1) in subsection (a), by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”; and



(2) in subsection (b)(6)—

(A) by inserting “the Committee on Homeland Security and” before “the Committee on Transportation and Infrastructure”; and

(B) by inserting “the Committee on Homeland Security and Governmental Affairs” before “the Committee on Commerce, Science, and Transportation”;

(3) in subsection (d)(4), by striking “may,” and inserting “may”;

(4) in subsection (i)(2), by striking “the Under Secretary” before “may”;

(5) by striking “Under Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”;

(6) by striking “Under Secretary’s” each place it appears and inserting “Transportation Security Administration Administrator’s”.

(w) SECTION 44922.—Section 44922 of title 49, United States Code, is amended—

(1) in subsection (a), by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”; and

(2) by striking “Under Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”.

(x) SECTION 44923.—Section 44923 of title 49, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “the Under Secretary for Border and Transportation Security of the Department of Homeland Security” and inserting “the Administrator of the Transportation Security Administration”;

(2) in subsection (c), by striking “Secretary of Transportation” and inserting “Secretary of Homeland Security”; and

(3) in subsection (d)—

(A) in paragraph (3), in the heading, by striking “UNDER SECRETARY” and inserting “ADMINISTRATOR”; and

(B) in paragraph (4), by inserting “, Homeland Security,” before “and Transportation and Infrastructure”; and

(4) by striking “Under Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”.

(y) SECTION 44924.—Section 44924 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “Under Secretary for Border and Transportation for Security of the Department of Homeland Security” and inserting “Administrator of the Transportation Security Administration”; and

(B) by striking “Administrator under” and inserting “Administrator of the Federal Aviation Administration under”;

(2) in each of subsections (b) through (f), by inserting “of the Federal Aviation Administration” after “Administrator” each place it appears;

(3) in subsection (g), by inserting “the Committee on Homeland Security and” before “the Committee on Transportation and Infrastructure”; and

(4) by striking “Under Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”.

(z) SECTION 44925.—Section 44925 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “Assistant Security of Homeland Security (Transportation Security Administration)” and inserting “Administrator of the Transportation Security Administration”; and

(B) in paragraph (3), by inserting “of Homeland Security” after “Secretary”; and

(2) in subsection (d), by striking “Assistant Secretary” each place it appears and insert-

ing “Administrator of the Transportation Security Administration”.

(aa) SECTION 44926.—Section 44926 of title 49, United States Code, is amended—

(1) in subsection (a), by striking “United States” and inserting “U.S.”; and

(2) in subsection (b)(3)—

(A) in the matter preceding subparagraph (A), by striking “an” and inserting “a”; and

(B) in subparagraph (B), by striking “United States” and inserting “U.S.”.

(bb) SECTION 44927.—Section 44927 of title 49, United States Code, is amended—

(1) in subsection (a), in the first sentence,

by striking “Veteran” and inserting “Veterans”; and

(2) by striking “Assistant Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”.

(cc) SECTION 44933.—Section 44933 of title 49, United States Code, is amended—

(1) in the heading, by striking “MANAGERS” and inserting “DIRECTORS”;

(2) in subsection (a)—

(A) in the first sentence—

(i) by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”; and

(ii) by striking “Manager” and inserting “Director”;

(B) in the second sentence—

(i) by striking “Under Secretary” and inserting “Administrator of the Transportation Security Administration”; and

(ii) by striking the term “Managers” each place it appears and inserting “Directors”; and

(3) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “Manager” and inserting “Director”; and

(B) in paragraph (2), by striking “Under Secretary” and inserting “the Administrator of the Transportation Security Administration”.

(dd) SECTION 44934.—Section 44934 of title 49, United States Code, is amended—

(1) in subsection (a), by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”; and

(2) by striking “Under Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”.

(ee) SECTION 44935.—Section 44935 of title 49, United States Code, is amended—

(1) by striking “Under Secretary of Transportation for Security” each place it appears and inserting “Administrator of the Transportation Security Administration”;

(2) by striking “Under Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”;

(3) in subsection (e)(2)(A)(ii), by striking “section 1101(a)(22) of the Immigration and Nationality Act” and inserting “section 101(a)(22) of the Immigration and Nationality Act”; and

(4) by redesignating the second subsection (i) (relating to accessibility of computer-based training facilities) as subsection (k).

(ff) SECTION 44936.—Section 44936 of title 49, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A)—

(i) by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”; and

(ii) by striking “Under Secretary of Transportation for Transportation Security,” and inserting “Administrator of the Transportation Security Administration,”; and

(B) in subparagraphs (B) and (C), by striking “Under Secretary of Transportation for Transportation Security” each place it appears and inserting “Administrator of the Transportation Security Administration”;

(2) in subsection (c)(1), by striking “Under Secretary’s” and inserting “Transportation Security Administration Administrator’s”; and

(3) by striking “Under Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”.

(gg) SECTION 44937.—Section 44937 of title 49, United States Code, is amended by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”.

(hh) SECTION 44938.—Section 44938 of title 49, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1)—

(A) by striking “Secretary of Transportation” and inserting “Secretary of Homeland Security”;

(B) by striking “the Secretary considers” and inserting “the Secretary of Homeland Security considers”;

(C) by striking “The Secretary” and inserting “The Secretary of Homeland Security”; and

(D) by striking “Under Secretary of Transportation Security” and inserting “Administrator of the Transportation Security Administration”; and

(2) by striking “Under Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”.

(ii) SECTION 44940.—Section 44940 of title 49, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding paragraph (1), by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”; and

(B) in subparagraph (F) by striking “Managers” and inserting “Directors”;

(2) in subsection (e)(1), in the heading, by striking “UNDER SECRETARY” and inserting “ADMINISTRATOR”; and

(3) by striking “Under Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”.

(jj) SECTION 44941.—Section 44941 of title 49, United States Code, is amended by inserting “the Department of Homeland Security,” before “the Department of Transportation”.

(kk) SECTION 44942.—Section 44942 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by redesignating paragraph (1) as subsection (c) and moving such subsection, as so redesignated, two ems to the left; and

(ii) by redesignating subparagraphs (A) and (B) as subsections (d) and (e), respectively, and moving such subsections, as so redesignated, four ems to the left;

(2) by striking subsections (a) and (b);

(3) by striking subsection (c), as so redesignated;

(4) by redesignating subsections (d) and (e), as so redesignated, as subsections (a) and (b), respectively;

(5) by striking the term “the Secretary” each place it appears and inserting “the Secretary of Homeland Security”;

(6) by striking “Under Secretary for Transportation Security” each place it appears and inserting “Administrator of the Transportation Security Administration”; and

(7) by striking “Congress” and inserting “the Committee on Homeland Security of



the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate”.

(ll) SECTION 44943.—Section 44943 of title 49, United States Code, is amended—

(1) in subsection (a), by striking “The Under Secretary for Transportation Security” and inserting “The Administrator of the Transportation Security Administration”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “the Secretary” and inserting “the Secretary of Homeland Security”; and

(ii) by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”; and

(B) by striking “the Under Secretary” each place it appears and inserting “the Administrator of the Transportation Security Administration”; and

(3) in subsection (c), by striking “the Under Secretary for Transportation Security” and inserting “the Administrator of the Transportation Security Administration”.

(mm) SECTION 44944.—Section 44944 of title 49, United States Code, is amended—

(1) in subsection (a)(1), by striking “Under Secretary of Transportation for Transportation Security” and inserting “Administrator of the Transportation Security Administration”; and

(2) by striking “Under Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”.

(nn) SECTION 44945.—Section 44945 of title 49, United States Code, is amended by striking “Assistant Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”.

(oo) SECTION 44946.—Section 44946 of title 49, United States Code, is amended—

(1) in subsection (c)(2)(A), by striking “, but a member may continue to serve until a successor is appointed” and inserting “but may continue until such time as a successor member begins serving on the Advisory Committee”; and

(2) in subsection (g)—

(A) by striking paragraph (2); and

(B) redesignating paragraph (3) as paragraph (2); and

(3) by striking “Assistant Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”.

(pp) SECTION 45107.—Section 45107 of title 49, United States Code, is amended—

(1) in subsection (a), by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”; and

(2) in subsection (b), by striking the second sentence.

(qq) CLERICAL AMENDMENTS.—The analysis for chapter 449 of title 49, United States Code, is amended by striking the item relating to section 44933 and inserting the following new item:

“44933. Federal Security Directors.”.

#### SEC. 1503. AMENDMENTS TO THE AVIATION AND TRANSPORTATION SECURITY ACT.

(a) SECTION 101.—Section 101 of the Aviation and Transportation Security Act (Public Law 107-71) is amended—

(1) in subsection (c) (5 U.S.C. 5313 note)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) and (3) as paragraph (1) and (2), respectively; and

(C) in paragraph (1), as so redesignated—

(i) by striking “Under Secretary” and inserting “Administrator of the Transportation Security Administration”;

(ii) by striking “30 percent” and inserting “15 percent”;

(iii) by striking “the Secretary’s” and inserting “the Secretary of Homeland Security’s”; and

(iv) by striking “Under Secretary’s” and inserting “Transportation Security Administration Administrator’s”; and

(2) by striking subsection (g) (49 U.S.C. 44901 note).

(b) SECTION 106.—Section 106 of the Aviation and Transportation Security Act (49 U.S.C. 44903 note) is amended—

(1) in subsection (b)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”;

(B) in paragraph (2)(A), by striking “Under Secretary” each place it appears and inserting “Administrator”; and

(C) in paragraph (2)(B), in the matter preceding clause (i), by striking “Secretary” and inserting “Secretary of Homeland Security”; and

(2) in subsection (e), by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”.

(c) SECTION 109.—Section 109 of the Aviation and Transportation Security Act (49 U.S.C. 114 note) is amended—

(1) in subsection (a)—

(A) by striking “(a) IN GENERAL.—The Under Secretary of Transportation for Security” and inserting “The Administrator of the Transportation Security Administration”;

(B) in paragraph (4), by—

(i) striking “medical product” and inserting “liquid or gel medical product or nourishment and nutrition for infants and toddlers, including formula, breast milk, and juice.”; and

(ii) by striking “the product” and inserting “such product or nourishment or nutrition”; and

(C) in paragraph (7), by striking “voice stress analysis, biometric,” and inserting “biometric”; and

(2) by striking subsection (b).

(d) SECTION 110.—Section 110 of the Aviation and Transportation Security Act is amended by striking subsections (c) and (d).

(e) SECTION 111.—Section 111 of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) is amended—

(1) in subsection (c)—

(A) by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”; and

(B) by striking “Under Secretary” each place it appears and inserting “Administrator of the Transportation Security Administration”;

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by striking “Under Secretary of Transportation for Security” and inserting “Administrator of the Transportation Security Administration”; and

(ii) by striking “Under Secretary” each place it appears and inserting “Administrator”; and

(B) in paragraph (2), by striking “Under Secretary” and inserting “Administrator of the Transportation Security Administration”.

(f) SECTION 117.—Section 117 of the Aviation and Transportation Security Act (49 U.S.C. 44903 note) is amended by inserting “the Secretary of Homeland Security in consultation with” before “the Secretary of Transportation”.

(g) SECTION 132.—Section 132 of the Aviation and Transportation Security Act is repealed.

(h) SECTION 135.—Section 135 of the Aviation and Transportation Security Act is repealed.

(i) SECTION 137.—Section 137 of the Aviation and Transportation Security Act (49 U.S.C. 44912 note) is repealed.

(j) REDESIGNATIONS.—Sections 133, 134, 136, 138, 139, 140, 141, 142, 143, 144, 145, 146, and 147 of the Aviation and Transportation Security Act are amended by redesignating such sections as sections 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, and 144, respectively.

#### SEC. 1504. INFORMATION REQUIRED TO BE SUBMITTED TO CONGRESS UNDER THE STRATEGIC 5-YEAR TECHNOLOGY INVESTMENT PLAN OF THE TRANSPORTATION SECURITY ADMINISTRATION.

(a) ADDITIONAL INFORMATION REQUIRED.—Section 1611 of the Homeland Security Act of 2002 (6 U.S.C. 563) is amended—

(1) in subsection (g)—

(A) in the matter preceding paragraph (1), by striking “biennially” and inserting “annually”;

(B) in paragraph (1), by striking “and”;

(C) in paragraph (2), by striking the period and inserting “; and”;

(D) by adding at the end the following new paragraph:

“(3) information about acquisitions completed during the fiscal year preceding the fiscal year during which the report is submitted.”; and

(2) by adding at the end the following new subsections:

“(h) NOTICE OF COVERED CHANGES TO PLAN.—

“(1) NOTICE REQUIRED.—The Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives notice of any covered change to the Plan by not later than 90 days after the date on which the change is made.

“(2) DEFINITION OF CHANGE.—In this subsection, the term ‘covered change’ means an increase or decrease in the dollar amount allocated to the procurement of a technology or an increase or decrease in the number of a technology.”.

(b) REPORT ON EQUIPMENT IN OPERATION POST-LIFE-CYCLE.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives a report describing any equipment of the Transportation Security Administration that is in operation after—

(1) the end of the life-cycle of the equipment specified by the manufacturer of the equipment; or

(2) the end of the useful life projection for the equipment under the strategic 5-year technology investment plan of the Transportation Security Administration, as required by section 1611 of the Homeland Security Act of 2002 (6 U.S.C. 563).

(c) NOTICE TO AIRPORTS AND AIRLINES.—Upon the enactment of this Act, the Administrator of the Transportation Security Administration shall notify airports and airlines of any changes to the 5-year technology investment plan of the Transportation Security Administration.

#### SEC. 1505. MAINTENANCE OF SECURITY-RELATED TECHNOLOGY.

(a) IN GENERAL.—Title XVI of the Homeland Security Act of 2002 (6 U.S.C. 561 et seq.) is amended by adding at the end the following new subtitle:

**“Subtitle C—Maintenance of Security-Related Technology****“SEC. 1621. MAINTENANCE VALIDATION AND OVERSIGHT.**

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this subtitle, the Administrator shall develop and implement a preventive maintenance validation process for security-related technology deployed to airports.

“(b) MAINTENANCE BY ADMINISTRATION PERSONNEL AT AIRPORTS.—For maintenance to be carried out by Administration personnel at airports, the process referred to in subsection (a) shall include the following:

“(1) Guidance to Administration personnel at airports specifying how to conduct and document preventive maintenance actions.

“(2) Mechanisms for the Administrator to verify compliance with the guidance issued pursuant to paragraph (1).

“(c) MAINTENANCE BY CONTRACTORS AT AIRPORTS.—For maintenance to be carried by a contractor at airports, the process referred to in subsection (a) shall require the following:

“(1) Provision of monthly preventative maintenance schedules to appropriate Administration personnel at each airport that includes information on each action to be completed by contractor.

“(2) Notification to appropriate Administration personnel at each airport when maintenance action is completed by a contractor.

“(3) A process for independent validation by a third party of contractor maintenance.

“(d) PENALTIES FOR NONCOMPLIANCE.—The Administrator shall require maintenance contracts for security-related technology deployed to airports to include penalties for noncompliance when it is determined that either preventive or corrective maintenance has not been completed according to contractual requirements and manufacturers’ specifications.”.

(b) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 1616 the following:

“Subtitle C—Maintenance of Security-Related Technology

“Sec. 1621. Maintenance validation and oversight.”.

**SEC. 1506. TRANSPORTATION SECURITY ADMINISTRATION EFFICIENCY.**

(a) EFFICIENCY REVIEW.—Not later than 270 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall conduct and complete a comprehensive, agency-wide efficiency review of the Administration to identify and effectuate spending reductions and administrative savings through the streamlining or restructuring of Administration divisions to make the Administration more efficient. In carrying out the review under this section, the Administrator shall consider each of the following:

(1) The elimination of any unnecessarily duplicative or overlapping programs and initiatives that can be streamlined.

(2) The elimination of any unnecessary or obsolete rules, regulations, directives, or procedures.

(3) The reduction in overall operating expenses of the Administration, including costs associated with the number of personnel, as a direct result of efficiencies gained through the implementation of risk-based screening or through any other means as determined by the Administrator.

(4) Any other matters the Administrator determines are appropriate.

(b) REPORT TO CONGRESS.—Not later than 30 days after the completion of the efficiency review required under subsection (a), the Administrator of the Transportation Security

Administration shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the results and cost savings expected to be achieved through such efficiency review.

**SEC. 1507. TRANSPORTATION SENIOR EXECUTIVE SERVICE ACCOUNTABILITY.**

(a) REDUCTION PLAN.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Homeland Security, acting through the Administrator of the Transportation Security Administration, shall develop a strategic plan, including a timeline, to reduce by 20 percent by June 30, 2019, the number of positions at the Senior Executive Service level at the Administration.

(b) CONGRESSIONAL REVIEW.—Not later than 30 days after the completion of the Senior Executive Service reduction plan required under subsection (a), the Administrator of the Transportation Security Administration shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a copy of such plan.

**Subtitle B—Passenger Security and Screening****SEC. 1511. DEPARTMENT OF HOMELAND SECURITY TRUSTED TRAVELER PROGRAM COLLABORATION.**

The Secretary of Homeland Security shall continue the review of all trusted traveler vetting programs carried out by the Department of Homeland Security using representatives from such programs to make recommendations on possible efficiencies that could be gained by integrating requirements and operations and increasing information and data sharing across programs.

**SEC. 1512. PRECHECK BIOMETRIC PILOT PROJECT.**

Not later than one year after the date of the enactment of this Act, the Administrator of the Transportation Security Administration (TSA) shall conduct a pilot project to test a secure, automated, and biometric-based system at airports to verify the identity of individuals who are members of TSA PreCheck or another Department of Homeland Security trusted traveler program that affords TSA expedited screening. Such system shall be designed to—

(1) improve security while also reducing the need for security screening personnel to perform identity and travel document verification for such individuals;

(2) reduce the average wait time of such individuals;

(3) reduce overall operating expenses of the Administration;

(4) be integrated with the Department’s watch list and trusted traveler matching programs; and

(5) be integrated with other technologies to further facilitate risk-based passenger screening at checkpoints, to the extent practicable and consistent with security standards.

**SEC. 1513. IDENTITY AND TRAVEL DOCUMENT VERIFICATION.**

Section 44901 of title 49, United States Code, is amended by adding at the end the following new subsection:

“(m) ESTABLISHMENT OF SCREENING SYSTEM FOR CERTAIN PERSONS.—Not later than December 31, 2018, the Administrator of the Transportation Security Administration shall, subject to the availability of appropriations, implement an identity and travel document verification system designed to establish a secure, automated system at all airports for verifying identity and travel documents of persons seeking entry into the

sterile area of an airport. Such system shall—

“(1) assess the need for security screening personnel to perform identity and travel document verification for such passengers, thereby assessing the overall number of such screening personnel;

“(2) reduce the average wait time of such passengers;

“(3) reduce overall operating expenses of the Administration;

“(4) be integrated with the Administration’s watch list matching program; and

“(5) be integrated with other technologies to further facilitate risk-based passenger screening at checkpoints, to the extent practicable and consistent with security standards.”.

**SEC. 1514. COMPUTED TOMOGRAPHY PILOT PROJECT.**

Not later than 90 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall conduct a pilot project to test the use of screening equipment using computed tomography technology to screen baggage at passenger checkpoints.

**SEC. 1515. EXPLOSIVES DETECTION CANINE TEAMS FOR AVIATION.**

(a) PASSENGER SCREENING TEAMS.—The Administrator of the Transportation Security Administration shall ensure that by December 31, 2018, at least 300 explosives detection canine teams are dedicated to passenger screening purposes at airports in the United States at which the Administration performs, or oversees the implementation and performance of, security measures, including screening responsibilities.

(b) USE OF CANINES TO DETECT SCREENING ANOMALIES.—At airports in the United States at which—

(1) canine teams trained to screen passengers are available, and

(2) the Transportation Security Administration has passenger screening responsibilities,

the Administrator of the Transportation Security Administration may use such teams to detect screening anomalies.

**SEC. 1516. STANDARD OPERATING PROCEDURES AT AIRPORT CHECKPOINTS.**

(a) STANDARDIZATION.—The Administrator of the Transportation Security Administration shall require, to the extent practicable, that standard operating procedures at airport checkpoints for passengers and carry-on baggage are carried out in a uniform manner among similarly situated airports.

(b) REPORT TO CONGRESS.—Not later than 270 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on how standard operating procedures were made uniform in accordance with subsection (a).

(c) AUDITS.—Beginning one year after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall conduct periodic audits of adherence to the standard operating procedures, as established by the Administrator of the Transportation Security Administration, under this section of screening personnel at large, medium, and small airports in diverse geographical areas.

**SEC. 1517. TRAVELER REDRESS IMPROVEMENT.**

(a) REDRESS PROCESS.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall, using existing resources, systems, and processes, ensure the availability of the Department of Homeland

Security Traveler Redress Inquiry Program (DHS TRIP) redress process to adjudicate inquiries for individuals who—

(A) are citizens of the United States or aliens lawfully admitted for permanent residence;

(B) have filed an inquiry with DHS TRIP after receiving enhanced screening at an airport passenger security checkpoint more than three times in any 60-day period; and

(C) believe they have been wrongly identified as being a threat to aviation security.

(2) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the implementation of the redress process required under paragraph (1).

(b) **PRIVACY IMPACT REVIEW AND UPDATE.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall review and update the Privacy Impact Assessment for the Secure Flight programs to ensure such Assessment accurately reflects the operation of such programs.

(2) **PUBLIC DISSEMINATION; FORM.**—The Secure Flight Privacy Impact Assessment review and update required under paragraph (1) shall be published on a publically-accessible internet webpage of the Transportation Security Administration and submitted to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(c) **TRANSPORTATION SECURITY ADMINISTRATION RULE REVIEW AND NOTIFICATION PROCESS.**—

(1) **RULE REVIEW.**—Not later than 60 days after the date of the enactment of this Act and every 120 days thereafter, the Assistant Administrator of the Office of Intelligence and Analysis of the Transportation Security Administration, in coordination with the entities specified in paragraph (2), shall conduct a comprehensive review of the Transportation Security Administration's intelligence-based screening rules.

(2) **NOTIFICATION PROCESS.**—Not later than 48 hours after changing, updating, implementing, or suspending a Transportation Security Administration intelligence-based screening rule, the Assistant Administrator of the Office of Intelligence and Analysis of the Transportation Security Administration shall notify the following entities of any such change, update, implementation, or suspension, as the case may be:

(A) The Office of Civil Rights and Liberties, Ombudsman, and Traveler Engagement of the Transportation Security Administration.

(B) The Office of Civil Rights and Liberties of the Department of Homeland Security.

(C) The Office of Chief Counsel of the Administration.

(D) The Office of General Counsel of the Department.

(E) The Privacy Office of the Administration.

(F) The Privacy Office of the Department.

(G) The Federal Air Marshal Service.

(H) The Traveler Redress Inquiry Program of the Department.

(d) **FEDERAL AIR MARSHAL SERVICE COORDINATION.**—

(1) **IN GENERAL.**—The Administrator of the Transportation Security Administration shall ensure that the Transportation Security Administration's intelligence-based screening rules are taken into account for Federal Air Marshal mission scheduling.

(2) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on how the Transportation Security Administration's intelligence-based screening rules are incorporated in the risk analysis conducted during the Federal Air Marshal mission scheduling process.

(e) **GAO REPORT.**—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a study on the Transportation Security Administration's intelligence-based screening rules and the effectiveness of such rules in identifying and mitigating potential threats to aviation security. Such study shall also examine coordination between the Transportation Security Administration, the Department of Homeland Security, and other relevant partners relating to changing, updating, implementing, or suspending such rules as necessary.

#### **SEC. 1518. SCREENING IN AREAS OTHER THAN PASSENGER TERMINALS.**

The Administrator of the Transportation Security Administration is authorized to provide screening services to a commercial charter air carrier in areas other than primary passenger terminals upon the request of such carrier. A commercial charter air carrier shall direct any such request to the Federal Security Director for the airport where such services are requested. A Federal Security Director may elect to provide screening services if such services are available. The Administrator shall enter into an agreement with a commercial charter air carrier for compensation from such carrier requesting the use of screening services for all reasonable costs in addition to overtime costs that are incurred in the provision of screening services under this section.

#### **SEC. 1519. FEDERAL AIR MARSHAL SERVICE AGREEMENTS.**

(a) **STANDARDIZATION.**—Not later than 60 days after the date of the enactment of the Act, the Administrator of the Transportation Security Administration shall develop a standard working document that shall be the basis of all negotiations and agreements that begin after the date of the enactment of this Act between the United States and foreign governments or partners regarding Federal Air Marshal coverage of flights to and from the United States.

(b) **WRITTEN AGREEMENTS.**—All agreements between the United States and foreign governments or partners regarding the presence of Federal Air Marshals on flights to and from the United States must be written and signed by the Secretary of Homeland Security or the Secretary's designee.

(c) **CONGRESSIONAL NOTIFICATION.**—The Secretary of Homeland Security shall transmit to the relevant Congressional committees any agreements described in subsection (b) within 30 days of such agreement being signed.

#### **SEC. 1520. FEDERAL AIR MARSHAL MISSION SCHEDULING AUTOMATION.**

The Administrator of the Transportation Security Administration shall seek to acquire an automated software capability for the scheduling of Federal Air Marshal Service missions based on current risk modeling.

#### **SEC. 1521. CANINE DETECTION RESEARCH AND DEVELOPMENT.**

(a) **IN GENERAL.**—The Secretary of Homeland Security shall conduct an audit of all

canine training programs of the Department of Homeland Security and convene a working group of representatives from all such programs to make recommendations on possible efficiencies that could be gained by integrating training standards and facilities.

(b) **CANINE STAFFING ALLOCATION MODEL.**—The Administrator of the Transportation Security Administration shall develop a staffing allocation model for canines to determine the optimal number of passenger screening canines at airports in the United States.

(c) **REPORT TO CONGRESS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the recommendations required by subsection (a).

(d) **BRIEFING TO CONGRESS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall brief the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate on the state of explosives detection canine production and training in the United States.

(2) **CONTENTS.**—The briefing required under paragraph (1) shall include the following:

(A) An analysis of the steps the Transportation Security Administration may take to foster additional production of explosives detection canines in the United States by the private sector.

(B) Perspectives from current explosives detection canine industry stakeholders regarding the impact of the Administration's procurement model on business considerations.

(C) An analysis regarding whether the Administration effectively communicates canine training guidelines and testing methodology to the private sector.

(D) The extent to which physical capacity limitations at current Administration-operated sites hinder the operations of either the Administration or industry.

#### **SEC. 1522. INTERNATIONAL CIVIL AVIATION ORGANIZATION.**

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the United States Ambassador or the Chargé d'Affaires to the United States Mission to the International Civil Aviation Organization shall pursue improvements to airport security, including if practicable, introducing a resolution to raise minimum standards for airport security.

(b) **REPORT TO CONGRESS.**—Not later than 180 days after the date of the enactment of this Act, the United States Ambassador or the Chargé d'Affaires to the United States Mission to the International Civil Aviation Organization shall report to the Committee on Homeland Security and the Committee on Foreign Affairs of the House of Representatives and the Committee on Homeland Security and Governmental Affairs, the Committee on Foreign Relations, and the Committee on Commerce, Science, and Transportation of the Senate on the implementation of subsection (a).

#### **SEC. 1523. PASSENGER SECURITY FEE.**

The Secretary of Homeland Security is prohibited from incorporating an increase in the passenger security fee under section 44940 of title 49, United States Code, beyond what is authorized at the time the annual budget proposal for the Department of Homeland Security is transmitted to Congress.

**SEC. 1524. LAST POINT OF DEPARTURE AIRPORT CERTIFICATION.**

Subparagraph (B) of section 44907(a)(2) of title 49, United States Code, is amended by inserting “, including the screening and vetting of airport workers” before the semicolon at the end.

**SEC. 1525. SECURITY INCIDENT RESPONSE AT AIRPORTS AND SURFACE TRANSPORTATION HUBS.**

The Gerardo Hernandez Airport Security Act of 2015 (Public Law 114–50; 49 U.S.C. 44903 note) is amended—

(1) in section 3—

(A) in subsection (b), in the matter preceding paragraph (1), by striking “may” each place it appears and inserting “shall”;

(B) by redesignating subsection (c) as subsection (d); and

(C) by inserting after subsection (b) the following new subsection:

“(c) REVIEW.—The Administrator of the Transportation Security Administration shall review the active shooter response guidelines specified for Department of Homeland Security personnel under this section and make a recommendation to the Secretary of Homeland Security to modify such guidelines for personnel who are certified Federal law enforcement officials and for personnel who are uniformed but unarmed security officials.”; and

(2) in section 7—

(A) in subsection (b), in the matter preceding paragraph (1), by striking “may” each place it appears and inserting “shall”;

(B) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(C) by inserting after subsection (b) the following new subsection:

“(c) REVIEW.—The Administrator of the Transportation Security Administration shall review the active shooter response guidelines specified for Department of Homeland Security personnel under this section and make a recommendation to the Secretary of Homeland Security to modify such guidelines for personnel who are certified Federal law enforcement officials and for personnel who are uniformed but unarmed security officials.”.

**SEC. 1526. AIRPORT SECURITY SCREENING OPT-OUT PROGRAM.**

Section 44920 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “120” and inserting “90”;

(B) by redesignating paragraph (3) as paragraph (4);

(C) by inserting after paragraph (2) the following new paragraph:

“(3) ENTRANCE INTO CONTRACT.—The Administrator of the Transportation Security Administration shall make best efforts to enter into a contract with a private screening company to provide screening services at an airport not later than 180 days after the date of approval of an application submitted by the operator of such airport under subsection (a).”; and

(D) in subparagraph (A) of paragraph (4), as so redesignated, in the matter preceding clause (i), by striking “not later than 60 days following the date of the denial” and inserting “immediately upon issuing the denial”; and

(2) by striking subsection (h) and inserting the following new subsections:

“(h) EVALUATION OF SCREENING COMPANY PROPOSALS FOR AWARD.—Notwithstanding any other provision of law, including title 48 of the Code of Federal Regulations and the Federal Advisory Committee Act (5 U.S.C. App.), an airport operator that has applied and been approved to have security screening services carried out by a qualified private screening company under contract with the

Administrator of the Transportation Security Administration may nominate to the head of the contracting activity an individual to participate in the evaluation of proposals for the award of such contract. Any such participation on a proposal evaluation committee shall be conducted in accordance with the provisions and restrictions of chapter 21 of title 41, United States Code.

“(i) INNOVATIVE SCREENING APPROACHES AND TECHNOLOGIES.—The operator of an airport at which screening services are provided under this section is encouraged to recommend to the Administrator of the Transportation Security Administration innovative screening approaches and technologies. Upon receipt of any such recommendations, the Administrator, shall review and, if appropriate, test, conduct a pilot project, and, if appropriate, deploy such approaches and technologies.”.

**SEC. 1527. PERSONNEL MANAGEMENT SYSTEM REVIEW.**

(a) IN GENERAL.—Notwithstanding subsection (d) of section 111 of the Aviation and Transportation Security Act (49 U.S.C. 44935 note), not later than 30 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall convene a working group consisting of representatives of the Administration and representatives of the labor organization representing security screening personnel to discuss reforms to the Administration's personnel management system, including appeals to the Merit Systems Protection Board and grievance procedures.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the working group convened under subsection (a) shall terminate and shall submit to the Administrator of the Transportation Security Administration and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing agreed-upon reforms to the Administration's personnel management system. The Administrator may implement associated recommendations mutually agreed to by the parties to such working group before the end of such one year period.

**SEC. 1528. INNOVATION TASK FORCE.**

(a) IN GENERAL.—The Administrator of the Transportation Security Administration may establish a task force to collaborate with air carriers, airport operators, and other aviation security stakeholders to foster the pursuit of innovations in aviation security prior to the acquisition process.

(b) ACTIVITIES.—The task force authorized under subsection (a) may conduct activities designed to identify and develop an innovative technology or capability with the potential of enhancing aviation security, including—

(1) conducting a field demonstration of such a technology or capability in the airport environment;

(2) gathering performance data from such a demonstration to inform the acquisition process; and

(3) providing funding and promoting efforts to enable participation in a demonstration by a small business that has an innovative technology but does not have adequate resources to participate.

(c) COMPOSITION.—The task force authorized under subsection (a) shall be—

(1) chaired by the Administrator of the Transportation Security Administration's designee; and

(2) comprised of representatives appointed by the Administrator, in consultation with the Chairperson of the Aviation Security Advisory Committee (established pursuant to

section 44936 of title 49, United States Code), from appropriate stakeholders from—

(A) within the Administration;

(B) air carriers;

(C) airport operators;

(D) other aviation security stakeholders; and

(E) as appropriate, the Science and Technology Directorate of the Department of Homeland Security and any other appropriate component of the Department.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall require the Administrator of the Transportation Security Administration to acquire an innovative technology or emerging security capability.

(e) NON-APPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the task force authorized under subsection (a).

**SEC. 1529. AIRPORT LAW ENFORCEMENT REIMBURSEMENT.**

Not later than 120 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the Transportation Security Administration's law enforcement officer reimbursement program, which shall include information relating to the following:

(1) The current structure of the program, including how funding disbursement decisions are made.

(2) An assessment of threats requiring law enforcement officer response at airports.

(3) The scope of current law enforcement activities covered under the program, and an assessment of whether such covered activities should be expanded to reflect emerging threats.

(4) The annual costs to airport authorities for providing law enforcement for such covered activities at security checkpoints.

(5) Proposed methodology for funding allocations.

**Subtitle C—Transportation Security Screening Personnel Training and Accountability****SEC. 1531. TRANSPORTATION SECURITY TRAINING PROGRAMS.**

(a) IN GENERAL.—Section 44935 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following new subsection:

“(1) INITIAL AND RECURRING TRAINING.—

“(1) IN GENERAL.—The Administrator of the Transportation Security Administration shall establish a training program for new security screening personnel located at the Federal Law Enforcement Training Center in Glynco, Georgia.

“(2) RECURRING TRAINING.—Not later than 180 days after the date of the enactment of this subsection, the Administrator of the Transportation Security Administration shall establish recurring training of security screening personnel regarding updates to screening procedures and technologies, including methods to identify the verification of false or fraudulent travel documents, as well as training on emerging threats, in response to weaknesses identified in covert tests at airports. The training shall include—

“(A) internal controls for monitoring and documenting compliance of transportation security officers with such training requirements; and

“(B) such other matters as identified by the Administrator with regard to such training.”.

(b) GAO STUDY.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall report to Congress on the effectiveness

of the new security screening personnel training at Glynco, Georgia, required under subsection (1) of section 44935 of title 49, United States Code, as amended by this section.

**SEC. 1532. ALTERNATE NEW SECURITY SCREENING PERSONNEL TRAINING PROGRAM COST AND FEASIBILITY STUDY.**

Not later than 180 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall conduct a cost and feasibility study of developing a training program for security screening personnel that will provide such personnel with an equal level of training as is provided in the training program for new security screening personnel located at the Federal Law Enforcement Training Center in Glynco, Georgia, that could be conducted at or within 50 miles of such security screening personnel's duty station. Such study should examine the use of online seminar and training platforms for portions of the training curriculum that are conducive to such an outcome.

**SEC. 1533. PROHIBITION OF ADVANCE NOTICE OF COVERT TESTING TO SECURITY SCREENERS.**

Section 44935 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following new subsection:

“(m) PROHIBITION OF ADVANCE NOTICE TO SECURITY SCREENERS OF COVERT TESTING AND EVALUATION.—

“(1) IN GENERAL.—The Administrator of the Transportation Security Administration shall ensure, to the greatest extent practicable, that information concerning a covert test of a transportation security system to be conducted by a covert testing office, the Inspector General of the Department of Homeland Security, or the Government Accountability Office is not provided to any individual involved in such test prior to the completion of such test.

“(2) EXCEPTIONS.—Notwithstanding paragraph (1)—

“(A) an authorized individual involved in a covert test of a transportation security system may provide information concerning such covert test to—

“(i) employees, officers, and contractors of the Federal Government (including military personnel);

“(ii) employees and officers of State and local governments; and

“(iii) law enforcement officials who are authorized to receive or directed to be provided such information by the Administrator of the Transportation Security Administration, the Inspector General of the Department of Homeland Security, or the Comptroller General of the United States, as the case may be; and

“(B) for the purpose of ensuring the security of any individual in the vicinity of a site at which a covert test of a transportation security system is being conducted, an individual conducting such test may disclose his or her status as an individual conducting such test to any appropriate individual if a security screener or other individual who is not a covered employee identifies the individual conducting such test as a potential threat.

“(3) SPECIAL RULES FOR TSA.—

“(A) MONITORING AND SECURITY OF TESTING PERSONNEL.—The head of each covert testing office shall ensure that a person or group of persons conducting a covert test of a transportation security system for a covert testing office is accompanied at the site of such test by a cover team composed of one or more employees of such covert testing office for the purpose of monitoring such test and confirming the identity of personnel involved in such test under subparagraph (B).

“(B) RESPONSIBILITY OF COVER TEAM.—Under this paragraph, a cover team for a covert test of a transportation security system shall—

“(i) monitor such test; and

“(ii) for the purpose of ensuring the security of any individual in the vicinity of a site at which such test is being conducted, confirm, notwithstanding paragraph (1), the identity of any individual conducting such test to any appropriate individual if a security screener or other individual who is not a covered employee identifies the individual conducting such test as a potential threat.

“(C) AVIATION SCREENING.—Notwithstanding subparagraph (A), the Transportation Security Administration is not required to have a cover team present during a test of the screening of persons, carry-on items, or checked baggage at an aviation security checkpoint at or serving an airport if such test—

“(i) is approved, in coordination with the designated security official for the airport operator by the Federal Security Director for such airport; and

“(ii) is carried out under an aviation screening assessment program of the Department of Homeland Security.

“(D) USE OF OTHER PERSONNEL.—The Transportation Security Administration may use employees, officers, and contractors of the Federal Government (including military personnel) and employees and officers of State and local governments or any personnel authorized by the Federal Security Director to conduct covert tests.

“(4) DEFINITIONS.—In this subsection, the following definitions apply:

“(A) APPROPRIATE INDIVIDUAL.—The term ‘appropriate individual’, as used with respect to—

“(i) a covert test under paragraph (2)(B) of a transportation security system, means any individual who the individual conducting such test determines needs to know his or her status as an individual conducting such test; or

“(ii) a covert test under paragraph (3)(B)(i), means any individual who the cover team monitoring such test determines needs to know the identity of such cover team.

“(B) COVERED EMPLOYEE.—The term ‘covered employee’ means any individual who receives notice of a covert test before the completion of a test under paragraph (2)(B).

“(C) COVERT TEST.—

“(i) IN GENERAL.—The term ‘covert test’ means an exercise or activity conducted by a covert testing office, the Inspector General of the Department of Homeland Security, or the Government Accountability Office to intentionally test, compromise, or circumvent transportation security systems to identify vulnerabilities in such systems.

“(ii) LIMITATION.—Notwithstanding clause (i), the term ‘covert test’ does not mean an exercise or activity by an employee or contractor of the Transportation Security Administration to test or assess compliance with relevant regulations.

“(D) COVERT TESTING OFFICE.—The term ‘covert testing office’ means any office of the Transportation Security Administration designated by the Administrator of the Transportation Security Administration to conduct covert tests of transportation security systems.

“(E) EMPLOYEE OF A COVERT TESTING OFFICE.—The term ‘employee of a covert testing office’ means an individual who is an employee of a covert testing office or a contractor or an employee of a contractor of a covert testing office.”.

**Subtitle D—Airport Access Controls and Perimeter Security**

**SEC. 1541. REFORMATION OF CERTAIN PROGRAMS OF THE TRANSPORTATION SECURITY ADMINISTRATION.**

(a) DEFINITIONS.—In this subtitle:

(1) AIR CARRIER.—The term “air carrier” has the meaning given such term in section 40102 of title 49, United States Code.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate.

(3) FOREIGN AIR CARRIER.—The term “foreign air carrier” has the meaning given such term in section 40102 of title 49, United States Code.

(4) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

(5) SECURED AREA.—The term “secured area” has the meaning given such term in section 1540.5 of title 49, Code of Federal Regulations.

(6) SECURITY IDENTIFICATION DISPLAY AREA.—The term “Security Identification Display Area” has the meaning given such term in section 1540.5 of title 49, Code of Federal Regulations.

(7) STERILE AREA.—The term “sterile area” has the meaning given such term in section 1540.5 of title 49, Code of Federal Regulations.

(b) COST AND FEASIBILITY STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration, in consultation with the Aviation Security Advisory Committee (established under section 44946 of title 49, United States Code), shall submit to the appropriate congressional committees and the Comptroller General of the United States a cost and feasibility study of a statistically significant number of Category I, II, III, IV, and X airports assessing the impact if all employee access points from non-secured areas to secured areas of such airports are comprised of the following:

(A) A secure door utilizing card and pin entry or biometric technology.

(B) Surveillance video recording, capable of storing video data for at least 30 days.

(C) Advanced screening technologies, including at least one of the following:

(i) Magnetometer (walk-through or handheld).

(ii) Explosives detection canines.

(iii) Explosives trace detection.

(iv) Advanced imaging technology.

(v) X-ray bag screening technology.

(2) CONTENTS.—The study required under paragraph (1) shall include information related to the employee screening costs of those category I, II, III, IV, and X airports which have already implemented practices of screening 100 percent of employees accessing secured areas of airports, including the following:

(A) Costs associated with establishing an operational minimum number of employee entry and exit points.

(B) A comparison of estimated costs and effectiveness associated with implementing the security features specified in paragraph (1) to—

(i) the Federal Government; and

(ii) airports and the aviation community.

(3) COMPTROLLER GENERAL ASSESSMENT.—

(A) IN GENERAL.—Upon completion of the study required under paragraph (1), the Comptroller General of the United States

shall review such study to assess the quality and reliability of such study.

(B) **ASSESSMENT.**—Not later than 90 days after the receipt of the study required under paragraph (1), the Comptroller General of the United States shall report to the appropriate congressional committees on the results of the review required under subparagraph (A).

(C) **AIRPORT WORKER EDUCATION AND SECURITY AWARENESS.**—

(1) **COOPERATIVE EFFORTS TO ENHANCE AIRPORT SECURITY AWARENESS.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall work with air carriers, foreign air carriers, airport operators, labor unions representing credentialed employees, and the Aviation Security Advisory Committee to enhance security awareness of credentialed airport populations regarding insider threats to aviation security and recognized practices related to airport access controls.

(2) **CREDENTIALING STANDARDS.**—

(A) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall, in consultation with air carriers, foreign air carriers, airport operators, labor unions representing credentialed employees, and the Aviation Security Advisory Committee, assess credentialing standards, policies, and practices to ensure that insider threats to aviation security are adequately addressed.

(B) **REPORT.**—Not later than 30 days after completion of the assessment required under subparagraph (A), the Administrator of the Transportation Security Administration shall report to the appropriate congressional committees on the results of such assessment.

(3) **SIDA, STERILE AREA, AND AOA APPLICATIONS.**—

(A) **SOCIAL SECURITY NUMBERS REQUIRED.**—Not later than 60 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall require the submission of a social security number for each individual applying for a Security Identification Display Area, Sterile Area, or Air Operations Area airport credential to strengthen security vetting effectiveness. An applicant who does not provide such applicant's social security number may be denied such a credential.

(B) **SCREENING NOTICE.**—The Administrator of the Transportation Security Administration shall issue requirements for airport operators to include in applications for access to a Security Identification Display Area, Sterile Area, or Air Operations Area a notice informing applicants that an employee holding a credential granting access to such an area may be screened at any time while gaining access to, working in, or leaving such an area.

(d) **SECURING AIRPORT WORKER ACCESS.**—

(1) **IN GENERAL.**—The Administrator of the Transportation Security Administration shall work with airport operators and the Aviation Security Advisory Committee to identify advanced technologies, including biometric identification technologies, for securing employee access to the secured areas and sterile areas of airports.

(2) **RAP BACK VETTING.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall ensure that all credentialed aviation worker populations currently requiring a fingerprint-based criminal record history check are continuously vetted through the Federal Bureau of Investigation's Rap Back Service, in order to more rapidly detect and mitigate insider threats to aviation security.

(3) **INSIDER THREAT EDUCATION AND MITIGATION.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall identify means of enhancing the Transportation Security Administration's ability to leverage the resources of the Department of Homeland Security and the intelligence community to educate Administration personnel on insider threats to aviation security and how the Administration can better mitigate such insider threats.

(4) **PLAYBOOK OPERATIONS.**—The Administrator of the Transportation Security Administration shall ensure that Transportation Security Administration-led employee physical inspection efforts of aviation workers, known as Playbook operations, are targeted, strategic, and focused on providing the greatest level of security effectiveness.

(5) **COVERT TESTING.**—

(A) **IN GENERAL.**—The Administrator shall conduct covert testing of Transportation Security Administration-led employee inspection operations at airports and measure existing levels of security effectiveness. The Administrator of the Transportation Security Administration shall provide—

(i) the results of such testing to the airport operator for the airport that is the subject of any such testing, and, as appropriate, to air carriers and foreign air carriers that operate at the airport that is the subject of such testing; and

(ii) recommendations and technical assistance for air carriers, foreign air carriers, and airport operators to conduct their own employee inspections, as needed.

(B) **ANNUAL REPORTING.**—The Administrator of the Transportation Security Administration shall annually, for each of fiscal years 2018 through 2022, submit to the appropriate congressional committees report on the frequency, methodology, strategy, and effectiveness of employee inspection operations at airports.

(6) **CENTRALIZED DATABASE.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration, in consultation with the Aviation Security Advisory Committee, shall—

(A) establish a national database of individuals who have had either their airport or airport operator-issued badge revoked for failure to comply with aviation security requirements;

(B) determine the appropriate reporting mechanisms for air carriers, foreign air carriers, and airport operators to—

(i) submit to the Administrator data regarding individuals described in subparagraph (A); and

(ii) access the database established pursuant to such subparagraph; and

(C) establish a process to allow individuals whose names were mistakenly entered into such database to correct the record and have their names removed from such database.

(e) **INSIDER THREAT COORDINATION EFFORTS.**—The Department of Homeland Security is the lead interagency coordinator pertaining to insider threat investigations and mitigation efforts at airports. The Department shall make every practicable effort to coordinate with other relevant Government entities, as well as the security representatives of air carriers, foreign air carriers, and airport operators, as appropriate, when undertaking such investigations and efforts.

(f) **AIRPORT TASK FORCES.**—The Secretary of Homeland Security is authorized, through the Director of U.S. Immigration and Customs Enforcement, to form airport task forces using Homeland Security Investigations personnel and any other Department of Homeland Security personnel the Secretary determines necessary. Such airport task

forces shall investigate and mitigate insider threats to aviation security, in coordination with Federal, State, local, tribal, and territorial law enforcement partners, as appropriate.

(g) **INFORMATION TECHNOLOGY SECURITY.**—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall submit to the appropriate congressional committees a plan to conduct recurring reviews of the operational, technical, and management security controls for Administration information technology systems at airports.

## **SEC. 1542. AIRPORT PERIMETER AND ACCESS CONTROL SECURITY.**

(a) **RISK ASSESSMENTS OF AIRPORT SECURITY.**—

(1) **IN GENERAL.**—The Administrator of the Transportation Security Administration shall—

(A) not later than 120 days after the date of the enactment of this Act, update the Transportation Sector Security Risk Assessment (TSSRA) for the aviation sector; and

(B) not later than 180 days after such date—

(i) update with the latest and most currently available intelligence information the Comprehensive Risk Assessment of Perimeter and Access Control Security (in this section referred to as the "Risk Assessment of Airport Security") and determine a regular timeframe and schedule for further updates to such Risk Assessment of Airport Security; and

(ii) conduct a system-wide assessment of airport access control points and airport perimeter security, including cargo facilities.

(2) **CONTENTS.**—The security risk assessments required under paragraph (1)(B) shall

(A) include updates reflected in the TSSRA and Joint Vulnerability Assessment (JVA) findings;

(B) reflect changes to the risk environment relating to airport access control points and airport perimeters;

(C) use security breach data for specific analysis of system-wide trends related to airport access control points and airport perimeter security to better inform risk management decisions; and

(D) take into consideration the unique geography of and current recognized practices used by airports to mitigate potential vulnerabilities.

(3) **REPORT.**—The Administrator of the Transportation Security Administration shall report to the appropriate congressional committees, relevant Federal departments and agencies, and airport operators on the results of the security risk assessments required under paragraph (1).

(b) **AIRPORT SECURITY STRATEGY DEVELOPMENT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall update the 2012 National Strategy for Airport Perimeter and Access Control Security (in this section referred to as the "National Strategy").

(2) **CONTENTS.**—The update to the National Strategy required under paragraph (1) shall include

(A) information from the Risk Assessment of Airport Security; and

(B) information on—

(i) airport security-related activities;

(ii) the status of efforts by the Transportation Security Administration to address the goals and objectives referred to in subsection (a);

(iii) finalized outcome-based performance measures and performance levels for each relevant activity and goal and objective under subparagraphs (A) and (B); and



(iv) input from airport operators.

(3) UPDATES.—Not later than 90 days after the update is completed under paragraph (1), the Administrator of the Transportation Security Administration shall implement a process for determining when additional updates to the strategy referred to in such subsection are needed.

#### SEC. 1543. EXIT LANE SECURITY.

There is authorized \$77,000,000 for each of fiscal years 2018 and 2019 to carry out subsection (n)(1) of section 44903 of title 49, United States Code.

#### SEC. 1544. REIMBURSEMENT FOR DEPLOYMENT OF ARMED LAW ENFORCEMENT PERSONNEL AT AIRPORTS.

There is authorized \$45,000,000 for each of fiscal years 2018 and 2019 to carry out subsection (h) of section 44901 of title 49, United States Code.

#### Subtitle E—Air Cargo Security

#### SEC. 1551. AIR CARGO ADVANCE SCREENING PROGRAM.

(a) IN GENERAL.—Subtitle B of title IV of the Homeland Security Act of 2002 (6 U.S.C. 211 et seq.) is amended by adding at the end the following new section:

#### “SEC. 420. AIR CARGO ADVANCE SCREENING PROGRAM.

“(a) IN GENERAL.—The Secretary, consistent with the requirements of the Trade Act of 2002 (Public Law 107–210) shall—

“(1) establish an air cargo advance screening program (in this section referred to as the ‘ACAS Program’) for the collection by U.S. Customs and Border Protection of advance electronic information from air carriers and other persons within the supply chain regarding cargo being transported to the United States by air;

“(2) under such program, require that such information be transmitted by such air carriers and other persons at the earliest point practicable prior to loading of such cargo onto an aircraft destined to or transiting through the United States;

“(3) establish appropriate communications systems with freight forwarders, shippers, and air carriers;

“(4) establish a system that will allow freight forwarders, shippers, and air carriers to provide shipment level data for air cargo, departing from any location that is inbound to the United States; and

“(5) coordinate with the Administrator of the Transportation Security Administration to identify opportunities in which the information furnished in compliance with the ACAS Program could be used by the Administrator.

“(b) INSPECTION OF HIGH-RISK CARGO.—Under the ACAS Program, the Secretary shall ensure that all cargo that has been identified as high-risk is inspected—

“(1) prior to the loading of such cargo onto aircraft at the last point of departure, or

“(2) at an earlier point in the supply chain, before departing for the United States.

“(c) CONSULTATION.—In carrying out the ACAS Program, the Secretary shall consult with relevant stakeholders, as appropriate, to ensure that an operationally feasible and practical approach to—

“(1) the collection of advance information with respect to cargo on aircraft departing for the United States, and

“(2) the inspection of high-risk cargo, recognizes the significant differences among air cargo business models and modes of transportation.

“(d) ANALYSIS.—The Secretary may analyze the information referred to in subsection (a) in the Department’s automated targeting system and integrate such information with other intelligence to enhance the accuracy of the risk assessment process under the ACAS Program.

“(e) NO DUPLICATION.—The Secretary shall carry out this section in a manner that, after the ACAS Program is fully in effect, ensures, to the greatest extent practicable, that the ACAS Program does not duplicate other Department programs or requirements relating to the submission of air cargo data or the inspection of high-risk cargo.

“(f) CONSIDERATION OF INDUSTRY.—In carrying out the ACAS Program, the Secretary shall—

“(1) take into consideration that the content and timeliness of the available data may vary among entities in the air cargo industry and among countries, and shall explore procedures to accommodate such variations while maximizing the contribution of such data to the risk assessment process under the ACAS Program;

“(2) test the business processes, technologies, and operational procedures required to provide advance information with respect to cargo on aircraft departing for the United States and carry out related inspection of high-risk cargo, while ensuring delays and other negative impacts on vital supply chains are minimized; and

“(3) consider the cost, benefit, and feasibility before establishing any set time period for submission of certain elements of the data for air cargo under this section in line with the regulatory guidelines specified in Executive Order 13563, and any successor Executive Order or regulation.

“(g) GUIDANCE.—The Secretary shall provide guidance for participants in the ACAS Program regarding the requirements for participation, including requirements for transmitting shipment level data.

“(h) USE OF DATA.—The Secretary shall use the data provided under the ACAS Program for targeting shipments for screening and aviation security purposes only.”.

(b) FINAL RULE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall issue a final regulation to implement the ACAS Program under section 420 of the Homeland Security Act of 2002 (as added by subsection (a) of this section) to include the electronic transmission to U.S. Customs and Border Protection of data elements for targeting cargo, including appropriate security elements of shipment level data, as determined by the Secretary.

(c) REPORT.—Not later than 180 days after the date of the commencement of the ACAS Program under section 420 of the Homeland Security Act of 2002 (as added by subsection (a) of this section), the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate a report detailing the operational implementation of providing advance information under the ACAS Program and the value of such information in targeting cargo.

(d) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 419 the following new item:

“Sec. 420. Air cargo advance screening program.”.

#### SEC. 1552. EXPLOSIVES DETECTION CANINE TEAMS FOR AIR CARGO SECURITY.

Section 1307 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1116) is amended by adding at the end the following new subsection:

“(h) EXPLOSIVES DETECTION CANINE TEAMS FOR AIR CARGO SECURITY.—

“(1) IN GENERAL.—In order to enhance the screening of air cargo and ensure that third-

party explosives detection canine assets are leveraged for such purpose, the Administrator shall, not later than 180 days after the date of the enactment of this subsection—

“(A) develop and issue standards for the use of such third-party explosives detection canine assets for the primary screening of air cargo;

“(B) develop a process to identify qualified non-Federal entities that will certify canine assets that meet the standards established by the Administrator pursuant to subparagraph (A);

“(C) ensure that entities qualified to certify canine assets shall be independent from entities that will train and provide canines to end users of such canine assets;

“(D) establish a system of Transportation Security Administration audits of the process developed pursuant to subparagraph (B); and

“(E) provide that canines certified for the primary screening of air cargo can be used by air carriers, foreign air carriers, freight forwarders, and shippers.

“(2) IMPLEMENTATION.—Upon completion of the development of the process under subsection (a), the Administrator shall—

“(A) facilitate the deployment of such assets that meet the certification standards of the Administration, as determined by the Administrator;

“(B) make such standards available to vendors seeking to train and deploy third-party explosives detection canine assets; and

“(C) ensure that all costs for the training and certification of canines, and for the use of supplied canines, are borne by private industry and not the Federal Government.

“(3) DEFINITIONS.—In this subsection:

“(A) AIR CARRIER.—The term ‘air carrier’ has the meaning given such term in section 40102 of title 49, United States Code.

“(B) FOREIGN AIR CARRIER.—The term ‘foreign air carrier’ has the meaning given such term in section 40102 of title 49, United States Code.

“(C) THIRD-PARTY EXPLOSIVES DETECTION CANINE ASSETS.—The term ‘third-party explosives detection canine assets’ means any explosives detection canine or handler not owned or employed, respectively, by the Administration.”.

#### Subtitle F—Information Sharing and Cybersecurity

#### SEC. 1561. INFORMATION SHARING AND CYBERSECURITY.

(a) FEDERAL SECURITY DIRECTORS.—Section 44933 of title 49, United States Code, is amended by adding at the end the following new subsection:

“(c) INFORMATION SHARING.—Not later than one year after the date of the enactment of this subsection, the Administrator shall—

“(1) require each Federal Security Director of an airport to meet at least quarterly with the airport director, airport security coordinator, and law enforcement agencies serving each such airport to discuss incident management protocols, including the resolution of screening anomalies at passenger screening checkpoints; and

“(2) require each Federal Security Director at an airport to inform, consult, and coordinate, as appropriate, with the respective airport security coordinator in a timely manner on security matters impacting airport operations and to establish and maintain operational protocols with such airport operators to ensure coordinated responses to security matters.”.

(b) PLAN TO IMPROVE INFORMATION SHARING.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, acting



through the Administrator of the Transportation Security Administration, shall develop a plan to improve intelligence information sharing with State and local transportation entities that includes best practices to ensure that the information shared is actionable, useful, and not redundant.

(2) **CONTENTS.**—The plan required under subsection (a) shall include the following:

(A) The incorporation of best practices for information sharing.

(B) The identification of areas of overlap and redundancy.

(C) An evaluation and incorporation of stakeholder input in the development of such plan.

(D) The integration of recommendations of the Comptroller General of the United States on information sharing.

(3) **SOLICITATION.**—The Administrator shall solicit on an annual basis input from appropriate stakeholders, including State and local transportation entities, on the quality and quantity of intelligence received by such stakeholders relating to information sharing.

(c) **BEST PRACTICES SHARING.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, acting through the Administrator of the Transportation Security Administration, shall establish a mechanism to share with State and local transportation entities best practices from across the law enforcement spectrum, including Federal, State, local, and tribal entities, that relate to employee training, employee professional development, technology development and deployment, hardening tactics, and passenger and employee awareness programs.

(2) **CONSULTATION.**—The Administrator of the Transportation Security Administration shall solicit and incorporate stakeholder input—

(A) in developing the mechanism for sharing best practices as required under paragraph (1); and

(B) not less frequently than once each year on the quality and quantity of information such stakeholders receive through the mechanism established under such subsection.

(d) **CYBERSECURITY.**—

(1) **IN GENERAL.**—The Secretary of Homeland Security shall—

(A) not later than 120 days after the date of the enactment of this Act, develop and implement a cybersecurity risk assessment model for aviation security, consistent with the National Institute of Standards and Technology Framework for Improvement Critical Infrastructure Cybersecurity and any update to such Framework pursuant to section 2 of the National Institute of Standards and Technology Act (15 U.S.C. 272), to evaluate current and future cybersecurity risks;

(B) evaluate, on a periodic basis, but not less often than once every two years, the effectiveness of the cybersecurity risk assessment model under subparagraph (A);

(C) seek to ensure participation of at least one information sharing and analysis organization (as such term is defined in section 212 of the Homeland Security Act of 2002 (6 U.S.C. 131)) representing the aviation community in the national cybersecurity and communications integration center, pursuant to subsection (d)(1)(B) of section 227 of the Homeland Security Act of 2002 (6 U.S.C. 148);

(D) establish guidelines for voluntary reporting of aviation-related cybersecurity risks and incidents to the national cybersecurity and communications integration center under section 227 of the Homeland Security Act of 2002, and other appropriate Federal agencies; and

(E) request the Aviation Security Advisory Committee established pursuant to section 44946 of title 49, United States Code, to report and make recommendations to the Secretary on enhancing the sharing of information related to aviation-related cybersecurity risks and incidents between relevant Federal, state, local, tribal, and territorial entities and the aviation stakeholder community.

(2) **CYBERSECURITY ENHANCEMENTS TO AVIATION SECURITY ACTIVITIES.**—The Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall—

(A) direct the sharing of information concerning cybersecurity risks and incidents to address aviation-specific risks; and

(B) upon request, conduct cybersecurity vulnerability assessments for airports and air carriers.

(3) **TSA DATABASE CYBER ASSESSMENT.**—

(A) **ASSESSMENT REQUIRED.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall evaluate the cybersecurity of the Transportation Security Administration databases for trusted traveler and credentialing programs that contain personal information of specific individuals or information that identifies specific individuals, including the Transportation Worker Identification Credential and Pre-Check trusted traveler programs, and the means for transmission of data to and from such databases and develop information on any identified cybersecurity vulnerabilities and remediation plans to address such vulnerabilities;

(B) **SUBMISSION TO CONGRESS.**—Not later than 30 days after the completion of the evaluation required under subparagraph (A), the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate information relating to such evaluation. Such submission shall be provided in a classified form.

(C) **SUBMISSION OF SUPPLEMENTARY INFORMATION.**—Not later than 90 days after the completion of such evaluation, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate supplementary information relating to such evaluation, including information relating to any identified cybersecurity vulnerabilities and remediation plans to address such vulnerabilities. Such submission shall be provided in a classified form.

(4) **DEFINITIONS.**—In this subsection, the terms “cybersecurity risk” and “incident” have the meanings given such terms in section 227 of the Homeland Security Act of 2002.

#### Subtitle G—Surface Transportation Security

##### SEC. 1571. DEFINITIONS.

In this subtitle:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(2) **EXPLOSIVES DETECTION CANINE TEAM.**—The term “explosives detection canine team” means a canine and a canine handler trained to detect explosives and other threats as determined by the Secretary.

(3) **RISK.**—The term “risk” means the potential for an unwanted outcome resulting from an accident, event, or occurrence, as determined by its likelihood and the associated consequences.

(4) **THREAT.**—The term “threat” means an individual, entity, action, or natural or man-made occurrence that has or indicates the potential to harm life, information, operations, the environment, or property.

(5) **VULNERABILITY.**—The term “vulnerability” means a physical feature or operational attribute that renders an entity open to exploitation or susceptible to a given hazard.

##### SEC. 1572. SURFACE TRANSPORTATION SECURITY ASSESSMENT AND IMPLEMENTATION OF RISK-BASED STRATEGY.

(a) **SECURITY ASSESSMENT.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall complete an assessment of the vulnerabilities of and risks to surface transportation systems, including findings from similar vulnerability analyses completed within three years of the date of the enactment of this Act.

(2) **CONSIDERATIONS.**—In conducting the security assessment under paragraph (1), the Secretary of Homeland Security shall, at a minimum—

(A) consider appropriate intelligence;

(B) consider security breaches and attacks at domestic and international transportation facilities;

(C) consider the vulnerabilities and risks associated with specific modes of surface transportation systems;

(D) evaluate the vetting and security training of—

(i) employees in surface transportation systems; and

(ii) other individuals with access to sensitive or secure areas of transportation systems; and

(E) consider input from—

(i) representatives of different modes of surface transportation systems;

(ii) subject to paragraph (3)—

(I) critical infrastructure entities; and

(II) the Transportation Systems Sector Coordinating Council; and

(iii) the heads of other relevant Federal departments or agencies.

(b) **RISK-BASED SECURITY STRATEGY.**—

(1) **IN GENERAL.**—Not later than 180 days after the date the security assessment under subsection (a) is complete, the Secretary of Homeland Security shall use the results of such assessment—

(A) to develop and implement a cross-cutting, risk-based security strategy that includes—

(i) all surface transportation systems;

(ii) a mitigating strategy that aligns with each vulnerability and risk identified in subsection (a);

(iii) a planning process to inform resource allocation;

(iv) priorities, milestones, and performance metrics to measure the effectiveness of such risk-based security strategy; and

(v) processes for sharing relevant and timely intelligence threat information with appropriate stakeholders;

(B) to develop a management oversight strategy that—

(i) identifies the parties responsible for the implementation, management, and oversight of the risk-based security strategy under subparagraph (A); and

(ii) includes a plan for implementing such risk-based security strategy; and

(C) to modify the risk-based budget and resource allocations, in accordance with section 573(c), for the Transportation Security Administration.

(2) **COORDINATED APPROACH.**—In developing and implementing the risk-based security

strategy under paragraph (1)(A), the Secretary of Homeland Security shall coordinate with the heads of other relevant Federal departments or agencies, and stakeholders, as appropriate—

(A) to evaluate existing surface transportation security programs, policies, and initiatives, including the explosives detection canine teams, for consistency with the risk-based security strategy and, to the extent practicable, avoid any unnecessary duplication of effort;

(B) to determine the extent to which stakeholder security programs, policies, and initiatives address the vulnerabilities and risks to surface transportation systems identified in subsection (a); and

(C) subject to subparagraph (B), to mitigate each such vulnerability and risk.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date the security assessment under subsection (a) is complete, the Secretary of Homeland Security shall submit to the appropriate congressional committees and the Inspector General of the Department of Homeland Security a report that—

(A) describes the process used to complete such security assessment;

(B) describes the process used to develop the risk-based security strategy under subsection (b)(1)(A);

(C) describes such risk-based security strategy;

(D) includes the management oversight strategy under subsection (b)(1)(B);

(E) includes—

(i) the findings of such security assessment;

(ii) a description of the actions recommended or taken by the Department or another Federal department or agency to mitigate the vulnerabilities and risks identified in subsection (a);

(iii) any recommendations for improving the coordinated approach to mitigating vulnerabilities and risks to surface transportation systems; and

(iv) any recommended changes to the National Infrastructure Protection Plan developed pursuant to Homeland Security Presidential Directive-7, the modal annexes to such plan, or relevant surface transportation security programs, policies, or initiatives; and

(F) may contain a classified annex.

(2) PROTECTIONS.—In preparing the report required under paragraph (1), the Secretary of Homeland Security shall take appropriate actions to safeguard information described by section 552(b) of title 5, United States Code, or protected from disclosure by any other law of the United States.

(d) UPDATES.—Not less frequently than semiannually, the Secretary of Homeland Security shall report to or brief the appropriate congressional committees on the vulnerabilities of and risks to surface transportation systems and how such vulnerabilities and risks affect the risk-based security strategy under subsection (b)(1)(A).

#### SEC. 1573. RISK-BASED BUDGETING AND RESOURCE ALLOCATION.

(a) REPORT.—In conjunction with the submission of the Department's annual budget request to the Office of Management and Budget, the Administrator of the Transportation Security Administration shall submit to the appropriate congressional committees a report that describes a risk-based budget and resource allocation plan for surface transportation sectors, within and across modes, that—

(1) reflects the risk-based security strategy under section 572(b)(1)(A); and

(2) is organized by appropriations account, program, project, and initiative.

(b) BUDGET TRANSPARENCY.—Subsection (a) of section 1105 of title 31, United States Code, is amended by adding at the end the following new paragraph:

“(40) a separate statement clearly distinguishing the resources requested for surface transportation security from the resources requested for aviation security.”.

(c) RESOURCE REALLOCATION.—

(1) IN GENERAL.—Not later than 15 days after the date on which the Transportation Security Administration allocates any resources or personnel, including personnel sharing, detailing, or assignment, or the use of facilities, technology systems, or vetting resources, for a non-transportation security purpose or National Special Security Event (as defined in section 2001 of Homeland Security Act of 2002 (6 U.S.C. 601)), the Secretary of Homeland Security shall provide to the appropriate congressional committees the notification described in paragraph (2).

(2) NOTIFICATION.—A notification described in this paragraph shall include—

(A) the reason for and a justification of the resource or personnel allocation at issue;

(B) the expected end date of such resource or personnel allocation; and

(C) the projected cost to the Transportation Security Administration of such personnel or resource allocation.

#### SEC. 1574. SURFACE TRANSPORTATION SECURITY MANAGEMENT AND INTERAGENCY COORDINATION REVIEW.

(a) REVIEW.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) review the staffing, budget, resource, and personnel allocation, and management oversight strategy of the Transportation Security Administration's surface transportation security programs;

(2) review the coordination between relevant entities of leadership, planning, policy, inspections, and implementation of security programs relating to surface transportation to reduce redundancy and regulatory burden; and

(3) submit to the appropriate congressional committees a report on the findings of the reviews under paragraphs (1) and (2), including any recommendations for improving coordination between relevant entities and reducing redundancy and regulatory burden.

(b) RELEVANT ENTITIES DEFINED.—In this section, the term “relevant entities” means—

(1) the Transportation Security Administration;

(2) other Federal, State, or local departments or agencies with jurisdiction over a mode of surface transportation;

(3) critical infrastructure entities;

(4) the Transportation Systems Sector Coordinating Council; and

(5) relevant stakeholders.

#### SEC. 1575. TRANSPARENCY.

(a) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act and every 180 days thereafter, the Administrator of the Transportation Security Administration shall make available through a public website information regarding the status of each regulation relating to surface transportation security that is directed by law to be issued but that has not been issued if more than two years have passed since the date of enactment of each such law.

(b) INSPECTOR GENERAL REVIEW.—Not later than 180 days after the date of the enactment of this Act and every two years thereafter until all of the requirements under titles XIII, XIV, and XV of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1111 et seq.) and under this Act have been fully implemented, the Inspector

General of the Department of Homeland Security shall submit to the appropriate congressional committees a report that—

(1) identifies the requirements under such titles of such Act and under this Act that have not been fully implemented;

(2) describes what, if any, additional action is necessary; and

(3) includes recommendations regarding whether any of such requirements should be amended or repealed.

#### SEC. 1576. TSA COUNTERTERRORISM ASSET DEPLOYMENT.

(a) IN GENERAL.—The Administrator of the Transportation Security Administration is authorized to maintain 30 Visible Intermodal Prevention and Response (VIPR) teams for deployment, at the request of and in collaboration with Federal, State, and local transportation stakeholders, to prevent and deter acts of terrorism against United States transportation systems and for other counterterrorism purposes. Starting in January 2019 and for five years thereafter, the Administrator shall annually assess whether the number of VIPR teams is adequate to respond to requests for collaboration from Federal, State, and local transportation stakeholders and to carry out counterterrorism activities with respect to United States transportation systems.

(b) CONGRESSIONAL NOTIFICATION.—If the Administrator of the Transportation Security Administration determines that the number of VIPR teams should be reduced below 30, the Administrator shall notify the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 90 days prior to such a determination.

(c) REPORT TO CONGRESS.—Not later than 60 days after the development and implementation of the performance measures and objectives required under subsection (f), the Administrator of the Transportation Security Administration shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the appropriate number of VIPR teams needed by the Administration.

(d) STAKEHOLDER NOTIFICATION.—If the Transportation Security Administration deploys any counterterrorism personnel or resource, such as explosive detection assets, property inspections, or patrols by VIPR teams, to enhance security at a surface transportation system or surface transportation facility for a period of not less than 180 consecutive days, the Administrator shall provide sufficient notification to the system or facility operator, as applicable, not less than 14 days prior to terminating the deployment.

(e) EXCEPTION.—Subsection (d) shall not apply if the Administrator of the Transportation Security Administration—

(1) determines there is an urgent security need for the personnel or resource described in such subsection; and

(2) notifies the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(f) VIPR TEAMS.—Section 1303 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1112) is amended—

(1) in subsection (a)(4), by striking “team,” and inserting “team as to specific locations and times within the facilities of such entities at which VIPR teams are to be deployed to maximize the effectiveness of such deployment,”; and

(2) by striking subsection (b) and inserting the following new subsections:

“(b) PERFORMANCE MEASURES.—Not later than one year after the date of the enactment of this subsection, the Administrator shall develop and implement a system of qualitative performance measures and objectives by which to assess the roles, activities, and effectiveness of VIPR team operations on an ongoing basis, including a mechanism through which the transportation entities referred to in subsection (a)(4) may submit feedback on VIPR team operations involving their systems or facilities.

“(c) PLAN.—Not later than one year after the date of the enactment of this section, the Administrator shall develop and implement a plan for ensuring the interoperability of communications among VIPR team participants and between VIPR teams and any transportation entities with systems or facilities that are involved in VIPR team operations. Such plan shall include an analysis of the costs and resources required to carry out such plan.”.

#### SEC. 1577. SURFACE TRANSPORTATION SECURITY ADVISORY COMMITTEE.

(a) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following new section:

##### “§ 44947. Surface Transportation Security Advisory Committee

“(a) ESTABLISHMENT.—The Administrator of the Transportation Security Administration (referred to in this section as the ‘Administrator’) shall establish within the Transportation Security Administration the Surface Transportation Security Advisory Committee (referred to in this section as the ‘Advisory Committee’).

“(b) DUTIES.—

“(1) IN GENERAL.—The Advisory Committee may advise, consult with, report to, and make recommendations to the Administrator on surface transportation security matters, including the development, refinement, and implementation of policies, programs, initiatives, rulemakings, and security directives pertaining to surface transportation security.

“(2) RISK-BASED SECURITY.—The Advisory Committee shall consider risk-based security approaches in the performance of its duties.

“(c) MEMBERSHIP.—

“(1) COMPOSITION.—The Advisory Committee shall be composed of—

“(A) voting members appointed by the Administrator under paragraph (2); and

“(B) nonvoting members, serving in an advisory capacity, who shall be designated by—

“(i) the Transportation Security Administration;

“(ii) the Department of Transportation; and

“(iii) such other Federal department or agency as the Administrator considers appropriate.

“(2) APPOINTMENT.—The Administrator shall appoint voting members from among stakeholders representing each mode of surface transportation, such as passenger rail, freight rail, mass transit, pipelines, highways, over-the-road bus, and trucking, including representatives from—

“(A) associations representing such modes of surface transportation;

“(B) labor organizations representing such modes of surface transportation;

“(C) groups representing the users of such modes of surface transportation, including asset manufacturers, as appropriate;

“(D) relevant law enforcement, first responders, and security experts; and

“(E) such other groups as the Administrator considers appropriate.

“(3) CHAIRPERSON.—The Advisory Committee shall select a chairperson from among its voting members.

“(4) TERM OF OFFICE.—

“(A) TERMS.—

“(i) IN GENERAL.—The term of each voting member of the Advisory Committee shall be two years, but a voting member may continue to serve until the Administrator appoints a successor.

“(ii) REAPPOINTMENT.—A voting member of the Advisory Committee may be reappointed.

“(B) REMOVAL.—

“(i) IN GENERAL.—The Administrator may review the participation of a member of the Advisory Committee and remove such member for cause at any time.

“(ii) ACCESS TO CERTAIN INFORMATION.—The Administrator may remove any member of the Advisory Committee who the Administrator determines should be restricted from reviewing, discussing, or possessing classified information or sensitive security information.

“(5) PROHIBITION ON COMPENSATION.—The members of the Advisory Committee may not receive any compensation from the Government by reason of their service on the Advisory Committee.

“(6) MEETINGS.—

“(A) IN GENERAL.—The Advisory Committee shall meet at least semiannually in person or through web conferencing, and may convene additional meetings as necessary.

“(B) PUBLIC MEETINGS.—At least one of the meetings of the Advisory Committee each year shall be—

“(i) announced in the Federal Register;

“(ii) announced on a public website; and

“(iii) open to the public.

“(C) ATTENDANCE.—The Advisory Committee shall maintain a record of the persons present at each meeting.

“(D) MINUTES.—

“(i) IN GENERAL.—Unless otherwise prohibited by Federal law, minutes of the meetings of the Advisory Committee shall be published on the public website under subsection (e)(5).

“(ii) PROTECTION OF CLASSIFIED AND SENSITIVE INFORMATION.—The Advisory Committee may redact or summarize, as necessary, minutes of the meetings to protect classified information or sensitive security information in accordance with law.

“(7) VOTING MEMBER ACCESS TO CLASSIFIED INFORMATION AND SENSITIVE SECURITY INFORMATION.—

“(A) DETERMINATIONS.—Not later than 60 days after the date on which a voting member is appointed to the Advisory Committee but before such voting member may be granted any access to classified information or sensitive security information, the Administrator shall determine if such voting member should be restricted from reviewing, discussing, or possessing classified information or sensitive security information.

“(B) ACCESS.—

“(i) SENSITIVE SECURITY INFORMATION.—If a voting member is not restricted from reviewing, discussing, or possessing sensitive security information under subparagraph (A) and voluntarily signs a nondisclosure agreement, such voting member may be granted access to sensitive security information that is relevant to such voting member’s service on the Advisory Committee.

“(ii) CLASSIFIED INFORMATION.—Access to classified materials shall be managed in accordance with Executive Order 13526 of December 29, 2009 (75 Fed. Reg. 707), or any subsequent corresponding Executive order.

“(C) PROTECTIONS.—

“(i) SENSITIVE SECURITY INFORMATION.—Voting members shall protect sensitive security information in accordance with part 1520 of title 49, Code of Federal Regulations.

“(ii) CLASSIFIED INFORMATION.—Voting members shall protect classified information in accordance with the applicable requirements for the particular level of classification of such information.

“(8) JOINT COMMITTEE MEETINGS.—The Advisory Committee may meet with one or more of the following advisory committees to discuss multimodal security issues and other security-related issues of common concern:

“(A) Aviation Security Advisory Committee, established under section 44946 of title 49, United States Code.

“(B) Maritime Security Advisory Committee, established under section 70112 of title 46, United States Code.

“(C) Railroad Safety Advisory Committee, established by the Federal Railroad Administration.

“(9) SUBJECT MATTER EXPERTS.—The Advisory Committee may request the assistance of subject matter experts with expertise related to the jurisdiction of the Advisory Committee.

“(d) REPORTS.—

“(1) PERIODIC REPORTS.—The Advisory Committee shall periodically submit to the Administrator reports on matters requested by the Administrator or by a majority of the members of the Advisory Committee.

“(2) ANNUAL REPORT.—

“(A) SUBMISSION.—The Advisory Committee shall submit to the Administrator and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate an annual report that provides information on the activities, findings, and recommendations of the Advisory Committee during the preceding year.

“(B) PUBLICATION.—Not later than six months after the date that the Administrator receives an annual report under subparagraph (A), the Administrator shall publish a public version of such report, in accordance with section 552a(b) of title 5, United States Code.

“(e) ADMINISTRATION RESPONSE.—

“(1) CONSIDERATION.—The Administrator shall consider the information, advice, and recommendations of the Advisory Committee in formulating policies, programs, initiatives, rulemakings, and security directives pertaining to surface transportation security efforts.

“(2) FEEDBACK.—Not later than 90 days after the date that the Administrator receives a recommendation from the Advisory Committee under subsection (d)(2), the Administrator shall submit to the Advisory Committee written feedback on such recommendation, including—

“(A) if the Administrator agrees with such recommendation, a plan describing the actions that the Administrator has taken, will take, or recommends that the head of another Federal department or agency take to implement such recommendation; or

“(B) if the Administrator disagrees with such recommendation, a justification for such disagreement.

“(3) NOTICES.—Not later than 30 days after the date the Administrator submits feedback under paragraph (2), the Administrator shall—

“(A) notify the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate of such feedback, including the agreement or

disagreement under subparagraph (A) or subparagraph (B) of such paragraph, as applicable; and

“(B) provide the committees specified in subparagraph (A) with a briefing upon request.

“(4) UPDATES.—Not later than 90 days after the date the Administrator receives a recommendation from the Advisory Committee under subsection (d)(2) that the Administrator agrees with, and quarterly thereafter until such recommendation is fully implemented, the Administrator shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate a report or post on the public website under paragraph (5) an update on the status of such recommendation.

“(5) WEBSITE.—The Administrator shall maintain a public website that—

“(A) lists the members of the Advisory Committee;

“(B) provides the contact information for the Advisory Committee; and

“(C) information relating to meetings, minutes, annual reports, and the implementation of recommendations under this section.

“(f) NONAPPLICABILITY OF FACa.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee or any subcommittee established under this section.”.

(b) ADVISORY COMMITTEE MEMBERS.—

(1) VOTING MEMBERS.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall appoint the voting members of the Surface Transportation Security Advisory Committee established under section 44947 of title 49, United States Code, as added by subsection (a) of this section.

(2) NONVOTING MEMBERS.—Not later than 90 days after the date of the enactment of this Act, each Federal Government department and agency with regulatory authority over a mode of surface transportation, as the Administrator of the Transportation Security Administration considers appropriate, shall designate an appropriate representative to serve as a nonvoting member of the Surface Transportation Security Advisory Committee.

(c) CLERICAL AMENDMENT.—The analysis for chapter 449 of title 49, United States Code, is amended by inserting after the item relating to section 44946 the following new item:

“44947. Surface Transportation Security Advisory Committee.”.

#### SEC. 1578. REVIEW OF THE EXPLOSIVES DETECTION CANINE TEAM PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date that the Inspector General of the Department of Homeland Security receives the report under section 572(c), the Inspector General shall—

(1) review the explosives detection canine team program of the Department, including—

(A) the development by the Transportation Security Administration of a deployment strategy for explosives detection canine teams;

(B) the national explosives detection canine team training program, including canine training, handler training, refresher training, and updates to such training; and

(C) the use of the canine assets during an urgent security need, including the reallocation of such program resources outside the transportation systems sector during an urgent security need; and

(2) submit to the appropriate congressional committees a report on such review, including any recommendations.

(b) CONSIDERATIONS.—In conducting the review of the deployment strategy under subsection (a)(1)(A), the Inspector General of the Department of Homeland Security shall consider whether the Transportation Security Administration's method to analyze the risk to transportation facilities and transportation systems is appropriate.

#### SEC. 1579. EXPANSION OF NATIONAL EXPLOSIVES DETECTION CANINE TEAM PROGRAM.

(a) IN GENERAL.—The Secretary of Homeland Security, where appropriate, shall encourage State, local, and tribal governments and private owners of high-risk transportation facilities to strengthen security through the use of explosives detection canine teams.

(b) INCREASED CAPACITY.—

(1) IN GENERAL.—Before the date the Inspector General of the Department of Homeland Security submits the report under section 578, the Administrator of the Transportation Security Administration may increase the number of State and local surface and maritime transportation explosives detection canine teams by not more than 70 such teams.

(2) ADDITIONAL TEAMS.—Beginning on the date the Inspector General of the Department of Homeland Security submits the report under section 578, the Secretary of Homeland Security may increase the State and local surface and maritime transportation explosives detection canine teams by not more than 200 such teams unless more of such teams are needed as identified in the risk-based security strategy under section 572(b)(1)(A), consistent with section 573 or with the President's most recent budget submitted under section 1105 of title 31, United States Code.

(3) RECOMMENDATIONS.—Before initiating any increase in the number of explosives detection teams under paragraph (2), the Secretary of Homeland Security shall consider any recommendations in the report under section 578 on the efficacy and management of the explosives detection canine program of the Department of Homeland Security.

(c) DEPLOYMENT.—The Secretary of Homeland Security shall—

(1) use any additional explosives detection canine teams, as described in subsection (b)(1), as part of the Department of Homeland Security's efforts to strengthen security across the Nation's surface and maritime transportation systems;

(2) make available explosives detection canine teams to all modes of transportation, subject to the requirements under section 576, to address specific vulnerabilities or risks, on an as-needed basis and as otherwise determined appropriate by the Secretary; and

(3) consider specific needs and training requirements for explosives detection canine teams to be deployed across the Nation's surface and maritime transportation systems, including in venues of multiple modes of transportation, as the Secretary considers appropriate.

#### SEC. 1580. EXPLOSIVE DETECTION TECHNOLOGY.

The Secretary of Homeland Security shall prioritize the research and facilitation of next generation technologies to detect explosives in the Nation's surface transportation systems.

#### SEC. 1581. STUDY ON SECURITY STANDARDS AND BEST PRACTICES FOR UNITED STATES AND FOREIGN PASSENGER TRANSPORTATION SYSTEMS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of how the Transportation Security Administration—

(1) identifies and compares—

(A) United States and foreign passenger transportation system security standards; and

(B) best practices for protecting passenger transportation systems, including shared terminal facilities, and cyber systems; and

(2) disseminates to stakeholders the findings under paragraph (1).

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall issue a report that contains—

(1) the findings of the study conducted under subsection (a); and

(2) any recommendations for improving relevant processes or procedures.

#### SEC. 1582. AMTRAK SECURITY UPGRADES.

(a) RAILROAD SECURITY ASSISTANCE.—Subsection (b) of section 1513 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1163) is amended—

(1) in paragraph (1), by inserting before the period at the end the following: “, including communications interoperability where appropriate with relevant outside agencies and entities”;;

(2) in paragraph (5), by striking “security of” and inserting “security and preparedness of”;

(3) in paragraph (7), by striking “security threats” and inserting “security threats and preparedness, including connectivity to the National Terrorist Screening Center”; and

(4) in paragraph (9), by striking “and security officers” and inserting “, security, and preparedness officers”.

(b) SPECIFIC PROJECTS.—Subsection (a)(3) of section 1514 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1164) is amended—

(1) in subparagraph (D) by inserting before the semicolon at the end the following: “, or to connect to the National Terrorism Screening Center watchlist”;;

(2) in subparagraph (G), by striking “and” after the semicolon;

(3) in subparagraph (H) by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following new subparagraphs:

“(I) for improvements to passenger verification systems;

“(J) for improvements to employee and contractor verification systems, including identity verification technology; or

“(K) for improvements to the security of Amtrak computer systems, including cybersecurity assessments and programs.”.

#### SEC. 1583. STUDY ON SURFACE TRANSPORTATION INSPECTORS.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report that—

(1) identifies any duplication or redundancy between the Transportation Security Administration and the Department of Transportation relating to surface transportation security inspections or oversight; and

(2) provides recommendations, if any, relating to—

(A) improvements to the surface transportation security inspectors program, including—

(i) changes in organizational and supervisory structures;

(ii) coordination procedures to enhance consistency; and

(iii) effectiveness in inspection and compliance activities; and

(B) whether each transportation mode needs inspectors trained and qualified for each such specific mode.

**SEC. 1584. SECURITY AWARENESS PROGRAM.**

(a) **ESTABLISHMENT.**—The Administrator of the Transportation Security Administration shall establish a program to promote surface transportation security through the training of surface transportation operators and frontline employees on each of the skills identified in subsection (c).

(b) **APPLICATION.**—The program established under subsection (a) shall apply to all modes of surface transportation, including public transportation, rail, highway, motor carrier, and pipeline.

(c) **TRAINING.**—The program established under subsection (a) shall cover, at a minimum, the skills necessary to observe, assess, and respond to suspicious items or actions that could indicate a threat to transportation.

(d) **ASSESSMENT.**—

(1) **IN GENERAL.**—The Administrator of the Transportation Security Administration shall conduct an assessment of current training programs for surface transportation operators and frontline employees.

(2) **CONTENTS.**—The assessment under paragraph (1) shall identify—

(A) whether other training is being provided, either voluntarily or in response to other Federal requirements; and

(B) whether there are any gaps in existing training.

(e) **UPDATES.**—The Administrator of the Transportation Security Administration shall ensure the program established under subsection (a) is updated as necessary to address changes in risk and terrorist methods and to close any gaps identified in the assessment under subsection (d).

(f) **SUSPICIOUS ACTIVITY REPORTING.**—

(1) **IN GENERAL.**—The Secretary of Homeland Security shall ensure there exists a national mechanism for an individual to use to report to the Department of Homeland Security suspicious activity in transportation systems.

(2) **PROCEDURES.**—The Secretary of Homeland Security shall establish procedures for the Department of Homeland Security—

(A) to review and follow-up, as necessary, on each report received under paragraph (1); and

(B) to share, as necessary and in accordance with law, such reports with appropriate Federal, State, local, and tribal entities.

(3) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed to—

(A) replace or affect in any way the use of 9-1-1 services in an emergency; or

(B) replace or affect in any way the security training program requirements specified in sections 1408, 1517, and 1534 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1137, 1167, and 1184; Public Law 110-53).

(g) **FRONTLINE EMPLOYEE DEFINED.**—In this section, the term “frontline employee” includes—

(1) an employee of a public transportation agency who is a transit vehicle driver or operator, dispatcher, maintenance and maintenance support employee, station attendant, customer service employee, security employee, or transit police, or any other employee who has direct contact with riders on a regular basis, and any other employee of a public transportation agency that the Administrator of the Transportation Security Administration determines should receive security training under this section or who is receiving security training under other law;

(2) over-the-road bus drivers, security personnel, dispatchers, maintenance and maintenance support personnel, ticket agents, other terminal employees, and other employees of an over-the-road bus operator or terminal owner or operator who the Adminis-

trator determines should receive security training under this section or who is receiving security training under other law; or

(3) security personnel, dispatchers, locomotive engineers, conductors, trainmen, other onboard employees, maintenance and maintenance support personnel, bridge tenders, and any other employees of railroad carriers who the Administrator determines should receive security training under this section or who is receiving security training under other law.

**SEC. 1585. VOLUNTARY USE OF CREDENTIALING.**

(a) **IN GENERAL.**—An individual who is subject to credentialing or a background investigation under section 5103a of title 49, United States Code, may satisfy such requirement by obtaining a valid transportation security card issued under section 70105 of title 46, United States Code.

(b) **FEES.**—The Secretary of Homeland Security may charge reasonable fees, in accordance with section 520(a) of the Department of Homeland Security Appropriations Act, 2004 (6 U.S.C. 469(a)), for providing the necessary credentialing and background investigation under this section.

(c) **DEFINITIONS.**—In this section:

(1) **INDIVIDUAL WHO IS SUBJECT TO CREDENTIALING OR A BACKGROUND INVESTIGATION.**—The term “individual who is subject to credentialing or a background investigation” means an individual who—

(A) because of employment is regulated by the Transportation Security Administration, Department of Transportation, or Coast Guard and is required to have a background records check to obtain a hazardous materials endorsement on a commercial driver's license issued by a State under section 5103a of title 49, United States Code; or

(B) is required to have a credential and background records check under section 2102(d)(2) of the Homeland Security Act of 2002 (6 U.S.C. 622(d)(2)) at a facility with activities that are regulated by the Transportation Security Administration, Department of Transportation, or Coast Guard.

(2) **VALID TRANSPORTATION SECURITY CARD ISSUED UNDER SECTION 70105 OF TITLE 46, UNITED STATES CODE.**—The term “valid transportation security card issued under section 70105 of title 46, United States Code” means a transportation security card issued under section 70105 of title 46, United States Code, that is—

(A) not expired;

(B) shows no signs of tampering; and

(C) bears a photograph of the individual representing such card.

**SEC. 1586. BACKGROUND RECORDS CHECKS FOR ISSUANCE OF HAZMAT LICENSES.**

(a) **ISSUANCE OF LICENSES.**—Paragraph (1) of section 5103a(a) of title 49, United States Code, is amended—

(1) by striking “unless” and inserting “unless—”;

(2) by striking “the Secretary of Homeland Security” and inserting the following:

“(A) the Secretary of Homeland Security”;

(3) in subparagraph (A), as designated pursuant to paragraph (2) of this subsection, by striking the period at the end and inserting “; or”;

(4) by adding at the end the following new subparagraph:

“(B) the individual holds a valid transportation security card issued under section 70105 of title 46.”.

(b) **TRANSPORTATION SECURITY CARD.**—Paragraph (1) of section 5103a(d) of title 49, United States Code, is amended, in the matter preceding subparagraph (A), by striking “described in subsection (a)(1)” and inserting “under subsection (a)(1)(A)”.

**SEC. 1587. RECURRENT VETTING FOR SURFACE TRANSPORTATION CREDENTIAL-HOLDERS.**

Section 70105 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(r) **RECURRENT VETTING.**—

“(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall develop and implement a plan to utilize the Federal Bureau of Investigation's Rap Back Service in order to establish recurrent vetting capabilities for individuals holding valid transportation security cards under this section.

“(2) **EXEMPTION.**—Individuals holding valid transportation security cards under this section who are subject to recurrent vetting under the plan to utilize the Rap Back Service referred to in paragraph (1) shall be exempt from any recurrent determinations or background checks under this section to which such individuals would otherwise be subject every five years in the absence of such utilization.”.

**SEC. 1588. PIPELINE SECURITY STUDY.**

(a) **STUDY.**—The Comptroller General of the United States shall conduct a study regarding the roles and responsibilities of the Department of Homeland Security and the Department of Transportation with respect to pipeline security. Such study shall address whether—

(1) the Annex to the Memorandum of Understanding executed on August 9, 2006, between the Department of Homeland Security and the Department of Transportation adequately delineates strategic and operational responsibilities for pipeline security, including whether it is clear which department is responsible for—

(A) protecting against intentional pipeline breaches and cyber attacks;

(B) responding to intentional pipeline breaches and cyber attacks; and

(C) planning to recover from the impact of intentional pipeline breaches and cyber attacks;

(2) the respective roles and responsibilities of each department are adequately conveyed to relevant stakeholders and to the public; and

(3) the processes and procedures for determining whether a particular pipeline breach is a terrorist incident are clear and effective.

(b) **REPORT ON STUDY.**—Not later than 180 days after the date of the enactment of this section, the Comptroller General of the United States shall submit to the Secretary of Homeland Security and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the findings of the study conducted under subsection (a).

(c) **REPORT TO CONGRESS.**—Not later than 90 days after the submission of the report under subsection (b), the Secretary of Homeland Security shall review and analyze the study and submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on such review and analysis, including any recommendations for—

(1) changes to the Annex to the Memorandum of Understanding referred to in subsection (a)(1); and

(2) other improvements to pipeline security activities at the Department.

**Subtitle H—Security Enhancements in Public Areas of Transportation Facilities**

**SEC. 1591. WORKING GROUP.**

(a) IN GENERAL.—The Secretary of Homeland Security may establish a working group to promote collaborative engagement between the Department of Homeland Security and public and private stakeholders to develop non-binding recommendations for enhancing the security in public areas of transportation facilities.

(b) ANNUAL REPORT.—If the Secretary of Homeland Security establishes a working group pursuant to subsection (a), not later than one year after such establishment and annually thereafter for five years, the Secretary shall report on the working group's organization, participation, activities, findings, and non-binding recommendations for the immediately preceding 12 month period. The Secretary may publish a public version describing the working group's activities and such related matters as would be informative to the public, consistent with section 552(b) of title 5, United States Code.

(c) INAPPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group or any subsidiary thereof.

**SEC. 1592. TECHNICAL ASSISTANCE; VULNERABILITY ASSESSMENT TOOLS.**

(a) IN GENERAL.—The Secretary of Homeland Security shall—

(1) inform public and private sector stakeholders regarding the availability of Department of Homeland Security technical assistance, including vulnerability assessment tools, to help enhance the security in public areas of transportation facilities; and

(2) subject to availability of appropriations, provide such technical assistance, upon request, to such a stakeholder.

(b) BEST PRACTICES.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall publish and widely disseminate best practices for protecting and enhancing the resilience of public areas of transportation facilities, including associated frameworks or templates for implementation. As appropriate, such best practices shall be updated periodically.

**SEC. 1593. OPERATIONS CENTERS.**

Not later than 120 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration, in consultation with the heads of other appropriate offices or components of the Department of Homeland Security, shall make available to public and private stakeholders a framework for establishing an operations center within a transportation facility to promote interagency response and coordination.

**SEC. 1594. REVIEW OF REGULATIONS.**

(a) REVIEW.—Not later than one year after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall submit to the Committee on Homeland Security of the House and the Committee on Commerce, Science, and Transportation of the Senate a report that includes a review of regulations, directives, policies, and procedures issued by the Administrator regarding the transportation of a firearm and ammunition by an aircraft passenger, and, as appropriate, information on plans to modify any such regulation, directive, policy, or procedure based on such review.

(b) CONSULTATION.—In preparing the report required under subsection (a), the Administrator of the Transportation Security Administration shall consult with the Aviation Security Advisory Committee (established pursuant to section 44946 of title 49, United

States Code) and appropriate public and private sector stakeholders.

**SEC. 1595. DEFINITION.**

In this subtitle, the term “public and private sector stakeholders” has the meaning given such term in section 114(u)(1)(C) of title 49, United States Code.

**TITLE VI—EMERGENCY PREPAREDNESS, RESPONSE, AND COMMUNICATIONS**

**Subtitle A—Grants, Training, Exercises, and Coordination**

**SEC. 1601. URBAN AREA SECURITY INITIATIVE.**

Section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604) is amended—

(1) in subsection (b)(2)(A), in the matter preceding clause (i), by inserting “, using the most up-to-date data available,” after “assessment”;

(2) in subsection (d)(2), by amending subparagraph (B) to read as follows:

“(B) FUNDS RETAINED.—To ensure transparency and avoid duplication, a State shall provide each relevant high-risk urban area with a detailed accounting of the items, services, or activities on which any funds retained by the State under subparagraph (A) are to be expended. Such accounting shall be provided not later than 90 days after the date of which such funds are retained.”; and

(3) by striking subsection (e) and inserting the following new subsections:

“(e) THREAT AND HAZARD IDENTIFICATION RISK ASSESSMENT AND CAPABILITY ASSESSMENT.—As a condition of receiving a grant under this section, each high-risk urban area shall submit to the Administrator a threat and hazard identification and risk assessment and capability assessment—

“(1) at such time and in such form as is required by the Administrator; and

“(2) consistent with the Federal Emergency Management Agency's Comprehensive Preparedness Guide 201, Second Edition, or such successor document or guidance as is issued by the Administrator.

“(f) PERIOD OF PERFORMANCE.—The Administrator shall make funds provided under this section available for use by a recipient of a grant for a period of not less than 36 months.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for grants under this section \$800,000,000 for each of fiscal years 2018 through 2022.”.

**SEC. 1602. STATE HOMELAND SECURITY GRANT PROGRAM.**

Section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605) is amended by striking subsection (f) and inserting the following new subsections:

“(f) THREAT AND HAZARD IDENTIFICATION AND RISK ASSESSMENT AND CAPABILITY ASSESSMENT.—

“(1) IN GENERAL.—As a condition of receiving a grant under this section, each State shall submit to the Administrator a threat and hazard identification and risk assessment and capability assessment—

“(A) at such time and in such form as is required by the Administrator; and

“(B) consistent with the Federal Emergency Management Agency's Comprehensive Preparedness Guide 201, Second Edition, or such successor document or guidance as is issued by the Administrator.

“(2) COLLABORATION.—In developing the threat and hazard identification and risk assessment under paragraph (1), a State shall solicit input from local and tribal governments, including first responders, and, as appropriate, non-governmental and private sector stakeholders.

“(3) FIRST RESPONDERS DEFINED.—In this subsection, the term ‘first responders’ includes representatives of local governmental and nongovernmental fire, law enforcement,

emergency management, and emergency medical personnel.

“(g) PERIOD OF PERFORMANCE.—The Administrator shall make funds provided under this section available for use by a recipient of a grant for a period of not less than 36 months.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for grants under this section \$600,000,000 for each of fiscal years 2018 through 2022.”.

**SEC. 1603. GRANTS TO DIRECTLY ELIGIBLE TRIBES.**

Section 2005 of the Homeland Security Act of 2002 (6 U.S.C. 606) is amended by—

(1) redesignating subsections (h) through (k) as subsections (i) through (l), respectively; and

(2) inserting after subsection (g) the following new subsection:

“(h) PERIOD OF PERFORMANCE.—The Secretary shall make funds provided under this section available for use by a recipient of a grant for a period of not less than 36 months.”.

**SEC. 1604. LAW ENFORCEMENT TERRORISM PREVENTION.**

(a) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—Subsection (a) of section 2006 of the Homeland Security Act of 2002 (6 U.S.C. 607) is amended—

(1) in paragraph (1)—

(A) by inserting “States and high-risk urban areas expend” after “that”; and

(B) by striking “is used”;

(2) in paragraph (2), by amending subparagraph (I) to read as follows:

“(I) activities as determined appropriate by the Administrator, in coordination with the Assistant Secretary for State and Local Law Enforcement within the Office of Partnership and Engagement of the Department, through outreach to relevant stakeholder organizations; and”;

(3) by adding at the end the following new paragraph:

“(4) ANNUAL REPORT.—The Administrator, in coordination with the Assistant Secretary for State and Local Law Enforcement, shall report annually from fiscal year 2018 through fiscal year 2022 on the use of grants under sections 2003 and 2004 for law enforcement terrorism prevention activities authorized under this section, including the percentage and dollar amount of funds used for such activities and the types of projects funded.”.

(b) OFFICE FOR STATE AND LOCAL LAW ENFORCEMENT.—Subsection (b) section 2006 of the Homeland Security Act of 2002 (6 U.S.C. 607) is amended—

(1) in paragraph (1), by striking “Policy Directorate” and inserting “Office of Partnership and Engagement”

(2) in paragraph (4)—

(A) in subparagraph (B), by inserting “, including through consultation with such agencies regarding Department programs that may impact such agencies” before the semicolon at the end; and

(B) in subparagraph (D), by striking “ensure” and inserting “certify”.

**SEC. 1605. PRIORITIZATION.**

(a) IN GENERAL.—Subsection (a) of section 2007 of the Homeland Security Act of 2002 (6 U.S.C. 608) is amended—

(1) in paragraph (1)—

(A) by amending subparagraph (A) to read as follows:

“(A) its population, including consideration of domestic and international tourists, commuters, and military populations, including military populations residing in communities outside military installations;”;

(B) in subparagraph (E), by inserting “, including threat information from other relevant Federal agencies and field offices, as



appropriate” before the semicolon at the end; and

(C) in subparagraph (I), by striking “target” and inserting “core”; and

(2) in paragraph (2), by striking “target” and inserting “core”.

(b) **REVIEW.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security, through the Administrator of the Federal Emergency Management Agency, shall review and report to the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate on the risk formula and methodology used to award grants under sections 2003 and 2004 of the Homeland Security Act of 2002 (6 U.S.C. 604 and 605), including a discussion of any necessary changes to such formula to ensure grant awards are appropriately based on risk.

(c) **COMPTROLLER GENERAL REVIEW.**—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall review and assess the risk formula and methodology used to award grants under sections 2003 and 2004 of the Homeland Security Act of 2002, including—

(1) the process utilized by the Department of Homeland Security to gather threat information for each potential State and high-risk urban area;

(2) the extent to which such risk formula and methodology considers the factors specified in section 2007 of the Homeland Security Act of 2002 (6 U.S.C. 608), in particular—

(A) the extent to which the jurisdiction has unmet core capabilities due to resource constraints;

(B) the degree to which a jurisdiction has been able to address capability gaps with previous grant awards; and

(C) in the case of a high-risk urban area, the extent to which such high-risk urban area includes—

(i) incorporated municipalities, counties, parishes, and Indian tribes within the relevant eligible metropolitan area the inclusion of which will enhance regional efforts to prevent, prepare for, protect against, and respond to acts of terrorism; and

(ii) other local and tribal governments in the surrounding area that are likely to be called upon to respond to acts of terrorism within the high-risk urban area; and

(3) how grant award amounts are determined.

#### SEC. 1606. ALLOWABLE USES.

Section 2008 of the Homeland Security Act of 2002 (6 U.S.C. 609) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “target” and inserting “core”;

(B) by redesignating paragraphs (6) through (14) as paragraphs (8) through (16), respectively;

(C) in paragraph (5), by inserting before the semicolon at the end the following: “, provided such purchases align with the Statewide Communication Interoperability Plan and are coordinated with the Statewide Interoperability Coordinator or Statewide interoperability governance body of the State of the recipient”; and

(D) by inserting after paragraph (5) the following new paragraphs:

“(6) enhancing medical preparedness, medical surge capacity, and mass prophylaxis capabilities, including the development and maintenance of an initial pharmaceutical stockpile, including medical kits and diagnostics sufficient to protect first responders, their families, immediate victims, and vulnerable populations from a chemical or biological event;

“(7) enhancing cybersecurity, including preparing for and responding to cybersecurity risks and incidents (as such terms are defined in section 227) and developing statewide cyber threat information analysis and dissemination activities;”;

(E) in paragraph (8), as so redesignated, by striking “Homeland Security Advisory System” and inserting “National Terrorism Advisory System”; and

(F) in paragraph (14), as so redesignated, by striking “3” and inserting “5”;

(2) in subsection (b)—

(A) in paragraph (3)(B), by striking “(a)(10)” and inserting “(a)(12)”;

(B) in paragraph (4)(B)(i), by striking “target” and inserting “core”; and

(3) in subsection (c), by striking “target” and “core”.

#### SEC. 1607. APPROVAL OF CERTAIN EQUIPMENT.

(a) **IN GENERAL.**—Section 2008 of the Homeland Security Act of 2002 (6 U.S.C. 609), as amended by this Act, is further amended—

(1) in subsection (f)—

(A) by striking “If an applicant” and inserting the following:

“(1) **APPLICATION REQUIREMENT.**—If an applicant”;

(B) by adding at the end the following new paragraphs:

“(2) **REVIEW PROCESS.**—The Administrator shall implement a uniform process for reviewing applications that, in accordance with paragraph (1), contain explanations to use grants provided under section 2003 or 2004 to purchase equipment or systems that do not meet or exceed any applicable national voluntary consensus standards developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747).

“(3) **FACTORS.**—In carrying out the review process under paragraph (2), the Administrator shall consider the following:

“(A) Current or past use of proposed equipment or systems by Federal agencies or the Armed Forces.

“(B) The absence of a national voluntary consensus standard for such equipment or systems.

“(C) The existence of an international consensus standard for such equipment or systems, and whether such equipment or systems meets such standard.

“(D) The nature of the capability gap identified by the applicant, and how such equipment or systems will address such gap.

“(E) The degree to which such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed existing consensus standards.

“(F) Any other factor determined appropriate by the Administrator.”;

(2) by adding at the end the following new subsection:

“(g) **REVIEW PROCESS.**—The Administrator shall implement a uniform process for reviewing applications to use grants provided under section 2003 or 2004 to purchase equipment or systems not included on the Authorized Equipment List maintained by the Administrator.”.

(b) **INSPECTOR GENERAL REPORT.**—Not later than three years after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report assessing the implementation of the review process established under paragraph (2) of subsection (f) of section 2008 of the Homeland Security Act of 2002 (as added by subsection (a) of this section), including information on the following:

(1) The number of requests to purchase equipment or systems that do not meet or

exceed any applicable consensus standard evaluated under such review process.

(2) The capability gaps identified by applicants and the number of such requests granted or denied.

(3) The processing time for the review of such requests.

#### SEC. 1608. MEMORANDA OF UNDERSTANDING.

(a) **IN GENERAL.**—Subtitle B of title XX of the Homeland Security Act of 2002 (6 U.S.C. 611 et seq.) is amended by adding at the end the following new section:

#### “SEC. 2024. MEMORANDA OF UNDERSTANDING WITH DEPARTMENTAL COMPONENTS AND OFFICES.

“The Administrator shall enter into memoranda of understanding with the heads of the following departmental components and offices delineating the roles and responsibilities of such components and offices regarding the policy and guidance for grants under section 1406 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135), sections 2003 and 2004 of this Act, and section 70107 of title 46, United States Code, as appropriate:

“(1) The Commissioner of U.S. Customs and Border Protection.

“(2) The Administrator of the Transportation Security Administration.

“(3) The Commandant of the Coast Guard.

“(4) The Under Secretary for Intelligence and Analysis.

“(5) The Director of the Office of Emergency Communications.

“(6) The Assistant Secretary for State and Local Law Enforcement.

“(7) The Countering Violent Extremism Coordinator.

“(8) The Officer for Civil Rights and Civil Liberties.

“(9) The Chief Medical Officer.

“(10) The heads of other components or offices of the Department, as determined by the Secretary.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 2023 the following new item:

“Sec. 2024. Memoranda of understanding with departmental components and offices.”.

#### SEC. 1609. GRANTS METRICS.

(a) **IN GENERAL.**—To determine the extent to which grants under sections 2003 and 2004 of the Homeland Security Act of 2002 (6 U.S.C. 603 and 604) have closed capability gaps identified in State Preparedness Reports required under subsection (c) of section 652 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 752; title VI of the Department of Homeland Security Appropriations Act, 2007; Public Law 109-295) and Threat and Hazard Identification and Risk Assessments required under subsections (e) and (f) of such sections 2003 and 2004, respectively, as added by this Act, from each State and high-risk urban area, the Administrator of the Federal Emergency Management Agency shall conduct and submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of information provided in such Reports and Assessments.

(b) **ASSESSMENT REQUIREMENTS.**—The assessment required under subsection (a) shall include a comparison of successive State Preparedness Reports and Threat and Hazard Identification and Risk Assessments that aggregates results across the States and high-risk urban areas.

#### SEC. 1610. GRANT MANAGEMENT BEST PRACTICES.

The Administrator of the Federal Emergency Management Agency shall include in

the annual Notice of Funding Opportunity relating to grants under sections 2003 and 2004 of the Homeland Security Act of 2002 (6 U.S.C. 604 and 605) an appendix that includes the following:

(1) A summary of findings identified by the Office of the Inspector General of the Department of Homeland Security in audits of such grants and methods to address areas identified for improvement, including opportunities for technical assistance.

(2) Innovative projects and best practices instituted by grant recipients.

#### SEC. 1611. PROHIBITION ON CONSOLIDATION.

The Secretary of Homeland Security may not implement the National Preparedness Grant Program or any successor consolidated grant program unless the Secretary receives prior authorization from Congress permitting such implementation.

#### SEC. 1612. MAINTENANCE OF GRANT INVESTMENTS.

Section 2008 of the Homeland Security Act of 2002 (6 U.S.C. 609), as amended by this Act, is further amended by adding at the end the following new subsection:

“(h) MAINTENANCE OF EQUIPMENT.—Any applicant for a grant under section 2003 or 2004 seeking to use funds to purchase equipment, including pursuant to paragraphs (3), (4), (5), or (12) of subsection (a) of this section, shall by the time of the receipt of such grant develop a plan for the maintenance of such equipment over its life-cycle that includes information identifying which entity is responsible for such maintenance.”

#### SEC. 1613. TRANSIT SECURITY GRANT PROGRAM.

Section 1406 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135) is amended—

(1) in subsection (b)(2)(A), by inserting “and associated backfill” after “security training”; and

(2) by striking subsection (m) and inserting the following new subsections:

“(m) PERIODS OF PERFORMANCE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), funds provided pursuant to a grant awarded under this section for a use specified in subsection (b) shall remain available for use by a grant recipient for a period of not fewer than 36 months.

“(2) EXCEPTION.—Funds provided pursuant to a grant awarded under this section for a use specified in subparagraph (M) or (N) of subsection (b)(1) shall remain available for use by a grant recipient for a period of not fewer than 55 months.

“(n) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for grants under this section \$200,000,000 for each of fiscal years 2018 through 2022.”

#### SEC. 1614. PORT SECURITY GRANT PROGRAM.

Section 70107 of title 46, United States Code, is amended by—

(1) striking subsection (1);

(2) redesignating subsection (m) as subsection (1); and

(3) by adding at the end the following new subsections:

“(n) PERIOD OF PERFORMANCE.—The Secretary shall make funds provided under this section available for use by a recipient of a grant for a period of not less than 36 months.

“(o) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for grants under this section \$200,000,000 for each of the fiscal years 2018 through 2022.”

#### SEC. 1615. CYBER PREPAREDNESS.

(a) IN GENERAL.—Section 227 of the Homeland Security Act of 2002 (6 U.S.C. 148) is amended—

(1) in subsection (c)—

(A) in paragraph (5)(B), by inserting “, including State, local, and regional fusion centers, as appropriate” before the semicolon at the end;

(B) in paragraph (7), in the matter preceding subparagraph (A), by striking “information and recommendations” each place it appears and inserting “information, recommendations, and best practices”; and

(C) in paragraph (9), by inserting “best practices,” after “defensive measures,”; and (2) in subsection (d)(1)(B)(ii), by inserting “and State, local, and regional fusion centers, as appropriate” before the semicolon at the end.

(b) SENSE OF CONGRESS.—It is the sense of Congress that to facilitate the timely dissemination to appropriate State, local, and private sector stakeholders of homeland security information related to cyber threats, the Secretary of Homeland Security should, to the greatest extent practicable, work to share actionable information in an unclassified form related to such threats.

#### SEC. 1616. MAJOR METROPOLITAN AREA COUNTERTERRORISM TRAINING AND EXERCISE GRANT PROGRAM.

(a) IN GENERAL.—Subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 603 et seq.) is amended by adding at the end the following new section:

##### “SEC. 2009. MAJOR METROPOLITAN AREA COUNTERTERRORISM TRAINING AND EXERCISE GRANT PROGRAM.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary, acting through the Administrator and the heads of other relevant components of the Department, shall carry out a program to make grants to emergency response providers to prevent, prepare for, and respond to emerging terrorist attack scenarios, including complex, coordinated terrorist attacks and active shooters, as determined by the Secretary, against major metropolitan areas.

“(2) INFORMATION.—In establishing the program pursuant to paragraph (1), the Secretary shall provide to eligible applicants—

“(A) information, in an unclassified format, on emerging terrorist attack scenarios, including complex, coordinated terrorist attacks and active shooters, which grants under such program are intended to address; and

“(B) information on training and exercises best practices.

“(b) ELIGIBLE APPLICANTS.—

“(1) IN GENERAL.—Only jurisdictions that have previously received, but are no longer eligible for, funding under section 2003 may apply for a grant under the program established pursuant to subsection (a).

“(2) ADDITIONAL JURISDICTIONS.—Eligible applicants receiving funding under the program established pursuant to subsection (a) may include in activities funded by such program neighboring jurisdictions that would be likely to provide mutual aid in response to emerging terrorist attack scenarios, including complex, coordinated terrorist attacks and active shooters.

“(c) PERMITTED USES.—The recipient of a grant under the program established pursuant to subsection (a) may use such grant to—

“(1) identify capability gaps related to preparing for, preventing, and responding to emerging terrorist attack scenarios, including complex, coordinated terrorist attacks and active shooters;

“(2) develop or update plans, annexes, and processes to address any capability gaps identified pursuant to paragraph (1);

“(3) conduct training to address such identified capability gaps;

“(4) conduct exercises, including at locations such as mass gathering venues, places of worship, or educational institutions, as appropriate, to validate capabilities;

“(5) pay for backfill associated with personnel participating in training and exercises under paragraphs (3) and (4); and

“(6) pay for other permitted uses under section 2008.

“(d) PERIOD OF PERFORMANCE.—The Administrator shall make funds provided under this section available for use by a recipient of a grant for a period of not fewer than 36 months.

“(e) INFORMATION SHARING.—The Administrator shall, to the extent practicable, aggregate, analyze, and share with relevant emergency response providers information on best practices and lessons learned from—

“(1) the planning, training, and exercises conducted using grants authorized under the program established pursuant to subsection (a); and

“(2) responses to actual terrorist attacks around the world.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section \$39,000,000 for each of fiscal years 2018 through 2022.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 2008 the following new item:

“Sec. 2009. Major metropolitan area counterterrorism training and exercise grant program.”

#### SEC. 1617. OPERATION STONEGARDEN.

(a) IN GENERAL.—Subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

##### “SEC. 2010. OPERATION STONEGARDEN.

“(a) ESTABLISHMENT.—There is established in the Department a program to be known as ‘Operation Stonegarden’. Under such program, the Secretary, acting through the Administrator, shall make grants to eligible law enforcement agencies, through the State Administrative Agency, to enhance border security in accordance with this section.

“(b) ELIGIBLE RECIPIENTS.—To be eligible to receive a grant under this section, a law enforcement agency shall—

“(1) be located in—

“(A) a State bordering either Canada or Mexico; or

“(B) a State or territory with a maritime border; and

“(2) be involved in an active, ongoing U.S. Customs and Border Protection operation coordinated through a sector office.

“(c) PERMITTED USES.—The recipient of a grant under this section may use such grant for any of the following:

“(1) Equipment, including maintenance and sustainment costs.

“(2) Personnel, including overtime and backfill, in support of enhanced border law enforcement activities.

“(3) Any activity permitted for Operation Stonegarden under the Department of Homeland Security’s Fiscal Year 2016 Homeland Security Grant Program Notice of Funding Opportunity.

“(4) Any other appropriate activity, as determined by the Administrator, in consultation with the Commissioner of U.S. Customs and Border Protection.

“(d) PERIOD OF PERFORMANCE.—The Secretary shall make funds provided under this section available for use by a recipient of a grant for a period of not less than 36 months.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$110,000,000 for each of fiscal years 2018 through 2022 for grants under this section.

“(f) REPORT.—The Administrator shall annually for each of the fiscal years specified in subsection (d) submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report containing information on the expenditure of grants made under this section by each grant recipient.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002, as amended by this Act, is further amended by inserting after the item relating to section 2009 the following new item:

“Sec. 2010. Operation Stonegarden.”.

**SEC. 1618. NON-PROFIT SECURITY GRANT PROGRAM.**

(a) IN GENERAL.—Subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

**“SEC. 2011. NON-PROFIT SECURITY GRANT PROGRAM.**

“(a) ESTABLISHMENT.—There is established in the Department a program to be known as the ‘Non-Profit Security Grant Program’ (in this section referred to as the ‘Program’). Under the Program, the Secretary, through the Administrator, shall make grants to eligible nonprofit organizations described in subsection (b), through the State in which such organizations are located, for target hardening and other security enhancements to protect against terrorist attacks.

“(b) ELIGIBLE RECIPIENTS.—Eligible nonprofit organizations described in this subsection (a) are organizations that are—

“(1) described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

“(2) determined to be at risk of a terrorist attack by the Administrator.

“(c) PERMITTED USES.—The recipient of a grant under this section may use such grant for any of the following uses:

“(1) Target hardening activities, including physical security enhancement equipment and inspection and screening systems.

“(2) Fees for security training relating to physical security and cybersecurity, target hardening, terrorism awareness, and employee awareness.

“(3) Any other appropriate activity, as determined by the Administrator.

“(d) PERIOD OF PERFORMANCE.—The Administrator shall make funds provided under this section available for use by a recipient of a grant for a period of not less than 36 months.

“(e) REPORT.—The Administrator shall annually for each of fiscal years 2018 through 2022 submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report containing information on the expenditure by each grant recipient of grant funds made under this section.

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated \$50,000,000 for each of fiscal years 2018 through 2022 to carry out this section.

“(2) SPECIFICATION.—Of the amounts authorized to be appropriated pursuant to paragraph (1)—

“(A) \$35,000,000 is authorized for eligible recipients located in jurisdictions that receive funding under section 2003; and

“(B) \$15,000,000 is authorized for eligible recipients in jurisdictions not receiving funding under section 2003.”.

(b) CONFORMING AMENDMENT.—Subsection (a) of section 2002 of the Homeland Security Act of 2002 (6 U.S.C. 603) is amended by striking “sections 2003 and 2004” and inserting “sections 2003, 2004, and 2011”.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 2008 the following new item:

“Sec. 2011. Non-Profit Security Grant Program.”.

**SEC. 1619. STUDY OF THE USE OF GRANT FUNDS FOR CYBERSECURITY.**

Not later than 120 days after the enactment of this section, the Administrator, in consultation with relevant components of the Department, shall conduct a study on the use of grant funds awarded pursuant to section 2003 and section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 604 and 605), including information on the following:

(1) The amount of grant funds invested or obligated annually during fiscal years 2006 through 2016 to support efforts to prepare for and respond to cybersecurity risks and incidents (as such terms are defined in section 227 of such Act (6 U.S.C. 148)).

(2) The degree to which grantees identify cybersecurity as a capability gap in the Threat and Hazard Identification and Risk Assessment carried out pursuant to the amendment made by sections 601 and 602 of this title.

(3) Obstacles and challenges related to using grant funds to improve cybersecurity.

(4) Plans for future efforts to encourage grantees to use grant funds to improve cybersecurity capabilities.

**Subtitle B—Communications**

**SEC. 1631. OFFICE OF EMERGENCY COMMUNICATIONS.**

The Secretary of Homeland Security may not change the location or reporting structure of the Office of Emergency Communications of the Department of Homeland Security unless the Secretary receives prior authorization from the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate permitting such change.

**SEC. 1632. RESPONSIBILITIES OF OFFICE OF EMERGENCY COMMUNICATIONS DIRECTOR.**

(a) IN GENERAL.—Subsection (c) of section 1801 of the Homeland Security Act of 2002 (6 U.S.C. 571) is amended—

(1) by striking paragraph (3);

(2) by redesignating paragraphs (4) through (15) as paragraphs (3) through (14), respectively;

(3) in paragraph (8), as so redesignated, by striking “, in cooperation with the National Communications System.”;

(4) in paragraph (12) by striking “Assistant Secretary for Grants and Training” and inserting “Administrator of the Federal Emergency Management Agency”;

(5) in paragraph (13), as so redesignated, by striking “and” at the end;

(6) in paragraph (14), as so redesignated, by striking the period at the end and inserting a semicolon; and

(7) by adding at the end the following new paragraphs:

“(15) administer the Government Emergency Telecommunications Service (GETS) and Wireless Priority Service (WPS) programs, or successor programs; and

“(16) assess the impact of emerging technologies on interoperable emergency communications.”.

(b) PERFORMANCE OF PREVIOUSLY TRANSFERRED FUNCTIONS.—Subsection (d) of section 1801 of the Homeland Security Act of 2002 is amended by—

(1) striking paragraph (2); and

(2) redesignating paragraph (3) as paragraph (2).

**SEC. 1633. ANNUAL REPORTING ON ACTIVITIES OF THE OFFICE OF EMERGENCY COMMUNICATIONS.**

Subsection (f) of section 1801 of the Homeland Security Act of 2002 (6 U.S.C. 571) is amended to read as follows:

“(f) ANNUAL REPORTING OF OFFICE ACTIVITIES.—The Director of the Office of Emergency Communications shall, not later than

one year after the date of the enactment of this subsection and annually thereafter for each of the next four years, report to the Committee on Homeland Security and the Committee on Energy and Commerce of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the activities and programs of the Office, including specific information on efforts to carry out paragraphs (4), (5), and (6) of subsection (c).”.

**SEC. 1634. NATIONAL EMERGENCY COMMUNICATIONS PLAN.**

Section 1802 of the Homeland Security Act of 2002 (6 U.S.C. 572) is amended—

(1) in subsection (a), in the matter preceding paragraph (1)—

(A) by striking “, and in cooperation with the Department of National Communications System (as appropriate).”; and

(B) by inserting “, but not less than once every five years,” after “periodically”; and

(2) in subsection (c)—

(A) by redesignating paragraphs (3) through (10) as paragraphs (4) through (11), respectively; and

(B) by inserting after paragraph (2) the following new paragraph:

“(3) consider the impact of emerging technologies on the attainment of interoperable emergency communications.”.

**SEC. 1635. TECHNICAL EDIT.**

Paragraph (1) of section 1804(b) of the Homeland Security Act of 2002 (6 U.S.C. 574(b)), in the matter preceding subparagraph (A), by striking “Assistant Secretary for Grants and Planning” and inserting “Administrator of the Federal Emergency Management Agency”.

**SEC. 1636. PUBLIC SAFETY BROADBAND NETWORK.**

The Undersecretary of the National Protection and Programs Directorate of the Department of Homeland Security shall provide to the Committee on Homeland Security and the Committee on Energy and Commerce of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate information on the Department of Homeland Security’s responsibilities related to the development of the nationwide Public Safety Broadband Network authorized in section 6202 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1422; Public Law 112-96), including information on efforts by the Department to work with the First Responder Network Authority of the Department of Commerce to identify and address cyber risks that could impact the near term or long term availability and operations of such network and recommendations to mitigate such risks.

**SEC. 1637. COMMUNICATIONS TRAINING.**

The Under Secretary for Management of the Department of Homeland Security, in coordination with the appropriate component heads, shall develop a mechanism, consistent with the strategy required pursuant to section 4 of the Department of Homeland Security Interoperable Communications Act (Public Law 114-29; 6 U.S.C. 194 note), to verify that radio users within the Department receive initial and ongoing training on the use of the radio systems of such components, including interagency radio use protocols.

**Subtitle C—Medical Preparedness**

**SEC. 1641. CHIEF MEDICAL OFFICER.**

Section 516 of the Homeland Security Act of 2002 (6 U.S.C. 321e) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by inserting “and shall establish medical and human, animal, and occupational health exposure policy, guidance, strategies, and initiatives,” before “including—”;

(B) in paragraph (1), by inserting before the semicolon at the end the following: “, including advice on how to prepare for, protect against, respond to, recover from, and mitigate against the medical effects of terrorist attacks or other high consequence events utilizing chemical, biological, radiological, or nuclear agents or explosives”;

(C) in paragraph (2), by inserting before the semicolon at the end the following: “, including coordinating the Department’s policy, strategy and preparedness for pandemics and emerging infectious diseases”;

(D) in paragraph (5), by inserting “emergency medical services and medical first responder stakeholders,” after “the medical community,”;

(E) in paragraph (6), by striking “and” at the end;

(F) in paragraph (7), by striking the period and inserting a semicolon; and

(G) by adding at the end the following new paragraphs:

“(8) ensuring that the workforce of the Department has evidence-based policy, standards, requirements, and metrics for occupational health and operational medicine programs;

“(9) directing and maintaining a coordinated system for medical support for the Department’s operational activities;

“(10) providing oversight of the Department’s medical programs and providers, including—

“(A) reviewing and maintaining verification of the accreditation of the Department’s health provider workforce;

“(B) developing quality assurance and clinical policy, requirements, standards, and metrics for all medical and health activities of the Department;

“(C) providing oversight of medical records systems for employees and individuals in the Department’s care and custody; and

“(D) providing medical direction for emergency medical services activities of the Department; and

“(11) as established under section 528, maintaining a medical countermeasures stockpile and dispensing system, as necessary, to facilitate personnel readiness, and protection for the Department’s employees and working animals and individuals in the Department’s care and custody in the event of a chemical, biological, radiological, nuclear, or explosives attack, naturally occurring disease outbreak, or pandemic.”; and

(2) by adding at the end the following new subsection:

“(d) MEDICAL LIAISONS.—The Chief Medical Officer may provide medical liaisons to the components of the Department to provide subject matter expertise on medical and public health issues and a direct link to the Chief Medical Officer. Such expertise may include the following:

“(1) Providing guidance on health and medical aspects of policy, planning, operations, and workforce health protection.

“(2) Identifying and resolving component medical issues.

“(3) Supporting the development and alignment of medical and health systems.

“(4) Identifying common gaps in medical and health standards, policy, and guidance, and enterprise solutions to bridge such gaps.”.

#### SEC. 1642. MEDICAL COUNTERMEASURES PROGRAM.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following new section:

#### “SEC. 528. MEDICAL COUNTERMEASURES.

“(a) IN GENERAL.—The Secretary shall establish a medical countermeasures program to facilitate personnel readiness, and protec-

tion for the Department’s employees and working animals and individuals in the Department’s care and custody, in the event of a chemical, biological, radiological, nuclear, or explosives attack, naturally occurring disease outbreak, or pandemic, and to support Department mission continuity.

“(b) OVERSIGHT.—The Chief Medical Officer of the Department shall provide programmatic oversight of the medical countermeasures program established pursuant to subsection (a), and shall—

“(1) develop Department-wide standards for medical countermeasure storage, security, dispensing, and documentation;

“(2) maintain a stockpile of medical countermeasures, including antibiotics, antivirals, and radiological countermeasures, as appropriate;

“(3) preposition appropriate medical countermeasures in strategic locations nationwide, based on threat and employee density, in accordance with applicable Federal statutes and regulations;

“(4) provide oversight and guidance on dispensing of stockpiled medical countermeasures;

“(5) ensure rapid deployment and dispensing of medical countermeasures in a chemical, biological, radiological, nuclear, or explosives attack, naturally occurring disease outbreak, or pandemic;

“(6) provide training to Department employees on medical countermeasure dispensing; and

“(7) support dispensing exercises.

“(c) MEDICAL COUNTERMEASURES WORKING GROUP.—The Chief Medical Officer shall establish a medical countermeasures working group comprised of representatives from appropriate components and offices of the Department to ensure that medical countermeasures standards are maintained and guidance is consistent.

“(d) MEDICAL COUNTERMEASURES MANAGEMENT.—Not later than 180 days after the date of the enactment of this section, the Chief Medical Officer shall develop and submit to the Secretary an integrated logistics support plan for medical countermeasures, including—

“(1) a methodology for determining the ideal types and quantities of medical countermeasures to stockpile and how frequently such methodology shall be reevaluated;

“(2) a replenishment plan; and

“(3) inventory tracking, reporting, and reconciliation procedures for existing stockpiles and new medical countermeasure purchases.

“(e) STOCKPILE ELEMENTS.—In determining the types and quantities of medical countermeasures to stockpile under subsection (d), the Chief Medical Officer shall utilize, if available—

“(1) Department chemical, biological, radiological, and nuclear risk assessments; and

“(2) Centers for Disease Control and Prevention guidance on medical countermeasures.

“(f) REPORT.—Not later than 180 days after the date of the enactment of this section, the Chief Medical Officer shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on progress in achieving the requirements of this section.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by adding after the item relating to section 527 the following new item:

“Sec. 528. Medical countermeasures.”.

#### TITLE VII—OTHER MATTERS

#### SEC. 1701. DECISION REGARDING CERTAIN EXECUTIVE MEMORANDA.

Not later than 120 days after the date of the enactment of this Act, the Secretary of

Homeland Security shall review existing Department of Homeland Security policy memoranda, including memoranda approved by prior Secretaries that remain in effect, to determine whether such memoranda should remain in effect and, if so, whether any of such memoranda should be modified.

#### SEC. 1702. PERMANENT AUTHORIZATION FOR ASIA-PACIFIC ECONOMIC COOPERATION BUSINESS TRAVEL CARD PROGRAM.

Section 2(a) of the Asia-Pacific Economic Cooperation Business Travel Cards Act of 2011 (Public Law 112-54; 8 U.S.C. 1185 note) is amended by striking “During the 7-year period ending on September 30, 2018, the Secretary” and inserting “The Secretary”.

#### SEC. 1703. AUTHORIZATION OF APPROPRIATIONS FOR OFFICE OF INSPECTOR GENERAL.

There is authorized to be appropriated for the Office of the Inspector General of the Department of Homeland Security \$175,000,000 for each of fiscal years 2018 and 2019.

#### SEC. 1704. CANINE TEAMS.

The Commissioner of U.S. Customs and Border Protection may request additional canine teams when there is a justified and documented shortage and such additional canine teams would be effective for drug detection at the border.

#### SEC. 1705. TECHNICAL AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002.

(a) TITLE I.—Section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), as amended by this Act, is further amended as follows:

(1) In subsection (a)(1)—

(A) in subparagraph (E), by striking “the Bureau of” and inserting “United States”; and

(B) by adding at the end the following new subparagraph:

“(L) An Administrator of the Transportation Security Administration.”.

(2) In subsection (d)(5), by striking “section 708” and inserting “section 707”.

(b) TITLE II.—Title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended as follows:

(1) In section 202 (6 U.S.C. 122)—

(A) in subsection (c), in the matter preceding paragraph (1), by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”; and

(B) in subsection (d)(2), by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”.

(2) In section 210E (6 U.S.C. 124I)—

(A) by striking subsection (e); and

(B) by redesignating subsection (f) as subsection (e).

(3) In section 223(1)(B) (6 U.S.C. 143(1)(B)), by striking “and” after the semicolon at the end.

(4) In section 225 (6 U.S.C. 145), by striking subsections (c) and (d).

(5) In section 228A(c)(1)(C), by striking “section 707” and inserting “section 706”.

(c) TITLE III.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended as follows:

(1) In section 302 (6 U.S.C. 182), by striking “biological,” each places it appears and inserting “biological.”.

(2) By redesignating the second section 319 (relating to EMP and GMD mitigation research and development) as section 320.

(d) TITLE IV.—Title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is amended as follows:

(1) By redesignating section 402 (6 U.S.C. 202) as section 401.

(2) In section 401(4), as so redesignated, by striking “section 428” and inserting “section 426”.

(3) By redesignating section 417 as section 416.

(4) By redesignating section 427 (6 U.S.C. 235) as section 425.

(5) In section 425, as so redesignated, by striking subsection (c).

(6) By redesignating section 428 (6 U.S.C. 236) as section 426.

(7) In section 426, as so redesignated, in—

(A) in subsection (e), by striking paragraphs (7) and (8);

(B) by striking subsections (g) and (h); and

(C) by redesignating subsection (i) as subsection (g).

(8) By redesignating section 429 (6 U.S.C. 237) as section 427.

(9) By redesignating section 430 (6 U.S.C. 238) as section 428.

(10) By striking section 431 (6 U.S.C. 239).

(11) By redesignating section 432 (6 U.S.C. 240) as section 429.

(12) By redesignating section 433 (6 U.S.C. 241) as section 430.

(13) By amending the subtitle D heading to read as follows: “**U.S. Immigration and Customs Enforcement**”.

(14) By striking section 445 (6 U.S.C. 255).

(15) By striking section 446 (6 U.S.C. 256).

(16) In the subtitle E heading, by inserting “**United States**” before “**Citizenship and Immigration Services**”.

(17) In section 452 (6 U.S.C. 272)—

(A) by striking “the Bureau of” each place it appears and inserting “United States”; and

(B) in subsection (f), in the subsection heading, by striking “BUREAU OF” and inserting “UNITED STATES”.

(18) By striking section 453 (6 U.S.C. 273).

(19) By striking section 455 (6 U.S.C. 271 note).

(20) By striking section 456 (6 U.S.C. 275).

(21) By striking section 459 (6 U.S.C. 276).

(22) By striking section 460 (6 U.S.C. 277).

(23) By striking section 461 (6 U.S.C. 278).

(24) By redesignating section 462 (6 U.S.C. 279) as section 455.

(25) In section 455, as so redesignated, in subsection (b)(2)(A), in the matter preceding clause (i)—

(A) by striking “the Bureau of Citizenship and Immigration Services” and inserting “United States Citizenship and Immigration Services”; and

(B) by striking “Assistant Secretary of the Bureau of Border Security” and inserting “Director of U.S. Immigration and Customs Enforcement”.

(26) By striking section 472 (6 U.S.C. 292).

(27) By striking section 473 (6 U.S.C. 293).

(28) By striking section 474 (6 U.S.C. 294).

(29) By redesignating section 476 (6 U.S.C. 296) as section 472.

(30) In section 472, as so redesignated—

(A) by striking “the Bureau of Citizenship and Immigration Services” each place it appears and inserting “United States Citizenship and Immigration Services”; and

(B) by striking “the Bureau of Border Security” each place it appears and inserting “U.S. Immigration and Customs Enforcement”.

(31) By striking section 477 (6 U.S.C. 297).

(32) By redesignating section 478 (6 U.S.C. 298) as section 473.

(33) In section 473, as so redesignated—

(A) in the section heading, by inserting “**ANNUAL REPORT ON**” before “**IMMIGRATION**”;

(B) by striking subsection (b); and

(C) in subsection (a)—

(i) by striking “REPORT.—” and all that follows through “One year” and inserting “REPORT.—One year”;

(ii) by redesignating paragraph (2) as subsection (b) and moving such subsection two ems to left; and

(iii) in subsection (b), as so redesignated—

(I) in the heading, by striking “INCLUDED” and inserting “INCLUDED”; and

(II) by redesignating subparagraphs (A) through (H) as paragraphs (1) through (8), respectively, and moving such paragraphs two ems to the left.

(e) TITLE V.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended as follows:

(1) In section 501 (6 U.S.C. 311)—

(A) in paragraph (8), by striking “section 502(a)(6)” and inserting “section 504(a)(6)”;

(B) by redesignating paragraphs (9) through (14) as paragraphs (10) through (15), respectively; and

(C) by inserting after paragraph (8) the following new paragraph:

“(9) the term ‘Nuclear Incident Response Team’ means a resource that includes—

“(A) those entities of the Department of Energy that perform nuclear or radiological emergency support functions (including accident response, search response, advisory, and technical operations functions), radiation exposure functions at the medical assistance facility known as the Radiation Emergency Assistance Center/Training Site (REAC/TS), radiological assistance functions, and related functions; and

“(B) those entities of the Environmental Protection Agency that perform such support functions (including radiological emergency response functions) and related functions.”.

(2) By striking section 502 (6 U.S.C. 312).

(3) In section 504(a)(3)(B) (6 U.S.C. 314(a)(3)(B)), by striking “, the National Disaster Medical System.”.

(4) In section 506(c) (6 U.S.C. 316(c)), by striking “section 708” each place it appears and inserting “section 707”.

(5) In section 509(c)(2) (6 U.S.C. 319(c)(2)), in the matter preceding subparagraph (A), by striking “section 708” and inserting “section 707”.

(f) TITLE VI.—Section 601 of the Homeland Security Act of 2002 (6 U.S.C. 331) is amended by striking “Director of Central Intelligence” each place it appears and inserting “Director of National Intelligence”.

(g) TITLE VII.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is amended as follows:

(1) By striking section 706 (6 U.S.C. 346).

(2) By redesignating section 707 (6 U.S.C. 347) as section 706.

(3) By redesignating section 708 as section 707.

(4) By redesignating section 709 (relating to the Office of Strategy, Policy, and Plans) as section 708.

(5) In section 708, as so redesignated, in subsection (c)(3), by striking “section 707” and inserting “section 706”.

(h) TITLE VIII.—Title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361 et seq.) is amended as follows:

(1) By redesignating section 812 as section 811.

(2) In section 811, as so redesignated—

(A) by striking subsections (a) and (c); and

(B) in subsection (b)—

(i) by striking “(as added by subsection (a) of this section)” each place it appears;

(ii) by redesignating paragraphs (2) through (4) as subsections (b) through (d), respectively, and by moving such subsections, as so redesignated, two ems to the left;

(iii) in paragraph (1), by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and by moving such paragraphs, as so redesignated, two ems to the left; and

(iv) by striking “(b) PROMULGATION OF INITIAL GUIDELINES.—” and all that follows through “In this subsection” and inserting the following:

“(a) DEFINITION.—In this section”;

(C) in subsection (b), as so redesignated, by striking “IN GENERAL” and inserting “IN GENERAL”;

(D) in subsection (c), as so redesignated, by striking “MINIMUM REQUIREMENTS” and inserting “MINIMUM REQUIREMENTS”; and

(E) in subsection (d), as so redesignated, by striking “NO LAPSE OF AUTHORITY” and inserting “NO LAPSE OF AUTHORITY”.

(3) In section 843(b)(1)(B) (6 U.S.C. 413(b)(1)(B)), by striking “as determined by” and all that follows through “; and” and inserting “as determined by the Secretary; and”.

(4) By striking section 857 (6 U.S.C. 427).

(5) By redesignating section 858 (6 U.S.C. 428) as section 857.

(6) By striking section 872 (6 U.S.C. 452).

(7) By striking section 881 (6 U.S.C. 461).

(8) In section 892 (6 U.S.C. 482)—

(A) in subsection (b)(7), by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”; and

(B) in subsection (c)(3)(D), by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”.

(9) By striking section 893 (6 U.S.C. 483).

(10) By redesignating section 894 (6 U.S.C. 484) as section 893.

(i) TITLE IX.—Section 903(a) of the Homeland Security Act of 2002 (6 U.S.C. 493(a)) is amended in the subsection heading by striking “MEMBERS—” and inserting “MEMBERS.—”.

(j) TITLE X.—Section 1001(c)(1) of the Homeland Security Act of 2002 (6 U.S.C. 511(c)(1)) is amended by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”.

(k) TITLE XV.—Title XV of the Homeland Security Act of 2002 (6 U.S.C. 541 et seq.) is amended as follows:

(1) By striking section 1502 (6 U.S.C. 542).

(2) By redesignating section 1503 (6 U.S.C. 543) as section 1502.

(l) TITLE XVI.—Section 1611(d)(1) of the Homeland Security Act of 2002 (6 U.S.C. 563(d)(1)) is amended by striking “section 707” and inserting “section 706”.

(m) TITLE XIX.—Section 1902(b)(3) of the Homeland Security Act of 2002 (6 U.S.C. 592(b)(3)) is amended—

(1) in the paragraph heading, by striking “HAWAIIAN NATIVE-SERVING” and inserting “NATIVE HAWAIIAN-SERVING”; and

(2) by striking “Hawaiian native-serving” and inserting “Native Hawaiian-serving”.

(n) TITLE XX.—Section 2021 of the Homeland Security Act of 2002 (6 U.S.C. 611) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(o) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended as follows:

(1) By striking the items relating to sections 317, 319, 318, and 319 and inserting the following new items:

“Sec. 317. Promoting antiterrorism through international cooperation program.

“Sec. 318. Social media working group.

“Sec. 319. Transparency in research and development.

“Sec. 320. EMP and GMD mitigation research and development.”.

(2) By striking the items relating to sections 401 and 402 and inserting the following new item:

“Sec. 401. Border, maritime, and transportation responsibilities.”.

(3) By striking the item relating to section 417 and inserting the following new item:

“Sec. 416. Allocation of resources by the Secretary.”.

(4) By striking the items relating to sections 427 through 433 and inserting the following new items:

“Sec. 425. Coordination of information and information technology.

“Sec. 426. Visa issuance.

“Sec. 427. Information on visa denials required to be entered into electronic data system.

“Sec. 428. Office for Domestic Preparedness.

“Sec. 429. Border Enforcement Security Task Force.

“Sec. 430. Prevention of international child abduction.”.

(5) By striking the items relating to sections 445 and 446.

(6) By amending the item relating to subtitle E of title IV to read as follows:

“Subtitle E—United States Citizenship and Immigration Services”.

(7) By amending the item relating to section 451 to read as follows:

“Sec. 451. Establishment of United States Citizenship and Immigration Services.”.

(8) By striking the items relating to sections 455, 456, 459, 460, and 461 and inserting before the item relating to section 457 the following new item:

“Sec. 455. Children’s affairs.”.

(9) By striking the items relating to sections 472 through 478 and inserting the following new items:

“Sec. 472. Separation of funding.

“Sec. 473. Annual report on immigration functions.”.

(10) By striking the item relating to section 502.

(11) By striking the item relating to section 524.

(12) By striking the items relating to sections 706 through 709 and inserting the following new items:

“Sec. 706. Quadrennial Homeland Security Review.

“Sec. 707. Joint Task Forces.

“Sec. 708. Office of Strategy, Policy, and Plans.”.

(13) By striking the items relating to sections 811 and 812 and inserting the following new item:

“Sec. 811. Law enforcement powers of Inspector General agents.”.

(14) By striking the items relating to sections 857 and 858 and inserting the following new item:

“Sec. 857. Identification of new entrants into the Federal marketplace.”.

(15) By striking the item relating to section 872.

(16) By striking the item relating to section 881.

(17) By striking the items relating to sections 893 and 894 and inserting the following new item:

“Sec. 893. Authorization of appropriations.”.

(18) By striking the items relating to sections 1502 and 1503 and inserting the following new item:

“Sec. 1502. Review of congressional committee structures.”.

#### SEC. 1706. SAVINGS CLAUSE.

Nothing in this Act shall be construed as providing the Department of Homeland Security or any of its components, agencies, or programs with real property authority, including with respect to leases, construction, or other acquisitions and disposals.

### DIVISION B—U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

#### SEC. 2001. SHORT TITLE.

This division may be cited as the “Immigration and Customs Enforcement Authorization Act of 2017”.

#### SEC. 2002. ESTABLISHMENT OF U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT.

(a) IN GENERAL.—Section 442 of the Homeland Security Act of 2002 (6 U.S.C. 252) is amended to read as follows:

##### “SEC. 442. ESTABLISHMENT OF U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT.

“(a) ESTABLISHMENT.—There is established within the Department an agency to be known as ‘U.S. Immigration and Customs Enforcement’.

“(b) DIRECTOR OF U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT.—There shall be at the head of U.S. Immigration and Customs Enforcement a Director of U.S. Immigration and Customs Enforcement (in this section referred to as the ‘Director’).

“(c) DUTIES AND QUALIFICATIONS.—The Director shall—

“(1) have a minimum five years—

“(A) professional experience in law enforcement (which may include enforcement of the immigration laws, as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)) or the customs and trade laws of the United States, as defined in section 2 of the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. 4301)); and

“(B) management experience;

“(2) identify, arrest, detain and seek the removal of inadmissible and deportable aliens and otherwise enforce the immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))), other than through criminal prosecutions;

“(3) investigate and, where appropriate, refer for prosecution, any criminal or civil violation of Federal law relating to or involving—

“(A) the immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)));

“(B) border control and security, including the prevention of the entry or residence of terrorists, criminals, and human rights violators;

“(C) the customs and trade laws of the United States, as defined in section 2 of the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. 4301);

“(D) the import or export of merchandise, including the illicit possession, movement of, or trade in goods, services, property, arms, instruments of terrorism, items controlled or prohibited from export, child exploitation, intellectual property, or currency or other monetary instruments;

“(E) bulk cash smuggling or other financial crimes with a cross border or international nexus;

“(F) transnational gang activity;

“(G) chapter 40 or 44 of title 18, United States Code, or other violation relating to firearms, explosives, or other destructive devices involving an alien;

“(H) severe forms of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102);

“(I) the production, procurement, counterfeiting, alteration, or use of fraudulent immigration documents or fraudulently obtaining immigration benefits;

“(J) unlawful use of personal information, including immigration document fraud, when such use relates to or affects border security, terrorism, customs, immigration, naturalization, trade, travel, or transportation security;

“(K) drug laws, as specified in the Controlled Substance Act and the Controlled Substance Import and Export Act in the context of cross-border criminal activity; or

“(L) fraud or false statements relating to or involving any matter specified in this paragraph.

“(4) administer the National Intellectual Property Rights Coordination Center established in section 305 of the Trade Facilitation and Trade Enforcement Act of 2015 (Public Law 114-125; 19 U.S.C. 4344);

“(5) jointly with the Commissioner of U.S. Customs and Border Protection, develop and submit the joint strategic plan required under section 105 of the Trade Facilitation and Trade Enforcement Act of 2015 (Public Law 114-125; 19 U.S.C. 4314);

“(6) coordinate with Federal, State, local, tribal, and foreign agencies in carrying out the duties described in paragraphs (2) and (3);

“(7) in coordination with the Department of State and the Office of International Affairs of the Department, establish staff liaison offices and vetted units in appropriate foreign countries to support the counterterrorism efforts and other international activities including investigations and repatriation efforts;

“(8) assign employees of the Department to diplomatic and consular posts, in coordination with the Secretary, pursuant to section 426(e);

“(9) establish, maintain, and administer appropriate interagency law enforcement centers in furtherance of the Director’s statutory duties, including interagency centers, in accordance with applicable law, or as prescribed by the Secretary;

“(10) administer the Border Enforcement Security Task Force established under section 429;

“(11) operate the Cyber Crimes Center established in section 890A;

“(12) in carrying out paragraph (3), administer internal conspiracy investigations at United States ports of entry; and

“(13) carry out other duties and powers prescribed by law, or delegated by the Secretary.

“(d) GENERAL ENFORCEMENT POWERS.—The Director may authorize agents and officers of U.S. Immigration and Customs Enforcement to—

“(1) carry out the duties and responsibilities authorized under sections 287 and 274A of the Immigration and Nationality Act (8 U.S.C. 1357 and 8 U.S.C. 1324(a)) and section 589 of the Tariff Act of 1930 (19 U.S.C. 1589a);

“(2) offer and pay rewards for services and information leading to the apprehension of persons involved in the violation or attempted violation of those provisions of law which United States Immigration and Customs Enforcement is authorized by statute to enforce;

“(3) conduct undercover investigative operations pursuant to section 294 of the Immigration and Nationality Act (8 U.S.C. 1363a), and section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081; enacted as part of the Anti-Drug Abuse Act of 1986); and

“(4) carry out other duties and responsibilities provided under the laws of the United States.

“(e) DEPUTY DIRECTOR.—There shall be a Deputy Director of United States U.S. Immigration and Customs Enforcement who shall assist the Director in managing U.S. Immigration and Customs Enforcement and who shall assist the Director in carrying out the Directors duties.

“(f) OFFICE OF HOMELAND SECURITY INVESTIGATIONS.—

“(1) IN GENERAL.—There is established in U.S. Immigration and Customs Enforcement an Office of Homeland Security Investigations.

“(2) EXECUTIVE ASSOCIATE DIRECTOR.—There shall be at the head of the Office of Homeland Security Investigations an Executive Associate Director, who shall report to the Director.

“(3) DUTIES.—The Office of Homeland Security Investigations shall—



“(A) serve as the law enforcement office of U.S. Immigration and Customs Enforcement with a primary responsibility to conduct investigations of terrorist organizations and other criminal organizations that threaten homeland or border security;

“(B) serve as the law enforcement office of U.S. Immigration and Customs Enforcement with responsibility to conduct investigations of, and, where appropriate, refer for prosecution, any criminal or civil violation of Federal law, including—

“(i) money laundering offenses with a cross-border nexus;

“(ii) bulk cash smuggling with a cross-border nexus;

“(iii) commercial fraud with a cross-border nexus and intellectual property theft;

“(iv) cybercrimes;

“(v) human smuggling and human trafficking as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102), and human rights violations as defined by 28 U.S.C. 509B(e);

“(vi) narcotics and weapons smuggling and trafficking;

“(vii) export violations;

“(viii) international art and antiquity theft;

“(ix) identity and benefits fraud, as those terms are defined in title 8 and title 18, United States Code, relating to or involving any matter specified in this subparagraph; and

“(x) any other criminal or civil violation prescribed by law or delegated by the Director;

“(C) administer the program to collect information relating to nonimmigrant foreign students and other exchange program participants described in section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372), including the Student and Exchange Visitor Information System established under such section, and use such information to carry out the enforcement functions of United States Immigration and Customs Enforcement;

“(D) administer a National Export Enforcement Coordination Center, which shall serve as the primary information sharing forum within the Federal Government to coordinate, promote, and assist Federal and international investigations of export control offenses;

“(E) conduct investigations of alleged violations of, and make arrests under, section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a), including referring for prosecution, or levying monetary penalties against, an employer found to be in violation of such section, and administratively arresting, and initiating removal proceeding against, an alien unlawfully employed;

“(F) administer a Human Smuggling and Trafficking Center, which shall serve as the primary information sharing forum within the Federal Government to coordinate, promote, and assist Federal and international investigations in human smuggling and trafficking investigations;

“(G) administer the Bulk Cash Smuggling Center, which shall serve to investigate domestic and international bulk cash smuggling activities and support law enforcement in efforts to investigate and restrict bulk cash smuggling;

“(H) investigate and refer for prosecution public safety matters involving (to the extent provided in subsection (b)(4))—

“(i) large-scale operations prosecuted pursuant to chapter 96 (relating to racketeer influenced and corrupt organizations) of title 18, United States Code; and

“(ii) the smuggling into, and sale within, the United States of weapons; and

“(I) carry out other duties and powers prescribed by the Director.

“(g) OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS.—

“(1) IN GENERAL.—There is established in U.S. Immigration and Customs Enforcement an Office of Enforcement and Removal Operations.

“(2) EXECUTIVE ASSOCIATE DIRECTOR.—There shall be at the head of the Office of Enforcement and Removal Operations an Executive Associate Director, who shall report to the Director.

“(3) DUTIES.—The Office of Enforcement and Removal Operations shall—

“(A) serve as the law enforcement office of U.S. Immigration and Customs Enforcement with primary responsibility to enforce the civil immigration and nationality laws of the United States;

“(B) identify, locate, arrest, detain, and seek the removal of aliens in custodial settings or at-large, and remove aliens ordered removed, who—

“(i) are inadmissible or deportable under sections 212(a)(3) or 237(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3) or 1227(a)(4)), or otherwise present a national security risk to the United States;

“(ii) are inadmissible or deportable under sections 212(a)(2) or 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2) or 1227(a)(2));

“(iii) undermine the border security efforts and operations of the United States;

“(iv) enter the United States in violation of Federal law;

“(v) are unlawfully present in the United States;

“(vi) are members of a criminal gang or participate in gang-related crimes, except as described in subsection (f)(3);

“(vii) constitute threats to the public safety; or

“(viii) are otherwise subject to exclusion, deportation, or removal from the United States.

“(C) refer for prosecution aliens described in subparagraph (B) or section 922(g)(5) of title 18, United States Code;

“(D) have custody (and the authority to release) over aliens detained for potential exclusion, deportation, or removal from the United States, manage the administrative immigration detention operations of U.S. Immigration and Customs Enforcement, and provide necessary, and appropriate medical care to detained aliens in the custody of the agency;

“(E) plan, coordinate, and manage the execution of exclusion, deportation, and removal orders issued to aliens;

“(F) investigate and refer for prosecution a civil or criminal violation of the immigration laws or an offense described in section 287(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1357(a)(5)); and

“(G) carry out other duties and powers as prescribed by the Director.

“(h) OFFICE OF THE PRINCIPAL LEGAL ADVISOR.—

“(1) IN GENERAL.—There is established in U.S. Immigration and Customs Enforcement an Office of the Principal Legal Advisor.

“(2) PRINCIPAL LEGAL ADVISOR.—There shall be at the head of the Office the Principal Legal Advisor a Principal Legal Advisor.

“(3) DUTIES.—The office of the Principal Legal Advisor shall—

“(A) provide specialized legal advice and policy guidance to the Director;

“(B) represent the Department in all exclusion, deportation, and removal proceedings before the Executive Office for Immigration Review;

“(C) represent U.S. Immigration and Customs Enforcement in venues and fora as au-

thorized by the Director or General Counsel of the Department of Homeland Security, or otherwise permitted by law; and

“(D) carry out other duties and powers as prescribed by the Director.

“(i) OFFICE OF PROFESSIONAL RESPONSIBILITY.—

“(1) IN GENERAL.—There is established in U.S. Immigration and Customs Enforcement an Office of Professional Responsibility.

“(2) ASSISTANT DIRECTOR.—There shall be at the head of the Office of Professional Responsibility an Assistant Director, who shall report to the Director.

“(3) DUTIES.—The Office of Professional Responsibility shall—

“(A) investigate allegations of administrative, civil, and criminal misconduct involving any employee or contractor of U.S. Immigration and Customs Enforcement;

“(B) inspect and review United States Immigration and Customs Enforcement's offices, operations, and processes, including detention facilities operated or used by U.S. Immigration and Customs Enforcement, and provide an independent review of United States Immigration and Customs Enforcement's organizational health, effectiveness, and efficiency of mission;

“(C) provide and manage the security programs and operations for U.S. Immigration and Customs Enforcement; and

“(D) carry out other duties and powers as prescribed by the Director.

“(j) OFFICE OF MANAGEMENT AND ADMINISTRATION.—

“(1) IN GENERAL.—There is established in U.S. Immigration and Customs Enforcement an Office of Management and Administration.

“(2) EXECUTIVE ASSOCIATE DIRECTOR.—There shall be at the head of the Office of Management and Administration an Executive Associate Director, who shall report to the Director.

“(3) DUTIES.—The Office of Management and Administration shall—

“(A) administer the Office of Human Capital to provide guidance to the agency and ensure compliance with human resources policies and practices;

“(B) administer the Office of Chief Financial Officer;

“(C) administer the Office of Policy to develop and communicate the agency policies and priorities;

“(D) create best practices to efficiently respond to all Freedom of Information Act requests received by the agency;

“(E) manage all information technology systems within the agency; and

“(F) carry out additional duties as assigned or delegated by the Director.

“(k) DEPARTMENTAL EVIDENCE DATABASES.—Notwithstanding any other provision of this Act, any officer within the Office of Enforcement and Removal Operations engaged in the duties of that office under subsection (f)(3)(C) or (f)(3)(F) shall be provided access, in connection to such duties, to databases necessary for the proper collection, recordation, and retention of any evidence collected.

“(l) OTHER AUTHORITIES.—

“(1) IN GENERAL.—The Secretary may establish such other Executive Associate Directors, or other similar positions or officials, as the secretary determines necessary to carry out the missions, duties, functions, and authorities of U.S. Immigration and Customs Enforcement.

“(2) NOTIFICATION.—If the Secretary exercises the authority provided pursuant to paragraph (1), the Secretary shall notify the Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives and the Committee on the Judiciary and the Committee on Homeland

Security and Governmental Affairs of the Senate not later than 30 days before exercising such authority.

“(m) OTHER FEDERAL AGENCIES.—Nothing in this section may be construed as affecting or limiting in any manner the authority, as in existence on the day before the date of the enactment of this section, of any other Federal agency or other component of the Department.”

(b) SPECIAL RULES.—

(1) TREATMENT.—Section 442 of the Homeland Security Act of 2002, as amended by subsection (a) of this section, shall be treated as if included in such Act as of the date of the enactment of such Act. In addition to the functions, missions, duties, and authorities specified in such amended section 442, U.S. Immigration and Customs Enforcement shall continue to perform and carry out the functions, missions, duties, and authorities under section 442 of such Act as in existence on the day before such date of enactment (notwithstanding the treatment described in this paragraph).

(2) RULES OF CONSTRUCTION.—

(A) RULES AND REGULATIONS.—Notwithstanding the treatment described in paragraph (1), nothing in this division may be construed as affecting in any manner any rule or regulation issued or promulgated pursuant to any provision of law, including section 442 of the Homeland Security Act of 2002, as in existence on the day before the date of the enactment of this division, and any such rule or regulation shall continue to have full force and effect on and after such date.

(B) OTHER ACTIONS.—Notwithstanding the treatment described in paragraph (1), nothing in this division may be construed as affecting in any manner any action, determination, policy, or decision pursuant to section 442 of the Homeland Security Act of 2002 as in existence on the day before the date of the enactment of this division, and any such action, determination, policy, or decision shall continue to have full force and effect on and after such date.

(c) CONTINUATION IN OFFICE.—

(1) DIRECTOR.—The individual serving as the Director of U.S. Immigration and Customs Enforcement on the day before the date of the enactment of this division (notwithstanding the treatment described in subsection (b)(1)) may serve as the Director of U.S. Immigration and Customs Enforcement in accordance with section 442 of the Homeland Security Act of 2002, as amended by subsection (a), until the earlier of—

(A) the date on which such individual is no longer eligible to serve as Director; or

(B) the date on which a person nominated by the President to be the Director is confirmed by the Senate in accordance with such section 441.

(2) OTHER POSITIONS.—The individuals serving as the Deputy Director, Executive Associate Directors, Deputy Executive Associate Directors, or similar officers or officials of U.S. Immigration and Customs Enforcement under section 442 of the Homeland Security Act of 2002 on the day before the date of the enactment of this division (notwithstanding the treatment described in subsection (b)(1)) may serve as the appropriate Deputy Director, Executive Associate Directors, Deputy Executive Associate Directors, Associate Directors, Deputy Associate Directors, Assistant Directors, and other officers and officials under section 442 of such Act, as amended by subsection (a), unless the Director of U.S. Immigration and Customs Enforcement determines that another individual should hold such position.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by striking the

item relating to section 442 and inserting the following:

“Sec. 442. Establishment of U.S. Immigration and Customs Enforcement.”

(d) TRANSPORTATION.—Section 1344(b)(6) of title 31, United States Code, is amended by inserting “the Director of U.S. Immigration and Customs Enforcement, the Commissioner of U.S. Customs and Border Protection,” after “the Administrator of the Drug Enforcement Administration.”

(e) RULE OF CONSTRUCTION.—Nothing in this Act or the amendments made by this Act may be construed as creating any new ground for removal under the immigration laws (as such term is defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))).

(f) SENSE OF CONGRESS.—It is the sense of Congress that a primary mission of U.S. Immigration and Customs Enforcement is to enforce the full range of immigration laws within the interior of the United States.

(g) CONFORMING AMENDMENTS.—

(1) TITLE 5.—Section 5314 of title 5, United States Code, is amended by inserting after “Director of the Bureau of Citizenship and Immigration Services.” the following new item: “Director of U.S. Immigration and Customs Enforcement.”

(2) INSPECTOR GENERAL ACT OF 1978.—Section 81(e) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking “the Bureau of Border Security,” and inserting “United States Immigration and Customs Enforcement.”

(3) TRADE FACILITATION AND TRADE ENFORCEMENT ACT OF 2015.—Paragraph (2) of section 802(d) of the Trade Facilitation and Trade Enforcement Act of 2015 (Public Law 114-125) is amended by inserting before the period at the end of the following: “or the Director of U.S. Immigration and Customs Enforcement, as determined by the Secretary of Homeland Security”.

(4) HOMELAND SECURITY ACT OF 2002.—Title IV of the Homeland Security Act of 2002 is amended—

(A) in subtitle C—

(i) in subsection (e) of section 426 (as redesignated in section 1705 of this Act), by adding at the end the following new paragraph:

“(9) DELEGATED AUTHORITY.—For purposes of this subsection, the Secretary shall act through the Director of U.S. Immigration and Customs Enforcement.”; and

(ii) in section 429 (as redesignated in section 1705 of this Act)—

(I) by redesignating subsection (e) as subsection (f); and

(II) by inserting after subsection (d) the following new subsection:

“(e) ADMINISTRATION.—The Director of U.S. Immigration and Customs Enforcement shall administer BEST units established under this section.”; and

(B) in subtitle E, in subsection (a)(2)(C) of section 451 (6 U.S.C. 271), by striking “at the same level as the Assistant Secretary of the Bureau of Border Security” and inserting “in accordance with section 5314 of title 5, United States Code”; and

(h) CLERICAL AMENDMENTS.—The table of contents in section 1(b) of such Act is amended by striking the item relating to subtitle D of title IV and inserting the following new item:

“Subtitle D—U.S. Immigration and Customs Enforcement”.

## **DIVISION C—UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES**

### **SEC. 3001. SHORT TITLE.**

This division may be cited as the “United States Citizenship and Immigration Services Authorization Act”.

## **SEC. 3002. ESTABLISHMENT OF UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES.**

(a) IN GENERAL.—Section 451 of the Homeland Security Act of 2002 (6 U.S.C. 271) is amended to read as follows:

### **“SEC. 451. ESTABLISHMENT OF UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES.**

“(a) ESTABLISHMENT.—There is established within the Department an agency to be known as ‘United States Citizenship and Immigration Services’.

“(b) DIRECTOR OF UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES.—There shall be at the head of United States Citizenship and Immigration Services a Director of United States Citizenship and Immigration Services (in this section referred to as the ‘Director’).

“(c) QUALIFICATIONS AND DUTIES.—The Director shall—

“(1) have at least 5 years of management experience;

“(2) establish the policies and priorities of United States Citizenship and Immigration Services;

“(3) advise the Secretary of any policy or operation that affects, in a significant manner, the mission of another Department component;

“(4) meet regularly with the U.S. Citizenship and Immigration Services Ombudsman (established in section 452).

“(5) carry out—

“(A) the adjudication of immigrant and nonimmigrant visa applications and petitions;

“(B) the adjudication of naturalization applications;

“(C) the adjudication of asylum and refugee applications;

“(D) adjudications performed at service centers; and

“(E) all other adjudications formerly performed pursuant to this section by the Immigration and Naturalization Service or the Bureau of Citizenship and Immigration Services, on the day before the date of the enactment of the United States Citizenship and Immigration Services Authorization Act; and

“(6) carry out other duties and powers prescribed by law or delegated by the Secretary.

“(d) DEPUTY DIRECTOR.—There shall be a Deputy Director of United States Citizenship and Immigration Services who shall assist the Director in managing United States Citizenship and Immigration Services and who shall assist the Director in carrying out the Directors duties.

“(e) OFFICE OF THE CHIEF COUNSEL.—

“(1) IN GENERAL.—There is established within United States Citizenship and Immigration Services an Office of the Chief Counsel.

“(2) CHIEF COUNSEL.—There shall be at the head of the Office of the Chief Counsel a Chief Counsel.

“(3) DUTIES.—The Office of the Chief Counsel shall—

“(A) provide specialized legal advice, opinions, determinations, and other assistance to the Director with respect to legal matters affecting United States Citizenship and Immigration Services;

“(B) represent United States Citizenship and Immigration Services in visa petition appeal proceedings when applicable; and

“(C) carry out other duties and powers prescribed by law or delegated by the Director.

“(f) OFFICE OF POLICY AND STRATEGY.—

“(1) IN GENERAL.—There is established within United States Citizenship and Immigration Services an Office of Policy and Strategy.

“(2) CHIEF.—There shall be at the head of the Office of Policy and Strategy a Chief.

“(3) DUTIES.—The Office of Policy and Strategy shall—

“(A) develop policy recommendations for the Director;

“(B) coordinate strategy for policy implementation; and

“(C) carry out other duties and powers prescribed by law or delegated by the Director.

“(g) OFFICE OF CITIZENSHIP.—

“(1) IN GENERAL.—There is established within United States Citizenship and Immigration Services an Office of Citizenship.

“(2) CHIEF.—There shall be at the head of the Office of Citizenship a Chief.

“(3) DUTIES.—The Office of Citizenship shall—

“(A) promote instruction and training on citizenship responsibilities, as well as assimilation and civic integration, for eligible aliens who are interested in becoming naturalized citizens of the United States; and

“(B) carry out other duties and powers prescribed by law or delegated by the Director.

“(h) FRAUD DETECTION AND NATIONAL SECURITY DIRECTORATE.—

“(1) IN GENERAL.—There is established within United States Citizenship and Immigration Services a Fraud Detection and National Security Directorate.

“(2) ASSOCIATE DIRECTOR.—There shall be at the head of the Fraud Detection and National Security Directorate an Associate Director who shall report to the Director.

“(3) DUTIES.—The Fraud Detection and National Security Directorate Office of Citizenship shall in a manner that is consistent with the immigration laws (as such term is defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)))—

“(A) seek to prevent immigration benefits from being granted to individuals who pose a threat to national security or public safety;

“(B) seek to prevent immigration benefits from being granted to individuals who defraud the immigration system;

“(C) conduct security and background investigations of applicants for immigration benefits and develop systems and techniques for identifying and preventing immigration benefits fraud;

“(D) investigate and refer to U.S. Immigration and Customs Enforcement, where appropriate, incidents of known or suspected fraud; and

“(E) carry out other duties and powers prescribed by law or delegated by the Director.

“(i) IMMIGRATION RECORDS AND IDENTITY SERVICES DIRECTORATE.—

“(1) IN GENERAL.—There is established within United States Citizenship and Immigration Services an Immigration Records and Identity Services Directorate.

“(2) ASSOCIATE DIRECTOR.—There shall be at the head of the Immigration Records and Identity Services Directorate an Associate Director who shall report to the Director.

“(3) DUTIES.—The Immigration Records and Identity Services Directorate shall—

“(A) manage the operation of an employment eligibility verification system as provided for by section 404 of the Illegal Immigration and Immigrant Responsibility Act of 1996 (U.S.C. 1324a note) or any successor provision;

“(B) manage the operation of the Systematic Alien Verification for Entitlements Program, or its successor program, designed to assist Federal, State, and local benefit-issuing agencies, institutions, and licensing agencies in determining the immigration status of benefit applicants so only those legally entitled to benefits receive them;

“(C) manage the biometric services, including the collection and dissemination of biometric information, provided to United States Citizenship and Immigration Services components;

“(D) manage immigration records and provide information regarding such records to stakeholders; and

“(E) carry out other duties and powers prescribed by law or delegated by the Director.

“(j) FIELD OPERATIONS DIRECTORATE.—

“(1) IN GENERAL.—There is established within United States Citizenship and Immigration Services a Field Operations Directorate.

“(2) ASSOCIATE DIRECTOR.—There shall be at the head of the Field Operations Directorate an Associate Director who shall report to the Director.

“(3) DUTIES.—The Field Operations Directorate shall—

“(A) oversee all field offices;

“(B) oversee the adjudication of immigration benefits applications and petitions, and naturalization applications;

“(C) conduct interviews for pending immigration benefits applications and petitions;

“(D) conduct naturalization ceremonies;

“(E) conduct required security and background security checks for pending applications and petitions;

“(F) ensure the integrity of immigration benefit processing that occurs at the field offices; and

“(G) carry out other duties and powers prescribed by law or delegated by the Director.

“(k) REFUGEE, ASYLUM, AND INTERNATIONAL OPERATIONS DIRECTORATE.—

“(1) IN GENERAL.—There is established within United States Citizenship and Immigration Services a Refugee, Asylum, and International Operations Directorate.

“(2) ASSOCIATE DIRECTOR.—There shall be at the head of the Refugee, Asylum, and International Operations Directorate an Associate Director who shall report to the Director.

“(3) DUTIES.—The Refugee, Asylum, and International Operations Directorate shall—

“(A) oversee refugee application adjudication and interviews;

“(B) oversee asylum application adjudication and interviews;

“(C) seek to ensure the integrity of application processing that occurs under the Refugee, Asylum and International Operations Directorate's authority;

“(D) perform other authorized functions of United States Citizenship and Immigration Services outside of the United States, such as those associated with international adoptions and naturalization of members the Armed Forces; and

“(E) carry out other duties and powers prescribed by law or delegated by the Director.

“(1) SERVICE CENTER OPERATIONS DIRECTORATE.—

“(1) IN GENERAL.—There is established within United States Citizenship and Immigration Services a Service Center Operations Directorate.

“(2) ASSOCIATE DIRECTOR.—There shall be at the head of the Service Center Operations Directorate an Associate Director who shall report to the Director.

“(3) DUTIES.—The Service Center Operations Directorate shall—

“(A) oversee and manage all Service Centers;

“(B) oversee the adjudication of immigration benefit applications and petitions that occur at Service Centers;

“(C) seek to ensure the integrity of immigration benefits processing that occurs at the Service Centers; and

“(D) carry out other duties and powers prescribed by law or delegated by the Director.

“(m) MANAGEMENT DIRECTORATE.—

“(1) IN GENERAL.—There is established within United States Citizenship and Immigration Services a Management Directorate.

“(2) ASSOCIATE DIRECTOR.—There shall be at the head of the Management Directorate

an Associate Director who shall report to the Director.

“(3) DUTIES.—The Management Directorate shall carry out management duties and powers prescribed by law or delegated by the Director.

“(n) OFFICE OF PROFESSIONAL RESPONSIBILITY.—

“(1) IN GENERAL.—There is established within United States Citizenship and Immigration Services an Office of Professional Responsibility.

“(2) CHIEF.—There shall be at the head of the Office of Professional Responsibility a Chief who shall report to the Director.

“(3) DUTIES.—The Office of Professional Responsibility shall—

“(A) seek to ensure compliance with all United States Citizenship and Immigration Services programs and policies relating to corruption, misconduct, or mismanagement;

“(B) investigate allegations of administrative, civil, and criminal misconduct involving any employee or contractor of United States Citizenship and Immigration Services; and

“(C) carry out other duties and powers prescribed by law or delegated by the Director.

“(o) OTHER AUTHORITIES.—

“(1) IN GENERAL.—The Secretary may establish such other Associate Directors, or other similar positions or officials, as the Secretary determines necessary to carry out the missions, duties, functions, and authorities of United States Citizenship and Immigration Services.

“(2) NOTIFICATION.—If the Secretary exercises the authority provided pursuant to paragraph (1), the Secretary shall notify the Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives and the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate not later than 30 days prior to the exercise of such authority.”

(b) SPECIAL RULES.—

(1) TREATMENT.—Section 451 of the Homeland Security Act of 2002 (6 U.S.C. 271), as amended by subsection (a) of this section, shall be treated as if included in such Act as of the date of the enactment of such Act. In addition to the functions, missions, duties, and authorities specified in such amended section 451, United States Citizenship and Immigration Services shall continue to perform and carry out the functions, missions, duties, and authorities under section 451 of such Act as in existence on the day before such date of enactment (notwithstanding the treatment described in this paragraph).

(2) RULES OF CONSTRUCTION.—

(A) RULES AND REGULATIONS.—Notwithstanding the treatment described in paragraph (1), nothing in this division may be construed as affecting in any manner any rule or regulation issued or promulgated pursuant to any provision of law, including section 451 of the Homeland Security Act of 2002 (6 U.S.C. 271), as in existence on the day before the date of the enactment of this division, and any such rule or regulation shall continue to have full force and effect on and after such date.

(B) OTHER ACTIONS.—Notwithstanding the treatment described in paragraph (1), nothing in this division may be construed as affecting in any manner any action, determination, policy, or decision pursuant to section 451 of the Homeland Security Act of 2002 (6 U.S.C. 271) as in existence on the day before the date of the enactment of this division, and any such action, determination, policy, or decision shall continue to have full force and effect on and after such date.

(c) CONTINUATION IN OFFICE.—

(1) DIRECTOR.—The individual serving as Director of United States Citizenship and

Immigration Services on the day before the date of the enactment of this division may, notwithstanding the treatment provision under paragraph (1) of subsection (b), continue to serve as the Director of United States Citizenship and Immigration Services on and after such date of enactment in accordance with section 451 of the Homeland Security Act of 2002 (6 U.S.C. 271), as amended by subsection (a) of this section, until the earlier of—

(A) the date on which such individual is no longer eligible to serve as Director; or

(B) the date on which a person nominated by the President to be the Director is confirmed by the Senate in accordance with such amended section 451.

(2) **OTHER POSITIONS.**—The individuals serving as Chiefs, Associate Directors and other officers and officials under section 451 of the Homeland Security Act of 2002 (6 U.S.C. 271) on the day before the date of the enactment of this division may, notwithstanding the treatment provision under paragraph (1) of subsection (b), serve as the appropriate Chiefs, Assistant Directors and other officers and officials under such section 451 as amended by subsection (a) of this section unless the Director of United States Citizenship and Immigration Services determines that another individual should hold such position.

(d) **REFERENCES.**—

(1) **TITLE 5.**—Section 5314 of title 5, United States Code, is amended by striking “Director of the Bureau of Citizenship and Immigration Services” and inserting “Director of United States Citizenship and Immigration Services, Department of Homeland Security”.

(2) **OTHER REFERENCES.**—On and after the date of the enactment of this division, any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority to the “Director of the Bureau of Citizenship and Immigration Services” or the “Bureau of Citizenship and Immigration Services” shall be deemed to be a reference to the Director of United States Citizenship and Immigration Services or United States Citizenship and Immigration Services, respectively.

(e) **EMPLOYEE DISCIPLINE.**—Section 454 of the Homeland Security Act of 2002 is amended to read as follows:

**“SEC. 454. EMPLOYEE DISCIPLINE.**

“Notwithstanding any other provision of law, the Secretary may impose disciplinary action on any employee of United States Citizenship and Immigration Services who knowingly deceives Congress or agency leadership on any matter.”.

(f) **COMBINATION PROHIBITION.**—

(1) **IN GENERAL.**—Section 471 of the Homeland Security Act of 2002 is amended to read as follows:

**“SEC. 471. COMBINATION PROHIBITION.**

“The authority provided by section 1502 may be used to reorganize functions or organizational units within U.S. Immigration and Customs Enforcement or United States Citizenship and Immigration Services, but may not be used to combine the two components into a single agency or otherwise to combine, join, or consolidate functions or organizational units of the two components with each other.”.

(2) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by amending the item relating to section 471 to read as follows:

“Sec. 471. Combination prohibition.”.

**DIVISION D—UNITED STATES SECRET SERVICE**

**SEC. 4001. SHORT TITLE.**

This division may be cited as the “Secret Service Reauthorization Act of 2017”.

**SEC. 4002. PRESIDENTIAL APPOINTMENT OF DIRECTOR OF THE SECRET SERVICE.**

Section 3056 of title 18, United States Code, is amended by adding at the end:

“(h) The Director of the Secret Service shall be appointed by the President, by and with the advice and consent of the Senate. The Director of the Secret Service is the head of the Secret Service.”.

**SEC. 4003. RESTRICTED BUILDING OR GROUNDS.**

Section 1752(a) of title 18, United States Code, is amended—

(1) in paragraph (3), by striking “or” at the end;

(2) in paragraph (4), by inserting “or” at the end; and

(3) by inserting after paragraph (4) the following:

“(5) knowingly, and with the intent to enter a restricted building or grounds, causes any object to enter any restricted building or grounds, when, or so that, such object, in fact, impedes or disrupts the orderly conduct of government business or official functions;”.

**SEC. 4004. THREATS AGAINST FORMER VICE PRESIDENTS.**

Section 879(a) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking “section 3056(a)(6);” and inserting “paragraph (6) or (8) of section 3056(a); or”; and

(2) by inserting after paragraph (4) the following:

“(5) a person protected by the Secret Service under a Presidential memorandum;”.

**SEC. 4005. INCREASED TRAINING.**

Beginning in the first full fiscal year after the date of enactment of this Act, the Director of the Secret Service shall increase the annual number of hours spent training by officers and agents of the Secret Service, including officers of the United States Secret Service Uniformed Division established under section 3056A of title 18, United States Code and agents operating pursuant to section 3056 of title 18, United States Code, including joint training between the two.

**SEC. 4006. TRAINING FACILITIES.**

The Director of the Secret Service is authorized to construct facilities at the Rowley Training Center necessary to improve the training of officers of the United States Secret Service Uniformed Division established under section 3056A of title 18, United States Code and agents of the United States Secret Service, operating pursuant to section 3056 of title 18, United States Code.

**SEC. 4007. EVALUATION OF VULNERABILITIES AND THREATS.**

(a) **IN GENERAL.**—The Director of the Secret Service shall devise and adopt improved procedures for evaluating vulnerabilities in the security of the White House and threats to persons protected by the Secret Service, including threats posed by unmanned aerial systems or explosive devices.

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Director of the Secret Service shall report on the implementation of subsection (a) to—

(1) the Committee on the Judiciary of the House of Representatives;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Homeland Security of the House of Representatives;

(4) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(5) the Committee on Oversight and Government Reform of the House of Representatives.

**SEC. 4008. EVALUATION OF USE OF TECHNOLOGY.**

(a) **IN GENERAL.**—The Director of the Secret Service, in consultation with the Under Secretary for Science and Technology of the Department of Homeland Security, and other

experts, shall devise and adopt improved procedures for—

(1) evaluating the ways in which technology may be used to improve the security of the White House and the response to threats to persons protected by the Secret Service; and

(2) retaining evidence pertaining to the duties referred to in paragraph (1) for an extended period of time.

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Director of the Secret Service shall report on the implementation of subsection (a) to—

(1) the Committee on the Judiciary of the House of Representatives;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Homeland Security of the House of Representatives;

(4) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(5) the Committee on Oversight and Government Reform of the House of Representatives.

**SEC. 4009. EVALUATION OF USE OF ADDITIONAL WEAPONRY.**

The Director of the Secret Service shall evaluate the practicability of equipping agents and officers with weapons other than those provided to officers and agents of the Secret Service as of the date of enactment of this Act, including nonlethal weapons.

**SEC. 4010. SECURITY COSTS FOR SECONDARY RESIDENCES.**

(a) **IN GENERAL.**—The Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note) is amended by striking section 4 and inserting the following:

**“SEC. 4. NOTIFICATION REGARDING EXPENDITURES ON NON-GOVERNMENTAL PROPERTIES.**

“The Secret Service shall notify the Committees on Appropriations of the House and Senate of any expenditures for permanent facilities, equipment, and services to secure any non-Governmental property in addition to the one non-Governmental property designated by each protectee under subsection (a) or (b) of section 3.”.

(b) **CONFORMING AMENDMENTS.**—The Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note), as amended by this Act, is further amended—

(1) in section 3(b), by striking “any expenditures by the Secret Service” and all that follows through “imposed under section 4” and inserting “any expenditures by the Secret Service for permanent facilities, equipment, and services to secure the non-Governmental property previously designated under subsection (a) are subject to the requirements set forth in section 4”; and

(2) in section 5(c), by striking “within the limitations imposed under section 4”.

**SEC. 4011. ESTABLISHMENT OF ETHICS PROGRAM OFFICE.**

Subject to the oversight of the Office of Chief Counsel of the United States Secret Service, the Director of the Secret Service shall establish an Ethics Program Office, consisting of a minimum of two employees, to administer the provisions of the Ethics in Government Act of 1978, as amended, and to provide increased training to employees of the United States Secret Service.

**SEC. 4012. SECRET SERVICE PROTECTION AT POLLING PLACES.**

Section 592 of title 18, United States Code, is amended by adding at the end the following:

“This section shall not prevent any officer or agent of the United States Secret Service from providing armed protective services authorized under section 3056 or pursuant to a Presidential memorandum at any place where a general or special election is held.”.

**SEC. 4013. SENSE OF CONGRESS.**

It is the sense of Congress that an assessment made by the Secretary of Homeland Security or the Director of the Secret Service with regard to physical security of the White House and attendant grounds, and any security-related enhancements thereto should be accorded substantial deference by the National Capital Planning Commission, the Commission of Fine Arts, and any other relevant entities.

**DIVISION E—COAST GUARD****SEC. 5001. SHORT TITLE.**

This Act may be cited as the “Coast Guard Authorization Act of 2017”.

**TITLE I—AUTHORIZATIONS****SEC. 5101. AUTHORIZATIONS OF APPROPRIATIONS.**

Section 2702 of title 14, United States Code, is amended:

(1) in the matter preceding paragraph (1), by striking “fiscal years 2016 and 2017” and inserting “fiscal years 2018 and 2019”;

(2) in paragraph (1), by striking subparagraphs (A) and (B) and inserting the following:

“(A) \$7,263,698,328 for fiscal year 2018; and

“(B) \$7,452,554,484 for fiscal year 2019.”;

(3) in paragraph (2), by striking subparagraphs (A) and (B) and inserting the following:

“(A) \$1,945,000,000 for fiscal year 2018; and

“(B) \$1,945,000,000 for fiscal year 2019.”;

(4) in paragraph (3), by striking subparagraphs (A) and (B) and inserting the following:

“(A) \$134,237,000 for fiscal year 2018; and

“(B) \$134,237,000 for fiscal year 2019.”;

(5) in paragraph (4), by striking subparagraphs (A) and (B) and inserting the following:

“(A) \$16,701,000 for fiscal year 2018; and

“(B) \$16,701,000 for fiscal year 2019.”;

(6) in paragraph (5), by striking subparagraphs (A) and (B) and inserting the following:

“(A) \$37,263,294 for fiscal year 2018; and

“(B) \$38,232,140 for fiscal year 2019.”.

**SEC. 5102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.**

Section 2704 of title 14, United States Code, is amended—

(1) in subsection (a), by striking “for each of fiscal years 2016 and 2017” and inserting “for fiscal year 2018 and an end-of-year strength for such personnel of 44,500 for fiscal year 2019”; and

(2) in subsection (b), by striking “fiscal years 2016 and 2017” and inserting “fiscal years 2018 and 2019”.

**TITLE II—COAST GUARD****SEC. 5201. TRAINING; PUBLIC SAFETY PERSONNEL.**

(a) IN GENERAL.—Chapter 7 of title 14, United States Code, is amended by adding at the end the following:

**“§ 155. Training; public safety personnel**

“(a) IN GENERAL.—The Commandant may, on a reimbursable or a non-reimbursable basis, make training available to public safety personnel whenever the Commandant determines that—

“(1) a member of the Coast Guard, who is scheduled to participate in such training, is unable or unavailable to participate in such training;

“(2) no other member of the Coast Guard, who is assigned to the unit to which the member of the Coast Guard who is unable or unavailable to participate in such training is assigned, is able or available to participate in such training; and

“(3) such training, if made available to such public safety personnel, would further the goal of interoperability among Federal

agencies, non-Federal governmental agencies, or both.

“(b) DEFINITION.—For the purposes of this section, the term ‘public safety personnel’ includes any Federal, State (or political subdivision thereof), territorial, or tribal law enforcement officer, firefighter, or emergency response provider.

“(c) TREATMENT OF REIMBURSEMENT.—Any reimbursements for training that the Coast Guard receives under this section shall be credited to the appropriation used to pay the costs for such training.

“(d) STATUS OF TRAINED PERSONNEL; LIMITATION ON LIABILITY.—

“(1) STATUS.—Any public safety personnel to whom training is made available under this section who is not otherwise a Federal employee shall not, because of that training, be considered a Federal employee for any purpose (including the purposes of chapter 81 of title 5 (relating to compensation for injury)) and sections 2671 through 2680 of title 28 (relating to tort claims).

“(2) LIMITATION ON LIABILITY.—The United States shall not be liable for actions taken by such personnel in the course of training made available under this section.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 7 of such title is amended by inserting at the end the following:

“155. Training; public safety personnel.”.

**SEC. 5202. COMMISSIONED SERVICE RETIREMENT.**

For Coast Guard officers who retire in fiscal year 2017 or 2018, the President may reduce the period of active commissioned service required under section 291 of title 14, United States Code, to a period of not less than eight years.

**SEC. 5203. OFFICER PROMOTION ZONES.**

Section 256(a) of title 14, United States Code, is amended by striking “six-tenths.” and inserting “one-half.”.

**SEC. 5204. CROSS REFERENCE.**

Section 373(a) of title 14, United States Code, is amended by inserting “designated under section 371” after “cadet”.

**SEC. 5205. REPEAL.**

Section 482 of title 14, United States Code, and the item relating to that section in the analysis for chapter 13 of that title, are repealed.

**SEC. 5206. UNMANNED AIRCRAFT SYSTEM.**

(a) IN GENERAL.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following:

**“§ 61. Unmanned aircraft system**

“(a) IN GENERAL.—Subject to the availability of appropriations and to subsection (b), the Secretary of the department in which the Coast Guard is operating shall establish a land-based unmanned aircraft system program under the control of the Commandant of the Coast Guard.

“(b) LIMITATIONS.—

“(1) IN GENERAL.—During any fiscal year for which funds are appropriated for the design or construction of the Offshore Patrol Cutter, the Commandant—

“(A) may not award a contract for design of an unmanned aircraft system for use by the Coast Guard; and

“(B) may acquire an unmanned aircraft system only if such a system—

“(i) has been part of a program of record, procured by, or used by, the Department of Defense or the Department of Homeland Security, or a component thereof, before the date on which the Commandant acquires the system; and

“(ii) is acquired by the Commandant through an agreement with such a department or component, unless the unmanned aircraft system can be obtained at less cost through independent contract action.

“(2) LIMITATIONS ON APPLICATION.—

“(A) SMALL UNMANNED AIRCRAFT.—Paragraph (1)(B) does not apply to small unmanned aircraft.

“(B) PREVIOUSLY FUNDED SYSTEMS.—Subsection (b) does not apply to the design or acquisition of an unmanned aircraft system for which funds for research, development, test, and evaluation have been received from the Department of Defense or the Department of Homeland Security.

“(c) DEFINITIONS.—In this section each of the terms ‘small unmanned aircraft’ and ‘unmanned aircraft system’ has the meaning that term has in section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).”.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end the following:

“61. Unmanned aircraft system.”.

(c) CONFORMING AMENDMENT.—Subsection (c) of section 564 of title 14, United States Code, is repealed.

**SEC. 5207. COAST GUARD HEALTH-CARE PROFESSIONALS; LICENSURE PORTABILITY.**

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

**“§ 104. Coast Guard health-care professionals; licensure portability**

“(a) Notwithstanding any law regarding the licensure of health-care providers, a health-care professional described in subsection (b) may practice the health profession or professions of the health-care professional at any location in any State, the District of Columbia, or a Commonwealth, territory, or possession of the United States, regardless of where such health-care professional or the patient are located, if the practice is within the scope of the authorized Federal duties of such health-care professional.

“(b) A health-care professional described in this subsection is an individual—

“(1) who is—

“(A) a member of the Coast Guard;

“(B) a civilian employee of the Coast Guard;

“(C) a member of the Public Health Service who is assigned to the Coast Guard;

“(D) a personal services contractor under section 1091 of title 10; or

“(E) any other health-care professional credentialed and privileged at a Federal health-care institution or location specially designated by the Secretary; and

“(2) who—

“(A) has a current license to practice medicine, osteopathic medicine, dentistry, or another health profession; and

“(B) is performing authorized duties for the Coast Guard.

“(c) In this section each of the terms ‘license’ and ‘health-care professional’ has the meaning that term has in section 1094(e) of title 10.”.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

“104. Coast Guard health-care professionals; licensure portability.”.

**SEC. 5208. INCENTIVE CONTRACTS FOR COAST GUARD YARD AND INDUSTRIAL ESTABLISHMENTS.**

Section 648 of title 14, United States Code, is amended—

(1) by inserting before the text the following: “(a) IN GENERAL.—”;

(2) in subsection (a), as designated by the amendment made by paragraph (1) of this section, by striking the period at the end of the last sentence and inserting “or in accordance with subsection (b).”; and

(3) by adding at the end the following:

“(b) INCENTIVE CONTRACTS.—

“(1) The parties to an order for industrial work to be performed by the Coast Guard Yard or a Coast Guard industrial establishment designated under subsection (a) may enter into an order or a cost-plus-incentive-fee order in accordance with this subsection.

“(2) If such parties enter into such an order or a cost-plus-incentive-fee order, an agreed-upon amount of any adjustment described in subsection (a) may be distributed as an incentive to the wage-grade industrial employees who complete the order.

“(3) Before entering into such an order or cost-plus-incentive-fee order such parties must agree that the wage-grade employees of the Coast Guard Yard or Coast Guard industrial establishment will take action to improve the delivery schedule or technical performance agreed to in the order for industrial work to which such parties initially agreed.

“(4) Notwithstanding any other provision of law, if the industrial workforce of the Coast Guard Yard or such Coast Guard industrial establishment satisfies the performance target established in such an order or cost-plus-incentive-fee order—

“(A) the adjustment to be made pursuant to this subsection shall be reduced by such agreed-upon amount and distributed to such wage-grade industrial employees; and

“(B) the remainder of the adjustment shall be credited to the appropriation for such order current at that time.”.

**SEC. 5209. MAINTAINING CUTTERS IN CLASS.**

Section 573(c)(3)(A) of title 14, United States Code, is amended—

(1) by striking “(A) IN GENERAL.—”; and

(2) by inserting “and shall maintain such cutter in class” before the period at the end.

**SEC. 5210. CONGRESSIONAL AFFAIRS; DIRECTOR.**

(a) IN GENERAL.—Chapter 3 of title 14, United States Code, as amended by section 206 of this Act, is further amended by adding at the end the following:

**“§ 62. Congressional affairs; director**

“The Commandant shall appoint a Director of Congressional Affairs from among officers of the Coast Guard who are in a grade above captain.”.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

“62. Congressional Affairs; Director.”.

**SEC. 5211. CONTRACTING FOR MAJOR ACQUISITIONS PROGRAMS.**

(a) IN GENERAL.—Subchapter II of chapter 15 of title 14, United States Code, is amended by adding at the end the following:

**“§ 580. Contracting for major acquisitions programs**

“(a) IN GENERAL.—The Commandant of the Coast Guard, or the head of an integrated program office established for major acquisitions, may enter into contracts for major acquisition programs.

“(b) AUTHORIZED METHODS.—Such contracts—

“(1) may be block buy contracts;

“(2) may be incrementally funded;

“(3) may include combined purchases, also known as economic order quantity purchases, of—

“(A) materials and components; and

“(B) long lead time materials; and

“(4) may be multiyear contracts that comply with section 2306b of title 10.

“(c) SUBJECT TO APPROPRIATIONS.—Any contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of amounts specifically provided in advance for that purpose in subsequent appropriations Acts.”.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end of the items relating to such subchapter the following:

“580. Contracting for major acquisitions programs.”.

(c) CONFORMING AMENDMENTS.—The following provisions are repealed:

(1) Section 223 of Public Law 113-281 (14 U.S.C. 577 note), and the item relating to that section in the table of contents in section 2 of such Act.

(2) Section 221(a) of Public Law 112-213 (14 U.S.C. 573 note).

(3) Section 207(a) of Public Law 114-120 (14 U.S.C. 87 note).

**SEC. 5212. NATIONAL SECURITY CUTTER.**

(a) STANDARD METHOD FOR TRACKING.—The Commandant of the Coast Guard may not certify an eighth National Security Cutter as Ready for Operations before the date on which the Commandant provides to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(1) a notification of a new standard method for tracking operational employment of Coast Guard major cutters that does not include time during which such a cutter is away from its homeport for maintenance or repair; and

(2) a report analyzing cost and performance for different approaches to achieving varied levels of operational employment using the standard method required by paragraph (1) that, at a minimum—

(A) compares over a 30-year period the average annualized baseline cost and performances for a certified National Security Cutter that operated for 185 days away from homeport or an equivalent alternative measure of operational tempo—

(i) against the cost of a 15 percent increase in days away from homeport or an equivalent alternative measure of operational tempo for a National Security Cutter; and

(ii) against the cost of the acquisition and operation of an additional National Security Cutter; and

(B) examines the optimal level of operational employment of National Security Cutters to balance National Security Cutter cost and mission performance.

(b) CONFORMING AMENDMENTS.—

(1) Section 221(b) of the Coast Guard and Maritime Transportation Act of 2012 (14 U.S.C. 573 note) is repealed.

(2) Section 204(c)(1) of the Coast Guard Authorization Act of 2016 (130 Stat. 35) is repealed.

**SEC. 5213. RADAR REFRESHER TRAINING.**

Not later than 60 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall prescribe a final rule eliminating the requirement that a mariner complete an approved refresher or recertification course to maintain a radar observer endorsement. The rulemaking shall be exempt from the requirements of chapters 5 and 6 of title 5, United States Code, and Executive Orders 12866 and 13563.

**SEC. 5214. REPEAL.**

Section 676a(a) of title 14, United States Code, is amended—

(1) by striking paragraph (2);

(2) by striking “(1) IN GENERAL.—”; and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(4) in paragraph (2), as so redesignated, by striking “subparagraph (A)” and inserting “paragraph (1)”.

**SEC. 5215. EXTENSION OF AUTHORITY.**

Section 404 of the Coast Guard Authorization Act of 2010 (Public Law 111-281; 124 Stat. 2950) is amended—

(1) in subsection (a), in the text preceding paragraph (1), by striking “sections 3304, 5333, and 5753” and inserting “section 3304”; and

(2) in subsection (b), by striking “2017.” and inserting “2021.”.

**SEC. 5216. AUTHORIZATION OF AMOUNTS FOR FAST RESPONSE CUTTERS.**

(a) IN GENERAL.—Of the amounts authorized for each fiscal year 2018 and 2019 under section 2702(2) of title 14, United States Code, as amended by this Act, \$165,000,000 is authorized for the acquisition of three Fast Response Cutters in each such fiscal year.

(b) TREATMENT OF ACQUIRED CUTTERS.—Any cutters acquired under subsection (a) shall be in addition to the 58 cutters approved under the existing acquisition baseline.

**SEC. 5217. AUTHORIZATION OF AMOUNTS FOR ICE TRIALS OF ICEBREAKER VESSELS.**

(a) IN GENERAL.—Of the amounts authorized for fiscal year 2018 under paragraphs (1) and (5) of section 2702 of title 14, United States Code, as amended by this Act, up to \$3,000,000 is authorized for the Commandant of the Coast Guard to carry out ice trials of icebreaker vessels documented under section 12111 of title 46, United States Code.

(b) ASSESSMENTS.—Ice trials referred to in subsection (a) shall—

(1) assess the ability of an icebreaker vessel to carry out the missions of the Coast Guard enumerated in section 2 of title 14, United States Code; or

(2) conduct operational tests to produce information that could be used in the design and acquisition of icebreaker vessels by the Coast Guard to carry out such missions.

**SEC. 5218. SHORESIDE INFRASTRUCTURE.**

Of the amounts authorized under section 2702(2) of title 14, United States Code, as amended by this Act, for each of fiscal years 2018 and 2019 there is authorized to be appropriated \$165,000,000 to the Secretary of the department in which the Coast Guard is operating to fund the acquisition, construction, rebuilding or improvement of Coast Guard shoreside infrastructure and facilities necessary to support Coast Guard operations and readiness.

**SEC. 5219. AIRCRAFT IMPROVEMENTS.**

Of the amounts authorized under section 2702(2) of title 14, United States Code, as amended by this Act, for each of fiscal years 2018 and 2019 there is authorized to be appropriated up to \$3,500,000 to the Secretary of the department in which the Coast Guard is operating to fund analysis and program development for improvements for Coast Guard MH-65 aircraft.

**SEC. 5220. ACQUISITION PLAN FOR INLAND WATERWAY AND RIVER TENDERS AND BAY-CLASS ICEBREAKERS.**

(a) ACQUISITION PLAN.—Not later than 270 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan to replace or extend the life of the Coast Guard fleet of inland waterway and river tenders, and the Bay-class icebreakers.

(b) CONTENTS.—The plan under subsection (a) shall include—

(1) an analysis of the work required to extend the life of vessels described in subsection (a);

(2) recommendations for which, if any, such vessels it is cost effective to undertake a ship-life extension or enhanced maintenance program;

(3) an analysis of the aids to navigation program to determine if advances in navigation technology may reduce the needs for physical aids to navigation;



(4) recommendations for changes to physical aids to navigation and the distribution of such aids that reduce the need for the acquisition of vessels to replace the vessels described in subsection (a);

(5) a schedule for the acquisition of vessels to replace the vessels described in subsection (a), including the date on which the first vessel will be delivered;

(6) an estimate of the cost per vessel and of the total cost of the acquisition program of record; and

(7) a description of the order in which vessels to replace the vessels described in subsection (a) will be built, and the homeports of each such vessel upon its commissioning.

#### **SEC. 5221. REPORT ON SEXUAL ASSAULT VICTIM RECOVERY IN THE COAST GUARD.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on sexual assault prevention and response policies of the Coast Guard and strategic goals related to sexual assault victim recovery.

(b) CONTENTS.—The report shall—

(1) describe Coast Guard strategic goals relating to sexual assault climate, prevention, response, and accountability, and actions taken by the Coast Guard to promote sexual assault victim recovery;

(2) explain how victim recovery is being incorporated into Coast Guard strategic and programmatic guidance related to sexual assault prevention and response;

(3) examine current Coast Guard sexual assault prevention and response policy with respect to—

(A) Coast Guard criteria for what comprises sexual assault victim recovery;

(B) alignment of Coast Guard personnel policies to enhance—

(i) an approach to sexual assault response that gives priority to victim recovery;

(ii) upholding individual privacy and dignity; and

(iii) the opportunity for the continuation of Coast Guard service by sexual assault victims; and

(C) sexual harassment response, including a description of the circumstances under which sexual harassment is considered a criminal offense; and

(4) to ensure victims and supervisors understand the full scope of resources available to aid in long-term recovery, explain how the Coast Guard informs its workforce about changes to sexual assault prevention and response policies related to victim recovery.

#### **TITLE III—PORTS AND WATERWAYS SAFETY**

#### **SEC. 5301. CODIFICATION OF PORTS AND WATERWAYS SAFETY ACT.**

(a) CODIFICATION.—Subtitle VII of title 46, United States Code, is amended by inserting before chapter 701 the following:

#### **“CHAPTER 700—PORTS AND WATERWAYS SAFETY**

##### **“SUBCHAPTER A—VESSEL OPERATIONS**

“Sec.

“70001. Vessel traffic services.

“70002. Special powers.

“70003. Port access routes.

“70004. Considerations by Secretary.

“70005. International agreements.

##### **“SUBCHAPTER B—PORTS AND WATERWAYS SAFETY**

“70011. Waterfront safety.

“70012. Navigational hazards.

“70013. Requirement to notify Coast Guard of release of objects into the navigable waters of the United States.

##### **“SUBCHAPTER C—CONDITION FOR ENTRY INTO PORTS IN THE UNITED STATES**

“70021. Conditions for entry to ports in the United States.

##### **“SUBCHAPTER D—DEFINITIONS, REGULATIONS, ENFORCEMENT, INVESTIGATORY POWERS, APPLICABILITY**

“70031. Definitions.

“70032. Saint Lawrence Seaway.

“70033. Limitation on application to foreign vessels.

“70034. Regulations.

“70035. Investigatory powers.

“70036. Enforcement.

##### **“SUBCHAPTER A—VESSEL OPERATIONS**

#### **“§ 70001. Vessel traffic services**

“(a) Subject to the requirements of section 70004, the Secretary—

“(1) in any port or place under the jurisdiction of the United States, in the navigable waters of the United States, or in any area covered by an international agreement negotiated pursuant to section 70005, may construct, operate, maintain, improve, or expand vessel traffic services, that consist of measures for controlling or supervising vessel traffic or for protecting navigation and the marine environment and that may include one or more of reporting and operating requirements, surveillance and communications systems, routing systems, and fairways;

“(2) shall require appropriate vessels that operate in an area of a vessel traffic service to utilize or comply with that service;

“(3)(A) may require vessels to install and use specified navigation equipment, communications equipment, electronic relative motion analyzer equipment, or any electronic or other device necessary to comply with a vessel traffic service or that is necessary in the interests of vessel safety.

“(B) Notwithstanding subparagraph (A), the Secretary shall not require fishing vessels under 300 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 as prescribed by the Secretary under section 14104, or recreational vessels 65 feet or less to possess or use the equipment or devices required by this subsection solely under the authority of this chapter;

“(4) may control vessel traffic in areas subject to the jurisdiction of the United States that the Secretary determines to be hazardous, or under conditions of reduced visibility, adverse weather, vessel congestion, or other hazardous circumstances, by—

“(A) specifying times of entry, movement, or departure;

“(B) establishing vessel traffic routing schemes;

“(C) establishing vessel size, speed, or draft limitations and vessel operating conditions; and

“(D) restricting operation, in any hazardous area or under hazardous conditions, to vessels that have particular operating characteristics or capabilities that the Secretary considers necessary for safe operation under the circumstances;

“(5) may require the receipt of prearrival messages from any vessel, destined for a port or place subject to the jurisdiction of the United States, in sufficient time to permit advance vessel traffic planning before port entry, which shall include any information that is not already a matter of record and that the Secretary determines necessary for the control of the vessel and the safety of the port or the marine environment; and

“(6) may prohibit the use on vessels of electronic or other devices that interfere with communication and navigation equipment, except that such authority shall not apply to electronic or other devices certified

to transmit in the maritime services by the Federal Communications Commission and used within the frequency bands 157.1875–157.4375 MHz and 161.7875–162.0375 MHz.

##### **“(b) COOPERATIVE AGREEMENTS.—**

“(1) IN GENERAL.—The Secretary may enter into cooperative agreements with public or private agencies, authorities, associations, institutions, corporations, organizations, or other persons to carry out the functions under subsection (a)(1).

##### **“(2) LIMITATION.—**

“(A) A nongovernmental entity may not under this subsection carry out an inherently governmental function.

“(B) As used in this paragraph, the term ‘inherently governmental function’ means any activity that is so intimately related to the public interest as to mandate performance by an officer or employee of the Federal Government, including an activity that requires either the exercise of discretion in applying the authority of the Government or the use of judgment in making a decision for the Government.

##### **“(c) LIMITATION OF LIABILITY FOR COAST GUARD VESSEL TRAFFIC SERVICE PILOTS AND NON-FEDERAL VESSEL TRAFFIC SERVICE OPERATORS.—**

“(1) COAST GUARD VESSEL TRAFFIC SERVICE PILOTS.—Any pilot, acting in the course and scope of his or her duties while at a Coast Guard Vessel Traffic Service, who provides information, advice, or communication assistance while under the supervision of a Coast Guard officer, member, or employee shall not be liable for damages caused by or related to such assistance unless the acts or omissions of such pilot constitute gross negligence or willful misconduct.

“(2) NON-FEDERAL VESSEL TRAFFIC SERVICE OPERATORS.—An entity operating a non-Federal vessel traffic information service or advisory service pursuant to a duly executed written agreement with the Coast Guard, and any pilot acting on behalf of such entity, is not liable for damages caused by or related to information, advice, or communication assistance provided by such entity or pilot while so operating or acting unless the acts or omissions of such entity or pilot constitute gross negligence or willful misconduct.

#### **“§ 70002. Special powers**

“The Secretary may order any vessel, in a port or place subject to the jurisdiction of the United States or in the navigable waters of the United States, to operate or anchor in a manner the Secretary directs if—

“(1) the Secretary has reasonable cause to believe such vessel does not comply with any regulation issued under section 70034 or any other applicable law or treaty;

“(2) the Secretary determines such vessel does not satisfy the conditions for port entry set forth in section 70021 of this title; or

“(3) by reason of weather, visibility, sea conditions, port congestion, other hazardous circumstances, or the condition of such vessel, the Secretary is satisfied such direction is justified in the interest of safety.

#### **“§ 70003. Port access routes**

“(a) AUTHORITY TO DESIGNATE.—Except as provided in subsection (b) and subject to the requirements of subsection (c), in order to provide safe access routes for the movement of vessel traffic proceeding to or from ports or places subject to the jurisdiction of the United States, the Secretary shall designate necessary fairways and traffic separation schemes for vessels operating in the territorial sea of the United States and in high seas approaches, outside the territorial sea, to such ports or places. Such a designation shall recognize, within the designated area, the paramount right of navigation over all other uses.

“(b) LIMITATION.—

“(1) IN GENERAL.—No designation may be made by the Secretary under this section if—

“(A) the Secretary determines such a designation, as implemented, would deprive any person of the effective exercise of a right granted by a lease or permit executed or issued under other applicable provisions of law; and

“(B) such right has become vested before the time of publication of the notice required by paragraph (1) of subsection (c).

“(2) CONSULTATION REQUIRED.—The Secretary shall make the determination under paragraph (1)(A) after consultation with the head of the agency responsible for executing the lease or issuing the permit.

“(c) CONSIDERATION OF OTHER USES.—Before making a designation under subsection (a), and in accordance with the requirements of section 70004, the Secretary shall—

“(1) undertake a study of the potential traffic density and the need for safe access routes for vessels in any area for which fairways or traffic separation schemes are proposed or that may otherwise be considered and publish notice of such undertaking in the Federal Register;

“(2) in consultation with the Secretary of State, the Secretary of the Interior, the Secretary of Commerce, the Secretary of the Army, and the Governors of affected States, as their responsibilities may require, take into account all other uses of the area under consideration, including, as appropriate, the exploration for, or exploitation of, oil, gas, or other mineral resources, the construction or operation of deepwater ports or other structures on or above the seabed or subsoil of the submerged lands or the Outer Continental Shelf of the United States, the establishment or operation of marine or estuarine sanctuaries, and activities involving recreational or commercial fishing; and

“(3) to the extent practicable, reconcile the need for safe access routes with the needs of all other reasonable uses of the area involved.

“(d) STUDY.—In carrying out the Secretary's responsibilities under subsection (c), the Secretary shall—

“(1) proceed expeditiously to complete any study undertaken; and

“(2) after completion of such a study, promptly—

“(A) issue a notice of proposed rulemaking for the designation contemplated; or

“(B) publish in the Federal Register a notice that no designation is contemplated as a result of the study and the reason for such determination.

“(e) IMPLEMENTATION OF DESIGNATION.—In connection with a designation made under this section, the Secretary—

“(1) shall issue reasonable rules and regulations governing the use of such designated areas, including rules and regulations regarding the applicability of rules 9 and 10 of the International Regulations for Preventing Collisions at Sea, 1972, relating to narrow channels and traffic separation schemes, respectively, in waters where such regulations apply;

“(2) to the extent that the Secretary finds reasonable and necessary to effectuate the purposes of the designation, make the use of designated fairways and traffic separation schemes mandatory for specific types and sizes of vessels, foreign and domestic, operating in the territorial sea of the United States and for specific types and sizes of vessels of the United States operating on the high seas beyond the territorial sea of the United States;

“(3) may, from time to time, as necessary, adjust the location or limits of designated fairways or traffic separation schemes in order to accommodate the needs of other

uses that cannot be reasonably accommodated otherwise, except that such an adjustment may not, in the judgment of the Secretary, unacceptably adversely affect the purpose for which the existing designation was made and the need for which continues; and

“(4) shall, through appropriate channels—

“(A) notify cognizant international organizations of any designation, or adjustment thereof; and

“(B) take action to seek the cooperation of foreign States in making it mandatory for vessels under their control to use, to the same extent as required by the Secretary for vessels of the United States, any fairway or traffic separation scheme designated under this section in any area of the high seas.

#### “§ 70004. Considerations by Secretary

“In carrying out the duties of the Secretary under sections 70001, 70002, and 70003, the Secretary shall—

“(1) take into account all relevant factors concerning navigation and vessel safety, protection of the marine environment, and the safety and security of United States ports and waterways, including—

“(A) the scope and degree of the risk or hazard involved;

“(B) vessel traffic characteristics and trends, including traffic volume, the sizes and types of vessels involved, potential interference with the flow of commercial traffic, the presence of any unusual cargoes, and other similar factors;

“(C) port and waterway configurations and variations in local conditions of geography, climate, and other similar factors;

“(D) the need for granting exemptions for the installation and use of equipment or devices for use with vessel traffic services for certain classes of small vessels, such as self-propelled fishing vessels and recreational vessels;

“(E) the proximity of fishing grounds, oil and gas drilling and production operations, or any other potential or actual conflicting activity;

“(F) environmental factors;

“(G) economic impact and effects;

“(H) existing vessel traffic services; and

“(I) local practices and customs, including voluntary arrangements and agreements within the maritime community; and

“(2) at the earliest possible time, consult with and receive and consider the views of representatives of the maritime community, ports and harbor authorities or associations, environmental groups, and other persons who may be affected by the proposed actions.

#### “§ 70005. International agreements

“(a) TRANSMITTAL OF REGULATIONS.—The Secretary shall transmit, via the Secretary of State, to appropriate international bodies or forums, any regulations issued under this subchapter, for consideration as international standards.

“(b) AGREEMENTS.—The President is authorized and encouraged to—

“(1) enter into negotiations and conclude and execute agreements with neighboring nations, to establish compatible vessel standards and vessel traffic services, and to establish, operate, and maintain international vessel traffic services, in areas and under circumstances of mutual concern; and

“(2) enter into negotiations, through appropriate international bodies, and conclude and execute agreements to establish vessel traffic services in appropriate areas of the high seas.

“(c) OPERATIONS.—The Secretary, pursuant to any agreement negotiated under subsection (b) that is binding upon the United States in accordance with constitutional requirements, may—

“(1) require vessels operating in an area of a vessel traffic service to utilize or to com-

ply with the vessel traffic service, including the carrying or installation of equipment and devices as necessary for the use of the service; and

“(2) waive, by order or regulation, the application of any United States law or regulation concerning the design, construction, operation, equipment, personnel qualifications, and manning standards for vessels operating in waters over which the United States exercises jurisdiction if such vessel is not en route to or from a United States port or place, and if vessels en route to or from a United States port or place are accorded equivalent waivers of laws and regulations of the neighboring nation, when operating in waters over which that nation exercises jurisdiction.

“(d) SHIP REPORTING SYSTEMS.—The Secretary, in cooperation with the International Maritime Organization, may implement and enforce two mandatory ship reporting systems, consistent with international law, with respect to vessels subject to such reporting systems entering the following areas of the Atlantic Ocean:

“(1) Cape Cod Bay, Massachusetts Bay, and Great South Channel (in the area generally bounded by a line starting from a point on Cape Ann, Massachusetts at 42 deg. 39' N., 70 deg. 37' W; then northeast to 42 deg. 45' N., 70 deg. 13' W; then southeast to 42 deg. 10' N., 68 deg. 31' W, then south to 41 deg. 00' N., 68 deg. 31' W; then west to 41 deg. 00' N., 69 deg. 17' W; then northeast to 42 deg. 05' N., 70 deg. 02' W, then west to 42 deg. 04' N., 70 deg. 10' W; and then along the Massachusetts shoreline of Cape Cod Bay and Massachusetts Bay back to the point on Cape Ann at 42 deg. 39' N., 70 deg. 37' W).

“(2) In the coastal waters of the Southeastern United States within about 25 nm along a 90 nm stretch of the Atlantic seaboard (in an area generally extending from the shoreline east to longitude 80 deg. 51.6' W with the southern and northern boundary at latitudes 30 deg. 00' N., 31 deg. 27' N., respectively).

#### “SUBCHAPTER B—PORTS AND WATERWAYS SAFETY

##### “§ 70011. Waterfront safety

“(a) IN GENERAL.—The Secretary may take such action as is necessary to—

“(1) prevent damage to, or the destruction of, any bridge or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to such waters; and

“(2) protect the navigable waters and the resources therein from harm resulting from vessel or structure damage, destruction, or loss.

“(b) ACTIONS AUTHORIZED.—Actions authorized by subsection (a) include—

“(1) establishing procedures, measures, and standards for the handling, loading, unloading, storage, stowage, and movement on a structure (including the emergency removal, control, and disposition) of explosives or other dangerous articles and substances, including oil or hazardous material as those terms are defined in section 2101;

“(2) prescribing minimum safety equipment requirements for a structure to assure adequate protection from fire, explosion, natural disaster, and other serious accidents or casualties;

“(3) establishing water or waterfront safety zones, or other measures, for limited, controlled, or conditional access and activity when necessary for the protection of any vessel, structure, waters, or shore area; and

“(4) establishing procedures for examination to assure compliance with the requirements prescribed under this section.

“(c) STATE LAW.—Nothing in this section, with respect to structures, prohibits a State

or political subdivision thereof from prescribing higher safety equipment requirements or safety standards than those that may be prescribed by regulations under this section.

#### “§ 70012. Navigational hazards

“(a) REPORTING PROCEDURE.—The Secretary shall establish a program to encourage fishermen and other vessel operators to report potential or existing navigational hazards involving pipelines to the Secretary through Coast Guard field offices.

“(b) SECRETARY’S RESPONSE.—

“(1) NOTIFICATION BY THE OPERATOR OF A PIPELINE.—Upon notification by the operator of a pipeline of a hazard to navigation with respect to that pipeline, the Secretary shall immediately notify Coast Guard headquarters, the Pipeline and Hazardous Materials Safety Administration, other affected Federal and State agencies, and vessel owners and operators in the pipeline’s vicinity.

“(2) NOTIFICATION BY OTHER PERSONS.—Upon notification by any other person of a hazard or potential hazard to navigation with respect to a pipeline, the Secretary shall promptly determine whether a hazard exists, and if so shall immediately notify Coast Guard headquarters, the Pipeline and Hazardous Materials Safety Administration, other affected Federal and State agencies, vessel owners and operators in the pipeline’s vicinity, and the owner and operator of the pipeline.

“(c) PIPELINE DEFINED.—For purposes of this section, the term ‘pipeline’ has the meaning given the term ‘pipeline facility’ in section 60101(a)(18) of title 49.

#### “§ 70013. Requirement to notify Coast Guard of release of objects into the navigable waters of the United States

“(a) REQUIREMENT.—As soon as a person has knowledge of any release from a vessel or facility into the navigable waters of the United States of any object that creates an obstruction prohibited under section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (33 U.S.C. 403), such person shall notify the Secretary and the Secretary of the Army of such release.

“(b) RESTRICTION ON USE OF NOTIFICATION.—Any notification provided by an individual in accordance with subsection (a) may not be used against such individual in any criminal case, except a prosecution for perjury or for giving a false statement.

#### “SUBCHAPTER C—CONDITION FOR ENTRY INTO PORTS IN THE UNITED STATES

#### “§ 70021. Conditions for entry to ports in the United States

“(a) IN GENERAL.—No vessel that is subject to chapter 37 shall operate in the navigable waters of the United States or transfer cargo or residue in any port or place under the jurisdiction of the United States, if such vessel—

“(1) has a history of accidents, pollution incidents, or serious repair problems that, as determined by the Secretary, creates reason to believe that such vessel may be unsafe or may create a threat to the marine environment;

“(2) fails to comply with any applicable regulation issued under section 70034, chapter 37, or any other applicable law or treaty;

“(3) discharges oil or hazardous material in violation of any law of the United States or in a manner or quantities inconsistent with any treaty to which the United States is a party;

“(4) does not comply with any applicable vessel traffic service requirements;

“(5) is manned by one or more officers who are licensed by a certificating State that the

Secretary has determined, pursuant to section 9101 of title 46, does not have standards for licensing and certification of seafarers that are comparable to or more stringent than United States standards or international standards that are accepted by the United States;

“(6) is not manned in compliance with manning levels as determined by the Secretary to be necessary to insure the safe navigation of the vessel; or

“(7) while underway, does not have at least one licensed deck officer on the navigation bridge who is capable of clearly understanding English.

“(b) EXCEPTIONS.—

“(1) IN GENERAL.—The Secretary may allow provisional entry of a vessel that is not in compliance with subsection (a), if the owner or operator of such vessel proves, to the satisfaction of the Secretary, that such vessel is not unsafe or a threat to the marine environment, and if such entry is necessary for the safety of the vessel or persons aboard.

“(2) PROVISIONS NOT APPLICABLE.—Paragraphs (1), (2), (3), and (4) of subsection (a) of this section shall not apply to a vessel allowed provisional entry under paragraph (1) if the owner or operator of such vessel proves, to the satisfaction of the Secretary, that such vessel is no longer unsafe or a threat to the marine environment, and is no longer in violation of any applicable law, treaty, regulation or condition, as appropriate.

#### “SUBCHAPTER D—DEFINITIONS, REGULATIONS, ENFORCEMENT, INVESTIGATORY POWERS, APPLICABILITY

#### “§ 70031. Definitions

“As used in subchapters A through C and this subchapter, unless the context otherwise requires:

“(1) The term ‘marine environment’ means—

“(A) the navigable waters of the United States and the land and resources therein and thereunder;

“(B) the waters and fishery resources of any area over which the United States asserts exclusive fishery management authority;

“(C) the seabed and subsoil of the Outer Continental Shelf of the United States, the resources thereof, and the waters superjacent thereto; and

“(D) the recreational, economic, and scenic values of such waters and resources.

“(2) The term ‘Secretary’ means the Secretary of the department in which the Coast Guard is operating, except that such term means the Secretary of Transportation with respect to the application of this chapter to the Saint Lawrence Seaway.

“(3) The term ‘navigable waters of the United States’ includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.

#### “§ 70032. Saint Lawrence Seaway

“The authority granted to the Secretary under sections 70001, 70002, 70003, 7004, and 70011 may not be delegated with respect to the Saint Lawrence Seaway to any agency other than the Saint Lawrence Seaway Development Corporation. Any other authority granted the Secretary under subchapters A through C and this subchapter shall be delegated by the Secretary to the Saint Lawrence Seaway Development Corporation to the extent the Secretary determines such delegation is necessary for the proper operation of the Saint Lawrence Seaway.

#### “§ 70033. Limitation on application to foreign vessels

“Except pursuant to international treaty, convention, or agreement, to which the

United States is a party, subchapters A through C and this subchapter shall not apply to any foreign vessel that is not destined for, or departing from, a port or place subject to the jurisdiction of the United States and that is in—

“(1) innocent passage through the territorial sea of the United States; or

“(2) transit through the navigable waters of the United States that form a part of an international strait.

#### “§ 70034. Regulations

“(a) IN GENERAL.—In accordance with section 553 of title 5, the Secretary shall issue, and may from time to time amend or repeal, regulations necessary to implement subchapters A through C and this subchapter.

“(b) CONSULTATION.—In the exercise of the regulatory authority under subchapters A through C and this subchapter, the Secretary shall consult with, and receive and consider the views of all interested persons, including—

“(1) interested Federal departments and agencies;

“(2) officials of State and local governments;

“(3) representatives of the maritime community;

“(4) representatives of port and harbor authorities or associations;

“(5) representatives of environmental groups;

“(6) any other interested persons who are knowledgeable or experienced in dealing with problems involving vessel safety, port and waterways safety, and protection of the marine environment; and

“(7) advisory committees consisting of all interested segments of the public when the establishment of such committees is considered necessary because the issues involved are highly complex or controversial.

#### “§ 70035. Investigatory powers

“(a) SECRETARY.—The Secretary may investigate any incident, accident, or act involving the loss or destruction of, or damage to, any structure subject to subchapters A through C and this subchapter, or that affects or may affect the safety or environmental quality of the ports, harbors, or navigable waters of the United States.

“(b) POWERS.—In an investigation under this section, the Secretary may issue subpoenas to require the attendance of witnesses and the production of documents or other evidence relating to such incident, accident, or act. If any person refuses to obey a subpoena, the Secretary may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance with the subpoena. Any district court of the United States may, in the case of refusal to obey a subpoena, issue an order requiring compliance with the subpoena, and failure to obey the order may be punished by the court as contempt. Witnesses may be paid fees for travel and attendance at rates not exceeding those allowed in a district court of the United States.

#### “§ 70036. Enforcement

“(a) CIVIL PENALTY.—

“(1) IN GENERAL.—Any person who is found by the Secretary, after notice and an opportunity for a hearing, to have violated subchapters A through C or this subchapter or a regulation issued under subchapters A through C or this subchapter shall be liable to the United States for a civil penalty, not to exceed \$25,000 for each violation. Each day of a continuing violation shall constitute a separate violation. The amount of such civil penalty shall be assessed by the Secretary, or the Secretary’s designee, by written notice. In determining the amount of such penalty, the Secretary shall take into account

the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

“(2) COMPROMISE, MODIFICATION, OR REMISSION.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty that is subject to imposition or that has been imposed under this section.

“(3) FAILURE TO PAY PENALTY.—If any person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General of the United States, for collection in any appropriate district court of the United States.

“(b) CRIMINAL PENALTY.—

“(1) CLASS D FELONY.—Any person who willfully and knowingly violates subchapters A through C or this subchapter or any regulation issued thereunder commits a class D felony.

“(2) CLASS C FELONY.—Any person who, in the willful and knowing violation of subchapters A through C or this subchapter or of any regulation issued thereunder, uses a dangerous weapon, or engages in conduct that causes bodily injury or fear of imminent bodily injury to any officer authorized to enforce the provisions of such a subchapter or the regulations issued under such subchapter, commits a class C felony.

“(c) IN REM LIABILITY.—Any vessel that is used in violation of subchapters A, B, or C or this subchapter, or any regulations issued under such subchapter, shall be liable in rem for any civil penalty assessed pursuant to subsection (a) and may be proceeded against in the United States district court for any district in which such vessel may be found.

“(d) INJUNCTION.—The United States district courts shall have jurisdiction to restrain violations of subchapter A, B, or C or this subchapter or of regulations issued under such subchapter, for cause shown.

“(e) DENIAL OF ENTRY.—Except as provided in section 70021, the Secretary may, subject to recognized principles of international law, deny entry by any vessel that is not in compliance with subchapter A, B, or C or this subchapter or the regulations issued under such subchapter—

“(1) into the navigable waters of the United States; or

“(2) to any port or place under the jurisdiction of the United States.

“(f) WITHHOLDING OF CLEARANCE.—

“(1) IN GENERAL.—If any owner, operator, or individual in charge of a vessel is liable for a penalty or fine under this section, or if reasonable cause exists to believe that the owner, operator, or individual in charge may be subject to a penalty or fine under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 60105 of title 46.

“(2) GRANTING CLEARANCE REFUSED OR REVOKED.—Clearance refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.”.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such subtitle is amended by inserting before the item relating to chapter 701 the following:

**“700. Ports and Waterways Safety .....70001.”.**  
**SEC. 5302. CONFORMING AMENDMENTS.**

(a) ELECTRONIC CHARTS.—

(1) TRANSFER OF PROVISION.—Section 4A of the Ports and Waterways Safety Act (33 U.S.C. 1223a)—

(A) is redesignated as section 3105 of title 46, United States Code, and transferred to appear after section 3104 of that title; and

(B) is amended by striking subsection (b) and inserting the following:

“(b) LIMITATION ON APPLICATION.—Except pursuant to an international treaty, convention, or agreement, to which the United States is a party, this section shall not apply to any foreign vessel that is not destined for, or departing from, a port or place subject to the jurisdiction of the United States and that is in—

“(1) innocent passage through the territorial sea of the United States; or

“(2) transit through the navigable waters of the United States that form a part of an international strait.”.

(2) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 31 of such title is amended by adding at the end the following: “3105. Electronic charts.”.

(b) PORT, HARBOR, AND COASTAL FACILITY SECURITY.—

(1) TRANSFER OF PROVISIONS.—So much of section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226) as precedes subsection (c) of that section is redesignated as section 70116 of title 46, United States Code, and transferred so as to replace section 70116 of that title, as in effect before the enactment of this Act.

(2) DEFINITIONS, ADMINISTRATION, AND ENFORCEMENT.—Section 70116 of title 46, United States Code, as amended by paragraph (1) of this subsection, is amended by adding at the end the following:

“(c) DEFINITIONS, ADMINISTRATION, AND ENFORCEMENT.—This section shall be treated as part of chapter 700 for purposes of sections 70031, 70032, 70034, 70035, and 70036.”.

(3) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 701 of such title is amended by striking the item relating to section 70116 and inserting the following:

“70116. Port, harbor, and coastal facility security.”.

(c) NONDISCLOSURE OF PORT SECURITY PLANS.—Subsection (c) of section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226), as so designated before the application of subsection (b)(1) of this section—

(1) is redesignated as subsection (f) of section 70103 of title 46, United States Code, and transferred so as to appear after subsection (e) of such section; and

(2) is amended by striking “this Act” and inserting “this chapter”.

(d) REPEAL.—Section 2307 of title 46, United States Code, and the item relating to that section in the analysis at the beginning of chapter 23 of that title, are repealed.

(e) REPEAL.—The Ports and Waterways Safety Act (33 U.S.C. 1221–1231, 1232–1232b), as amended by this Act, is repealed.

**SEC. 5303. TRANSITIONAL AND SAVINGS PROVISIONS.**

(a) DEFINITIONS.—In this section:

(1) SOURCE PROVISION.—The term “source provision” means a provision of law that is replaced by a title 46 provision under this title.

(2) TITLE 46 PROVISION.—The term “title 46 provision” means a provision of title 46, United States Code, that is enacted by section 5302.

(b) CUTOFF DATE.—The title 46 provisions replace certain provisions of law enacted before the date of the enactment of this Act. If a law enacted after that date amends or repeals a source provision, that law is deemed to amend or repeal, as the case may be, the corresponding title 46 provision. If a law enacted after that date is otherwise inconsistent with a title 46 provision or a provision of this title, that law supersedes the title 46 provision or provision of this title to the extent of the inconsistency.

(c) ORIGINAL DATE OF ENACTMENT UNCHANGED.—For purposes of determining

whether one provision of law supersedes another based on enactment later in time, a title 46 provision is deemed to have been enacted on the date of enactment of the source provision that the title 46 provision replaces.

(d) REFERENCES TO TITLE 46 PROVISIONS.—A reference to a title 46 provision, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding source provision.

(e) REFERENCES TO SOURCE PROVISIONS.—A reference to a source provision, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding title 46 provision.

(f) REGULATIONS, ORDERS, AND OTHER ADMINISTRATIVE ACTIONS.—A regulation, order, or other administrative action in effect under a source provision continues in effect under the corresponding title 46 provision.

(g) ACTIONS TAKEN AND OFFENSES COMMITTED.—An action taken or an offense committed under a source provision is deemed to have been taken or committed under the corresponding title 46 provision.

**SEC. 5304. RULE OF CONSTRUCTION.**

This title, including the amendments made by this title, is intended only to transfer provisions of the Ports and Waterways Safety Act to title 46, United States Code, and may not be construed to alter—

(1) the effect of a provision of the Ports and Waterways Safety Act, including any authority or requirement therein;

(2) a department or agency interpretation with respect to the Ports and Waterways Safety Act; or

(3) a judicial interpretation with respect to the Ports and Waterways Safety Act.

**SEC. 5305. ADVISORY COMMITTEE: REPEAL.**

Section 18 of the Coast Guard Authorization Act of 1991 (Public Law 102–241; 105 Stat. 2213) is repealed.

**SEC. 5306. REGATTAS AND MARINE PARADES.**

(a) IN GENERAL.—Chapter 700 of title 46, United States Code, as established by section 5301 of this Act, is amended by adding at the end the following:

“SUBCHAPTER E—REGATTAS AND MARINE PARADES

**“§ 70041. Regattas and marine parades**

“(a) IN GENERAL.—The Commandant of the Coast Guard may issue regulations to promote the safety of life on navigable waters during regattas or marine parades.

“(b) DETAIL AND USE OF VESSELS.—To enforce regulations issued under this section—

“(1) the Commandant may detail any public vessel in the service of the Coast Guard and make use of any private vessel tendered gratuitously for that purpose; and

“(2) upon the request of the Commandant, the head of any other Federal department or agency may enforce the regulations by means of any public vessel of such department and any private vessel tendered gratuitously for that purpose.

“(c) TRANSFER OF AUTHORITY.—The authority of the Commandant under this section may be transferred by the President for any special occasion to the head of another Federal department or agency whenever in the President’s judgment such transfer is desirable.

“(d) PENALTIES.—

“(1) IN GENERAL.—For any violation of regulations issued pursuant to this section the following penalties shall be incurred:

“(A) A licensed officer shall be liable to suspension or revocation of license in the manner prescribed by law for incompetency or misconduct.

“(B) Any person in charge of the navigation of a vessel other than a licensed officer shall be liable to a penalty of \$5,000.

“(C) The owner of a vessel (including any corporate officer of a corporation owning the

vessel) actually on board shall be liable to a penalty of \$5,000, unless the violation of regulations occurred without the owner's knowledge.

“(D) Any other person shall be liable to a penalty of \$2,500.

“(2) MITIGATION OR REMISSION.—The Commandant may mitigate or remit any penalty provided for in this subsection in the manner prescribed by law for the mitigation or remission of penalties for violation of the navigation laws.”

(b) CLERICAL AMENDMENT.—The analysis for chapter 700 of title 46, United States Code, as established by section 5301 of this Act, is amended by adding at the end the following:

“SUBCHAPTER E—REGATTAS AND MARINE PARADES

“70041. Regattas and marine parades.”

(c) REPEAL.—The Act of April 28, 1908 (35 Stat. 69, chapter 151; 33 U.S.C. 1233 et seq.), is repealed.

**SEC. 5307. REGULATION OF VESSELS IN TERRITORIAL WATERS OF UNITED STATES.**

(a) ESTABLISHMENT OF SUBCHAPTER F.—Chapter 700 of title 46, United States Code, as established by section 5301 of this Act, is amended by adding at the end the following:

“SUBCHAPTER F—REGULATION OF VESSELS IN TERRITORIAL WATERS OF UNITED STATES

**“§ 70054. Definitions**

“In this subchapter:

“(1) UNITED STATES.—The term ‘United States’ includes all territory and waters, continental or insular, subject to the jurisdiction of the United States.

“(2) TERRITORIAL WATERS.—The term ‘territorial waters of the United States’ includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.”

(b) REGULATION OF ANCHORAGE AND MOVEMENT OF VESSELS DURING NATIONAL EMERGENCY.—Section 1 of title II of the Act of June 15, 1917 (40 Stat. 220, chapter 30; 50 U.S.C. 191), is amended—

(1) by striking the section designation and all that follows before “by proclamation” and inserting the following:

**“§ 70051. Regulation of anchorage and movement of vessels during national emergency**

“Whenever the President”;

(2) by striking “of the Treasury”;

(3) by striking “of the department in which the Coast Guard is operating”;

(4) by striking “this title” and inserting “this subchapter”;

(5) by transferring the section so that the section appears before section 70054 of title 46, United States Code (as added by subsection (a) of this section).

(c) SEIZURE AND FORFEITURE OF VESSEL; FINE AND IMPRISONMENT.—Section 2 of title II of the Act of June 15, 1917 (40 Stat. 220, chapter 30; 50 U.S.C. 192), is amended—

(1) by striking the section designation and all that follows before “agent,” and inserting the following:

**“§ 70052. Seizure and forfeiture of vessel; fine and imprisonment**

“(a) IN GENERAL.—If any owner,”;

(2) by striking “this title” each place it appears and inserting “this subchapter”;

(3) by transferring the section so that the section appears after section 70051 of title 46, United States Code (as transferred by subsection (b) of this section).

(d) ENFORCEMENT PROVISIONS.—Section 4 of title II of the Act of June 15, 1917 (40 Stat. 220, chapter 30; 50 U.S.C. 194), is amended—

(1) by striking all before “may employ” and inserting the following:

**“§ 70053. Enforcement provisions**

“The President”;

(2) by striking “the purpose of this title” and inserting “this subchapter”;

(3) by transferring the section so that the section appears after section 70052 of title 46, United States Code (as transferred by subsection (c) of this section).

(e) CLERICAL AMENDMENT.—The analysis for chapter 700 of title 46, United States Code, as established by section 5301 of this Act, is amended by adding at the end the following:

“SUBCHAPTER F—REGULATION OF VESSELS IN TERRITORIAL WATERS OF UNITED STATES

“70051. Regulation of anchorage and movement of vessels during national emergency.

“70052. Seizure and forfeiture of vessel; fine and imprisonment.

“70053. Enforcement provisions.

“70054. Definitions.”

**TITLE IV—MARITIME TRANSPORTATION SAFETY**

**SEC. 5401. CLARIFICATION OF LOGBOOK ENTRIES.**

(a) IN GENERAL.—Section 11304 of title 46, United States Code, is amended—

(1) in subsection (a), by striking “an official” and inserting “a”;

(2) in subsection (b), by amending paragraph (3) to read as follows:

“(3) Each illness of, and injury to, a seaman of the vessel, the nature of the illness or injury, and the medical treatment provided for the injury or illness.”

(b) TECHNICAL AMENDMENT.—Section 11304(b) is amended by striking “log book” and inserting “logbook”.

**SEC. 5402. TECHNICAL CORRECTIONS: LICENSES, CERTIFICATIONS OF REGISTRY, AND MERCHANT MARINER DOCUMENTS.**

Title 46, United States Code, is amended—

(1) in section 7106(b), by striking “merchant mariner's document,” and inserting “license.”;

(2) in section 7107(b), by striking “merchant mariner's document,” and inserting “certificate of registry.”;

(3) in section 7507(b)(1), by striking “licenses or certificates of registry” and inserting “merchant mariner documents”;

(4) in section 7507(b)(2) by striking “merchant mariner's document.” and inserting “license or certificate of registry.”

**SEC. 5403. NUMBERING FOR UNDOCUMENTED BARGES.**

Section 12301(b) of title 46, United States Code, is amended—

(1) by striking “shall” and inserting “may”;

(2) by inserting “of” after “barge”.

**SEC. 5404. DRAWBRIDGE DEVIATION EXEMPTION.**

Section 5 of the Act entitled “An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved August 18, 1894 (33 U.S.C. 499), is amended by adding at the end the following new subsection:

“(d) EXEMPTION.—

“(1) IN GENERAL.—A change to a schedule that governs the opening of a drawbridge that will be in effect for less than 6 months shall not be subject to the rule making requirements of section 553 of title 5, United States Code.

“(2) ALTERNATE REQUIREMENTS.—

“(A) DUTIES OF SECRETARY.—The Secretary of the department in which the Coast Guard is operating shall provide notice of each such change through—

“(i) a local notice to mariners;

“(ii) a Coast Guard broadcast notice to mariners; or

“(iii) another method of notice that the Secretary considers appropriate.

“(B) OWNER AND OPERATOR DUTIES.—With respect to any drawbridge other than a rail-

road drawbridge, the owner or operator of such drawbridge shall provide notice of such a change to—

“(i) the general public, through publication in a newspaper of general circulation;

“(ii) the Department of Transportation or other public agency with administrative jurisdiction over the roadway that abuts the approach to such bridge; and

“(iii) the law enforcement organization with jurisdiction over the roadway that abuts the approach to such bridge.”

**SEC. 5405. DEADLINE FOR COMPLIANCE WITH ALTERNATE SAFETY COMPLIANCE PROGRAMS.**

(a) DEADLINE.—Section 4503(d) of title 46, United States Code, is amended by striking so much as precedes paragraph (3) and inserting the following:

“(d)(1) The Secretary, in cooperation with the commercial fishing industry, may prescribe an alternative safety compliance program that shall apply in lieu of requirements under section 4502(b), for any category of fishing vessels, fish processing vessels, or fish tender vessels that are—

“(A) at least 50 feet overall in length;

“(B) built before July 1, 2013; and

“(C) 25 years of age or older.

“(2) An alternative safety compliance program prescribed under paragraph (1) shall apply to a vessel—

“(A) except as provided in subparagraph (B), after the later of January 1, 2020, or the end of the 3-year period beginning on the date on which the Secretary prescribes the program; and

“(B) in the case of a vessel that undergoes a major conversion completed after the later of July 1, 2013, or the date the Secretary establishes standards for the alternate safety compliance program, upon the completion of such conversion.”

(b) CONFORMING AMENDMENT.—Section 4502(b) of title 46, United States Code, is amended by inserting “and subject to section 4503(d),” after “In addition to the requirements of subsection (a) of this section.”

**SEC. 5406. AUTHORIZATION FOR MARINE DEBRIS PROGRAM.**

The Marine Debris Research, Prevention, and Reduction Act is amended—

(1) in section 9 (33 U.S.C. 1958)—

(A) by striking the em-dash and all that follows through “(1)”;

(B) by striking “; and” and all that follows through the end of the section and inserting a period; and

(2) by adding at the end the following:

**“SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

“Of the amounts authorized for each fiscal year under section 2702(1) of title 14, United States Code, up to \$2,000,000 are authorized for the Commandant to carry out section 4 of this Act, of which not more than 10 percent may be used for administrative costs.”

**SEC. 5407. ALTERNATIVE DISTRESS SIGNALS.**

(a) PERFORMANCE STANDARD.—Not later than one year after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall issue a rule that establishes a performance standard for distress signals, including for maritime visual distress signals, that may be used as an alternative to the distress signals required by section 175.110 of title 33, Code of Federal Regulations..

(b) AUTHORIZATION OF USE.—Not later than 180 days after the date of the issuance of a rule under subsection (a), the Secretary shall issue a rule amending part 175 of title 33, Code of Federal Regulations, to authorize use of distress signals in accordance with such performance standard.

**SEC. 5408. ATLANTIC COAST PORT ACCESS ROUTE STUDY RECOMMENDATIONS.**

Not later than 30 days after the date of the enactment of the Act, the Commandant of

the Coast Guard shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of action taken to carry out the recommendations contained in the final report issued by the Atlantic Coast Port Access Route Study (ACPARS) workgroup for which notice of availability was published March 14, 2016 (81 Fed. Reg. 13307).

#### SEC. 5409. DOCUMENTATION OF RECREATIONAL VESSELS.

Coast Guard personnel performing nonrecreational vessel documentation functions under subchapter II of chapter 121 of title 46, United States Code, may perform recreational vessel documentation under section 12114 of such title in any fiscal year in which—

(1) funds available for Coast Guard operating expenses may not be used for expenses incurred for recreational vessel documentation;

(2) fees collected from owners of yachts and credited to such use are insufficient to pay expenses of recreational vessel documentation; and

(3) there is a backlog of applications for recreational vessel documentation.

#### SEC. 5410. CERTIFICATES OF DOCUMENTATION FOR RECREATIONAL VESSELS.

Section 12114 of title 46, United States Code, is amended by adding at the end the following:

“(d) EFFECTIVE PERIOD.—A recreational endorsement for a vessel—

“(1) except as provided in paragraph (3), shall be effective for 5 years;

“(2) shall require the owner of the vessel to notify the Coast Guard of each change in the information on which the issuance of the certificate of documentation is based that occurs before the expiration of the certificate under this subsection, by not later than 30 days after such change; and

“(3) shall terminate upon the expiration of such 30-day period if the owner has not notified the Coast Guard of such change before the end of such period.

“(e) STATE AND LOCAL AUTHORITY TO REMOVE ABANDONED AND DERELICT VESSELS.—Nothing in this section shall be construed to limit the authority of a State or local authority from taking action to remove an abandoned or derelict vessel.

“(f) AUTHORITY.—

“(1) REQUIREMENT.—The Secretary shall assess and collect a fee for the issuance or renewal of a recreational endorsement, that is equivalent to the fee established for the issuance or renewal, respectively, of a fishery endorsement pursuant to section 2110.

“(2) TREATMENT.—Fees collected under this subsection—

“(A) shall be credited to the account from which the costs of such issuance or renewal were paid; and

“(B) may remain available until expended.”.

#### SEC. 5411. BACKUP GLOBAL POSITIONING SYSTEM.

(a) IN GENERAL.—Subtitle VIII of title 46, United States Code, is amended by adding at the end the following:

##### “CHAPTER 807—POSITION, NAVIGATION, AND TIMING

“Sec.

“80701. Land-based complementary and backup positioning, navigation, and timing system.

##### “§ 80701. Land-based complementary and backup positioning, navigation, and timing system

“(a) ELORAN.—Subject to the availability of appropriations, the Secretary shall provide for the establishment, sustainment, and

operation of a reliable land-based enhanced LORAN, or eLORAN, positioning, navigation, and timing system.

“(b) PURPOSE.—The purpose of the system established under subsection (a) is to provide a complement to, and backup for, the Global Positioning System (in this section referred to as ‘GPS’) to ensure the availability of uncorrupted and nondegraded positioning, navigation, and timing signals for military and civilian users in the event that GPS signals are corrupted, degraded, unreliable, or otherwise unavailable.

“(c) REQUIREMENTS.—The system established under subsection (a) shall—

“(1) be wireless;

“(2) be terrestrial;

“(3) provide wide-area coverage;

“(4) transmit a precise, high-power signal in the 100 kilohertz spectrum and meet the one microsecond accuracy requirement specified in the Federal Radio Navigation Plan;

“(5) be synchronized with coordinated universal time;

“(6) be resilient and extremely difficult to disrupt or degrade;

“(7) be able to penetrate underground and inside buildings;

“(8) be capable of deployment to remote locations;

“(9) take full advantage of the infrastructure of the existing, unused Coast Guard long-range navigation system (commonly known as ‘LORAN-C’), and subject to the concurrence and agreement of other agencies, unused facilities associated with the Ground Wave Emergency Network and Nationwide Differential GPS systems;

“(10) utilize and leverage the capabilities of the entity for development, building, and operation of the system;

“(11) function in an interoperable and complementary manner with other similar positioning, navigation, and timing systems;

“(12) be made available by the Secretary for use by other Federal agencies for public purposes at no cost; and

“(13) incorporate such other requirements determined necessary by the Secretary with respect to such agencies.

“(d) SECRETARY DEFINED.—In this section the term ‘Secretary’ means the Secretary of Transportation, acting through the Commandant of the Coast Guard.”.

(b) CLERICAL AMENDMENT.—The analysis for subtitle VIII of title 46, United States Code, is amended by adding after the item relating to chapter 805 the following:

##### “807. Position, navigation, and timing80701.”.

(c) IMPLEMENTATION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary, as that term is defined in the amendments made by this section, shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a plan to ensure that the system required under such amendments is fully operational by not later than 3 years after such date of enactment.

#### SEC. 5412. WATERS DEEMED NOT NAVIGABLE WATERS OF THE UNITED STATES FOR CERTAIN PURPOSES.

For purposes of the application of subtitle II of title 46, United States Code, to the Volunteer (Hull Number CCA4108), the Illinois and Michigan Canal is deemed to not be navigable waters of the United States.

#### SEC. 5413. UNINSPECTED PASSENGER VESSELS IN ST. LOUIS COUNTY, MINNESOTA.

Section 4105 of title 46, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c) In applying this title with respect to an uninspected vessel of less than 25 feet overall in length that carries passengers on Crane Lake or waters contiguous to such lake in St. Louis County, Minnesota, the Secretary shall substitute ‘12 passengers’ for ‘6 passengers’ each place it appears in section 2101(42).”.

#### SEC. 5414. ENGINE CUT-OFF SWITCH REQUIREMENTS.

(a) INSTALLATION REQUIREMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall issue a regulation amending part 183 of title 33, Code of Federal Regulations, that requires associated equipment manufacturers, distributors, and dealers installing propulsion machinery and associated starting controls on a recreational vessel less than 26 feet overall in length and capable of developing at least 115 pounds of static thrust or 3 horsepower to install an engine cut-off switch in compliance with American Boat and Yacht Standard A-33.

(2) EFFECTIVE DATE.—The regulation shall take effect at the end of the 1-year period beginning on the date of the issuance of such regulation.

(b) DEFINITIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall issue a regulation amending part 175 and part 183 of title 33, Code of Federal Regulations, that—

(1) defines the term “engine cut-off switch” for purposes of that part to mean a mechanical or electronic device that is connected to propulsion machinery of a recreational vessel less than 26 feet overall in length that will stop propulsion if—

(A) the switch is not properly connected to the propulsion machinery; or

(B) the switch components are—

(i) submerged in water; or

(ii) separated from the propulsion machinery by a predetermined distance; and

(2) defines the term “engine cut-off switch link” for purposes of that part to mean equipment that—

(A) is attached to as recreational vessel operator; and

(B) activates the engine cut-off switch.

(c) EDUCATION ON CUT-OFF SWITCHES.—The Commandant of the Coast Guard, through the National Boating Safety Advisory Council established under section 13110 of title 46, United States Code, may initiate a boating safety program on the use and benefits of cut-off switches for recreational vessels.

#### SEC. 5415. ANALYSIS OF COMMERCIAL FISHING VESSEL CLASSIFICATION REQUIREMENTS.

(a) ANALYSIS.—Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status of the implementation of the survey and classification requirements referred to in section 4503 of title 46, United States Code.

(b) CONTENTS.—The analysis required under subsection (a) shall include information on—

(1) the average costs to vessel owners to comply with such section; and

(2) the impact such section is having on commercial fishing vessel safety.

#### TITLE V—MISCELLANEOUS

#### SEC. 5501. REPEAL.

Subsection (h) of section 888 of the Homeland Security Act of 2002 (6 U.S.C. 468) is repealed.



**SEC. 5502. REIMBURSEMENTS FOR NON-FEDERAL CONSTRUCTION COSTS OF CERTAIN AIDS TO NAVIGATION.**

(a) **IN GENERAL.**—Subject to the availability of amounts specifically provided in advance in subsequent appropriations Acts and in accordance with this section, the Commandant of the Coast Guard may reimburse a non-Federal entity for costs incurred by the entity for a covered project.

(b) **CONDITIONS.**—The Commandant may not provide reimbursement under subsection (a) with respect to a covered project unless—

(1) the need for the project is a result of the completion of construction with respect to a federally authorized navigation channel;

(2) the Commandant determines, through an appropriate navigation safety analysis, that the project is necessary to ensure safe marine transportation;

(3) the Commandant approves the design of the project to ensure that it meets all applicable Coast Guard aids-to-navigation standards and requirements;

(4) the non-Federal entity agrees to transfer the project upon completion to the Coast Guard for operation and maintenance by the Coast Guard as a Federal aid to navigation;

(5) the non-Federal entity carries out the project in accordance with the same laws and regulations that would apply to the Coast Guard if the Coast Guard carried out the project, including obtaining all permits required for the project under Federal and State law; and

(6) the Commandant determines that the project satisfies such additional requirements as may be established by the Commandant.

(c) **LIMITATIONS.**—Reimbursements under subsection (a) may not exceed the following:

(1) For a single covered project, \$5,000,000.

(2) For all covered projects in a single fiscal year, \$5,000,000.

(d) **EXPIRATION.**—The authority granted under this section shall expire on the date that is 4 years after the date of enactment of this section.

(e) **COVERED PROJECT DEFINED.**—In this section, the term “covered project” means a project carried out by a non-Federal entity to construct and establish an aid to navigation that facilitates safe and efficient marine transportation on a Federal navigation project authorized by title I of the Water Resources Development Act of 2007 (Public Law 110-114).

**SEC. 5503. CORRECTIONS TO PROVISIONS ENACTED BY COAST GUARD AUTHORIZATION ACTS.**

Section 604(b) of the Howard Coble Coast Guard and Maritime Transportation Act of 2014 (Public Law 113-281; 128 Stat. 3061) is amended by inserting “and fishery endorsement” after “endorsement”.

**SEC. 5504. SHIP SHOAL LIGHTHOUSE TRANSFER: REPEAL.**

Effective January 1, 2021, section 27 of the Coast Guard Authorization Act of 1991 (Public Law 102-241; 105 Stat. 2218) is repealed.

**SEC. 5505. COAST GUARD MARITIME DOMAIN AWARENESS.**

(a) **IN GENERAL.**—The Secretary of the department in which the Coast Guard is operating shall seek to enter into an arrangement with the National Academy of Sciences not later than 60 days after the date of the enactment of this Act under which the Academy shall prepare an assessment of available unmanned, autonomous, or remotely controlled maritime domain awareness technologies for use by the Coast Guard.

(b) **ASSESSMENT.**—The assessment shall—

(1) describe the potential limitations of current and emerging unmanned technologies used in the maritime domain for—

(A) ocean observation;

(B) vessel monitoring and identification;

(C) weather observation;

(D) to the extent practicable for consideration by the Academy, intelligence gathering, surveillance, and reconnaissance; and

(E) communications;

(2) examine how technologies described in paragraph (1) can help prioritize Federal investment by examining;

(A) affordability, including acquisition, operations, and maintenance;

(B) reliability;

(C) versatility;

(D) efficiency; and

(E) estimated service life and persistence of effort; and

(3) analyze whether the use of new and emerging maritime domain awareness technologies can be used to—

(A) carry out Coast Guard missions at lower costs;

(B) expand the scope and range of Coast Guard maritime domain awareness;

(C) allow the Coast Guard to more efficiently and effectively allocate Coast Guard vessels, aircraft, and personnel; and

(D) identify adjustments that would be necessary in Coast Guard policies, procedures, and protocols to incorporate unmanned technologies to enhance efficiency.

(c) **REPORT TO CONGRESS.**—Not later than 1 year after entering into an arrangement with the Secretary under subsection (a), the National Academy of Sciences shall submit the assessment prepared under this section to the Committees on Transportation and Infrastructure and Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(d) **USE OF INFORMATION.**—In formulating costs pursuant to subsection (b), the National Academy of Sciences may utilize information from other Coast Guard reports, assessments, or analyses regarding existing Coast Guard manpower requirements or other reports, assessments, or analyses for the acquisition of unmanned, autonomous, or remotely controlled technologies by the Federal Government.

**SEC. 5506. TOWING SAFETY MANAGEMENT SYSTEM FEES.**

(a) **REVIEW.**—The Commandant of the Coast Guard shall—

(1) review and compare the costs to the Government of—

(A) towing vessel inspections performed by the Coast Guard; and

(B) such inspections performed by a third party; and

(2) based on such review and comparison, determine whether the costs to the Government of such inspections performed by a third party are different than the costs to the Government of such inspections performed by the Coast Guard.

(b) **REVISION OF FEES.**—If the Commandant determines under subsection (a) that the costs to the Government of such inspections performed by a third party are different than the costs to the Government of such inspections performed by the Coast Guard, then the Commandant shall revise the fee assessed by the Coast Guard for such inspections as necessary to conform to the requirements under section 9701 of title 31, United States Code, that such fee be based on the cost to the Government of such inspections and accurately reflect such costs.

**SEC. 5507. OIL SPILL DISBURSEMENTS AUDITING AND REPORT.**

Section 1012 of the Oil Pollution Act of 1990 (33 U.S.C. 2712) is amended—

(1) by repealing subsection (g);

(2) in subsection (1)(1), by striking “Within one year after the date of enactment of the Coast Guard Authorization Act of 2010, and annually thereafter,” and inserting “Each

year, on the date on which the President submits to Congress a budget under section 1105 of title 31, United States Code,”; and

(3) by amending subsection (1)(2) to read as follows:

“(2) **CONTENTS.**—The report shall include—

“(A) a list of each incident that—

“(i) occurred in the preceding fiscal year; and

“(ii) resulted in disbursements from the Fund, for removal costs and damages, totaling \$500,000 or more;

“(B) a list of each incident that—

“(i) occurred in the fiscal year preceding the preceding fiscal year; and

“(ii) resulted in disbursements from the Fund, for removal costs and damages, totaling \$500,000 or more; and

“(C) an accounting of any amounts reimbursed to the Fund in the preceding fiscal year that were recovered from a responsible party for an incident that resulted in disbursements from the Fund, for removal costs and damages, totaling \$500,000 or more.”.

**SEC. 5508. LAND EXCHANGE, AYAKULIK ISLAND, ALASKA.**

(a) **LAND EXCHANGE.**—If the owner of Ayakulik Island, Alaska, offers to exchange the Island for the Tract—

(1) within 30 days after receiving such offer, the Secretary shall provide notice of the offer to the Commandant;

(2) within 90 days after receiving the notice under paragraph (1), the Commandant shall develop and transmit to the Secretary proposed operational restrictions on commercial activity conducted on the Tract, including the right of the Commandant to—

(A) order the immediate termination, for a period of up to 72 hours, of any activity occurring on or from the Tract that violates or threatens to violate one or more of such restrictions; or

(B) commence a civil action for appropriate relief, including a permanent or temporary injunction enjoining the activity that violates or threatens to violate such restrictions; and

(3) within 90 days after receiving the proposed operational restrictions from the Commandant, the Secretary shall transmit such restrictions to the owner of Ayakulik Island; and

(4) within 30 days after transmitting the proposed operational restrictions to the owner of Ayakulik Island, and if the owner agrees to such restrictions, the Secretary shall convey all right, title and interest of the United States in and to the Tract to the owner, subject to an easement granted to the Commandant to enforce such restrictions, in exchange for all right, title and interest of such owner in and to Ayakulik Island.

(b) **BOUNDARY REVISIONS.**—The Secretary may make technical and conforming revisions to the boundaries of the Tract before the date of the exchange.

(c) **PUBLIC LAND ORDER.**—Effective on the date of an exchange under subsection (a), Public Land Order 5550 shall have no force or effect with respect to submerged lands that are part of the Tract.

(d) **FAILURE TO TIMELY RESPOND TO NOTICE.**—If the Commandant does not transmit proposed operational restrictions to the Secretary within 30 days after receiving the notice under subsection (a)(1), the Secretary shall, by not later than 60 days after transmitting such notice, convey all right, title, and interest of the United States in and to the Tract to the owner of Ayakulik Island in exchange for all right, title, and interest of such owner in and to Ayakulik Island.

(e) **CERCLA NOT AFFECTED.**—This section and an exchange under this section shall not be construed to limit the application of or

otherwise affect section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(f) DEFINITIONS.—In this section:

(1) COMMANDANT.—The term “Commandant” means the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) TRACT.—The term “Tract” means the land (including submerged land) depicted as “PROPOSED PROPERTY EXCHANGE AREA” on the survey titled “PROPOSED PROPERTY EXCHANGE PARCEL” and dated 3/22/17.

**SEC. 5509. VESSEL RESPONSE PLANS IN THE ARCTIC REPORT.**

Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the oil spill prevention and response capabilities available for the area covered by the Captain of the Port Zone, as established by the Secretary, that includes the Arctic (as defined in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111)). The report shall include—

(1) a description of equipment and assets available for response under the vessel response plans approved for vessels operating in the area covered by such Captain of the Port Zone;

(2) a description of the locations of such equipment and assets, including an estimate of the time necessary to deploy such equipment and assets;

(3) a determination regarding how effectively such equipment and assets are distributed throughout such Captain of the Port Zone;

(4) a determination regarding whether the ability to deploy such equipment and assets is taken into account when measuring the equipment and assets available;

(5) a validation of the port assessment visit process and a verification of the response resource inventory; and

(6) a description of the resources needed by the Coast Guard to conduct port assessments, exercises, response plan review, and spill responses in such Captain of the Port Zone.

**SEC. 5510. ASSESSMENT OF PUBLIC COMMENTS ON ADDITIONAL ANCHORAGES ON THE HUDSON RIVER.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall—

(1) assess the public comments received by the Coast Guard on proposals to establish additional anchorages on the Hudson River between Yonkers, New York, and Kingston, New York; and

(2) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on such assessment, including—

(A) a detailed summary of concerns raised in such comments about the economic, safety, and environmental impacts of such additional anchorages on the communities bordering the Hudson River between Yonkers, New York, and Kingston, New York, including impacts of such anchorage grounds to sites listed on the National Priorities List under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and areas designated as critical habitat of species listed

as endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(B) the response of the Coast Guard to such concerns.

(b) RESTRICTION.—The Commandant may not establish any of the anchorages described in subsection (a) before the end of the 180-day period beginning on the date of the submission of the report under subsection (a)(2).

**SEC. 5511. PUBLIC SAFETY ANSWERING POINTS AND MARITIME SEARCH AND RESCUE COORDINATION.**

Not later than 180 days after the date of the enactment of this Act—

(1) the Secretary of the department in which the Coast Guard is operating acting through the Commandant of the Coast Guard shall review Coast Guard policies and procedures for public safety answering points and search-and-rescue coordination with State and local law enforcement entities in order to—

(A) further minimize the possibility of maritime 911 calls being improperly routed; and

(B) assure the Coast Guard is able to effectively carry out the Coast Guard's maritime search and rescue mission; and

(2) the Commandant shall formulate a national maritime public safety answering points policy and submit a report to the Congress on that subject.

**SEC. 5512. DOCUMENTATION OF “AMERICA’S FINEST”.**

Notwithstanding sections 12112 and 12113 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise and a fishery endorsement for the vessel *America’s Finest* (United States official number 1276760).

**DIVISION F—FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)**

**SEC. 6001. SHORT TITLE.**

This division may be cited as the “FEMA Reauthorization Act of 2017”.

**SEC. 6002. REAUTHORIZATION OF FEDERAL EMERGENCY MANAGEMENT AGENCY.**

Section 699 of the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109-295; 6 U.S.C. 811) is amended—

(1) by striking “administration and operations” each place it appears and inserting “management and administration”;

(2) in paragraph (2), by striking “; and”;

(3) in paragraph (3), by striking the period and inserting “; and”; and

(4) by adding at the end the following:

“(4) for fiscal year 2018, \$1,049,000,000;

“(5) for fiscal year 2019, \$1,065,784,000; and

“(6) for fiscal year 2020, \$1,082,836,544.”.

**SEC. 6003. COMPREHENSIVE STUDY OF DISASTER COSTS AND LOSSES.**

(a) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this Act, the Administrator shall begin, acting through the National Advisory Council, a comprehensive study relating to disaster costs and losses and Federal disaster assistance.

(b) ADDITIONAL MEMBERSHIP.—For the purposes of the comprehensive study required under subsection (a), as soon as practicable after the date of enactment of this Act, the Administrator shall appoint the following members to the National Advisory Council:

(1) Individuals who have the requisite technical knowledge and expertise on issues related to disaster costs and losses.

(2) Representatives of the insurance industry.

(3) Experts in and representatives of the construction and building industry.

(4) Individuals nominated by national organizations representing State, local, and Tribal governments and personnel.

(5) Academic experts.

(6) Representatives of the private industry, such as vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for emergency management services.

(7) Other members, as the Administrator considers appropriate.

(c) CONSULTATION WITH NONMEMBERS.—For the purposes of the comprehensive study required under subsection (a), the National Advisory Council shall consult with other relevant agencies and entities that are not represented on the National Advisory Council to consider research, data, findings, recommendations, innovative technologies, and developments, including—

(1) entities engaged in federally funded research; and

(2) academic institutions engaged in relevant work and research.

(d) STUDY REQUIREMENTS.—Not later than 120 days after the date of enactment of this Act, the National Advisory Council shall convene to evaluate disaster costs and losses and Federal disaster assistance, including consideration of the following:

(1) TRENDS AND CONTRIBUTING FACTORS.—An assessment of trends, and factors contributing to such trends (such as shifting demographics and aging infrastructure), in disaster costs and losses and Federal disaster assistance, including the following:

(A) Loss of life and injury.

(B) Property damage and other costs to individuals, the private sector, and each level of government.

(C) Presidentially declared disasters.

(D) Disaster assistance available from all Federal sources.

(2) DISASTER ROLES AND RESPONSIBILITY.—Fundamental principles that drive national disaster assistance decision making, including the appropriate roles for each level of government, the private sector, and individuals.

(e) RECOMMENDATIONS.—The National Advisory Council shall develop recommendations to reduce disaster costs and losses in the United States and to more efficiently and effectively deliver Federal disaster assistance, including consideration of the following:

(1) Actions to enhance national disaster assistance decision making.

(2) Incentives, including tax incentives, to reduce disaster costs and losses and promote a more efficient and effective use of Federal disaster assistance.

(3) Mechanisms to promote disaster cost and loss reduction, mitigation, and resiliency.

(4) Legislative proposals, including proposals for implementing the recommendations in the report compiled pursuant to the requirement in section 1111 of the Sandy Recovery Improvement Act of 2013 (Public Law 113-2; 127 Stat. 49).

(5) Legal, societal, geographic, technological, and other challenges to implementation of recommendations.

(6) Projected dollar savings and efficiencies, including measures of effectiveness, from recommendations.

(f) REPORT TO ADMINISTRATOR AND CONGRESS.—Not later than 1 year after the National Advisory Council convenes under subsection (d), the National Advisory Council shall submit a report containing the data, analysis, and recommendations developed under subsections (d) and (e) to—

(1) the Administrator;

(2) the Committee on Transportation and Infrastructure of the House of Representatives; and

(3) the Committee on Homeland Security and Governmental Affairs of the Senate.

(g) AVAILABILITY OF INFORMATION.—The Administrator shall make the data collected

pursuant to this section publicly available on the website of the Agency.

**SEC. 6004. NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM.**

Section 1204 of the Implementing Recommendations of the 9/11 Commission Act (6 U.S.C. 1102) is amended—

(1) in subsection (c), by inserting “to the extent practicable, provide training in settings that simulate real response environments, such as urban areas,” after “levels,”;

(2) in subsection (d), by striking paragraphs (1) and (2) and inserting the following:

“(1) for the Center for Domestic Preparedness—

“(A) \$63,939,000 for fiscal year 2018;

“(B) \$64,962,024 for fiscal year 2019; and

“(C) \$66,001,416 for fiscal year 2020; and

“(2) for the members referred to in paragraphs (2) through (7) of subsection (b)—

“(A) \$101,000,000 for fiscal year 2018;

“(B) \$102,606,000 for fiscal year 2019; and

“(C) \$104,247,856 for fiscal year 2020.”; and

(3) in subsection (e) by striking—

(A) “each of the following entities” and inserting “members enumerated in section (b)”;

(B) “2007—” and inserting “2015.” and

(C) paragraphs (1) through (5).

**SEC. 6005. RURAL DOMESTIC PREPAREDNESS CONSORTIUM.**

(a) IN GENERAL.—The Secretary of Homeland Security is authorized to establish a Rural Domestic Preparedness Consortium within the Department of Homeland Security consisting of universities and nonprofit organizations qualified to provide training to emergency response providers from rural communities.

(b) DUTIES.—The Rural Domestic Preparedness Consortium authorized under subsection (a) shall identify, develop, test, and deliver training to State, local, and Tribal emergency response providers from rural communities, provide on-site and mobile training, and facilitate the delivery of training by the training partners of the Department of Homeland Security.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of amounts appropriated for Continuing Training Grants of the Department of Homeland Security, \$5,000,000 is authorized to be used for the Rural Domestic Preparedness Consortium authorized under subsection (a).

**SEC. 6006. NATIONAL PREPARATION AND RESPONSE EFFORTS RELATING TO EARTHQUAKES AND TSUNAMIS.**

The Administrator of the Federal Emergency Management Agency shall be responsible for the Nation’s efforts to reduce the loss of life and property, and to protect the Nation, from an earthquake, tsunami, or combined earthquake and tsunami event by developing the ability to prepare and plan for, mitigate against, respond to, recover from, and more successfully adapt to such an event.

**SEC. 6007. AUTHORITIES.**

Notwithstanding any other provision of law, the non-federally funded actions of private parties, State, local, or Tribal governments, on State, local, Tribal, and private land, and the effects of those actions, shall not be attributed to the Federal Emergency Management Agency’s actions under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4002 et seq.), the Biggert-Waters Flood Insurance Reform Act of 2012 (subtitle A of title II of division F of Public Law 112-141; 126 Stat. 916), and the Homeowner Flood Insurance Affordability Act of 2014 (Public Law 113-89; 128 Stat. 1020) for the purposes of section 7 (16 U.S.C. 1536) and section 9 (16 U.S.C. 1538) of the Endangered Species Act. Actions taken under the National Flood Insurance Act of 1968, the

Flood Disaster Protection Act of 1973, the Biggert-Waters Flood Insurance Reform Act of 2012, and the Homeowner Flood Insurance Affordability Act of 2014, that may influence private actions do not create a Federal nexus for the purpose of applying the requirements of section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536).

**SEC. 6008. CENTER FOR FAITH-BASED AND NEIGHBORHOOD PARTNERSHIPS.**

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following new section:

**“SEC. 529. CENTER FOR FAITH-BASED AND NEIGHBORHOOD PARTNERSHIPS.**

“(a) IN GENERAL.—There is established in the Agency a Center for Faith-Based and Neighborhood Partnerships, headed by a Director appointed by the Secretary.

“(b) MISSION.—The mission of the Center shall be to develop and coordinate Departmental outreach efforts with faith-based and community organizations and serve as a liaison between such organizations and components of the Department for activities related to securing facilities, emergency preparedness and response, and combating human trafficking.

“(c) RESPONSIBILITIES.—In support of the mission of the Center for Faith-Based and Neighborhood Partnerships, the Director shall—

“(1) develop exercises that engage faith-based and community organizations to test capabilities for all hazards, including active shooter incidents;

“(2) coordinate the delivery of guidance and training to faith-based and community organizations related to securing their facilities against natural disasters, acts of terrorism, and other man-made disasters;

“(3) conduct outreach to faith-based and community organizations regarding guidance, training, and exercises and Departmental capabilities available to assist faith-based and community organizations to secure their facilities against natural disasters, acts of terrorism, and other man-made disasters;

“(4) facilitate engagement and coordination among the emergency management community and faith-based and community organizations;

“(5) deliver training and technical assistance to faith-based and community-based organizations and provide subject-matter expertise related to anti-human trafficking efforts to help communities successfully partner with other Blue Campaign components; and

“(6) perform any other duties as assigned by the Administrator.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by inserting after the item relating to section 528 the following:

“Sec. 529. Center For Faith-Based And Neighborhood Partnerships.”.

**SEC. 6009. EMERGENCY SUPPORT FUNCTIONS.**

(a) UPDATE.—Paragraph (13) of section 504(a) of the Homeland Security Act of 2002 (6 U.S.C. 314(a)) is amended by inserting “, periodically updating (but not less often than once every five years),” after “administering”.

(b) EMERGENCY SUPPORT FUNCTIONS.—Section 653 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 753; title VI of the Department of Homeland Security Appropriations Act, 2007; Public Law 109-295) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection:

“(d) COORDINATION.—The President, acting through the Administrator, shall develop

and provide to Federal departments and agencies with coordinating, primary, or supporting responsibilities under the National Response Framework performance metrics to ensure readiness to execute responsibilities under the emergency support functions of such Framework.”.

**SEC. 6010. REVIEW OF NATIONAL INCIDENT MANAGEMENT SYSTEM.**

Paragraph (2) of section 509(b) of the Homeland Security Act of 2002 (6 U.S.C. 319(b)) is amended, in the matter preceding subparagraph (A), by inserting “, but not less often than once every five years,” after “periodically”.

**SEC. 6011. REMEDIAL ACTION MANAGEMENT PROGRAM.**

Section 650 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 750; title VI of the Department of Homeland Security Appropriations Act, 2007; Public Law 109-295) is amended to read as follows:

**“SEC. 650. REMEDIAL ACTION MANAGEMENT PROGRAM.**

“(a) IN GENERAL.—The Administrator, in coordination with the National Council on Disability and the National Advisory Council, shall establish a remedial action management program to—

“(1) analyze training, exercises, and real world events to identify lessons learned, corrective actions, and best practices;

“(2) generate and disseminate, as appropriate, the lessons learned, corrective actions, and best practices referred to in paragraph (1); and

“(3) conduct remedial action tracking and long-term trend analysis.

“(b) FEDERAL CORRECTIVE ACTIONS.—The Administrator, in coordination with the heads of appropriate Federal departments and agencies, shall utilize the program established pursuant to subsection (a) to collect information on corrective actions identified by such Federal departments and agencies during exercises and the response to natural disasters, acts of terrorism, and other man-made disasters, and shall, not later than one year after the date of the enactment of this section and annually thereafter for each of the next four years, submit to Congress a report on the status of such corrective actions.

“(c) DISSEMINATION OF AFTER ACTION REPORTS.—The Administrator shall provide electronically, to the maximum extent practicable, to Congress and Federal, State, local, Tribal, and private sector officials after-action reports and information on lessons learned and best practices from responses to acts of terrorism, natural disasters, capstone exercises conducted under the national exercise program under section 648(b), and other emergencies or exercises.”.

**SEC. 6012. CENTER FOR DOMESTIC PREPAREDNESS.**

(a) IMPLEMENTATION PLAN.—The Administrator of the Federal Emergency Management Agency shall develop an implementation plan, including benchmarks and milestones, to address the findings and recommendations of the 2017 Management Review Team that issued a report on May 8, 2017, regarding live agent training at the Chemical, Ordnance, Biological and Radiological Training Facility and provide to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate updates and information on efforts to implement recommendations related to the management review of the Chemical, Ordnance, Biological, and Radiological Training Facility of the Center for Domestic Preparedness of the Federal Emergency Management

Agency, including, as necessary, information on additional resources or authority needed to implement such recommendations.

(b) **COMPTROLLER GENERAL REVIEW.**—Not later than one year after the date of the enactment of this section, the Comptroller General of the United States shall review and report to Congress on the status of the implementation plan required by subsection (a) and the governance structure at the Chemical, Ordnance, Biological and Radiological Training Facility of the Center for Domestic Preparedness of the Federal Emergency Management Agency.

**SEC. 6013. FEMA SENIOR LAW ENFORCEMENT ADVISOR.**

(a) **IN GENERAL.**—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.), as amended by this Act, is further amended by adding at the end the following new section: **“SEC. 530. SENIOR LAW ENFORCEMENT ADVISOR.**

“(a) **ESTABLISHMENT.**—There is established in the Agency a Senior Law Enforcement Advisor to serve as a qualified expert to the Administrator for the purpose of strengthening the Agency’s coordination among State, local, and Tribal law enforcement.

“(b) **QUALIFICATIONS.**—The Senior Law Enforcement Advisor shall have an appropriate background with experience in law enforcement, intelligence, information sharing, and other emergency response functions.

“(c) **RESPONSIBILITIES.**—The Senior Law Enforcement Advisor shall—

“(1) coordinate on behalf of the Administrator with the Office for State and Local Law Enforcement under section 2006 for the purpose of ensuring State, local, and Tribal law enforcement receive consistent and appropriate consideration in policies, guidance, training, and exercises related to preventing, preparing for, protecting against, and responding to natural disasters, acts of terrorism, and other man-made disasters within the United States;

“(2) work with the Administrator and the Office for State and Local Law Enforcement under section 2006 to ensure grants to State, local, and Tribal government agencies, including programs under sections 2003, 2004, and 2006(a), appropriately focus on terrorism prevention activities; and

“(3) serve other appropriate functions as determined by the Administrator.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of the Homeland Security Act of 2002, as amended by this Act, is further amended by inserting after the item relating to section 529 the following new item:

“Sec. 530. Senior Law Enforcement Advisor.”.

**SEC. 6014. TECHNICAL EXPERT AUTHORIZED.**

Paragraph (2) of section 503(b) of the Homeland Security Act of 2002 (6 U.S.C. 313(b)) is amended—

(1) in subparagraph (G), by striking “and” at the end;

(2) in subparagraph (H), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(I) identify and integrate the needs of children into activities to prepare for, protect against, respond to, recover from, and mitigate against natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents, including by appointing a technical expert, who may consult with relevant outside organizations and experts, as necessary, to coordinate such activities, as necessary.”.

**SEC. 6015. MISSION SUPPORT.**

(a) **ESTABLISHMENT.**—The Administrator of the Federal Emergency Management Agency shall designate an individual to serve as the chief management official and principal ad-

visor to the Administrator on matters related to the management of the Federal Emergency Management Agency, including management integration in support of emergency management operations and programs.

(b) **MISSION AND RESPONSIBILITIES.**—The Administrator of the Federal Emergency Management Agency, acting through the official designated pursuant to subsection (a), shall be responsible for the management and administration of the Federal Emergency Management Agency, including with respect to the following:

(1) Procurement.

(2) Human resources and personnel.

(3) Information technology and communications systems.

(4) Real property investment and planning, facilities, accountable personal property (including fleet and other material resources), records and disclosure, privacy, safety and health, and sustainability and environmental management.

(5) Security for personnel, information technology and communications systems, facilities, property, equipment, and other material resources.

(6) Any other management duties that the Administrator may designate.

(c) **MOUNT WEATHER EMERGENCY OPERATIONS AND ASSOCIATED FACILITIES.**—Nothing in this section shall be construed as limiting or otherwise affecting the role or responsibility of the Assistant Administrator for National Continuity Programs with respect to the matters described in subsection (b) as such matters relate to the Mount Weather Emergency Operations Center and associated facilities. The management and administration of the Mount Weather Emergency Operations Center and associated facilities remain the responsibility of the Assistant Administrator for National Continuity Programs.

(d) **REPORT.**—Not later than 270 days after the date of the enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that includes—

(1) a review of financial, human capital, information technology, real property planning, and acquisition management of headquarters and all regional offices of the Federal Emergency Management Agency; and

(2) a strategy for capturing financial, human capital, information technology, real property planning, and acquisition data.

**SEC. 6016. SYSTEMS MODERNIZATION.**

Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the Federal Emergency Management Agency’s efforts to modernize its grants and financial information technology systems, including the following:

(1) A summary of all previous efforts to modernize such systems.

(2) An assessment of long-term cost savings and efficiencies gained through such modernization effort.

(3) A capability needs assessment.

(4) Estimated quarterly costs.

(5) Estimated acquisition life-cycle dates, including acquisition decision events.

**SEC. 6017. STRATEGIC HUMAN CAPITAL PLAN.**

Subsection (c) of section 10102 of title 5, United States Code, is amended by striking “2007” and inserting “2018”.

**SEC. 6018. OFFICE OF DISABILITY INTEGRATION AND COORDINATION OF DEPARTMENT OF HOMELAND SECURITY.**

(a) **OFFICE OF DISABILITY INTEGRATION AND COORDINATION.**—

(1) **IN GENERAL.**—Section 513 of the Homeland Security Act of 2002 (6 U.S.C. 321b) is amended to read as follows:

**“SEC. 513. OFFICE OF DISABILITY INTEGRATION AND COORDINATION.**

“(a) **IN GENERAL.**—There is established within the Federal Emergency Management Agency an Office of Disability Integration and Coordination, which shall be headed by a Director.

“(b) **MISSION.**—The mission of the Office is to ensure that individuals with disabilities and other access and functional needs are included in emergency management activities throughout the Agency by providing guidance, tools, methods, and strategies for the purpose of equal physical program and effective communication access.

“(c) **RESPONSIBILITIES.**—In support of the mission of the Office, the Director shall—

“(1) provide guidance and coordination on matters related to individuals with disabilities in emergency planning requirements and relief efforts in the event of a natural disaster, act of terrorism, or other man-made disaster;

“(2) oversee Office staff and personnel responsible for disability integration in each regional office with respect to carrying out the mission of the Office;

“(3) liaise with the staff of the Agency including nonpermanent employees, organizations representing individuals with disabilities, other agencies of the Federal Government, and State, local, and Tribal government authorities regarding the needs of individuals with disabilities in emergency planning requirements and relief efforts in the event of a natural disaster, act of terrorism, or other man-made disaster;

“(4) coordinate with the technical expert on the needs of children within the Agency to provide guidance and coordination on matters related to children with disabilities in emergency planning requirements and relief efforts in the event of a natural disaster, act of terrorism, or other man-made disaster;

“(5) consult with organizations representing individuals with disabilities about access and functional needs in emergency planning requirements and relief efforts in the event of a natural disaster, act of terrorism, or other man-made disaster;

“(6) ensure the coordination and dissemination of best practices and model evacuation plans for individuals with disabilities;

“(7) collaborate with Agency leadership responsible for training to ensure that qualified experts develop easily accessible training materials and a curriculum for the training of emergency response providers, State, local, and Tribal government officials, and others on the needs of individuals with disabilities;

“(8) coordinate with the Emergency Management Institute, Center for Domestic Preparedness, Center for Homeland Defense and Security, U.S. Fire Administration, National Exercise Program, and National Domestic Preparedness Consortium to ensure that content related to persons with disabilities, access and functional needs, and children are integrated into existing and future emergency management trainings;

“(9) promote the accessibility of telephone hotlines and websites regarding emergency preparedness, evacuations, and disaster relief;

“(10) work to ensure that video programming distributors, including broadcasters, cable operators, and satellite television services, make emergency information accessible

to individuals with hearing and vision disabilities;

“(11) ensure the availability of accessible transportation options for individuals with disabilities in the event of an evacuation;

“(12) provide guidance and implement policies to ensure that the rights and feedback of individuals with disabilities regarding post-evacuation residency and relocation are respected;

“(13) ensure that meeting the needs of individuals with disabilities are included in the components of the national preparedness system established under section 644 of the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109-295; 120 Stat. 1425; 6 U.S.C. 744); and

“(14) perform any other duties as assigned by the Administrator.

“(d) **DIRECTOR.**—After consultation with organizations representing individuals with disabilities, the Administrator shall appoint a Director. The Director shall report directly to the Administrator, in order to ensure that the needs of individuals with disabilities are being properly addressed in emergency preparedness and disaster relief.

“(e) **ORGANIZATIONS REPRESENTING INDIVIDUALS WITH DISABILITIES DEFINED.**—For purposes of this section, ‘organizations representing individuals with disabilities’ shall mean the National Council on Disabilities and the Interagency Coordinating Council on Preparedness and Individuals with Disabilities, among other appropriate disability organizations.”

(2) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of such Act is amended by striking the item relating to section 513 and inserting the following new item:

“513. Office of Disability Integration and Coordination.”

(b) **REPORTING.**—

(1) **REPORT TO CONGRESS.**—Not later than 120 days after the date of the enactment of this section, the Administrator shall submit to Congress a report on the funding and staffing needs of the Office of Disability Integration and Coordination under section 513 of the Homeland Security Act of 2002, as amended by subsection (a).

(2) **COMPTROLLER GENERAL REVIEW.**—Not later than 120 days after the date of the submittal of the report under paragraph (1), the Comptroller General of the United States shall review the report to evaluate whether the funding and staffing needs described in the report are sufficient to support the activities of the Office of Disability Integration and Coordination.

#### **SEC. 6019. TECHNICAL AMENDMENTS TO NATIONAL EMERGENCY MANAGEMENT.**

(a) **HOMELAND SECURITY ACT OF 2002.**—Title V of the Homeland Security Act of 2002 (6 U.S.C. 501 et seq.) is amended—

(1) in section 501(8) (6 U.S.C. 311(8))—

(A) by striking “National Response Plan” each place it appears and inserting “National Response Framework”; and

(B) by striking “502(a)(6)” and inserting “504(a)(6)”; and

(2) in section 503(b)(2)(A) (6 U.S.C. 313) by inserting “and incidents impacting critical infrastructure” before the semicolon;

(3) in section 504(a) (6 U.S.C. 314(a))—

(A) in paragraph (3) by striking “, including—” and inserting “(that includes incidents impacting critical infrastructure), including—”;

(B) in paragraph (4) by inserting “, including incidents impacting critical infrastructure” before the semicolon;

(C) in paragraph (5) by striking “and local” and inserting “local, and Tribal”; and

(D) in paragraph (6) by striking “national response plan” and inserting “national re-

sponse framework, which shall be reviewed and updated as required but not less than every 5 years”;

(E) by redesignating paragraphs (7) through (21) as paragraphs (8) through (22), respectively;

(F) by inserting after paragraph (6) the following:

“(7) developing integrated frameworks, to include consolidating existing Government plans addressing prevention, protection, mitigation, and recovery with such frameworks reviewed and updated as required, but not less than every 5 years”; and

(G) in paragraph (14), as redesignated, by striking “National Response Plan” each place it appears and inserting “National Response Framework”;

(4) in section 507 (6 U.S.C. 317)—

(A) in subsection (c)—

(i) in paragraph (2)(E), by striking “National Response Plan” and inserting “National Response Framework”; and

(ii) in paragraph (3)(A), by striking “National Response Plan” and inserting “National Response Framework”; and

(B) in subsection (f)(1)(G), by striking “National Response Plan” and inserting “National Response Framework”;

(5) in section 508 (6 U.S.C. 318)—

(A) in subsection (b)(1), by striking “National Response Plan” and inserting “National Response Framework”; and

(B) in subsection (d)(2)(A), by striking “The Deputy Administrator, Protection and National Preparedness” and inserting “A Deputy Administrator”;

(6) in section 509 (6 U.S.C. 319)—

(A) in subsection (b)—

(i) in paragraph (1)—

(I) by striking “National Response Plan” and inserting “National Response Framework, National Protection Framework, National Prevention Framework, National Mitigation Framework, National Recovery Framework”;

(II) by striking “successor” and inserting “successors”; and

(III) by striking “plan” at the end of that paragraph and inserting “framework”; and

(ii) in paragraph (2), by striking “National Response Plan” each place it appears and inserting “National Response Framework”; and

(B) in subsection (c)(1)—

(i) in subparagraph (A)—

(I) by striking “NATIONAL RESPONSE PLAN” in the header and inserting “NATIONAL RESPONSE FRAMEWORK”; and

(II) by striking “National Response Plan” in the text and inserting “National Response Framework”; and

(ii) in subparagraph (B), by striking “National Response Plan” and inserting “National Response Framework”;

(7) in section 510 (6 U.S.C. 320)—

(A) in subsection (a), by striking “enter into a memorandum of understanding” and inserting “partner”;

(B) in subsection (b)(1)(A), by striking “National Response Plan” and inserting “National Response Framework”; and

(C) in subsection (c), by striking “National Response Plan” and inserting “National Response Framework”;

(8) in section 515(c)(1) (6 U.S.C. 321d(c)(1)), by striking “and local” each place it appears and inserting “, local, and Tribal”;

(9) by striking section 524 (6 U.S.C. 321m); and

(10) in section 525(a) (6 U.S.C. 321n), by striking “Secretary” and inserting “Administrator”.

(b) **POST-KATRINA EMERGENCY MANAGEMENT REFORM ACT OF 2006.**—

(1) **CITATION CORRECTION.**—Section 602(13) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 701(13)) is

amended by striking “502(a)(6)” and inserting “504(a)(6)”.

(2) **CHANGE OF REFERENCE.**—Chapter 1 of subtitle C of title VI of the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109-295) is amended by striking “National Response Plan” each place it appears and inserting “National Response Framework”.

(c) **SAVINGS CLAUSE.**—The amendments made by subsection (a) to section 503(b)(2)(A) and paragraphs (3) and (4) of section 504(a) of the Homeland Security Act of 2002 shall not be construed as affecting the authority, existing on the day before the date of enactment of this division, of any other component of the Department of Homeland Security or any other Federal department or agency.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. McCAUL) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### **GENERAL LEAVE**

Mr. McCAUL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. McCAUL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of the Department of Homeland Security Authorization Act of 2017.

Mr. Speaker, the American people are reminded about the threats facing our country on a daily basis. When they turn on the TV or pick up the newspaper, they learn about the latest terror attack or plot, foreign governments engaged in cyber warfare, and drug smugglers and human traffickers relentlessly trying to creep across our border and infect our neighborhoods.

Our adversaries are determined and agile. They wish to strike our homeland and disrupt our way of life. They are constantly calling for new attacks to be carried out against Americans with any weapons they have available.

To stay ahead of our enemies, we need a national security apparatus that is best set up for success and can adapt to new challenges as they arise.

After the 9/11 attacks, the creation of the Department of Homeland Security was necessary to help confront the threats at that time. Unfortunately, Congress has never reauthorized DHS since it was created. This is just simply unacceptable, and that is why eight committee chairmen signed a memorandum of understanding at the beginning of the year stating: “The Department of Homeland Security and its components should be authorized on a regular basis to ensure robust oversight and improve its operation.”

If we are going to keep America safe, we must reform and improve DHS

through a first-ever comprehensive reauthorization. The legislation before us today accomplishes several goals.

First, it reasserts Congress' Article I authority granted by the Constitution to write laws and give discretion to the Department. Congress has abdicated its role and responsibility in providing comprehensive legislative direction since 2002, and has ceded power to the executive branch. This legislation will fix that.

Second, it creates efficiencies by eliminating, consolidating, and streamlining programs and offices. With dangers gathering and the terrorist threat evolving, we need the most nimble DHS possible for the Secretary to lead and carry out the Department's vital mission.

Third, this bill protects American taxpayers by making DHS more accountable. Through new cost-efficiency efforts, we will be able to provide the funds necessary to keep our country safe while identifying and eliminating government waste.

Fourth, our legislation will support our frontline defenders and first responders. This bill will provide the tools and training needed to defeat emerging threats through important grant programs while also allowing DHS to better focus on recruiting and training a qualified workforce.

Finally, it improves America's security. Specifically, this reauthorization will: strengthen the Department's ability to deny terrorists entry into the United States; ensure that Federal agencies meet readiness standards to respond to terror attacks and natural disasters; expand TSA's use of explosive detection technology and bolster security at last points of departure; it will also modernize and replace outdated Coast Guard vessels; it will prioritize investigations of cross-border crimes, including human trafficking, cybercrimes, and drug smuggling.

These are necessary measures that we, as Congress, must take to fight back against the array of ever-changing threats. This legislation is a commonsense and bipartisan bill that is long overdue. It also enjoys strong backing from the administration.

In testimony given to my committee, Secretary Kelly stated: "This is an important endeavor which will provide the Department with the authorities it needs to carry out its mission."

And just recently today in an op-ed that ran this morning in support of this bill, Secretary Kelly wrote: "There is no more important mission—no duty more sacred—than protecting the people of the United States, and I strongly encourage Members in both parties to support this legislation."

Protecting our homeland and keeping American families safe are shared goals that should bring both parties together, not push us apart, and a comprehensive reauthorization of the Department of Homeland Security will be a major bipartisan accomplishment

and an example of what we can achieve when we put the safety and security of our country ahead of partisan politics.

Mr. Speaker, I would like to thank the majority leader for all his efforts to help bring this to the floor. I would also like to thank each of the chairmen of jurisdiction for signing the MOU, as well as members of the Committee on Homeland Security from both sides of the aisle, and the staff members who made this possible.

Let's show our enemies that we stand united in protecting our country, our values, and our people. So I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON WAYS AND MEANS,  
Washington, DC, June 27, 2017.

Hon. MICHAEL MCCAUL,  
Chairman, Committee on Homeland Security,  
Washington, DC.

DEAR CHAIRMAN MCCAUL: I am writing with respect to H.R. 2825, the "Department of Homeland Security Authorization Act of 2017." This bill contains provisions within the Rule X jurisdiction of the Committee on Ways and Means.

The Committee on Ways and Means will not seek a sequential referral on H.R. 2825 so that it may proceed expeditiously to the House floor for consideration. This is done with the understanding that the jurisdictional interests of the Committee on Ways and Means over this and similar legislation are in no way diminished or altered. In addition, the Committee reserves the right to seek conferees on H.R. 2825 and requests your support when such a request is made.

I would appreciate your response confirming this understanding with respect to H.R. 2825 and ask that a copy of our exchange of letters on this matter be included in the Congressional Record during consideration of the bill on the House floor.

Sincerely,

KEVIN BRADY,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
Washington, DC, June 27, 2017.

Hon. KEVIN BRADY,  
Chairman, Committee on Ways and Means,  
Washington, DC.

DEAR CHAIRMAN BRADY: Thank you for your letter regarding H.R. 2825, the "Department of Homeland Security Authorization Act of 2017." I appreciate your support in bringing this very important legislation reauthorizing the Department of Homeland Security before the House of Representatives, and appreciate the willingness of the Committee on Ways and Means to forego seeking a sequential referral.

The Committee on Homeland Security concurs with the mutual understanding that by foregoing a sequential referral on this bill at this time, the Committee on Ways and Means does not waive any jurisdiction over the subject matter contained in this bill or similar legislation in the future. In addition, should a conference on this bill be necessary, I would support your request to have the Committee on Ways and Means represented on the conference committee for provisions within your jurisdiction.

I will insert copies of this exchange in the Congressional Record during consideration of this bill on the House floor. I thank you for your cooperation in this matter.

Sincerely,

MICHAEL T. MCCAUL,  
Chairman, Committee on Homeland Security.

COMMITTEE ON TRANSPORTATION AND  
INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,

Washington, DC, June 23, 2017.

Hon. MICHAEL T. MCCAUL,  
Chairman, Committee on Homeland Security,  
Washington, DC.

DEAR CHAIRMAN MCCAUL: I write concerning H.R. 2825, the "Department of Homeland Security Authorization Act of 2017." This legislation includes matters that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

In order to expedite Floor consideration of H.R. 2825, the Committee on Transportation and Infrastructure will forgo action on this bill. However, this is conditional on our mutual understanding that forgoing consideration of the bill does not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within the Committee's Rule X jurisdiction. I appreciate you working with us on the text of the bill and request you urge the Speaker to name members of the Committee to any conference committee named to consider such provisions.

Please place a copy of this letter and your response acknowledging our jurisdictional interest in the Congressional Record during House Floor consideration of the bill. I look forward to working with the Committee on Homeland Security as the bill moves through the legislative process.

Sincerely,

BILL SHUSTER,  
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON HOMELAND SECURITY,  
Washington, DC, June 27, 2017.

Hon. BILL SHUSTER,  
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR CHAIRMAN SHUSTER: Thank you for your letter regarding H.R. 2825, the "Department of Homeland Security Authorization Act of 2017." I appreciate your support in bringing this very important legislation reauthorizing the Department of Homeland Security before the House of Representatives, and appreciate the willingness of the Committee on Transportation and Infrastructure to forego seeking a sequential referral.

The Committee on Homeland Security concurs with the mutual understanding that by foregoing a sequential referral on this bill at this time, the Committee on Transportation and Infrastructure does not waive any jurisdiction over the subject matter contained in this bill or similar legislation in the future. In addition, should a conference on this bill be necessary, I would support your request to have the Committee on Transportation and Infrastructure represented on the conference committee for provisions within your jurisdiction.

I will insert copies of this exchange in the Congressional Record during consideration of this bill on the House floor. I thank you for your cooperation in this matter.

Sincerely,

MICHAEL T. MCCAUL,  
Chairman, Committee on Homeland Security.

COMMITTEE ON OVERSIGHT AND  
GOVERNMENT REFORM,  
Washington, DC, June 22, 2017.

Hon. MICHAEL T. MCCAUL,  
Chairman, Committee on Homeland Security,  
Washington, DC.

DEAR MR. MCCAUL: I am writing to you concerning the jurisdictional interests of the Committee on Oversight and Government Reform in H.R. 2825, the "Department of



Homeland Security Authorization Act of 2017," which was ordered reported favorably to the House by the Committee on Homeland Security on June 14, 2017.

Our committee recognizes the importance of H.R. 2825 and the need for the legislation to move expeditiously, notwithstanding my recent investiture as the Chair of the Oversight Committee one week ago. Therefore, while we have identified matters of jurisdictional interest to the Oversight Committee in the bill, I do not intend to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forego a sequential referral waives, reduces, or otherwise affects the jurisdiction of the Committee on Oversight and Government Reform.

The Oversight Committee's jurisdictional claim stems from the presence of numerous provisions in H.R. 2825 that directly implicate the Committee's jurisdiction as defined in House Rule X. Specifically, the bill as ordered reported includes provisions concerning and even amending title 5, title 41 and other cross-cutting issues involving the government writ large, as well as issues that implicate congressional oversight and access. Just as the Committee has jurisdiction over legislation that establishes government-wide requirements or adds agencies or elements to those requirements, the Committee necessarily has jurisdiction over legislation that does the reverse—creating exceptions to or otherwise adversely impacting the applicability of existing government-wide requirements.

I ask that a copy of this letter and your response acknowledging our jurisdictional interest be included in the Committee Report and as part of the Congressional Record during consideration of this bill by the House. The Committee on Oversight and Government Reform also asks that you support our request to be conferees on the provisions over which we have jurisdiction during any House-Senate conference.

I look forward to working with you in my new capacity as chair of the Oversight Committee. The Committee has been, and remains, open to working with the Committee on Homeland Security to ensure that the Committee on Homeland Security and the federal government as a whole are best equipped to address any and all national security challenges, through robust oversight and improved operations of the Department of Homeland Security.

Thank you for your consideration in this matter.

Sincerely,

TREY GOWDY,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
Washington, DC, June 27, 2017.

Hon. TREY GOWDY,  
Chairman, Committee on Oversight and Government Reform, Washington, DC.

DEAR CHAIRMAN GOWDY: Thank you for your letter regarding H.R. 2825, the "Department of Homeland Security Authorization Act of 2017." Congratulations on recently becoming Chairman of the Oversight and Government Reform Committee. I appreciate your support in bringing this very important legislation reauthorizing the Department of Homeland Security before the House of Representatives, and appreciate the willingness of the Committee on Oversight and Government Reform to forego seeking a sequential referral.

The Committee on Homeland Security concurs with the mutual understanding that by foregoing a sequential referral on this bill at this time, the Committee on Oversight and

Government Reform does not waive any jurisdiction over the subject matter contained in this bill or similar legislation in the future. In addition, should a conference on this bill be necessary, I would support your request to have the Committee on Oversight and Government Reform represented on the conference committee for provisions within your jurisdiction.

I will insert copies of this exchange in the Congressional Record during consideration of this bill on the House floor. I thank you for your cooperation in this matter.

Sincerely,

MICHAEL T. MCCAUL,  
Chairman, Committee on Homeland Security.

COMMITTEE ON SCIENCE, SPACE,  
AND TECHNOLOGY,  
Washington, DC, July 19, 2017.

Hon. MICHAEL MCCAUL,  
Chairman, Committee on Homeland Security,  
Washington, DC.

DEAR MR. CHAIRMAN: I am writing concerning H.R. 2825, the "Department of Homeland Security Authorization Act of 2017," which was introduced on June 8, 2017.

H.R. 2825 contains provisions within the Committee on Science, Space, and Technology's Rule X jurisdiction. In order to expedite this bill for floor consideration, the Committee on Science, Space, and Technology will forego action on the bill. This is being done on the basis of our mutual understanding that doing so will in no way diminish or alter the jurisdiction of the Committee on Science, Space, and Technology with respect to the appointment of conferees, or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation.

I would appreciate your response to this letter confirming this understanding, and would request that you include a copy of this letter and your response in the Congressional Record during the floor consideration of this bill. Thank you in advance for your cooperation.

Sincerely,

LAMAR SMITH,  
Chairman.

COMMITTEE ON HOMELAND SECURITY,  
Washington, DC, July 19, 2017.

Hon. LAMAR SMITH,  
Chairman, Committee on Science, Space, and Technology, Washington, DC.

DEAR CHAIRMAN SMITH: Thank you for your letter regarding H.R. 2825, the "Department of Homeland Security Authorization Act of 2017." I appreciate your support in bringing this very important legislation reauthorizing the Department of Homeland Security before the House of Representatives, and appreciate the willingness of the Committee on Science, Space, and Technology to forego seeking a sequential referral.

The Committee on Homeland Security concurs with the mutual understanding that by foregoing a sequential referral on this bill at this time, the Committee on Science, Space, and Technology does not waive any jurisdiction over the subject matter contained in this bill or similar legislation in the future. In addition, should a conference on this bill be necessary, I would support your request to have the Committee on Science, Space, and Technology represented on the conference committee for provisions within your jurisdiction.

I will insert copies of this exchange in the Congressional Record during consideration of this bill on the House floor. I thank you for your cooperation in this matter.

Sincerely,

MICHAEL T. MCCAUL,  
Chairman, Committee on Homeland Security.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2825, the Department of Homeland Security Authorization Act of 2017.

Mr. Speaker, most Americans give little thought to the range of activities that the Department of Homeland Security undertakes every day to safeguard our Nation. Consideration of this legislation today provides us with the opportunity to take a moment to not only acknowledge the contributions of the 240,000 men and women who serve at the Department but to consider what DHS does on a daily basis.

On any given day, the Transportation Security Administration screens 2 million air passengers and 1 million bags. The Federal Protective Service protects 1.4 million people who visit and work in Federal buildings. The U.S. Customs and Border Protection screens 282,000 vehicles, 72,000 truck, rail, and maritime containers. The U.S. Coast Guard seizes and removes over 1,000 pounds of drugs and saves more than 10 lives in search and rescue operations daily.

The Secret Service provides physical protection to the Nation's highest elected leaders, visiting foreign dignitaries, facilities, and major events. And the National Cybersecurity and Communications Integration Center issues 50 cyber warnings and blocks nearly 2,000 intrusions.

This list of activities is not, by any means, exhaustive, but I think it is important for Members to keep in mind what DHS does every day, as we consider H.R. 2825.

A central focus of this legislation is improving operations within the DHS by, among other things, bolstering acquisition management, employee engagement, policymaking, stakeholder engagement, and civil rights and civil liberties.

Additionally, H.R. 2825 seeks to enhance DHS' counterterrorism and intelligence efforts and the sharing of threat information with State, local, and regional fusion centers.

I am particularly pleased that H.R. 2825 rejects the Trump administration's proposed cuts to assistance to State and local jurisdictions. Not only does H.R. 2825 authorize homeland security first responder grants, training, and exercises, but it also restores funding for two critical TSA programs: the Law Enforcement Grant Program and the program to fund security staffing at airport exit lanes.

With respect to the Urban Area Security Initiative Grant Program, it authorizes funding at \$800 million, which is \$350 million above President Donald Trump's request. For the State Homeland Security Grant Program, it authorizes \$600 million, which is \$250 million above President Donald Trump's request.

Additionally, the Transit Security, Port Security, Nonprofit Security, and

Stonegarden Grant Programs are authorized at levels well above President Donald Trump's request.

When it comes to securing our Nation, the American public expects DHS to make smart investments. H.R. 2825 seeks to ensure that the policies and protections are in place to do just that.

It has been almost 15 years since 22 agencies were thrust together to create the third largest Federal department. Since that time, DHS has never been reauthorized.

Today, I urge my colleagues to join me in supporting this measure, which gives DHS the direction and support it needs to safeguard our Nation.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. McCAUL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the Transportation and Infrastructure Committee, and I want to thank him for working with me in getting to this day.

Mr. SHUSTER. Mr. Speaker, I rise in support of H.R. 2825, and I want to commend and congratulate my two good friends, Chairman McCAUL and Ranking Member THOMPSON, and the members of the Homeland Security Committee and their staff for their work on this important bill.

This Congress, eight committee chairmen agreed to work together on the Department of Homeland Security reauthorization. I did so because securing our Nation's homeland is extremely important to the American people. I also believe it is our duty to work together to support fellow chairmen on their priorities, especially large reauthorizations like this.

The Transportation and Infrastructure Committee marked up two authorizations in our jurisdiction that are included in this bill: the U.S. Coast Guard and the Federal Emergency Management Agency.

The Coast Guard authorization supports service missions to enforce all Federal laws on the high seas and in U.S. waters. It does so by providing a variety of acquisition authorities to help lower costs, requiring a land-based unmanned aircraft system program, eliminating redundant training requirements, and providing the Coast Guard parity with other armed services in matters related to healthcare and retirement.

On FEMA, the bill provides the first ever reauthorization of the agency to ensure accountability and strong congressional oversight. It includes a number of provisions to help address 21st century challenges to disaster preparedness and response and to support emergency response personnel.

Both of our reauthorizations were bipartisan efforts and approved with bipartisan support. Again, I thought it was important to move these measures through the Committee on Transportation and Infrastructure to support Chairman McCAUL and Ranking Member THOMPSON and their legislative pri-

orities. I want to thank them both again for their work. I urge my colleagues to support this bill.

□ 0930

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. DEMINGS).

Mrs. DEMINGS. Mr. Speaker, I rise today in support of this bill, and particularly the provision that creates a new competitive grant program designed to preserve core capability gains achieved with previous Urban Area Security Initiative, UASI, grant funding.

The UASI program provides critical Federal support to local law enforcement in large metropolitan areas to help them protect their residents and visitors. I was the police chief in Orlando when Orlando was initially approved for UASI funding, and, therefore, I know firsthand how critical such Federal support is to Orlando and other large metropolitan areas.

Orlando, a number one destination, is now where an ISIS-inspired terrorist took the lives of 49 people and injured many more, the deadliest in our Nation's history.

As first responders from my district responded to the scene, the dedicated staff and analysts of the Central Florida Intelligence Exchange, CFI, a member of DHS' National Network of Fusion Centers, sprung into action together and shared information. Together, the courageous first responders and CFI saved lives and helped to quickly identify the perpetrator.

The capabilities that led to their successful response were created through previous grant investments, in particular, the Urban Area Security Initiative. Unfortunately, such Federal funding capabilities and preparedness can be severely diminished or even lost.

My concern is this: What will happen to the capabilities developed with previous grant support now that the funding is no longer available?

The bill today would create a \$39 million competitive grant program for former UASI cities and would make sure that core capability gains achieved with previous grant funding were supported and maintained.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. THOMPSON of Mississippi. I yield an additional 1 minute to the gentlewoman from Florida.

Mrs. DEMINGS. Mr. Speaker, as Secretary Kelly acknowledged before the Committee on Homeland Security last month, the threat of terrorism has metastasized around the country. Whether it is New York City, the largest municipality in the country, or some other small town in the middle of Arkansas, the potential is about the same, in my view, for a lone-wolf attack. That was how the Secretary described it last week, and I could not agree with him more. The demands on local law enforcement are even more increasing, ever changing, and more complex.

Mr. Speaker, I thank the chairman of the Homeland Security Committee and our ranking member for their vision and commitment to keeping our homeland safe. Do we have any greater purpose?

Reauthorization of the Department is long overdue and I commend the Chairmen and Ranking Members for their commitment to working together, in a bipartisan fashion, to accomplish what had not been possible for so many years.

Mr. Speaker, I rise today in support of this bill and particularly the provision that creates a new competitive grant program designed to preserve core capability gains achieved with previous Urban Area Security Initiative (UASI) grant support.

The UASI program provides critical federal support to local law enforcement in large metropolitan areas to help them protect their residents and visitors.

I was the police chief when Orlando was initially approved for UASI funding and, therefore, I know firsthand how critical such federal support is to Orlando and other large metropolitan areas.

Orlando, a number one destination, is now where an ISIS-inspired terrorist took the lives of 49 people and injured many more.

As first responders from my district responded to the scene, the dedicated staff and analysts at the Central Florida Intelligence Exchange (CFIX)—a member of DHS' National Network of Fusion Centers—sprung into action to gather and share information.

Together, the courageous first responders and CFI saved lives and helped identify the perpetrator.

The capabilities that led to their successful response were created through previous grant investments, in particular the Urban Area Security Initiative.

Unfortunately, such federally funded capacities and preparedness can be severely diminished or even lost.

My concern is this: what will happen to the capabilities developed with previous grant support now that funding is no longer available?

The bill before us today would create a \$39 million competitive grant program for former UASI cities, and would make sure that core capability gains achieved with previous federal grant support are maintained.

As Secretary Kelly acknowledged before the Committee on Homeland Security last month, the threat of terrorism "has metastasized around the country, whether it's New York City, the largest municipality in the [ ] country, or some little town in the middle of Arkansas, the [ ] potential is about the same in my view for a lone wolf attack."—that was how the Secretary described it last week.

My constituents in Florida know, all too well, the truth of the Secretary's words.

No city in America can afford to go backwards; to lose ground on preparedness.

The demands on local law enforcement are ever increasing, ever changing, and more complex than ever before. The federal government must continue to be a strong partner to local law enforcement who are our first line of defense.

I thank the Chairman of the Committee on Homeland Security for his support of this program.

The bill would also require the Government Accountability Office to perform an independent review of the risk formula and award

processes for the UASI program, as well as the State Homeland Security Grant Program.

The preparedness of urban areas and the threats they face has changed since the programs were created after the 9/11 attacks, and this report will assess the current process used to collect and evaluate threat information in order to ensure grant funds are provided where they are needed most.

I am also pleased that this bill would reject a proposal, put forth earlier this year by President Trump in his first budget, which called for transitioning almost 1,100 Transportation Security Officers currently staffing airport exit lanes to security checkpoints.

The elimination of exit lane staffing in budget proposal is problematic for a few reasons.

First, exit lane staffing responsibilities and expenses would be shifted to local airport authorities. The primary responsibility for security of the traveling public should remain in the hands of the TSA.

Second, elimination of such staffing would directly contradict the statutory language of the Bipartisan Budget Agreement of 2013 that requires TSA to monitor passenger exit points from the sterile areas of airports.

As a former Captain of the Airport Division of the Orlando Police Department, and a 27-year veteran of law enforcement, I can tell you: There is no question about it. TSA is responsible for exit lane staffing.

Eliminating federal exit lane staffing would not enhance our nation's security, and doing so would be a contravention of the existing statutory requirement.

I offered an amendment in the Homeland Security Committee, which was accepted, that explicitly authorizes funding at the Fiscal Year (FY) 2017 level for exit lane coverage through Fiscal Year 2019.

As a result, the bill before us today sends a clear message to the Administration that we will not stand for TSA attempting to foist its Congressionally-mandated duties onto its local partners.

Again, I thank the Chairman of the Committee on Homeland Security for his support of these measures, and I thank Ranking Member Thompson for his vision and commitment to keeping our homeland safe. Do we have any other greater purpose?

I urge my colleagues to support the bill.

Mr. MCCAUL. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE), chairman of the Judiciary Committee, and I want to thank him for his close coordination in getting to this day.

Mr. GOODLATTE. Mr. Speaker, I thank the chairman of the Homeland Security Committee for yielding and for his longtime work on this authorization.

Authorizing all of the Cabinet Departments is important, but it is crucial that Congress reauthorize the Department of Homeland Security. The American people must have faith that DHS will serve to protect this Nation, and this authorization demonstrates Congress' commitment to the critical missions being performed daily by this diverse Department.

This bill is the product of collaboration between several committees, and the Judiciary Committee greatly contributed to this bill as it authorizes

three component agencies within the jurisdiction of the Judiciary Committee: the United States Immigration and Customs Enforcement, the United States Citizenship and Immigration Services, and the United States Secret Service.

Make no mistake: we authorize the Department and its agencies to carry out each and every duty and utilize every tool necessary to keep America safe. While the bill does contain much of the authorizing language as reported out of the Judiciary Committee, it does not reflect all of our important work on the ICE and USCIS authorizations. It is critical that these two DHS components have all the tools necessary to carry out their functions. H.R. 2825 should have explicitly included such tools as the clear congressional intent to ensure that these agencies have them at their disposal in order to enforce the laws.

I do support this bill because it is an important step in ensuring that ICE and USCIS can continue to perform at a very high level. This Congress must soon finish the job, however, and ensure that these agencies have the resources and legislative support that they need to enforce our immigration laws in the interior of the United States.

The House must pass the Judiciary Committee's enforcement bills, including the Davis-Oliver Act, the Protection of Children Act, the Refugee Program Integrity Restoration Act, and the Legal Workforce Act, among others. I intend to see these bills on the House floor in the near future, and I look forward to fulfilling our promise so that DHS can truly fulfill its mission.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. BARRAGAN), who represents the largest container port in the Nation, the port of L.A.—Long Beach.

Ms. BARRAGAN. Mr. Speaker, I rise today to support H.R. 2825.

Mr. Speaker, first I want to thank my colleagues on the Homeland Security Committee for adopting my amendment to provide \$45 million to reimburse local law enforcement at airports. There has been an increase in the tax at airports, including at my home airport of LAX, and this funding is vital to keeping our airports secure and our economy moving.

Both sides compromised to move this bill forward, and the programs in it are critical to the security of our ports, our borders, and our homeland. Going forward, we can do more to add more funding at the ports.

I represent America's port, the Port of Los Angeles. Our ports are the Nation's largest border crossings, so we must invest in funding security at the ports.

The port security grants I proposed in my committee are crucial to the cyber and physical safety programs at the Ports of Los Angeles and Long

Beach, and without increased funding, they have been forced to stop several innovative and important projects. I will continue to fight for increased port security funding. I am determined to fill the staffing and funding gaps in maritime security and give our ports what they need to be safe and efficient.

Mr. Speaker, I urge my colleagues to support this reauthorization, but we have more work to do.

Mr. MCCAUL. Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. DONOVAN), chairman of the Subcommittee on Emergency Preparedness, Response, and Communications of the Homeland Security Committee.

Mr. DONOVAN. Mr. Speaker, I rise today in strong support of H.R. 2825, the Department of Homeland Security Authorization Act of 2017, which will reauthorize the Department for the very first time.

As the chairman of the Subcommittee on Emergency Preparedness, Response, and Communications, I am particularly proud of title VI of division A, which includes provisions of my legislation, the PREPARE Act.

The bill reauthorizes critical grant programs responsible for helping first responders while measuring the returns on these investments. It ensures first responders in fusion centers receive information on cybersecurity threats. It requires FEMA to assess how homeland security grant funding has closed capability gaps and provides grant recipients with best practices to ensure fiscally responsible use of taxpayer dollars. It requires the Department to consider the impact of emerging technology while supporting efforts to achieve national interoperable emergency communications.

The grant's authorization provisions have received the support of the Police Commissioner of the City of New York, the International Association of Fire Chiefs, the National Fusion Center Association, the Major County Sheriffs of America, and the Conference of Mayors.

I include these letters of support in the RECORD.

THE POLICE COMMISSIONER,  
CITY OF NEW YORK,  
New York, NY, June 12, 2017.  
Chairman MICHAEL MCCAUL,  
Committee on Homeland Security, House of Representatives, Washington DC.

DEAR CHAIRMAN MCCAUL: New York City remains the nation's top terror target because of its large population, historic landmarks, iconic tourist destinations, and unique international status. The New York City Police Department (NYPD) is steadfast in fulfilling our mission to protect millions of New York City residents, as well as the millions of people who work in and visit our city each year.

The NYPD supports the new funding levels proposed in the PREPARE Act. These levels reflect a willingness to ensure that Law Enforcement is equipped with the tools to keep our communities safe. The bill demonstrates an understanding that we are safest when federal resources are focused where the threats are.

The PREPARE Act would provide a crucial investment in homeland security preparedness, both for the safety of New York City and the entire nation. This investment is particularly important in light of the recent events in Europe and the expressed goals of a variety of groups seeking to recruit individuals from within our borders to carry out mass casualty attacks. Federal funding is essential to allow law enforcement to adapt to the new challenges by developing innovative technology and enhanced preparedness programs, like the NYPD's Counterterrorism Bureau Training Unit.

I strongly support passage of the PREPARE Act and urge you to continue to place the highest priority on protecting New York and other high-threat urban areas. Increasing funding for these key programs is critical to further ensuring our nation's security and preparedness.

Thank you for your continued support of the New York City Police Department.

All the best,

JAMES P. O'NEILL,  
*Police Commissioner.*

INTERNATIONAL ASSOCIATION  
OF FIRE CHIEFS,  
*Fairfax, VA, June 13, 2017.*

Hon. MICHAEL MCCAUL, Chairman, Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR CHAIRMAN MCCAUL: On behalf of the nearly 12,000 fire and emergency service leaders of the International Association of Fire Chiefs (IAFC), I express our support for Title VI of the amendment in the nature of a substitute to the Department of Homeland Security Authorization Act of 2017 (H.R. 2825). This legislation will play an important role in helping our nation's fire and emergency service personnel to respond to the escalating number of threats that we face.

As recent events have shown, the terrorist threat presents a wide variety of tactics and techniques. For any type of terrorist attack, local first responders will be the first on-scene and will have to provide an immediate response. This fact means that local first responders must be ready to respond to explosives; active shooter incidents; complex, coordinated attacks; and threats of biological or chemical terrorism. The federal government can provide valuable training and equipment as incentives to help states and local governments develop multidisciplinary approaches to future threats.

Title VI of the substitute amendment has a number of provisions that will help local first responders, including:

Annually authorizing \$800 million for the Urban Areas Security Initiative (UASI) program and \$600 million for the State Homeland Security Grant Program (SHSGP) from Fiscal Year (FY) 2018 through FY 2022.

Allowing the use of SHSGP and UASI funds to develop medical preparedness and surge capacity in case of a biological attack, including medical kits to protect first responders and their families;

Protecting the grant programs, like SHSGP and UASI, from consolidation by the Federal Emergency Management Agency without congressional authorization;

Authorizing a grant program to help emergency response providers plan, train and prepare for complex, coordinated attacks;

Expanding the role of the Chief Medical Officer to authorize the development of policies to protect first responders from the medical effects of acts of terrorism; and

Protecting the Office of Emergency Communications, which is a valuable resource for improving public safety communications interoperability, from elimination or consolidation without congressional authorization.

The IAFC appreciates your leadership in ensuring that local first responders are prepared to mitigate the increasing number of threats facing our nation. An effective response by local first responders at the beginning of a terrorist attack will help save lives and reduce the success of an act of terrorism. This legislation will help the nation's fire and EMS personnel prepare for these threats. We urge the committee members to support your substitute amendment to H.R. 2825.

Sincerely,

Fire Chief JOHN D. SINCLAIR,  
*President and Chairman of the Board.*

NATIONAL FUSION  
CENTER ASSOCIATION,  
*June 13, 2017.*

Hon. MICHAEL MCCAUL, Chairman,  
Hon. BENNIE THOMPSON, Ranking Member,  
*Committee on Homeland Security, House of Representatives, Washington, DC.*

DEAR CHAIRMAN MCCAUL AND RANKING MEMBER THOMPSON: I write on behalf of the National Fusion Center Association (NFCA) in support of provisions in the PREPARE Act that will strengthen preparedness of the homeland.

The PREPARE Act would make meaningful improvements in the way the Federal government supports terrorism prevention activities carried out by fusion centers in collaboration with the larger group of public safety partners including components of the Department of Homeland Security. The bill would reauthorize key preparedness grant programs with improvements in the way the grants are administered, including with meaningful input from the law enforcement communities in each state. It would strengthen the Law Enforcement Terrorism Prevention Activities requirement that is in existing law by fostering enhanced engagement among law enforcement practitioners and key offices within DHS including the Office of State and Local Law Enforcement and FEMA.

The bill also takes productive steps to help Federal, state, and local partners share information on cyber threats. Ensuring effective collaboration and preparedness regarding cyber threats is becoming more important, and the PREPARE Act would be helpful on this front by encouraging the timely analysis and sharing of threat information.

We commend your consistent and aggressive efforts to find ways for Congress to foster improved collaboration and coordination by Federal, state, local, and private entities to protect the homeland. We have made great progress, but we have much more work to do. The PREPARE Act is the latest example of your dedication to this purpose, and we look forward to working with you and your colleagues to ensure effective legislation is enacted.

Sincerely,

MIKE SENA,  
*President.*

MAJOR COUNTY SHERIFFS OF AMERICA,  
*Alexandria, VA, June 9, 2017.*

Hon. MICHAEL MCCAUL,  
*House Homeland Security Committee, House of Representatives, Washington, DC.*

DEAR CHAIRMAN MCCAUL: As Vice Presidents of the Major County Sheriffs of America (MCSA) in charge of Homeland Security and Government Affairs, we write to thank you for your leadership and support of local law enforcement through the FY18 grant authorizations found within Title VI of H.R. 2825, the Department of Homeland Security Authorization Act of 2017.

MCSA is an association of elected Sheriffs representing the nation's largest counties with populations of 500,000 people or more. Collectively, we provide public safety serv-

ices to over 100 million residents and have a unique understanding of the national security challenges facing our nation.

Since September 11, 2001, our country has made great progress in our nation's ability to prepare for, respond to and prevent terrorist attacks; however, in an era of deep budget cuts and reduced federal funding, state and local law enforcement do not have sufficient funds by themselves to support the homeland security mission.

Federal funding such as the Homeland Security Grant Program (HS GP) which includes the Urban Areas Security Initiative (UASI) and the State Homeland Security Program (SHSP) work to address gaps in local agency capabilities for responding to terrorist threats in the homeland. Authorizing UASI at \$800 million and SHSP at \$600 million is critical to our efforts. Local capabilities that have been built in part through UASI and SHSP funds are not self-sustaining and require consistent federal support to maintain a level of vigilance against threats. This requires an active, and invested level of collaboration with our partner agencies to maintain a level of preparedness that our citizens deserve and expect.

There also remains a strong need for the Law Enforcement Terrorism Prevention Activities (LETPA) requirement that is in current law. Under this provision, 25% of all UASI and SHSP funds that are received by a state must be used for LETPA. If this requirement was removed, there would be zero dedicated federal support for terrorism prevention activities, which is a unique role of law enforcement. Based on what we have recently seen all over the world, now is not the time to step away from this critical activity. On a related note, there should be much more formal local law enforcement input into FEMA's grant guidance and prioritization processes to ensure transparency in the policy directives, grant guidance, and risk formulas.

We greatly appreciate your leadership and we thank you and Committee staff for working honestly and collaboratively with the MCSA. Please let us know if we can be of further assistance as we continue our work to protect the homeland.

Very Respectfully,

Sheriff MICHAEL J.  
BOUCHARD,  
*Oakland County (MI),  
MCSA VP—Government Affairs.*  
Sheriff RICHARD STANEK,  
*Hennepin County  
(MN), MCSA VP—  
Homeland Security.*

THE U.S. CONFERENCE OF MAYORS,  
*Washington, DC, June 19, 2017.*

Hon. MICHAEL MCCAUL,  
*Chairman, Homeland Security Committee,  
Washington, DC.*

DEAR CHAIRMAN MCCAUL: I write on behalf of The United States Conference of Mayors to indicate our support for the provisions relating to the homeland security grant programs in H.R. 2825, the Department of Homeland Security Authorization Act of 2017. At a time of growing concern about the terror threat to our cities, it is important to have a stable five-year source of funding that helps us prevent and respond to attacks.

While we appreciate the authorization levels you have included in the bill and understand the funding constraints you faced in drafting the bill, we must be clear that more funding is needed to help keep our cities safe. This applies, of course, both to designated higher risk jurisdictions and to the many areas not in that category, or no longer in that category, which have critical infrastructure and other risk factors which would suggest their need for assistance.

We also appreciate your inclusion of language that would require authorization from Congress for any grant consolidation proposals and the maintenance of the law enforcement terrorism prevention set-aside, a provision of great importance to our police departments.

The nation's mayors appreciate your leadership on homeland security and other issues and look forward to working with you and the Committee to see these provisions enacted into law.

Sincerely,

TOM COCHRAN,  
CEO and Executive Director.

Mr. DONOVAN. I am also pleased a number of the provisions provided by the Committee on Homeland Security are included in division F of this bill. These provisions authorize FEMA's senior law enforcement adviser, ensure an appropriate focus on good management practices at FEMA, support vital training programs for first responders, and codify the Office of Disability Integration and Coordination to ensure individuals with disabilities are integrated into disaster preparedness and response efforts.

I look forward to continuing to work with Subcommittee Chairman BARLETTA of the Transportation and Infrastructure Committee as this bill progresses through the process.

Mr. Speaker, I want to commend Chairman MCCAUL for his leadership in getting this bill through the committee and onto the floor, and I urge my colleagues to join me in supporting this bill.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I thank the chairman and ranking member of the committee for doing a historic reauthorization of this historic Department that came in the backdrop of the most heinous and singular terrorist act in terms of the beginning part of the 21st century to come together with this important statement about securing the homeland.

This year will mark the 15th year of the Department of Homeland Security. Homeland security is defined as "the national effort to ensure a homeland that is safe, secure, and resilient against terrorism and other hazards where American interests, aspirations, and ways of life can thrive . . . ."

This is what I hope this bill will do.

I want to take special note of two of the subagencies in this bill in particular, taking note of the killing of Gerardo Hernandez, the first TSA officer in the line of duty to be killed, in Los Angeles, and the machete attack on Carol Richel at the Louis Armstrong New Orleans International Airport. We owe a great deal of appreciation and thanks to the Transportation Security Administration and the TSOs. I personally thank them for the work that they do to be front line in securing America.

I also want to express my appreciation for the Secret Service, who, of

course, through challenges, have continued to work to protect America's most important leadership, the President in particular. I thank them for their service.

I also want to make mention of the fact that I was very appreciative of the number of amendments that I was able to get in. The Jackson Lee amendments included mandates that the Department of Homeland Security add a new provision to the duties of the Office for Civil Rights and Civil Liberties, which directs that the Department recognize as part of their mission to preserve individual liberty, fairness, and equality under the law.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. THOMPSON of Mississippi. I yield an additional 1 minute to the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Speaker, I thank the gentleman from Mississippi, the ranking member.

Mr. Speaker, my second amendment deals with the multiyear acquisition strategy, keeps pace with changes in technology. This amendment makes sure that the agency's purchases are most up-to-date.

My third amendment deals with the fusion centers and will develop, keep up-to-date, and make available information on Federal resources intended to support fusion centers across America.

My fourth amendment would add to the list of DHS components, including the chief medical officer, to allow them to enter into MOUs so that they can be most helpful across the country.

My other amendment deals with preparedness, ensuring that the National Domestic Preparedness Consortium includes a special directive regarding preparedness in urban areas.

Finally, let me say that we have oversight over ICE and the immigration services. I think it is important to note that ICE has to be responsible, not seeking to raid and deport individuals who have been in this country, who are paying their taxes, and who have options to be able to stay in this country. I hope this reauthorization recognizes that we need comprehensive immigration reform and that ICE is important, but it must restrain its reckless way of deporting individuals.

Mr. Speaker, I rise in speak in strong support of H.R. 2825, the Homeland Security Authorization Act of 2017, which is the first authorization bill for the Department of Homeland Security since its creation.

I thank Chairman MCCAUL and Ranking Member THOMPSON for working diligently to bring before the House of Representatives the authorization legislation.

As a Senior member of the Committee on Homeland Security, and former Chair of the Subcommittee on Transportation Security, now known as the Transportation and Protective Security Subcommittee, as well as the former Ranking Member of the Subcommittee on Border and Maritime Security, I am very much aware of the importance of the work performed by the men and women who protect us from terrorism.

Homeland Security is defined as: "the national effort to ensure a homeland that is safe, secure, and resilient against terrorism and other hazards where American interests, aspirations, and ways of life can thrive to the national effort to prevent terrorist attacks within the United States, reduce the vulnerability of the U.S. to terrorism, and minimize the damage from attacks that do occur."

This year will mark the 15th year the Department of Homeland Security has been in existence and we owe the men and women who serve on the front line of defending our people of the United States against terrorist acts at home.

DHS's mission is to secure the nation from the many threats we face.

DHS is securing our nation through the dedication and hard work of the more than 229,000 employees to serve the nation in jobs that range from aviation and border security to emergency response, from cybersecurity analyst to chemical facility inspector.

The Department of Homeland Security has many challenges—the greatest of which is overcoming serious morale problems.

This authorization will accomplish a great deal, but the underlying central problem for the Department of Homeland Security is morale.

The employees of the Department of Homeland Security are on the front lines of our nation's defense against terrorism.

I recall the shooting incident at LAX that killed Gerardo Hernandez, who became the first TSA officer killed in the line of duty; and the machete attack at the Louis Armstrong New Orleans International Airport that resulted in injuries to Senior Transportation Security Officer Carol Richel.

Their sacrifice and heroism reminds me of what we saw on September 11, 2001.

I will never forget that day, which made the creation of the Department of Homeland Security necessary.

September 11, 2017 will mark the 16th Anniversary of the attacks that killed 2,977 men, women and children.

On September 11, 2001, I stood on the East Front steps of the Capitol along with 150 Members of the House of Representatives and sang "God Bless America."

I will forever recall the Members of this House who stood with each other not as Democrats or Republicans, but as Americans.

I want to thank and commend the work of our first responders across the nation for their efforts to protect and serve their communities and our nation.

Our duty as Members of Congress is to support the Department of Homeland Security in meeting its core mission of keeping Americans safe.

I am in support of H.R. 2825 for the following three reasons:

Terrorists have evolved their means and methods for perpetrating acts of terror that were not envisioned at the time the agency was created;

The role of the Internet as a tool for terrorists to recruit and train people around the world who may be drawn to their messages of hate must be calculated into the work to defend the nation; and

The Department of Homeland Security has evolved since its initial authorization bill became law on November 25, 2002, and this bill is a necessary step to make sure the agency can benefit from that experience.

I appreciate and thank the Committee on Homeland Security Members for the inclusion of my bill, the “Federal Information Resource to Strengthen Ties with State and Local Law Enforcement Act of 2017” also known as the “FIRST State and Local Law Enforcement Act” in the Amendment in the Nature of a Substitute for H.R. 2824, the Homeland Security Authorization Act of 2017.

Mr. Speaker, the FIRST State and Local Law Enforcement Act, supports transparency and oversight of the work of the DHS Office of State and Local Law Enforcement by requiring that an annual report of its activities be provided to Congress.

This office is the primary coordinator, liaison, and advocate for state, local, tribal, and territorial law enforcement agencies.

This office was created based on recommendations from the 9/11 Commission and serves as the primary liaison between DHS and non-Federal law enforcement agencies across the country.

The office also leads the coordination of DHS’ policies related to state, local, tribal, and territorial law enforcement’s role in preventing, preparing for, protecting against, and responding to natural disasters, acts of terrorism and other man-made disasters.

Because this DHS office plays a significant role in the required outreach to state and local law enforcement entities it is important that the Committee be kept apprised of its work.

The “FIRST State and Local Law Enforcement Act” will include data about the coordination and information with State and locals, establishing and reporting performance and metrics feedback received from State, local, and tribal law enforcement agencies about the Office.

I thank the Chairman and Ranking Member of the Homeland Security Committee for also including Several Jackson Lee amendments in the final bill:

The First Jackson Lee Amendment adds to the list of the Bill’s mandates for the Department of Homeland Security, which the Secretary of DHS shall implement as part of the overall mission of the agency.

This Jackson Lee Amendment adds a new provision to the duties of the Office of Civil Rights and Civil Liberties, which directs that the Department recognizes as part of its mission to preserve individual liberty, fairness, and equality under the law.”

The Second Jackson Lee Amendment adds an assurance that the DHS Multiyear Acquisition Strategy keeps “pace with changes in technology that could impact deliverables.” This amendment makes sure that the agency’s purchases are the most up to date technology available.

The Third Jackson Lee Amendment would amend the Department of Homeland Security Fusion Center Partnership Initiative section of the bill to make sure that the Department will “develop, keep up to date, and make available information on federal resources intended to support fusion center access to agency data.”

The unique and well established relationship between the National Network of Fusion Centers and the Department of Homeland Security is codified in this authorization bill, and important transparency measure.

This amendment creates an ongoing mission by the Homeland Security Fusion Center Partnership Initiative to support local and state fusion participation.

The Fourth Jackson Lee Amendment adds to the list of DHS components which can enter into Memorandums of Understanding to include the Chief Medical Officer.

A memorandum of understanding or MOU is a formal agreement between Department of Homeland Security components and two or more parties regarding a matter of mutual benefit or interest where each party will provide to the other something of consequence.

In the case of this Jackson Lee amendment, the Office of Chief Medical Officer will be able to enter into MOUs, which are not legally binding agreements, for the purpose of carrying out its mission.

The fifth Jackson Lee Amendment assures that the Department of Homeland Security’s National Domestic Preparedness Consortium includes a special directive regarding preparedness training for urban areas.

The Amendment establishes that “to the extent practicable,” the Department of Homeland Security will “provide training in settings that simulate real response environments, such as urban areas.”

Urban preparedness planning will include drills, and my amendment allows each urban area to determine the settings and scenarios that will best approximate the challenges that may need to be overcome.

Few of us will forget the impact of Hurricane Katrina or what we saw following Hurricane Sandy.

None of us will forget the attack on New York City or the months of difficult excavation and recovery at the site of the attacks.

Urban centers come with a host of challenges that require adjustments in how preparedness drills are conducted to ensure that lessons learned can be applied to real world conditions.

I thank the Committee for adoption of these legislative improvements, which added them to the bill being debated by the House of Representatives.

I ask that the members of the House to support H.R. 2825, the “Department of Homeland Security Authorization Act of 2017.”

Mr. MCCAUL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HUNTER), chairman of the Subcommittee on Coast Guard and Maritime Transportation of the Transportation and Infrastructure Committee.

Mr. HUNTER. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, H.R. 2825 includes H.R. 2518, the Coast Guard Authorization Act of 2017, in division E. The Coast Guard Authorization Act is a product of bipartisan efforts of the Transportation and Infrastructure Committee, specifically through Chairman SHUSTER’s leadership and the efforts of Ranking Member DEFAZIO and Ranking Member GARAMENDI and our great staff, Dave Jansen and John Clark Rayfield.

□ 0945

The Coast Guard Authorization Act includes an authorization of funding for fiscal years 2018 and 2019 to support the Coast Guard and its servicemembers. It is important to remember the Coast Guard is one of the five Armed Forces, and even though it is outside of

the Department of Defense, the service plays a critical role in protecting our country. It is unique in being the only armed force with law enforcement authorities, and this combination allows the service to perform its multitude of missions.

The Committee on Transportation and Infrastructure has been overseeing the Coast Guard for more than two decades and moved legislation to support the service in each Congress since 1995. The text of the Coast Guard Authorization Act is a product of hearings, discussions with the Coast Guard, and regulated industries.

The bill does four main things:

Clarifies acquisition authorities to be used by the Coast Guard;

Updates certain service authorities to provide them parity with the other Armed Forces;

Amends a variety of Coast Guard regulatory authorities; and

Provides regulatory relief for fishing and maritime transportation industries.

The Coast Guard Authorization Act is a great bill. I urge Members to support it and the passage of the broader bill, H.R. 2825.

Mr. THOMPSON of Mississippi. Mr. Speaker, I reserve the balance of my time.

Mr. MCCAUL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Wisconsin (Mr. GALLAGHER), chairman of the Task Force on Denying Terrorist Entry into the United States of the Homeland Security Committee.

Mr. GALLAGHER. Mr. Speaker, I would like to acknowledge and thank Chairman MCCAUL for his leadership in undertaking this effort as we take the next step in advancing the 2017 Department of Homeland Security authorization bill.

As part of this broader legislative effort, I sponsored the Intelligence Rotational Assignment Program Act because I believe we need to make sure that our Intelligence Committee has the best and most robust training in the world in order to keep our Nation safe.

In 2015, the Department’s Chief Intelligence Officer identified the need to strengthen the workforce at the agency by giving intelligence analysts the tools they need to succeed. I served as an intelligence officer for 7 years in the Marine Corps and worked in the Intelligence Committee, including at the National Counterterrorism Center, and the Drug Enforcement Administration, so I know firsthand the value of intelligence analysts gaining experience in different mission areas in order to broaden their ability to do their jobs more effectively for the American people.

This program does that. It encourages analysts to gain experience in all of the various agencies that are part of the larger DHS community.

With authorization, this bill will ensure that we are building and strengthening the expertise among employees



at the DHS in order to keep the country safe.

Mr. THOMPSON of Mississippi. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MCCAUL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York (Mr. KATKO), chairman of the Subcommittee on Transportation and Protective Security of the Homeland Security Committee.

Mr. KATKO. Mr. Speaker, I rise today in strong support of H.R. 2825. This critical piece of legislation is a chance for Congress to fulfill its duty to oversee the missions, programs, and functions of the Department of Homeland Security and its component agencies.

As chairman of the Subcommittee on Transportation and Protective Security, I am particularly pleased to support the important provisions of this bill relating to the Transportation Security Administration and the Secret Service.

This bill will make measurable and lasting improvements to the way in which we protect the traveling public on both aviation and surface transportation systems. It also provides much-needed leadership and continuity to TSA by establishing a 5-year term for its administrator.

Specifically, the bill provides important streamlining of TSA functions and offices; improves the vetting of aviation workers; enhances emergency preparedness at airports to protect against terrorist attacks and active shooters; and bolsters the Department's focus on aviation cybersecurity issues.

Passing this legislation will ensure that TSA is prioritizing the development and procurement of new passenger screening technologies and ramping up deployment of explosives detection canines for both aviation and surface transportation sectors.

Mr. THOMPSON of Mississippi. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MCCAUL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Louisiana (Mr. HIGGINS), a member of the Homeland Security Committee.

Mr. HIGGINS of Louisiana. Mr. Speaker, I rise today in support of passage of H.R. 2825, the Department of Homeland Security Authorization Act of 2017, of which I am honored to be an original cosponsor.

The threats facing American families are real and rapidly evolving. Since the original authorization 15 years ago, DHS has never been reauthorized, leading to inefficiencies and a lack of congressional oversight.

Mr. Speaker, I thank Chairman MCCAUL and his staff for their work on making the reauthorization package a reality. National security is an issue that affects every man, woman, child, Republican, and Democrat in our Nation. This bill will go a long way to ensuring that DHS remains mission ready to continue protecting our homeland.

This legislation accomplishes several key things:

It creates efficiencies that protect the people's treasure and holds programs accountable;

It offers congressional guidance for agencies within DHS such as Immigration and Customs Enforcement and the U.S. Citizenship and Immigration Services to bolster our Nation's response to illegal immigration; and

Supports the boots-on-the-ground and frontline defenders with much-needed resources.

Mr. Speaker, I urge my colleagues to support the bill.

Mr. THOMPSON of Mississippi. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MCCAUL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Kansas (Mr. ESTES).

Mr. ESTES of Kansas. Mr. Speaker, I rise today in support of H.R. 2825, the Department of Homeland Security Authorization Act.

America faces mounting threats to our national security from around the globe. This includes the increased threats faced by Islamist terrorism, foreign cyber attacks, and an unsecured southern border.

This bill will improve the Department of Homeland Security by making it more efficient and improving its processes so that the DHS can face security threats head on.

This bill promotes the domestic sharing of counterterrorism information and calls for regular reports to Congress on cost-saving and efficiency activities, including consolidation of facilities and response to operational surges.

I believe this bill is vital to ensuring America's continued safety.

Mr. THOMPSON of Mississippi. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MCCAUL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Virginia (Mr. GARRETT), a member of the Homeland Security Committee.

Mr. GARRETT. Mr. Speaker, there are two amendments to this important piece of legislation that we bring forward. I want to thank the chairman of the committee for allowing us the opportunity to be heard and participate in this process.

The first is an amendment that ensures that there is a strategic plan to reduce senior executive positions as it relates to the TSA. Right now, we have more tail of the dragon than teeth of the dragon. We need to make sure that we are focusing our assets efficiently and with responsibility to the taxpayers who give us the money to protect the homeland. This will save over \$7 million in salary alone.

The second ensures that there is an oversight of the Homeland Security Grant Program, which is intended to protect the homeland, so we demonstrate that we are being good stewards of the public's dollars, while en-

suring the safest possible Nation that we can.

Mr. THOMPSON of Mississippi. Mr. Speaker, H.R. 2825 was unanimously approved by the Committee on Homeland Security on June 14, 2017, after 39 Democratic amendments focused on strengthening the underlying bipartisan bill were accepted.

To make this legislative package more complete, subsequent to committee consideration, text that was approved by the Transportation and Infrastructure and Judiciary Committees was added.

Mr. Speaker, I urge Members to join me in supporting passage of this important homeland security legislation that includes provisions that have the support of groups as diverse as the International Association of Fire Chiefs, the U.S. Conference of Mayors, National Fusion Center Association, the Jewish Federations of North America, the American Federation of Government Employees, and the American Public Transportation Association.

Mr. Speaker, let me compliment the chairman for a job well done.

Mr. Speaker, I yield back the balance of my time.

Mr. MCCAUL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me give my heartfelt thanks to the ranking member for his work on this important legislation, first ever. It was a real team effort on both sides of the aisle. I want to thank all of the staff on both sides of the aisle, Rosaline Cohen and Jennifer Gorski, who worked tirelessly.

Mr. Speaker, I include in the RECORD a January 11, 2017, memorandum of understanding, signed by myself and seven other committee chairmen.

#### MEMORANDUM REGARDING AUTHORIZATION OF THE DEPARTMENT OF HOMELAND SECURITY

We, the chairs of the committees with jurisdiction over the Department of Homeland Security or its components, are hereby recording our agreement on the following principles for the 115th Congress:

1. The Department of Homeland Security ("the Department") and its components should be authorized on a regular basis to ensure robust oversight and improve its operation.

2. Committees with jurisdiction over the Department and its components will prioritize the authorization of the Department and any unauthorized or expiring component in that committee's authorization and oversight plan.

3. To the maximum extent practicable, the committees with jurisdiction over unauthorized or expiring components of the Department shall coordinate with the Committee on Homeland Security to produce a comprehensive authorization bill for the Department.

4. The Committee on Homeland Security shall coordinate with the committees with jurisdiction over unauthorized or expiring components of the Department in the development of any comprehensive authorization bill for the Department.

5. The Committee on Homeland Security and the committees with jurisdiction over components of the Department shall jointly develop a process for the vetting and pre-clearing of base text and amendments offered at subcommittee and full committee

markups of a DHS authorization bill in the Committee on Homeland Security that fall within the jurisdiction of a committee other than or in addition to the Committee on Homeland Security.

6. The committees will expedite consideration of any comprehensive authorization bill for the Department, including timely resolution of any matters subject to a sequential or additional referral.

7. To the extent that there are policy differences between the committees regarding a provision of the comprehensive authorization bill for the Department, the committees will make best efforts to resolve any such dispute.

8. The Committee on Homeland Security shall not include any provision in a comprehensive authorization bill that the chair of the Committee on Ways and Means has determined to be a revenue provision or a provision affecting revenue. If the chair of the Committee on Ways and Means makes such a determination, nothing in this agreement shall be construed to preclude that chair from exercising an additional or sequential referral over the measure, or a point of order under clause 5(a) of Rule XXI of the Rules of the House of Representatives.

9. Nothing in this agreement shall be construed as altering any committee's jurisdiction under rule X of the Rules of the House of Representatives or the referral of any measure thereunder.

10. Further, nothing in this memorandum precludes a further agreement between the committees with regard to the implementation of a process to ensure regular comprehensive authorizations of the Department.

Signed,  
Gregg Walden, Chair, Committee on Energy and Commerce; Michael T. McCaul, Chair, Committee on Homeland Security; Devin Nunes, Chair, Permanent Select Committee on Intelligence; Bob Goodlatte, Chair, Committee on the Judiciary; Jason Chaffetz, Chair, Committee on Oversight and Government Reform; Lamar Smith, Chair, Committee on Science, Space and Technology; Bill Shuster, Chair, Committee on Transportation and Infrastructure; Kevin Brady, Chair, Committee on Ways and Means.

Mr. McCaul. Mr. Speaker, in conclusion of this debate, it is very important to remember that a comprehensive reauthorization of the Department of Homeland Security has never been done before. While various reauthorization efforts have been tried in the past, we finally have a chance to get it across the finish line and have it signed into law. So let's stand together as Republicans and Democrats and show the people we represent both parties and that both parties can work with one another by putting our national security above politics.

This legislation is not just about good governance or bureaucratic reforms. It is absolutely essential to making sure we are able to defeat the grave and growing threats facing the United States.

Once again, I want to thank the ranking member and all of his staff; leadership, as well, and their staff; and, also, all of the members of the Office of the Legislative Counsel, who got us to this point here today.

Mr. Speaker, I yield back the balance of my time.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
Washington, DC, July 18, 2017.

Hon. DEVIN NUNES,  
Chairman, Permanent Select Committee on Intelligence, Washington, DC.

DEAR CHAIRMAN NUNES: Thank you for your follow up letter regarding H.R. 2825 dated June 27, 2017. I appreciate your continued willingness to work with me to bring H.R. 2825 to the House Floor.

As I stated in my June 22, 2017 letter, the Committee on Homeland Security concurs with the mutual understanding that by foregoing seeking a sequential referral at this time, the House Permanent Select Committee on Intelligence does not waive any jurisdictional interest it may have over provisions in the bill.

Regarding the provisions referenced in your recent letter, each of the sections listed were introduced as stand alone bills, as well as included in H.R. 2825, and the Committee on Homeland Security was granted the primary referral on such provisions. As discussed between our staff and in the exchange of letters, I recognize that your Committee could request a sequential referral on those provisions. I reiterate my continued appreciation for the cooperation of you and your staff in moving H.R. 2825 through the legislative process.

Per your request, I will include your letters, my response letters, the "Memorandum Regarding Authorization of the Department of Homeland Security" and accompanying January 11, 2017 exchange of letters in the Congressional Record when H.R. 2825 is considered on the Floor.

Sincerely,

MICHAEL T. MCCAUL,  
Chairman.

HOUSE OF REPRESENTATIVES, PERMANENT SELECT COMMITTEE ON INTELLIGENCE,  
June 27, 2017.

Hon. MICHAEL MCCAUL,  
Chairman, Committee on Homeland Security,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN MCCAUL: Thank you for your letter dated June 22, 2017, regarding H.R. 2825, the "Department of Homeland Security Authorization Act of 2017." I appreciate your recognition of the jurisdictional interest of the Permanent Select Committee on Intelligence (HPSCI) in legislation relating to the National Intelligence Program (NIP), as well as the importance of the "Memorandum Regarding Authorization of the Department of Homeland Security" and our accompanying January 11, 2017 exchange of letters.

As you note, your letter of January 11 permits the Committee on Homeland Security to report legislation including "Department-wide provisions that could affect Department elements that happen to receive funding through the NIP." H.R. 2825, however, contains several provisions that are not "Department-wide," but instead direct the NIP-funded Department of Homeland Security Office of Intelligence and Analysis (I&A) to take specific actions and/or provide Congress with reports—and are therefore within the exclusive jurisdiction of HPSCI. Those provisions include:

Section 113—"Intelligence Rotational Assignment Program"

Section 301—"Homeland Intelligence Doctrine"

Section 302—"Analysts For The Chief Intelligence Officer."

Section 303—"Annual Homeland Terrorist Threat Assessments"

Section 311—"Department of Homeland Security Fusion Center Partnership Initiative"

Per my letter of June 21, HPSCI will continue to forego an official request for sequen-

tial referral. However, I request that you include a copy of this letter in the Congressional Record along with the other letters and attachments we exchanged last week. Thank you again for your cooperation.

Sincerely,

DEVIN NUNES,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
Washington, DC, June 22, 2017.

Hon. DEVIN NUNES,  
Chairman, Permanent Select Committee on Intelligence, Washington, DC.

DEAR CHAIRMAN NUNES: Thank you for your letter regarding H.R. 2825, the "Department of Homeland Security Authorization Act of 2017." I appreciate your support in bringing this very important legislation reauthorizing the Department of Homeland Security before the House of Representatives, and appreciate the willingness of the Permanent Select Committee on Intelligence to forego seeking a sequential referral.

The Committee on Homeland Security concurs with the mutual understanding that by foregoing a sequential referral on this bill at this time, the Permanent Select Committee on Intelligence does not waive any jurisdiction over the subject matter contained in this bill or similar legislation in the future. In addition, should a conference on this bill be necessary, I would support your request to have the Permanent Select Committee on Intelligence represented for provisions within your jurisdiction on the conference committee.

Additionally, the Committee on Homeland Security recognizes and appreciates the importance of the Memorandum Regarding Authorization of the Department of Homeland Security and the letter exchange on January 11, 2017. The Committee on Homeland Security contends that per such agreement the bill reported by the Committee "does not intend to authorize any elements of the Department that are funded through the National Intelligence Program (NIP) . . . but may include Department-wide provisions that could affect Department elements that happen to receive funding through the NIP."

I will insert copies of this exchange in the Congressional Record during consideration of this bill on the House floor. I thank you for your cooperation in this matter.

Sincerely,

MICHAEL T. MCCAUL,  
Chairman,  
Committee on Homeland Security.

HOUSE OF REPRESENTATIVES, PERMANENT SELECT COMMITTEE ON INTELLIGENCE,  
Washington, DC, June 21, 2017.

Hon. MICHAEL MCCAUL,  
Chairman, Committee on Homeland Security,  
Washington, DC.

DEAR CHAIRMAN MCCAUL: H.R. 2825, a bill "to amend the Homeland Security Act of 2002 to make certain improvements in the laws administered by the Secretary of Homeland Security, and for other purposes," was recently marked up and reported by your Committee. Given that several provisions of H.R. 2825 implicate National Intelligence Program (NIP)-funded activities, I am confident that upon request the bill will be sequentially referred to the Permanent Select Committee on Intelligence (the Committee).

As you know, we signed a Memorandum Regarding Authorization of the Department of Homeland Security and exchanged letters on January 11, 2017 (January 2017 Exchange of Letter), to clarify the Committee's exclusive jurisdiction over NIP-funded elements of the Department of Homeland Security (DHS). The January 2017 Exchange of Letters

affirmed that, consistent with the Rules of the House of Representatives, the Intelligence Authorization Act (IAA) is the vehicle that through which Congress authorizes annual appropriations for the NIP, including NIP-funded elements of the Department of Homeland Security (DHS). Moreover, those letters made explicit that the Committee on Homeland Security would not report to the House any bill that authorizes any elements of DHS funded through the NIP, and that if any such bill is reported by the Committee on Homeland Security, this Committee will request a sequential referral of the bill.

In order to expedite the House's consideration of the H.R. 2825, and in recognition of the unique importance of authorizing legislation for DHS, the Committee will forego an official request for sequential referral or consideration of the measure. This courtesy, is however, conditioned on our mutual understanding and agreement that it will in no way diminish or alter the jurisdiction of the Committee with respect to any future jurisdictional claim over the subject matter contained in the bill or any similar measure. It is also conditioned on the Committee on Homeland Security's adherence to the agreement embodied in the January 2017 Exchange of Letters. In the future, the Committee will not hesitate to take up non-conforming legislation on sequential referral.

I would appreciate your response to this letter confirming this understanding and would request that you include in the Congressional Record during floor consideration of H.R. 2825 a copy of this letter, your response, and the January 2017 Exchange of Letters, including the Memorandum. Thank you in advance for your cooperation.

Sincerely,

DEVIN NUNES,  
*Chairman.*

HOUSE OF REPRESENTATIVES, PER-  
MANENT SELECT COMMITTEE ON IN-  
TELLIGENCE,

January 11, 2017.

Hon. MICHAEL MCCAUL,  
*Chairman, Committee on Homeland Security,  
House of Representatives, Washington, DC.*

DEAR CHAIRMAN MCCAUL: In accordance with paragraph 10 of the January 2017 "Memorandum Regarding Authorization of the Department of Homeland Security," I write to confirm our mutual understanding of the procedure through which the House will authorize the elements of the Department of Homeland Security (DHS) funded through the National Intelligence Program (NIP).

I appreciate your dedication to producing a comprehensive reauthorization of DHS that will improve congressional oversight of the Department. As you know, Rule X(11)(b)(1) of the House of Representatives grants the Permanent Select Committee on Intelligence sole jurisdiction over "proposed legislation . . . relating to . . . the National Intelligence Program as defined in Section 3(6) of the National Security Act" and "[a]uthorizations for appropriations, both direct and indirect, for . . . the National Intelligence Program as defined in Section 3(6) of the National Security Act;" and Rule X(j)(3) of the House of Representatives grants the Committee on Homeland Security jurisdiction over the "functions of the Department of Homeland Security," including those functions related to the "integration, analysis, and dissemination of homeland security information."

As you also know, the Intelligence Authorization Act (IAA) is the annual vehicle through which Congress authorizes appropriations for the NIP, including for elements of DHS that receive funding through the NIP. The IAA includes a classified schedule

of authorizations, incorporated into the statute by reference, and direction and recommendations in a classified annex to the report of the Permanent Select Committee on Intelligence. Nothing in the January 2017 "Memorandum Regarding Authorization of the Department of Homeland Security," shall be construed to grant the Committee on Homeland Security jurisdiction over proposed legislation relating to the NIP or authorizations for appropriations for the NIP.

In keeping with these principles, the Committee on Homeland Security will not report to the House any bill that authorizes any elements of DHS funded through the NIP. If any such bill is reported by the Committee on Homeland Security, the Permanent Select Committee on Intelligence will request a sequential referral of the bill. Understanding, however, that both of our committees have a jurisdictional interest in the Department's Office of Intelligence and Analysis, we agree to work together to ensure that the Office receives the most effective congressional guidance.

We further agree that if the Committee on Homeland Security reports a DHS-wide authorization bill to the House, I may offer an amendment during consideration of the bill in the full House. That amendment will contain the text of any legislative provisions related to the NIP-funded elements of DHS previously reported by the Permanent Select Committee on Intelligence. If the Permanent Select Committee on Intelligence has not reported any provisions related to the NIP-funded elements of DHS, I will not offer an amendment, and the DHS-wide authorization bill will not contain any provisions related to the NIP-funded elements of DHS. We further agree that you will oppose as non-germane all amendments related to the NIP-funded elements of DHS in markup in the Committee on Homeland Security. If any amendments related to the NIP-funded elements of DHS are subsequently offered during consideration by the full House, you agree to consult with me before taking action.

Finally, we agree that you will support the appointment of the Chairman and Ranking Member of the Permanent Select Committee on Intelligence to any committee of conference on a DHS-wide authorization bill that includes any provisions related to the NIP-funded elements of DHS.

In accordance with Rule X(11)(b)(2) this understanding does not preclude either the Committee on Homeland Security or the Permanent Select Committee on Intelligence from authorizing other intelligence and intelligence-related activities of DHS, including, but not limited to, the Homeland Security Intelligence Program. In keeping with paragraph 5 of the January 2017 "Memorandum Regarding Authorization of the Department of Homeland Security," our committees will work jointly to vet and clear any provisions of a DHS authorization bill related to these other intelligence and intelligence-related activities of DHS. Furthermore, I hope the staff of our committees can continue to closely and expeditiously to conduct rigorous oversight of intelligence activities throughout DHS.

The understanding detailed by this letter is limited to the 115th Congress. It shall not constitute an understanding between our committees in any subsequent congress.

I would appreciate your response to this letter confirming this understanding. I look forward to working with you to continue congressional oversight of DHS intelligence activities, and I thank you in advance for your cooperation.

Sincerely,

DEVIN NUNES,  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
*Washington, DC, January 11, 2017.*  
Hon. DEVIN NUNES,  
*Permanent Select Committee on Intelligence,  
United States Capitol, Washington, DC.*

DEAR CHAIRMAN NUNES: Thank you for your letter supporting the Committee on Homeland Security's plans to conduct a comprehensive reauthorization of the Department of Homeland Security ("the Department") in the 115th Congress, as expressed in the 2017 "Memorandum Regarding Authorization of the Department of Homeland Security."

I appreciate your willingness to help ensure the Department is fully authorized, and recognize that there may be areas of jurisdictional interest to the Permanent Select Committee on Intelligence ("Intelligence Committee") in such an authorization. Rule X(j)(3) of the House of Representatives grants the Committee on Homeland Security jurisdiction over the "functions of the Department of Homeland Security," including those functions related to the "integration, analysis, and dissemination of homeland security information," while Rule X(11)(b)(1) grants the Permanent Select Committee on Intelligence jurisdiction over "proposed legislation relating to . . . the National Intelligence Program as defined in Section 3(6) of the National Security Act" and "[a]uthorizations for appropriations, both direct and indirect, for . . . the National Intelligence Program as defined in Section 3(6) of the National Security Act."

The Committee on Homeland Security does not intend to authorize any elements of the Department that are funded through the National Intelligence Program ("NIP") as part of the Department authorization bill it reports to the House this Congress, although we both agree that the reported bill may include Department-wide provisions that could affect Department elements that happen to receive funding through the NIP. Accordingly, I will oppose as non-germane any amendments which may be offered in my committee's markup related to the NIP-funded elements of the Department. I further agree to consult with you before taking any action on similar amendments which may be offered during consideration of the bill by the full House.

In the interest of ensuring the most robust Department authorization possible, we further agree that you may offer an amendment during consideration of the bill in the full House. That amendment will contain the text of any legislative provisions related to the NIP-funded elements of DHS previously reported by the Permanent Select Committee on Intelligence. If the Permanent Select Committee on Intelligence has not reported any provisions related to the NIP-funded elements of DHS, you will not offer an amendment. Understanding, however, that both of our committees have a jurisdictional interest in the Department's Office of Intelligence and Analysis, we agree to work together to ensure that the Office receives the most effective congressional guidance.

Finally, I reiterate my intention that nothing included in the 2017 "Memorandum Regarding Authorization of the Department of Homeland Security" alters the jurisdiction of either the Committee on Homeland Security or the Permanent Select Committee on Intelligence. The Committee on Homeland Security appreciates the past success we have enjoyed working with the Intelligence Committee. I am grateful for your support and look forward to continuing to

work together toward our mutual goal of ensuring that the Department and its components are authorized on a regular basis.

Sincerely,

MICHAEL T. MCCAUL,  
*Chairman.*

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MCCAUL) that the House suspend the rules and pass the bill, H.R. 2825, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MCCAUL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

### KING COVE ROAD LAND EXCHANGE ACT

#### GENERAL LEAVE

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 218.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 454 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 218.

The Chair appoints the gentleman from Alabama (Mr. PALMER) to preside over the Committee of the Whole.

□ 0958

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 218) to provide for the exchange of Federal land and non-Federal land in the State of Alaska for the construction of a road between King Cove and Cold Bay, with Mr. PALMER in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Utah (Mr. BISHOP) and the gentleman from Arizona (Mr. GRIJALVA) each will control 30 minutes.

The Chair recognizes the gentleman from Utah.

Mr. BISHOP of Utah. Mr. Chair, I include in the RECORD my statement on the ABCs of Izembek.

Alaska's ardently asking for action and assistance to acquire acute acres to always allow actual access across areas and assuredly avert atrocious aviation accidents after appalling administrative blockades on building basic boulevards between beautiful bays before blizzards.

The bill doesn't bombard birds like Black Brants because Congress can carefully craft

conveyances to create consistent courses for certain care in this Cove community. Construction cop outs and crumbling commitments cause a cacophony of complex concerns and constitute considerable consternation when crossing channels in choppy conditions. Don's diligently doting on his district, dutifully demanding demonstrable developments daily so the Department doesn't dawdle on their domain. Despite dangerous dashes and emergency evacuations, expanding elevated environmental evaluations exploded expenses. Exact exchanges exempt events to enhance embarking on equally enjoyable exits in eleven expanses. Frankly, fifty-five frigid flights fleeing fast from freezing fields in furious flurries found frighteningly few fancy facilities for fearful families.

Geese gradually got generally greedy, grimly generating genuine grief on giant goals of going great grounds on gravel and grabbing glory from good glacial gateways.

Historically, hovercraft hijinks harmfully hampering hurrying to hospitals and hobbled healing, harpooning hope and hardening hardships near the harsh harbors. The House must hastily have a helpful hand in halting havoc and hindering hefty hazards for Izembek inhabitants instead of idling indefinitely. Interior's indecision impeded infrastructure and informally interrupted implementing instant improvements, isolating irate individuals in increasingly impassible journeys. Jewell jumped into jeopardy when justifying juxtapositions and jarring, jolty jaunts from King Cove that keep killing kind kin without kindling key kernels of keen knowledge.

King Cove lacks life-saving lanes linking lonesome localities on land while lofty liberals lamely lament losing limited landscapes and maroon many who might make mends with medical ministrations. Masterful mandatory medivacs must make miraculous moves after miniscule mainland migrations. Narrow native neighborhoods need necessary navigable networks now that nasty neglect notched nineteen needless obituaries. Other offered options outlined aren't okay or optimal for opening outbound opportunities over a one-lane, non-paved preferred path across a pulchritudinous peninsula. Patients patiently practice peacefully praying to postpone pain and postmortems while partisan panels prioritize protecting a percent of the preserve over the perishing population.

Perhaps people quietly question this quixotic quandary, quickly quarreling over quality, quaint routes. Resilient rural Refuge residents require really rapid resolutions to reliably ride on requisite roads routinely in rough situations. Seventy segments of street are still stationed in the sanctuary, so small sections won't subvert the surroundings. The State swap saves the site's sheltered status while swelling up safety and security for this scorned society. 1,000 tormented townsmen tempt their tombs in terrifying travels. They take threatening treks that traverse the tough tundra between the two towns in treacherous temperatures. United, we urgently untie this unbelievably unjust ultimatum for a unique unwinding of unfortunately unreliable voyages.

Valid in vibrant victory we venture to vote to viciously vanish vanity and vacate this wrongdoing. When we want wins, wavering willfully won't work. We weigh wishes of wilderness with wild winter weather while ways wane for wandering within windstorms. Xylophone.

Yeah, yeah, yeah, you're yawning and yearning for me to yield and stop yapping like a yelling yahoo while you're still young. So I'll zig-zag and zoom past zany zealots in Zen like Ryan Zinke.

Mr. BISHOP of Utah. Mr. Chair, I yield 5 minutes to the gentleman from Alaska (Mr. YOUNG), the author of the bill, the only Representative Alaska has here on this floor, and someone who understands this issue because he has been dealing with it for a number of years.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, this is an issue that should have been settled a long time ago.

In 2009, this Congress passed a land exchange piece of legislation, very similar to this, and we made one mistake. We did put into it the ability to have the Fish and Wildlife Service make recommendations. Even then, the recommendations were on a positive side.

The last administration decided, under the Secretary of the Interior, not to build an 11-mile road to save my constituents, the Aleut people from King Cove, in favor of a goose, and the people who live in King Cove weren't really considered.

□ 1000

Now, this is a road that is 11 miles long that goes not through the Izembek Refuge, but through some of the areas, mostly just along the edge. And the argument you will hear is that they will disturb the geese. You will hear it disturbs the eelgrass that the geese and the loons live on. The road will bother them.

It is ironic; the refuge itself, which this refuge is not a new area, it has been inhabited by man, frankly, in the last generation, and they built about 70 miles of road to supply a military base called Cold Bay, which is the airport we are trying to seek this road to connect it with King Cove.

They actually take tourists that arrive in Cold Bay and take the bus and go out the same road, not the one we want to build, but a road right next to the so-called lagoon and the eelgrass for the tourists. And for some reason, tourists don't bother geese. That is what I can't quite understand. But it is all right for them to do that, but not allow the people of King Cove to save their lives.

Since the refusal to build this road, 19 people, my constituents, Aleut people from King Cove, have died because they could not be evacuated to the airport so you could fly them out.

Now, some people will say, well, they have got an airport. Yes, 1,600 feet, winds are blowing 90 miles an hour, you try to get off. Or put yourselves on a boat and go across in 30-foot waves.

And you will hear, well, we built them and they got a hovercraft. They never wanted it. They knew it wouldn't work. The Clinton administration said,

oh, this is our solution and it is better than a road that would disturb the geese, so they accepted the use of it, and it did fail.

The hovercraft does not work, yet we will have an amendment later on, the area that did not ask for it is going to be requested to pay the money back. I didn't hear anybody, by the way, say, because a levee failed and we put money into it, they had to pay the money back.

So let's really consider what we are talking about here. We are talking about 11 miles, single lane, gravel-covered road to provide access to Cold Bay for people in the community who do not have access to a hospital, which is 600 miles away in Anchorage.

We had one lady evacuated at a cost of \$250,000 by the Coast Guard. The helicopter crashed, and she lost her life.

We had two other elders that went across with a crab boat. They had to put the people into a crab pot because there was no way to get to this airport.

So, Mr. Chairman, I am suggesting to my fellow colleagues, let's do what is right. This does no harm to the refuge. It, in fact, saves lives, gives them an opportunity to take and experience the medical care that all the rest of us have. Let's do the right thing today.

Let's not be caught into special interests that say it is going to hurt the refuge. I know many even got phone calls: Oh, this is going to be terrible.

The truth of the matter is it is not terrible. It is the right thing to do. So I am asking my colleagues, let's vote "yes" on this bill. Let's vote "no" on the amendments. Let's do what is right today in the House of Representatives.

Mr. GRIJALVA. Mr. Chairman, I yield myself such time as I may consume.

Today we are being asked to mandate a land exchange that will put a road through a designated wilderness area inside the Izembek National Wildlife Refuge in Alaska. If that sounds familiar, that is because we have been down this road before.

After years of prodding from the Alaska delegation, the Public Land Management Act of 2009 authorized this exchange and the eventual construction of the road. However, that 2009 authorization was contingent upon a determination by the Secretary of the Interior that the road was in the public interest.

The Fish and Wildlife Service then spent nearly 5 years preparing a full environmental impact statement in order to analyze the environmental impacts of the proposed road, and to determine if viable alternatives existed. During the lengthy and public process, the agency held 130 public meetings, reviewed thousands of public comments, 97 percent of which were opposed to the road.

Ultimately, the Interior Department determined that building a road through the one-of-a-kind wilderness area is not justified because it will destroy an irreplaceable ecosystem, and

there are other ways to improve transportation in the area.

This is not just a simple trail through the woods. It is a road through a narrow chain of islands and lagoons. Its construction requires the development of bridges, installation of culverts and pipes, and the dredge and fill of nearly 4 acres of wetlands.

The Izembek National Wildlife Refuge supports numerous species of migratory waterfowl that we have international treaty obligations to protect, including nearly the entire global population of the Pacific black brant, and one of the only populations of non-migratory tundra swans, in addition to providing prime habitat for bears, caribou, and other wildlife.

Now, before the point can be made, let me just say, I want to be clear, I have never been to the refuge. Opposition to this road is not based on personal opinion or spite, or ignorance, or because we love birds more than people.

Opposition to this road is based on extensive public comments and a long, careful, scientific review of its merits conducted by conservation professionals. The table of contents for the environmental review—not the review itself, but just the table of contents—is 28 pages long. The EIS comes with 10 appendices.

The Department of the Interior did its homework. They weighed the costs and the benefits and made an informed decision. Now we are being asked just to ignore that scientific analysis and ram this road right through the refuge, despite knowing the damage it will do.

The consequences of a decision like that are known. They are not unintended. The road through an Alaskan wilderness is not justified. This particular road is not justified, and it is not necessary.

Mr. Chairman, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas (Mr. WESTERMAN), who is hurriedly making his way to the front podium.

Mr. WESTERMAN. Mr. Chairman, I rise in support of H.R. 218, the King Cove Road Land Exchange Act. I thank Congressman DON YOUNG for his tireless work on this pressing issue.

Nineteen people: the cost of decades of inaction by the Federal Government, Mr. Chairman, is 19 American lives.

Expedient access to a hospital is something most Americans can, fortunately, take for granted. For many, emergency services are an ambulance ride away. Not for the citizens of King Cove, Alaska.

Adjacent to the Aleutian Islands, the 1,000 residents of King Cove, Alaska, are connected to hospitals in the region via a small runway and a ferry. Harsh winter storms ground planes and prevent safe sea travel, cutting off residents from hospitals and necessary supplies.

In truly dire emergencies, King Cove residents have but two choices. Num-

ber one is to pray a boat captain will brave enormous seas. Or wait until the Coast Guard can dispatch a medivac helicopter.

Mr. Chairman, allow me to read some of the stories of those who have braved the sea, or held out until help arrived.

Take, for example, Lonnie Brandell, who had to hoist his ailing father out of a fishing boat during a blizzard. After a perilous 3-hour journey to Cold Bay, the sea was so rough his boat could not dock. Brandell had to tie a rope around his father and allow him to be pulled to safety. To quote Brandell: "It was not a good scenario at all. But if we had stayed here one more day, even 10 or 12 more hours, he would not have lived."

Or take Etta Kuzakin, who went into labor early. Unable to safely leave King Cove during a storm, it took the Coast Guard 8 hours to arrive to rescue her. "I was lucky," she says. "The Coast Guard was in the area. That is really what it was. They were in the area."

Mr. Chairman, this is shameful. Our citizens should not have to wait hours for a medivac, or brave treacherous seas while we sit here and debate this issue. No American should have to perish while we argue whether or not a refuge would be better off with 81 or 70 miles of gravel road.

I urge my colleagues to listen to the stories of Etta Kuzakin, Lonnie Brandell, and others. I urge my colleagues to think about the 19 Americans who perished for want of a gravel road.

Mr. Chairman, I strongly support H.R. 218.

Mr. GRIJALVA. Mr. Chairman, I continue to reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. GOSAR), a subcommittee chairman of the Natural Resources Committee.

Mr. GOSAR. Mr. Chairman, I rise today in strong support of H.R. 218, the King Cove Road Land Exchange Act, introduced by my good friend and Western Caucus Vice-Chairman for Indian Affairs and Oceans, Mr. DON YOUNG.

H.R. 218 authorizes a commonsense land exchange between the U.S. Fish and Wildlife Service and the State of Alaska that will save lives and taxpayer money.

The bill provides significant benefits for all parties, including tribal members, supporters of fish and wildlife, supporters of the environment, supporters of the Izembek National Wildlife Refuge and, most importantly, the people living in the surrounding areas that need access to critical medical and healthcare services.

Local communities in the State of Alaska have been trying to build a one-lane, 11-mile gravel road to link King Cove and Cold Bay for nearly 3 decades.

The bill authorizes the transfer of more than 43,000 acres of Alaska State land in exchange for just 206 acres of

Federal land. These 43,000-plus acres will be added to the Izembek National Wildlife Refuge in order to protect fish, wildlife, and the environment.

The one-lane, 11-mile noncommercial road that will be built as a result of this legislation is necessary in order to provide access to emergency medical assistance for American citizens and native populations.

The bill will save taxpayer money. Since 2013 alone, 55 emergency medivacs have been required to get people in need of significant medical attention to hospitals. Many of these medical evacuations have required the Coast Guard, as inclement weather prevents aerial flights on an average of 100 days per year and results in cancellation of more than 40 percent of flights in King Cove.

In order to receive lifesaving care, local residents often must fly 600 miles to Anchorage. Connecting King Cove to Cold Bay Airport will allow the Agdaagux Tribe and local residents to receive the emergency services they need and deserve.

The National Congress of American Indians has testified before Congress multiple times in support of this legislation and on the need to construct this road. NCAI has also passed formal resolutions of support in 2007, 2014, and 2015.

The 2015 NCAI resolution stated:

“The Aleut people of King Cove are continuing to seek justice for this basic right to safe and dependable transportation access for emergency and routine medical health, which is an expectation that most Americans, Indian and non-Indian take for granted

... “Because of public health, safety, and quality of life factors, the NCAI does hereby support the rights of the Aleut people of King Cove for this basic expectation of dependable transportation access, and calls upon Congress to immediately pass new legislation approving a land corridor for the construction of a permanent lifesaving road linking the community of King Cove to Cold Bay Airport.”

I couldn't agree more with the National Congress of American Indians. These people in these local communities have a fundamental right to basic healthcare. Let's pass this bill so that we can build an 11-mile gravel road and ensure they receive these basic services.

Mr. Chairman, I thank the gentleman from Alaska for his leadership in sponsoring this much-needed legislation. I urge my colleagues on both sides of the aisle to vote in support of this commonsense bill.

Mr. GRIJALVA. Mr. Chairman, I yield myself such time as I may consume.

We have heard the argument, and we will repeatedly hear the argument that the road connecting King Cove to Cold Bay is needed for health and safety purposes. While it is true that the road will be used for medical emergencies,

there is a lot of evidence pointing to another objective.

□ 1015

If you look at the decades-long effort to build this road, it becomes clear that there has always been a commercial purpose in mind. King Cove is home to one of the largest fish processing facilities, operated by Peter Pan Seafoods, a subsidiary of a Japanese company that is one of the largest seafood companies in the world.

Fishing is the backbone of the King Cove economy, and it has always been one of the reasons for the road. Let's look at the facts.

In 1994, the city of King Cove passed a resolution to emphasize the positive socioeconomic impacts of a 20-mile road linking King Cove to the Cold Bay Airport. The resolution did not mention any need to use the road for health or safety or for emergency situations of residents.

In 2005, the Aleutians East Borough participated in public scoping meetings and presented their vision for a hub airport for Cold Bay. This plan included cold storage capability for fish from King Cove and other communities awaiting air freight.

In 2010, as part of a Fish and Wildlife EIS for the land exchange we are debating today, an Aleutians East Borough assemblyman stated that Peter Pan Seafoods would use the road to transport fresh product.

And finally, on May 25 of this year, Alaska Governor Bill Walker sent a request to the Trump administration. He asked for: “Access for isolated King Cove residents to the airport in Cold Bay in all weather conditions, enabling access to health services and the movement of goods and people between King Cove and Cold Bay.”

When you add all this up, the evidence is pretty convincing. Sure, the road will be used for emergency evacuations, but it will also be used to transport fresh product to Cold Bay to be sold throughout Asia and the rest of the world.

Despite language in the bill seeking to prohibit commercial use of the road, once it is built, this prohibition will be incredibly difficult, if not impossible, to enforce. This is an incredibly remote area, and the Fish and Wildlife Service does not have the resources or staff capacity to police the use of the road.

Mr. Chair, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chair, I yield 5 minutes to the gentleman from California (Mr. McCLINTOCK), the chairman of the Federal Lands Subcommittee.

Mr. McCLINTOCK. Mr. Chair, I thank the gentleman for yielding me time.

Mr. Chairman, we have just heard a very familiar theme from the Democratic side of the aisle. It is a theme they have sounded for the past decade and goes a long way to explain why America's prosperity has been stag-

nating. It has literally been on hold during these past 8 years.

God forbid there should be more jobs to support struggling families in this little community. God forbid our roads should ever be used to get products to people who desperately need them.

Now, it is hard for me to understand how a one-lane gravel road is going to accommodate all of that commerce. What it is going to accommodate are people who desperately need access to the neighboring city of Cold Bay.

Mr. Chair, I rise in strong support of this bill, Mr. YOUNG's H.R. 218, on behalf of the people of King Cove, Alaska.

I want you to imagine being a resident of that tiny little community. Its only outside access is by a gravel airstrip and a little tiny harbor. It is just 20 miles from the city of Cold Bay. Cold Bay has got a regional airport, they have got medical facilities, but there is no road connecting that little town with the life-sustaining civilization just 20 miles away.

We all know of the exceptionally harsh weather conditions in that area; they routinely prevent air and sea travel out of King Cove. If you are in trouble in that weather, there is help just down the road, but there is no road.

Why is there no road? Well, we have just heard a sampling of why. It is not because of natural barriers. It is not for lack of need or financing. It is because a national wildlife refuge in a section of the Alaska Peninsula National Wildlife Refuge is in between these communities and the Federal Government and leftwing environmental activists just won't hear of it.

For over 20 years, the people of King Cove have begged for this lifesaving road for their safety—not a major interstate, not a parkway, just a one-lane road. It requires only 206 acres out of the 59 million acres of designated Federal wilderness in Alaska.

Just in the last 4 years, this has been pointed out, 55 emergency medical evacuations have been made, a number of which required Coast Guard involvement or extended patient waiting times or both.

Mr. WESTERMAN has told us just last year of the King Cove woman in her seventies suffering from heart issues medevaced from King Cove to Cold Bay by Coast Guard vessel after high winds prevented an air ambulance from landing at King Cove. In the end, it took the woman over 7 hours to reach a hospital in Anchorage.

A road between King Cove and Cold Bay would go a long way to preventing similar situations from recurring, and it would provide a potentially lifesaving evacuation route for King Cove citizens in the event of an emergency. And if it helps provide additional jobs for that little community, well, I say so much the better.

Congressman YOUNG has tried for more than a decade to get this done, but it has been stymied by leftwing environmental activists and by ideological zealots in the bureaucracy. During



our hearing on the bill, opposition came not from any of the communities involved, but from environmental activists hundreds of miles away from King Cove, although they seemed to have mouthpieces here in this House.

In exchange for use of the 206 acres of Federal land for this road, the State of Alaska is willing to transfer 40,000 acres of State land to the Federal Government. This bill facilitates that transfer and, after two decades, finally gives permission for this little road to be built. It is long overdue.

I salute Congressman YOUNG for his persistent pursuit of justice for the long-suffering people of King Cove.

Mr. Chair, I ask for speedy adoption of this bill by this House.

Mr. GRIJALVA. Mr. Chairman, we are not saying that the residents of King Cove do not deserve reliable transportation options, and neither did the EIS. The EIS included an analysis of nonroad transportation options that would piggyback off the \$37.5 million Congress has already invested in King Cove's infrastructure.

The Interior Department also asked the U.S. Army Corps of Engineers to analyze the nonroad transportation options to connect King Cove with Cold Bay. The Army Corps published a report in 2015 that identified three viable alternatives. These included a new airport that is capable of supporting aircraft that can fly directly to Anchorage, a heliport for emergency evacuations, and an ice-capable marine vessel that is able to make the trip to Cold Bay in weather conditions that the taxpayer-funded hovercraft could not.

Options exist, and that is why I urge a "no" vote on this bill.

Mr. Chair, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chair, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I yield as much time as he may consume to the gentleman from Florida (Mr. DEUTCH).

Mr. DEUTCH. Mr. Chair, I thank my friend from Arizona for yielding me time.

Mr. Chair, I rise to oppose this bill today for a number of reasons, but building a road through a congressionally designated wilderness area is without precedent. There are lots of other reasons.

I would note that at least today's debate shifts the focus of this Congress in the right direction because, when we look to Alaska, it requires a gaze just a little bit further into Russia, and I only wish that what we were debating today was the sanctions bill that passed the Senate by a vote of 98-2. The reason that we should be debating that bill today is readily apparent to anyone who has been paying attention to recent events.

Just this morning, we read of the President's interview with The New York Times, and we think about a President who took action to fire the

acting Attorney General, to urge the FBI Director to go easy on Flynn in the Flynn investigation, who fired the FBI Director because of the Russia investigation, and who just now, in this interview yesterday, threatened the acting FBI Director, the Attorney General of the United States, and the person carrying out the investigation of Russia and the potential ties between his administration and Russia.

All of this gets to the larger point, which is we are getting ready to go home at the end of next week for August, and if we go home without passing the sanctions bill and getting tough on Russia, we will have failed the American people on a vital national security issue. We will be showing weakness at a time when the American people expect to see strength, expect us to stand up to Russian attempts to interfere with our election, to stand up when we learn about an eight-person—for now, eight-person—meeting that was put together with the sole purpose, according to the emails, of providing information to help President Trump, then candidate Trump, get elected with the assistance of the Russian Government.

We don't know where this will all lead. I acknowledge that. But it is because what we do know about Russia that we have to act not against the administration—it is a mischaracterization to suggest that. The bill passed 98-2 in the Senate. This is a bill that will enable us to move forward in a bipartisan way, which the American people desperately want, to stand up to Russia.

It is for that reason that is I ask unanimous consent that the House bring up H.R. 3203, which is the Russia sanctions bill that passed the Senate 98-2—98-2. When has this body seen that kind of bipartisanship?

I ask that that bill be brought up so that we can vote on it and not disappoint the American people before we leave here in August. That is what we ought to be doing. I hope we will have the chance to do it now.

Mr. Chair, I ask unanimous consent that we bring up the Russia sanctions bill to debate and to pass that bill today.

The CHAIR. The gentleman's request cannot be entertained in the Committee of the Whole.

#### PARLIAMENTARY INQUIRIES

Mr. DEUTCH. Mr. Chair, a point of parliamentary inquiry.

The CHAIR. The gentleman will state his parliamentary inquiry.

Mr. DEUTCH. May the request that the Russia sanctions bill, H.R. 3203, that passed the Senate 98-2 be brought up for consideration when we are no longer meeting as the Committee of the Whole?

The CHAIR. A request may be made at that time.

Mr. DEUTCH. And one further point of parliamentary inquiry.

The CHAIR. The gentleman will state his parliamentary inquiry.

Mr. DEUTCH. When we have an opportunity to make the unanimous consent request to bring up the Russia sanctions bill so we can get tough on Russia, as the American people expect us to do, is that something that would require, when I ask for unanimous consent, can the Speaker alone refuse to grant that consent?

The CHAIR. The Chair will not respond to a hypothetical question.

Mr. BISHOP of Utah. Mr. Chair, may I inquire of the ranking member if he has any germane speakers left on this issue.

Mr. GRIJALVA. Other than myself, no.

Mr. BISHOP of Utah. Mr. Chair, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me deal with one claim.

The claim that people will die if we don't pass H.R. 218 is wrong. The claim is wrong because there is no evidence to back it up, and it is wrong because using this kind of over-the-top rhetoric is irresponsible.

We do not oppose this bill because we think animal life is more value than human life, and throwing accusations like that around on the House floor should be beneath all of us.

We do not have to rely on one Member's claim that the sky is falling. These concerns have been assessed for years through public process, and the conclusion was that there were viable alternatives that will address any legitimate public safety concerns.

People's lives do not hang in the balance. We can protect public health and the refuge if we abandon this bill and work together on a better solution.

This is, indeed, a remote area. That is why many of the residents choose to live there in the first place. They are fully accustomed to the challenges that come with living in the last frontier. To address these challenges, the Federal Government has appropriated tens of millions of dollars to this community for better medical and transportation facilities.

We have remote communities in Arizona, especially Tribal communities, that would surely appreciate \$37.5 million to address their health and safety concerns as well.

The local government used some of that money to buy a hovercraft that could make the airport run much faster than this road will ever allow. The local community, not the Federal Government, elected to stop using the hovercraft. Surely, if people's lives were at stake, the local government would not have made that kind of a decision.

We have legitimate policy differences on this bill. The EIS has convinced many on our side that this is not a worthwhile proposal. Let's debate these findings calmly and rationally that would serve the public in this debate and look for a solution that both protects people's health and the refuge.

Mr. Chair, I yield back the balance of my time.

□ 1030

Mr. BISHOP of Utah. Mr. Chair, I yield myself the balance of my time.

This is an issue that people have, for three decades, been trying calmly discuss and find an alternative. Unfortunately, the people of Alaska, who have been engaged in this effort for the last three-plus decades, have been rebuffed at every turn in which the only answer they got was the Federal Government here in Washington giving them an alternative, and forcing upon them an alternative that flat out didn't work, and it hasn't worked in the last 7 years.

One of the things we should realize is that this idea of building this road is not new. The House has voted to build this road. The Senate has voted to build this road. Unfortunately, they didn't vote it on the same bill, except, in 2009, when there was a piece of legislation that went through both the House and the Senate, which was very clear at the time that it was the intent of both the House and the Senate to build the road, but it did require the Interior Department to do the NEPA process. They took 4 years.

Now think of that. It was in 2009 when the bill was passed and the intent of Congress was very clear. Four years later, the Interior Department finally got around to doing the study, a study which, I might add, had five options that were added to it, one of which was to do nothing, and the Interior Department chose, after 4 years of study as their preferred option, to do nothing.

Therefore, all of the efforts and anguish of these people in Alaska went to naught because a bureaucracy here decided, despite what the House had said and despite what the Senate had said, that they knew best, despite what the people of Alaska needed, they knew best and their option simply was to do nothing.

This bill, let me remind you, all of the masses of people who are here, is not about a road. It is about a land transfer for a road. The State of Alaska is putting up 43,096 acres for new wilderness in exchange for 200-plus acres—240, I think, acres to be a road, a road that already exists. There is a 30-mile road that exists. The only problem is, only 19 of the 30 miles are constructed. They exist. They are there now.

What Alaska is asking is: Simply give us the last 11, so the road that does exist can be used. It can be used for them, for their medical needs, for their recreation, if they want to. I mean, it has been brought up that, heaven forbid, this might be used for economic advantage. I don't know why this community of around 1,000 people, about 80 percent are Native Alaskans, would ever have the audacity to think that they ought to have a job, or the audacity to think that maybe they should try and use something that is there to further their economic ability to actually earn a living.

How uppity can you get, when we realize that those of us sitting here 6,000 miles away really have the superior wisdom to tell those people living in King Cove how they actually should live their life, and we did it. We did it in the 1990s. We said: No, you can't have a road because we have a philosophical opposition to it. Instead, we will spend a heck of a lot of money to come up with a hovercraft that doesn't work, and is too expensive, and is useless, and it no longer exists.

And now you are saying, "No, no, no, you can't have access to the mainland. You can't have access to an all-weather airport. You can't have access for medical care; you can't have access for jobs. You can't have access for anything. Instead, let's work together to come up with another really stupid idea that won't work as well," when the solution is simply to build a road, 11 miles to connect an existing road so people who live in King Cove can do it.

You have already heard the data that has been presented. In the last 30 years, 19 people have died. Nineteen people have died, and it can be traced specifically to the fact that they didn't have access to healthcare.

In the last 3 years, they have had over 50 cases when medevac had to be used, very expensively, by the Coast Guard to try and help people out there. You wouldn't have to do that if you simply had the silly road; the 70-year-old woman who had to wait 7 hours, suffering a heart attack before she could get medical care; the woman in labor who had to go 6 hours before she could get someplace to have medical care; the man who had the saw accident, who had to wait 12 hours before he was able to get any kind of medical care, simply because there is not an 11-mile single-lane gravel road to connect to the rest of the 30-mile road that already exists.

And we sit here and try and tell these people in Alaska what is best for them, what is good for them? And that is emotional? And that is irrational?

No. What is irrational is that we are going through this again, the same thing we did last decade, the same thing that happened in the 1990s. And it is going to continue until we finally say: People should have a right to decide for themselves what is best for them.

The people who live in this community want a road. It is not going to hurt anything. It is 200 acres, and this is a land exchange. Actually, I have to admit, I don't like that. Alaska is giving up 40,000 acres—40,000 acres—so they can do 200 acres of a road. I think that is an exorbitant fee that is being extracted from the State of Alaska just so they can give these people, the overwhelming majority of whom are Native Alaskans, the opportunity of having access to their community so they can get medical care or whatever else they need so they can have it.

And we are sitting here because we don't want to do a precedent. This is

the right thing to do. We should do this. We should have been done it back in the Clinton administration when it first came up. We should have gone through with it in 2009 when they finally passed it in both the House and the Senate, and then had to wait 4 years for the Interior Department to study the issue, and their conclusion was: let's not do anything. That doesn't exist.

It is time for us to do something to help people, to put people above ideology, to pass the bill.

Mr. Chair, I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-27. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 218

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. SHORT TITLE.**

*This Act may be cited as the "King Cove Road Land Exchange Act".*

#### **SEC. 2. FINDING.**

*Congress finds that the land exchange required under this Act (including the designation of the road corridor and the construction of the road along the road corridor) is in the public interest.*

#### **SEC. 3. DEFINITIONS.**

*In this Act:*

(1) **FEDERAL LAND.**—

(A) **IN GENERAL.**—The term "Federal land" means the approximately 206 acres of Federal land located within the Refuge as depicted on the map entitled "Project Area Map" and dated September 2012.

(B) **INCLUSION.**—The term "Federal land" includes the 131 acres of Federal land in the Wilderness, which shall be used for the road corridor along which the road is to be constructed in accordance with section 4(b)(2).

(2) **NON-FEDERAL LAND.**—The term "non-Federal land" means the approximately 43,093 acres of land owned by the State as depicted on the map entitled "Project Area Map" and dated September 2012.

(3) **REFUGE.**—The term "Refuge" means the Izembek National Wildlife Refuge in the State.

(4) **ROAD CORRIDOR.**—The term "road corridor" means the road corridor designated under section 4(b)(1).

(5) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(6) **STATE.**—The term "State" means the State of Alaska.

(7) **WILDERNESS.**—The term "Wilderness" means the Izembek Wilderness designated by section 702(6) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 1132 note; Public Law 96-487).

#### **SEC. 4. LAND EXCHANGE REQUIRED.**

(a) **IN GENERAL.**—If the State offers to convey to the Secretary all right, title, and interest of the State in and to the non-Federal land, the Secretary shall convey to the State all right, title, and interest of the United States in and to the Federal land.

(b) **USE OF FEDERAL LAND.**—The Federal land shall be conveyed to the State for the purposes of—

(1) designating a road corridor through the Refuge; and

(2) constructing a single-lane gravel road along the road corridor subject to the requirements in section 6.

(c) **VALUATION, APPRAISALS, AND EQUALIZATION.**—

(1) **IN GENERAL.**—The value of the Federal land and the non-Federal land to be exchanged under this section—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if not equal, shall be equalized in accordance with paragraph (3).

(2) **APPRAISALS.**—

(A) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary and State shall select an appraiser to conduct appraisals of the Federal land and non-Federal land.

(B) **REQUIREMENTS.**—The appraisals required under subparagraph (A) shall be conducted in accordance with nationally recognized appraisal standards, including—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(3) **EQUALIZATION.**—

(A) **SURPLUS OF FEDERAL LAND.**—If the final appraised value of the Federal land exceeds the final appraised value of the non-Federal land to be conveyed under the land exchange under this section, the value of the Federal land and non-Federal land shall be equalized—

(i) by conveying additional non-Federal land in the State to the Secretary, subject to the approval of the Secretary;

(ii) by the State making a cash payment to the United States; or

(iii) by using a combination of the methods described in clauses (i) and (ii).

(B) **SURPLUS OF NON-FEDERAL LAND.**—If the final appraised value of the non-Federal land exceeds the final appraised value of the Federal land to be conveyed under the land exchange under this section, the value of the Federal land and non-Federal land shall be equalized by the State adjusting the acreage of the non-Federal land to be conveyed.

(C) **AMOUNT OF PAYMENT.**—Notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), the Secretary may accept a payment under subparagraph (A)(ii) in excess of 25 percent of the value of the Federal land conveyed.

(d) **ADMINISTRATION.**—On completion of the exchange of Federal land and non-Federal land under this section—

(1) the boundary of the Wilderness shall be modified to exclude the Federal land; and

(2) the non-Federal land shall be—

(A) added to the Wilderness; and

(B) administered in accordance with—

(i) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(ii) other applicable laws.

(e) **DEADLINE.**—The land exchange under this section shall be completed not later than 180 days after the date of enactment of this Act.

#### **SEC. 5. ROUTE OF ROAD CORRIDOR.**

The route of the road corridor shall follow the southern road alignment as described in the alternative entitled “Alternative 2-Land Exchange and Southern Road Alignment” in the final environmental impact statement entitled “Izembek National Wildlife Refuge Land Exchange/Road Corridor Final Environmental Impact Statement” and dated February 5, 2013.

#### **SEC. 6. REQUIREMENTS RELATING TO ROAD.**

The requirements relating to usage, barrier cables, and dimensions and the limitation on support facilities under subsections (a) and (b) of

section 6403 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1180) shall apply to the road constructed in the road corridor.

#### **SEC. 7. EFFECT.**

The exchange of Federal land and non-Federal land and the road to be constructed under this Act shall not constitute a major Federal action for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

The CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part C of House Report 115–235. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MS. TSONGAS

The CHAIR. It is now in order to consider amendment No. 1 printed in part C of House Report 115–235.

Ms. TSONGAS. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, after line 18, insert the following:

#### **SEC. 7. MITIGATION PLAN.**

The requirements related to mitigation under section 6403(e) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1180) shall apply to the road constructed in the road corridor.

The CHAIR. Pursuant to House Resolution 454, the gentlewoman from Massachusetts (Ms. TSONGAS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Massachusetts.

Ms. TSONGAS. Mr. Chairman, I yield myself such time as I may consume.

My amendment is very straightforward. It restores a bipartisan provision to the bill, one that was actually approved by Congress and signed into law by President Obama.

In 2009, Congress approved the King Cove Land Exchange under the condition that it be found to be in the national interest by the Secretary of the Interior. After a transparent 4-year review that included over 70,000 public comments and 130 public meetings, Secretary Jewell ultimately concluded that it was not in the national interest, and the land exchange was not approved.

Nevertheless, the legislation that was approved and signed into law in 2009 with Democratic and Republican support included language that, should the road be approved, it would have required the State of Alaska, Federal agencies, and local residents to develop a mitigation plan for the road so that impacts to migratory birds, wildlife, and wetlands are minimized.

The land exchange language that was passed by Congress in 2009 is similar to the legislation that we are considering

today, with a few notable exceptions, including the removal of the section requiring this environmental mitigation plan.

It is common practice for any new road construction project to include an environmental mitigation plan, especially a road through such a sensitive area.

Mr. Chair, I urge adoption of my commonsense amendment to reinsert this bipartisan language, and I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chair, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Chair, I yield myself such time as I may consume.

This amendment is mischievous and trying to defeat what we are trying to do today. The amendment is wholly unnecessary to mitigate impacts of migratory birds in Izembek Refuge. Again, the single-lane noncommercial 11 miles has no affect upon the wildlife, the waterfowl, of any kind.

It would allow, again, the Secretary, or one of the other Secretaries of a lesser part, like Fish and Wildlife Service, to delay the project. It is an effort, again, to delay the project.

We didn't expect—by the way, when we say there are 70,000 or more public comments, there was less than 100 from Alaska. These are outside comments. This whole idea of public comments sometimes doesn't make sense when they are nowhere near the Izembek Refuge or this road.

Sometimes I think we get caught in this idea that, oh, we have got all of these public comments against something or for something, let's look at where they are from.

This amendment, again, as I say, is mischievous. It is trying to kill the project. It should not be done. It is being pushed by the environmental community, again, to kill this project.

As I mentioned in my opening statement, you probably got some phone calls. Frankly, they don't know what they are talking about. So I urge my colleagues to vote against this amendment, which is an attempt, again, to stop this road. Let's build this road for the people of King Cove.

Mr. Chair, I yield back the balance of my time.

Ms. TSONGAS. Mr. Chairman, I think it is important to keep in mind that the lands that this road seeks to cross are Federally protected public lands. They are managed and protected on behalf of all Americans to specifically protect wildlife habitat. And, as such, when changes like this are being debated, all Americans have the right to register their opinion.

They are also designated wilderness, the highest level of protection that the American people bestow upon a piece of public land, and we in Congress are stewards of that mandate.

The road proposed by this legislation could do irreparable harm to the fragile environment of this wildlife refuge

if mitigation steps are not taken. As the Department of the Interior stated in 2013, this area is “a globally significant landscape that supports an abundance and diversity of wildlife unique to the refuge that years of analysis shows us would be irretrievably damaged by construction and operation of the proposed road.”

The Department also found that construction of the road would lead to “significant degradation of irreparable ecological resources that would not be offset by the protection of other lands to be received under an exchange.”

My amendment simply reinserts bipartisan language that was approved by Congress and signed into law by 2009 that will help mitigate some, but not all, of the negative environmental impacts in the event that the road is constructed.

Mr. Chair, I continue to reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chair, I ask unanimous consent to reclaim my time. I made a mistake and I said “yield,” when I should have said “reserve.”

The CHAIR. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. Mr. Chair, I thank the gentleman for allowing me to speak on this again.

I stress the fact that the Federal Government is going to receive 43,000 acres for additional wilderness in exchange for 42 acres. I mean, I don't know how many deals you can ever work that you get that kind of deal. This is a great thing for the refuge. It is the right thing for the refuge.

Again, as we go about this bipartisan legislation, we expected in 2009 to have this road built. That is why we are back here. It is not the first time. For 40 years this community has been trying to get this road built.

We thought that we had it in 2009, but because of the administrations that were unfavorable to it, and the slowness of the report of the Fish and Wildlife Service, and then having Secretary of the Interior Sally Jewell say, “No, there are other alternatives,” when they did not work.

So I am suggesting, respectfully, that, again, this amendment is trying to kill the bill. It is not trying to provide a solution to anything.

Respectfully, I would say this again: vote against this amendment. Let's defeat this amendment.

Mr. Chair, I reserve the balance of my time.

Ms. TSONGAS. Mr. Chair, I have no other speakers, and I continue to reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chair, may I just inquire how much time is remaining?

The CHAIR. The gentleman from Alaska has 2½ minutes remaining. The gentlewoman from Massachusetts has 2 minutes remaining.

□ 1045

Mr. YOUNG of Alaska. Mr. Chairman, I reserve the balance of my time.

Ms. TSONGAS. Mr. Chairman, I would just like to first remind my distinguished colleague from Alaska, who I know cares very deeply about his constituents, that in 2009, he did vote for the omnibus land package that included the language that I would like to see become part of the legislation before us today.

Mr. Chairman, my amendment is simple. It restores bipartisan language that was passed by Congress and that Congressman YOUNG supported and signed into law on similar legislation authorizing this land exchange back in 2009.

The road through Izembek National Wildlife Refuge is expected to have a significant detrimental impact on lands that are protected for the benefit of all Americans. This amendment will help mitigate some, but not all, of these impacts in the event that the road is constructed.

Mr. Chairman, I urge my colleagues to support my amendment, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1 minute to the gentleman from Utah (Mr. BISHOP) who is the chairman.

Mr. BISHOP of Utah. Mr. Chairman, I can say I don't support this because even though I had three bills in that package, I voted against it. It was a bad package going through.

But the problem is that this amendment does nothing more than reinsert the language that caused the problem in the first place. This language is the reason that we don't have the solution right now. Remember, the solution was no action, not to do anything whatsoever.

I understand sometimes we have distance issues that come here. The gentlewoman from Massachusetts has not an inch of BLM land in her entire State. Only 3 percent of the land is controlled by the Federal Government, which is much different than having 90 percent controlled by the Federal Government as in Alaska. I would contend that if there was any other area in the Nation—especially the eastern part of the Nation that had a situation like this—they would not tolerate this existing.

They also had the ability of actually solving the problem on the local level, which is what they are asking in this bill to simply do. Eighty percent of these people are Native Alaskans. They don't have the lung power to come up here and express for themselves. They don't have the resources to hire special interest groups to come express for themselves. They are depending on us to do it for them.

Mr. YOUNG of Alaska. Mr. Chairman, how much time is remaining?

The CHAIR. The gentleman has 1½ minutes remaining.

Mr. YOUNG of Alaska. Again, may I suggest we talk about this legislation. We thought 9 years ago or 8 years ago that we would have this road built. There is no Federal money involved in

it. It is a road that needs to be done, and if we reinstate this language, what will happen is there will be a time where the road again will be studied and won't be built. For forty years, they have waited and lost lives, and we are talking about letting the Federal Government get involved again.

Mr. Chairman, I am saying this is the time to build the road.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Massachusetts (Ms. TSONGAS).

The question was taken; and the Chair announced that the noes appeared to have it.

Ms. TSONGAS. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Massachusetts will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. YOUNG OF ALASKA

The CHAIR. It is now in order to consider amendment No. 2 printed in part C of House Report 115-235.

Mr. YOUNG of Alaska. I have an amendment at the desk, Mr. Chairman.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, line 21, insert “(including the issuance of any permit that may be required from any Federal agency to construct the road)” after “under this Act”.

The CHAIR. Pursuant to House Resolution 454, the gentleman from Alaska (Mr. YOUNG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, in order to fully ensure that this emergency route will not be slowed down by unnecessary regulatory delays, my amendment makes minor changes to section 7 to conform to the text of H.R. 218 with the Senate text of S. 101.

Section 7 of the underlying bill waives the NEPA process because the NEPA process had already been completed in 2014 under Secretary Jewell. An environmental impact statement has already been published. Secretary Jewell ignored the public health and safety aspects that killed people because we don't have a road.

There is no reason to make the people of King Cove go through the time-consuming and expensive process again when it was done so recently. The people of King Cove have fought for this road for 40 years. People have literally died, again, because of the lack of this road to Cold Bay which has a 6,000-foot airstrip.

Mr. Chairman, again, I urge my colleagues to support this amendment, and I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. GRIJALVA. Mr. Chairman, I rise in opposition to this amendment. While it was described as a technical amendment to conform the bill to the Senate version, it does much more than make a simple technical correction.

Mr. YOUNG's amendment expands the NEPA waiver in the underlying bill to exempt all permits associated with the construction of the proposed road from environmental review and public input. It is bad enough that the bill waives NEPA for the land exchange, but under this amendment, any and all improvements would be exempt from review. This could include a Clean Water Act permit necessary to move forward with the construction.

Mr. Chairman, this amendment makes the bill worse. I urge a "no" vote, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Again, Mr. Chairman, let's not wait again for 40 years or 9 years or 10 years. This has already been done by the study. The impact statement has already been done. The NEPA process has already been done. It has been done recently, and this is not a cheap effort for a small community. So I am suggesting, respectfully, this amendment be adopted so we can build a road.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. GRIJALVA

The CHAIR. It is now in order to consider amendment No. 3 printed in part C of House Report 115-235.

Mr. GRIJALVA. Mr. Chairman, I have an amendment made in order under the rule at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, after line 24, insert the following:

**SEC. 8. TAXPAYER FAIRNESS.**

This Act shall not take effect until the State of Alaska has repaid to the United States the \$20,000,000 in Federal funds appropriated and paid to the State of Alaska under section 353(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (Public Law 105-277).

The CHAIR. Pursuant to House Resolution 454, the gentleman from Arizona (Mr. GRIJALVA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GRIJALVA. Mr. Chairman, acknowledging that I am running the risk of being uppity on this particular amendment, but thankfully never smug, I rise in support of my amendment to H.R. 218, the King Cove Road Land Exchange Act.

My amendment simply requires the State of Alaska to repay \$20 million appropriated in 1999 to support the town of King Cove before the bill can take

effect. The American taxpayer has already provided the town of King Cove with a total of \$37.5 million to improve transportation access and medical facilities in the area. That included \$20 million to build a road, construct a dock, and purchase marine equipment.

Part of this money was used to purchase a \$9 million hovercraft. This Federal funding was provided as an alternative to building a road through the Izembek National Wildlife Refuge. The hovercraft worked as it was designed. It carried up to 49 passengers at a time, an ambulance, and even cargo, making the trip between King Cove and Cold Bay in 20 minutes—a trip that would take 2 hours on the proposed road when it is not shut down by extreme weather conditions.

After operating for 3 years and performing at least 30 medical evacuations, the local government stopped using the hovercraft. The Aleutians East Borough is now trying to sell the hovercraft on the open market for \$5 million.

As we speak, House Republicans are seeking massive and dangerous cuts to spending on things like education, assistance to working families, and even Medicaid and Medicare. Before we mandate construction of a road through congressionally designated wilderness, it is only fair that American taxpayers are reimbursed for Federal funding that was intended to avoid the construction required by this legislation.

Mr. Chairman, I urge adoption of my amendment, and I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Chairman, this amendment would penalize the State of Alaska for a Clinton administration decision by making them pay back grant money for the costly and often unreliable emergency hovercraft system.

Residents of King Cove never wanted this system and only agreed to the compromise when it became clear the Clinton administration would oppose any effort to authorize the construction of this lifesaving road.

After years of working in good faith to make the solution work, King Cove had to abandon the system due to exorbitant cost and, frankly, mechanical failures on the craft. It was very expensive to run.

Very frankly, the amendment attempts reparation but it targets the wrong group. The amendment puts a price tag on the safety of King Cove residents who have sought more reliable access to medical care for decades.

Congress does not require Louisiana to pay the Federal Government for the failed levees in New Orleans after Hurricane Katrina before building new ones and should not be charging the residents of King Cove for constructing this road.

By the way, furthermore, the amendment seeks repayment from the State of Alaska that did not receive money; however, the grant money is for temporary emergency relief efforts which were largely awarded to the local governments.

Mr. Chairman, again, I think this amendment is a punitive amendment. I urge my colleagues to vote against the amendment, and I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, let me remind, the point of the amendment is that the money, the \$37.5 million, and also the decision by the local residents to purchase the hovercraft, that was not mandated by the Federal Government. It was their decision, again with Federal money, \$9 million, and so that was all in lieu of construction of the road.

This legislation mandates a construction of that road, and I think it is only fair to the taxpayers that if the purpose was in lieu of to deal with the medical evacuation situations that we have heard about here again today, then the American taxpayers should be reimbursed for that. This was not an error caused by, as the levees in New Orleans, faulty design and construction that bore responsibility to the Federal Government. These were local decisions made on the use of that money. Now that the use of that money is moot, then the taxpayers deserve to be reimbursed.

Mr. Chairman, I urge support of my amendment, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield such time as he may consume to the gentleman from Utah (Mr. BISHOP) who is the chairman of the committee.

Mr. BISHOP of Utah. Mr. Chairman, as we close on this particular amendment, let me say I would never consider this amendment uppity. I would consider it cute and a gotcha amendment because the reality is, unlike what has been alluded to, the community did not want this hovercraft.

They wanted what was promised them in the bill, which was an 11-mile road to connect to the rest of the road. It was forced upon them by the Clinton administration that said: This is it; take it or leave it.

They tried to make it work. The bottom line is the system didn't work. But the Clinton administration here, 6,000 miles away, forced on to local residents who knew they would have a problem something that did not work, and they quit doing it simply because they could not afford to maintain that hovercraft.

The hovercraft is for sale; but no one needs a hovercraft. That is why this community now is stuck with the decision that we made 6,000 miles away because we know what is right for King Cove, Alaska, instead of allowing them to have some kind of control over their own lives.

What Mr. YOUNG said is accurate. When the levees broke along the Mississippi and the Missouri, we didn't go



to those States to insist on it. When there are wildfires that take place in the West, including the gentleman from Arizona's home State, we don't go back to Arizona and force them to pay for all of it. This is simply an amendment that is cute, and it is a gotcha amendment. But it is also wrong.

It was also pointed out the grants went to the community. The community is not being required under this amendment to pay it back, it is the State, which simply means the amendment is also poorly written if it ever was indeed supposed to be a sincere amendment.

This is one of those things that we don't need to go through. The options are very clear. We have gone through the process. Vote against this particular amendment.

Mr. YOUNG of Alaska. Vote "yes" on the bill and "no" on the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. GRIJALVA).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. GRIJALVA. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

□ 1100

Mr. BISHOP of Utah. Mr. Chair, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HOLDING) having assumed the chair, Mr. PALMER, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 218) to provide for the exchange of Federal land and non-Federal land in the State of Alaska for the construction of a road between King Cove and Cold Bay, had come to no resolution thereon.

#### DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2825) to amend the Homeland Security Act of 2002 to make certain improvements in the laws administered by the Secretary of Homeland Security, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MCCAUL) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 386, nays 41, not voting 6, as follows:

Abraham  
Adams  
Aderholt  
Aguilar  
Allen  
Amodei  
Arrington  
Babin  
Bacon  
Banks (IN)  
Barletta  
Barr  
Barragán  
Barton  
Beatty  
Bera  
Bergman  
Beyer  
Bilirakis  
Bishop (GA)  
Bishop (MI)  
Bishop (UT)  
Black  
Blackburn  
Blum  
Blunt Rochester  
Bonamici  
Bost  
Boyle, Brendan F.  
Brady (PA)  
Brady (TX)  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Brown (MD)  
Brownley (CA)  
Buchanan  
Bucshon  
Budd  
Burgess  
Bustos  
Butterfield  
Byrne  
Calvert  
Capuano  
Carbajal  
Carson (IN)  
Carter (GA)  
Carter (TX)  
Cartwright  
Castor (FL)  
Chabot  
Cheney  
Chu, Judy  
Cicilline  
Clark (MA)  
Clay  
Cleaver  
Clyburn  
Coffman  
Cohen  
Cole  
Collins (GA)  
Collins (NY)  
Comer  
Comstock  
Conaway  
Connolly  
Cook  
Cooper  
Correa  
Costa  
Costello (PA)  
Courtney  
Cramer  
Crawford  
Crist  
Cuellar  
Culberson  
Curbelo (FL)  
Davis (CA)  
Davis, Rodney  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Demings  
Denham  
Dent  
DeSantis  
DeSaulnier  
DesJarlais  
Deutch

[Roll No. 403]

YEAS—386

Diaz-Balart  
Dingell  
Donovan  
Doyle, Michael F.  
Duffy  
Duncan (SC)  
Dunn  
Emmer  
Engel  
Eshoo  
Estes (KS)  
Esty (CT)  
Evans  
Farenthold  
Faso  
Ferguson  
Fitzpatrick  
Fleischmann  
Flores  
Fortenberry  
Foster  
Fox  
Frankel (FL)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gabbard  
Gaetz  
Gallagher  
Garamendi  
Garrett  
Gianforte  
Gibbs  
Gomez  
Gonzalez (TX)  
Goodlatte  
Gosar  
Gottheimer  
Gowdy  
Granger  
Graves (GA)  
Graves (LA)  
Graves (MO)  
Green, Gene  
Griffith  
Grothman  
Guthrie  
Hanabusa  
Handel  
Harper  
Harris  
Hartzler  
Hastings  
Heck  
Hensarling  
Herrera Beutler  
Hice, Jody B.  
Higgins (LA)  
Higgins (NY)  
Hill  
Himes  
Holding  
Hollingsworth  
Hoyer  
Hudson  
Huffman  
Huizenga  
Hultgren  
Hunter  
Hurd  
Issa  
Jackson Lee  
Jenkins (KS)  
Jenkins (WV)  
Johnson (LA)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jordan  
Joyce (OH)  
Katko  
Keating  
Kelly (IL)  
Kelly (MS)  
Kelly (PA)  
Kennedy  
Khanna  
Kihuen  
Kildee  
Kilmer  
Kind  
King (IA)  
King (NY)  
Kinzinger  
Knight

Krishnamoorthi  
Kuster (NH)  
Kustoff (TN)  
LaHood  
LaMalfa  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latta  
Lawrence  
Lawson (FL)  
Levin  
Lewis (GA)  
Lewis (MN)  
Lieu, Ted  
Lipinski  
LoBiondo  
Loebach  
Lofgren  
Long  
Loudermilk  
Love  
Lowenthal  
Lowey  
Lucas  
Luetkemeyer  
Lujan Grisham, M.  
Luján, Ben Ray  
Lynch  
MacArthur  
Maloney, Carolyn B.  
Maloney, Sean  
Marchant  
Marino  
Marshall  
Mast  
Matsui  
McCarthy  
McCaul  
McClintock  
McCollum  
McEachin  
McHenry  
McKinley  
McMorris  
Rodgers  
McNerney  
McSally  
Meadows  
Meehan  
Meeks  
Messer  
Mitchell  
Moolenaar  
Mooney (WV)  
Moore  
Moulton  
Mullin  
Murphy (FL)  
Murphy (PA)  
Neal  
Newhouse  
Noem  
Nolan  
Norcross  
Norman  
Nunes  
O'Halleran  
O'Rourke  
Olson  
Palazzo  
Pallone  
Palmer  
Panetta  
Pascarelli  
Paulsen  
Payne  
Pearce  
Pelosi  
Perlmutter  
Perry  
Peters  
Peterson  
Pingree  
Pittenger  
Pocan  
Poe (TX)  
Poliquin  
Posey  
Price (NC)  
Quigley  
Raskin

Ratcliffe  
Reed  
Reichert  
Renacci  
Rice (NY)  
Rice (SC)  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rohrabacher  
Rokita  
Rooney, Francis  
Rooney, Thomas J.  
Ros-Lehtinen  
Rosen  
Roskam  
Ross  
Rothfus  
Rouzer  
Roybal-Allard  
Royce (CA)  
Ruiz  
Ruppersberger  
Rush  
Russell  
Rutherford  
Ryan (OH)  
Sánchez  
Sarbanes  
Schiff  
Schneider  
Schweikert  
Scott (VA)

Scott, Austin  
Scott, David  
Sensenbrenner  
Sessions  
Sewell (AL)  
Shea-Porter  
Sherman  
Shimkus  
Shuster  
Simpson  
Sinema  
Sires  
Slaughter  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Smucker  
Soto  
Speler  
Stefanik  
Stewart  
Stivers  
Suozi  
Swalwell (CA)  
Taylor  
Tenney  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Titus

Tonko  
Torres  
Trott  
Tsongas  
Turner  
Upton  
Valadao  
Vela  
Visclosky  
Wagner  
Walberg  
Walden  
Walker  
Walorski  
Walters, Mimi  
Walz  
Wasserman  
Schultz  
Watson Coleman  
Weber (TX)  
Welch  
Wenstrup  
Westerman  
Williams  
Wilson (FL)  
Wilson (SC)  
Wittman  
Womack  
Woodall  
Yarmuth  
Yoder  
Yoho  
Young (AK)  
Young (IA)  
Zeldin

NAYS—41

Amash  
Bass  
Biggs  
Blumenauer  
Brat  
Cárdenas  
Castro (TX)  
Clarke (NY)  
Conyers  
Crowley  
Davidson  
Davis, Danny  
Doggett  
Duncan (TN)

Ellison  
Españillat  
Gallego  
Gohmert  
Green, Al  
Grijalva  
Gutiérrez  
Jayapal  
Jeffries  
Johnson (GA)  
Jones  
Kaptur  
Lee  
Massie

McGovern  
Meng  
Nadler  
Polis  
Sanford  
Schakowsky  
Schraeder  
Serrano  
Takano  
Vargas  
Veasey  
Velázquez  
Waters, Maxine

NOT VOTING—6

Cummings  
Labrador

Napolitano  
Richmond

Scalise  
Webster (FL)

□ 1133

Messrs. CASTRO of Texas, CÁRDENAS, VARGAS, Meses. MAXINE WATERS of California, VELÁZQUEZ, Messrs. BLUMENAUER, AL GREEN of Texas, JEFFRIES, Ms. BASS, Mr. VEASEY, Ms. CLARKE of New York, Messrs. DANNY K. DAVIS of Illinois, JOHNSON of Georgia, BIGGS, TAKANO, Ms. MENG, Messrs. ELLISON and DOGGETT changed their vote from "yea" to "nay."

Mses. EDDIE BERNICE JOHNSON of Texas, PINGREE, Mr. HOLLINGSWORTH, and Ms. SPEIER changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### KING COVE ROAD LAND EXCHANGE ACT

The SPEAKER pro tempore. Pursuant to House Resolution 454 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 218.

Will the gentlewoman from Wyoming (Ms. CHENEY) kindly take the chair.



□ 1135

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 218) to provide for the exchange of Federal land and non-Federal land in the State of Alaska for the construction of a road between King Cove and Cold Bay, with Ms. CHENEY (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 3 printed in House Report 115-235, offered by the gentleman from Arizona (Mr. GRIJALVA), had been postponed.

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part C of House Report 115-235 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Ms. TSONGAS of Massachusetts.

Amendment No. 3 by Mr. GRIJALVA of Arizona.

The Chair will reduce to 2 minutes the minimum time for any electronic vote in this series.

## AMENDMENT NO. 1 OFFERED BY MS. TSONGAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Massachusetts (Ms. TSONGAS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 190, noes 234, not voting 9, as follows:

[Roll No. 404]

AYES—190

Adams	Castro (TX)	DelBene
Aguilar	Chu, Judy	Demings
Barragán	Cicilline	DeSaulnier
Bass	Clark (MA)	Deutch
Beatty	Clarke (NY)	Dingell
Bera	Clay	Doggett
Beyer	Cleaver	Doyle, Michael
Bishop (GA)	Clyburn	F.
Blumenauer	Cohen	Ellison
Blunt Rochester	Connolly	Engel
Bonamici	Conyers	Eshoo
Boyle, Brendan	Cooper	Españolat
F.	Correa	Esty (CT)
Brady (PA)	Costa	Evans
Brown (MD)	Courtney	Foster
Brownley (CA)	Crist	Frankel (FL)
Bustos	Crowley	Fudge
Butterfield	Cuellar	Gabbard
Capuano	Davis (CA)	Gallego
Carbajal	Davis, Danny	Garamendi
Cárdenas	DeFazio	Gomez
Carson (IN)	DeGette	Gonzalez (TX)
Cartwright	Delaney	Gottheimer
Castor (FL)	DeLauro	Green, Al

Green, Gene	Luján, Ben Ray	Sarbanes
Grijalva	Lynch	Schakowsky
Gutiérrez	Maloney,	Schiff
Hanabusa	Carolyn B.	Schneider
Hastings	Maloney, Sean	Schrader
Heck	Matsui	Scott (VA)
Higgins (NY)	McCollum	Scott, David
Himes	McEachin	Serrano
Hoyer	McGovern	Sewell (AL)
Huffman	McNerney	Shea-Porter
Jackson Lee	Meeks	Sherman
Jayapal	Meng	Sinema
Jeffries	Moore	Sires
Johnson (GA)	Moulton	Slaughter
Johnson, E. B.	Murphy (FL)	Smith (WA)
Kaptur	Nadler	Soto
Keating	Neal	Speier
Kelly (IL)	Nolan	Suozi
Kennedy	Norcross	Swalwell (CA)
Khanna	O'Halloran	Takano
Kihuen	O'Rourke	Thompson (CA)
Kildee	Pallone	Thompson (MS)
Kilmer	Panetta	Titus
Kind	Pascrell	Tonko
Krishnamoorthi	Payne	Torres
Kuster (NH)	Pelosi	Tsongas
Langevin	Perlmutter	Vargas
Larsen (WA)	Peters	Veasey
Larson (CT)	Pingree	Vela
Lawrence	Pocan	Velázquez
Lawson (FL)	Polis	Visclosky
Lee	Price (NC)	Walz
Levin	Quigley	Wasserman
Lewis (GA)	Raskin	Schultz
Lieu, Ted	Rice (NY)	Waters, Maxine
Lipinski	Rosen	Watson Coleman
Loeb sack	Roybal-Allard	Welch
Lofgren	Ruiz	Wilson (FL)
Lowenthal	Ruppersberger	Yarmuth
Lowe y	Rush	
Lujan Grisham,	Ryan (OH)	
M.	Sánchez	

## NOES—234

Abraham	Diaz-Balart	Johnson, Sam
Aderholt	Donovan	Jones
Allen	Jordan	Duffy
Amash	Joyce (OH)	Duncan (SC)
Amodei	Katko	Duncan (TN)
Arrington	Kelly (MS)	Dunn
Babin	Kelly (PA)	Emmer
Bacon	King (IA)	Bacon
Banks (IN)	King (NY)	Estes (KS)
Barletta	Kinzing	Farenthold
Barr	Knight	Faso
Barton	Kustoff (TN)	Ferguson
Bergman	LaHood	Fitzpatrick
Biggs	LaMalfa	Fleischmann
Bilirakis	Lamborn	Flores
Bishop (MI)	Lance	Portenberry
Bishop (UT)	Latta	Fox
Black	Lewis (MN)	Franks (AZ)
Blackburn	LoBiondo	Frelinghuysen
Blum	Long	Gaetz
Bost	Loudermilk	Gallagher
Brady (TX)	Love	Garrett
Brat	Lucas	Gianforte
Bridenstine	Luetkemeyer	Gibbs
Brooks (AL)	MacArthur	Gohmert
Brooks (IN)	Marchant	Goodlatte
Buchanan	Marino	Gosar
Buck	Marshall	Gowdy
Bucshon	Massie	Granger
Budd	Mast	Graves (GA)
Burgess	McCarthy	Graves (LA)
Byrne	McCaul	Graves (MO)
Calvert	McClintock	Griffith
Carter (GA)	McHenry	Byrne
Carter (TX)	McKinley	Grothman
Chabot	McMorris	Guthrie
Cheney	Rodgers	Handel
Coffman	McSally	Harper
Cole	Meadows	Harris
Collins (GA)	Meehan	Hartzler
Collins (NY)	Messer	Hensarling
Comer	Mitchell	Herrera Beutler
Comstock	Mooleenaar	Hice, Jody B.
Conaway	Mooney (WV)	Higgins (LA)
Cook	Mullin	Hill
Costello (PA)	Murphy (PA)	Holding
Cramer	Newhouse	Hollingsworth
Crawford	Noem	Hudson
Culberson	Norman	Huizenga
Curbelo (FL)	Nunes	Hultgren
Davidson	Olson	Hunter
Denham	Palazzo	Hurd
Dent	Palmer	Issa
DeSantis	Paulsen	Jenkins (KS)
DesJarlais	Pearce	Jenkins (WV)
		Johnson (LA)
		Johnson (OH)

Perry	Rouzer	Tipton
Peterson	Royce (CA)	Trott
Pittenger	Russell	Turner
Poe (TX)	Rutherford	Upton
Poliquin	Sanford	Valadao
Posey	Schweikert	Walberg
Ratcliffe	Scott, Austin	Walden
Reed	Sensenbrenner	Walker
Reichert	Sessions	Walorski
Renacci	Shimkus	Walters, Mimi
Rice (SC)	Simpson	Weber (TX)
Roby	Smith (MO)	Webster (FL)
Roe (TN)	Smith (NE)	Wenstrup
Rogers (AL)	Smith (NJ)	Westerman
Rogers (KY)	Smith (TX)	Williams
Rohrabacher	Smucker	Wilson (SC)
Rokita	Stefanik	Wittman
Rooney, Francis	Stewart	Womack
Rooney, Thomas	Stivers	Yoder
J.	Taylor	Yoho
Ros-Lehtinen	Tenney	Young (AK)
Roskam	Thompson (PA)	Young (IA)
Ross	Thornberry	Zeldin
Rothfus	Tiberi	

## NOT VOTING—9

Cummings	Napolitano	Shuster
Davis, Rodney	Richmond	Wagner
Labrador	Scalise	Woodall

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (Mr. COLLINS of Georgia) (during the vote). There is 1 minute remaining.

□ 1139

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 3 OFFERED BY MR. GRIJALVA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. GRIJALVA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 167, noes 260, not voting 6, as follows:

[Roll No. 405]

AYES—167

Adams	Clarke (NY)	Ellison
Barragán	Clay	Engel
Bass	Cleaver	Eshoo
Beatty	Clyburn	Españolat
Bera	Cohen	Esty (CT)
Beyer	Connolly	Evans
Bishop (GA)	Conyers	Foster
Blumenauer	Cooper	Frankel (FL)
Blunt Rochester	Correa	Fudge
Bonamici	Costa	Gallego
Boyle, Brendan	Courtney	Garamendi
F.	Crowley	Gomez
Brady (PA)	Cuellar	Gonzalez (TX)
Brown (MD)	Davis (CA)	Green, Al
Brownley (CA)	Davis, Danny	Grijalva
Bustos	DeFazio	Gutiérrez
Butterfield	DeGette	Hastings
Capuano	Delaney	Heck
Carbajal	DeLauro	Higgins (NY)
Cárdenas	DelBene	Himes
Carson (IN)	Demings	Hoyer
Cartwright	DeSaulnier	Huffman
Castor (FL)	Deutch	Jackson Lee
Castro (TX)	Dingell	Jayapal
Chu, Judy	Doggett	Jeffries
Cicilline	Doyle, Michael	Johnson (GA)
Clark (MA)	F.	Kaptur

Keating  
Kelly (IL)  
Kennedy  
Khanna  
Kihuen  
Kildee  
Kilmer  
Kind  
Krishnamoorthi  
Kuster (NH)  
Langevin  
Larsen (WA)  
Larson (CT)  
Lawrence  
Lawson (FL)  
Lee  
Levin  
Lewis (GA)  
Lieu, Ted  
Lofgren  
Lowenthal  
Lowey  
Lujan Grisham,  
M.  
Luján, Ben Ray  
Maloney,  
Carolyn B.  
Matsui  
McCollum  
McEachin  
McGovern

McNerney  
Meeks  
Meng  
Moulton  
Nadler  
Neal  
Nolan  
Norcross  
O'Rourke  
Pallone  
Panetta  
Pascarell  
Payne  
Pelosi  
Perlmutter  
Pingree  
Pocan  
Polis  
Price (NC)  
Quigley  
Raskin  
Rice (NY)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez  
Sarbanes  
Schakowsky  
Schiff  
Schrader

Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Sherman  
Sires  
Slaughter  
Smith (WA)  
Soto  
Speier  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Titus  
Tonko  
Tsongas  
Vargas  
Vela  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters, Maxine  
Watson Coleman  
Welch  
Wilson (FL)  
Yarmuth

Rooney, Francis  
Rooney, Thomas  
J.  
Ros-Lehtinen  
Rosen  
Roskam  
Ross  
Rothfus  
Rouzer  
Royce (CA)  
Ruiz  
Russell  
Rutherford  
Sanford  
Schneider  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shea-Porter  
Shimkus  
Shuster

Simpson  
Sinema  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smucker  
Stefanik  
Stewart  
Stivers  
Suzoi  
Taylor  
Tenney  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Torres  
Trott  
Turner  
Upton  
Valadao

## NOT VOTING—6

Cummings  
Labrador

Napolitano  
Richmond

Scalise  
Wagner

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1144

So the amendment was rejected.

The result of the vote was announced  
as above recorded.

The Acting CHAIR (Mr. BOST). The  
question is on the amendment in the  
nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule,  
the Committee rises.

Accordingly, the Committee rose;  
and the Speaker pro tempore (Mr. COL-  
LINS of Georgia) having assumed the  
chair, Mr. BOST, Acting Chair of the  
Committee of the Whole House on the  
state of the Union, reported that that  
Committee, having had under consider-  
ation the bill (H.R. 218) to provide for  
the exchange of Federal land and non-  
Federal land in the State of Alaska for  
the construction of a road between  
King Cove and Cold Bay, and, pursuant  
to House Resolution 454, he reported  
the bill back to the House with an  
amendment adopted in the Committee  
of the Whole.

The SPEAKER pro tempore. Under  
the rule, the previous question is or-  
dered.

Is a separate vote demanded on the  
amendment to the amendment re-  
ported from the Committee of the  
Whole?

If not, the question is on the amend-  
ment in the nature of a substitute, as  
amended.

The amendment was agreed to.

The SPEAKER pro tempore. The  
question is on the engrossment and  
third reading of the bill.

The bill was ordered to be engrossed  
and read a third time, and was read the  
third time.

## MOTION TO RECOMMIT

Mr. GARAMENDI. Mr. Speaker, I  
have a motion to recommit at the  
desk.

The SPEAKER pro tempore. Is the  
gentleman opposed to the bill?

Mr. GARAMENDI. In its current  
form, I am.

The SPEAKER pro tempore. The  
Clerk will report the motion to recom-  
mit.

The Clerk read as follows:

Mr. Garamendi moves to recommit the bill  
H.R. 218 to the Committee on Natural Re-  
sources with instructions to report the same  
back to the House forthwith with the fol-  
lowing amendment:

Page 6, after line 24, insert the following:

**SEC. 8. REQUIREMENT REGARDING USE OF  
AMERICAN-MADE MATERIALS AND  
CONSTRUCTION EQUIPMENT.**

The road and road corridor described in  
section (4)(b) shall be constructed using only  
materials and equipment manufactured in  
the United States.

The SPEAKER pro tempore. The gen-  
tleman from California is recognized  
for 5 minutes.

Mr. GARAMENDI. Mr. Speaker, I  
have something very, very special for  
us in the next 3 minutes. This is an op-  
portunity for us to vote on something  
everybody in this Chamber wants. That  
is right.

Everybody in this Chamber wants  
American jobs, they want American  
manufacturing to succeed, and they  
want American—how should we put  
this?—made in America, right? Manu-  
factured in America, right? Yes, that is  
it.

Let me read to you this amendment,  
which, if accepted, would not stop this  
bill from passing, which I suspect it  
will, whether this is accepted or not.  
But here is your chance, colleagues.

This amendment reads: “The road  
and road corridor described in section  
(4)(b) shall be constructed using only  
materials and equipment manufactured  
in the United States.”

Who is opposed to that? Who is op-  
posed to that? Surely, my colleagues  
on the left and the right want to have  
American equipment used in manufac-  
turing this road or any other road, any  
other pipeline, or any other infrastruc-  
ture project. This is what we all want,  
all of us.

This amendment is about as simple  
as it could be, and it is about as impor-  
tant as we would find on any of the  
amendments.

I am not going to do a gotcha thing  
today. All too often these MTRs are  
simply gotcha votes. I am not going to  
do that to you today.

But I want all of us to consider the  
art of the possible. Consider for a mo-  
ment the art of the possible, that we  
could come together and we could  
amend this piece of legislation and  
other pieces of legislation that will be  
coming to us on infrastructure and  
roads and highways and water, and we  
could put into each and every one of  
those a very simple sentence that says  
they will be built with American equip-  
ment, American labor, and American  
materials. That is it.

I know my Republican colleagues  
want it as much as my Democratic col-  
leagues, although you are shy and you  
are not willing to shout up in support.  
But I will tell you what I will give you  
the opportunity to do. I am aware of  
that talk as much as any of you are,  
and here is my promise to my Repub-  
licans colleagues and to my Demo-  
cratic colleagues. Give us a resounding

## NOES—260

Abraham  
Aderholt  
Aguilar  
Allen  
Amash  
Amodei  
Arrington  
Babin  
Bacon  
Banks (IN)  
Barletta  
Barr  
Barton  
Bergman  
Biggs  
Bilirakis  
Bishop (MI)  
Bishop (UT)  
Black  
Blackburn  
Blum  
Bost  
Brady (TX)  
Brat  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Buchanan  
Buck  
Bucshon  
Budd  
Burgess  
Byrne  
Calvert  
Carter (GA)  
Carter (TX)  
Chabot  
Cheney  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Comer  
Comstock  
Conaway  
Cook  
Costello (PA)  
Cramer  
Crawford  
Crist  
Culberson  
Curbelo (FL)  
Davidson  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Donovan  
Duffy  
Duncan (SC)  
Duncan (TN)  
Dunn  
Emmer  
Estes (KS)

Farenthold  
Ferguson  
Fitzpatrick  
Fleischmann  
Flores  
Fortenberry  
Fox  
Franks (AZ)  
Frelinghuysen  
Gabbard  
Gaetz  
Gallagher  
Garrett  
Gianforte  
Gibbs  
Gohmert  
Goodlatte  
Gosar  
Gottheimer  
Granger  
Graves (GA)  
Graves (LA)  
Graves (MO)  
Green, Gene  
Griffith  
Grothman  
Guthrie  
Hanabusa  
Handel  
Harper  
Harris  
Hartzler  
Hensarling  
Herrera Beutler  
Hice, Jody B.  
Higgins (LA)  
Hill  
Holding  
Hollingsworth  
Hudson  
Huelskamp  
Hultgren  
Hunter  
Hurd  
Issa  
Jenkins (KS)  
Jenkins (WV)  
Johnson (LA)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan  
Joyce (OH)  
Katko  
Kelly (MS)  
Kelly (PA)  
King (IA)  
King (NY)  
Kinzinger  
Knight  
Kustoff (TN)  
LaHood  
LaMalfa

Lamborn  
Lance  
Latta  
Lewis (MN)  
Lipinski  
LoBiondo  
Loeb  
Long  
Loudermilk  
Love  
Lucas  
Luetkemeyer  
Lynch  
MacArthur  
Maloney, Sean  
Marchant  
Marino  
Marshall  
Massie  
Mast  
McCarthy  
McCaul  
McClintock  
McHenry  
McKinley  
McMorris  
Rodgers  
McSally  
Meadows  
Meehan  
Messer  
Mitchell  
Moolenaar  
Mooney (WV)  
Moore  
Mullin  
Murphy (FL)  
Murphy (PA)  
Newhouse  
Noem  
Norman  
Nunes  
O'Halleran  
Olson  
Palazzo  
Palmer  
Paulsen  
Pearce  
Perry  
Peters  
Peterson  
Pittenger  
Poe (TX)  
Poliquin  
Posey  
Ratcliffe  
Reed  
Reichert  
Renacci  
Rice (SC)  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rohrabacher  
Rokita

“yes” so that the very clear ear of our Speaker can hear a “yes” vote from all of us, and let’s go home.

Mr. Speaker, I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I claim the time in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Speaker, I appreciate the efforts of the gentleman from California. I would remind him, when he was in the Clinton administration and the Clinton administration forced the community to buy a hovercraft instead of building this road, that was made in Canada.

However, I want you to know that I am actually livid for the people of King Cove, Alaska, because they lack a life-saving lane on the land to link this lonesome locality that has been left alone while lofty litigious liberals lamely lament losing a little landscape.

Mr. Speaker, the arguments are limited and they lack love for the Aleuts who are there.

This amendment is a loser. Vote “no.” Vote “yes” on passage, and let’s get out of here.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GARAMENDI. Mr. Speaker, without regard to the argument in opposition to my amendment, I think we ought to go home and let it be. I am not going to ask for a recorded vote.

The SPEAKER pro tempore. The gentleman is not recognized for debate.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BISHOP of Utah. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 248, nays 179, not voting 6, as follows:

[Roll No. 406]

YEAS—248

Abraham	Bishop (MI)	Burgess
Aderholt	Bishop (UT)	Byrne
Allen	Black	Calvert
Amodel	Blackburn	Carson (IN)
Arrington	Blum	Carter (GA)
Babin	Bost	Carter (TX)
Bacon	Brady (TX)	Chabot
Banks (IN)	Brat	Cheney
Barletta	Bridenstine	Clay
Barr	Brooks (AL)	Coffman
Barton	Brooks (IN)	Cole
Bergman	Buchanan	Collins (GA)
Biggs	Buck	Collins (NY)
Bilirakis	Bucshon	Comer
Bishop (GA)	Budd	Comstock

Conaway	Issa	Reichert	Kildee	Moulton	Scott (VA)
Cook	Jenkins (KS)	Renacci	Kilmer	Murphy (FL)	Scott, David
Costa	Jenkins (WV)	Rice (SC)	Kind	Nadler	Serrano
Costello (PA)	Johnson (LA)	Roby	Krishnamoorthi	Neal	Sewell (AL)
Cramer	Johnson (OH)	Roe (TN)	Kuster (NH)	Nolan	Shea-Porter
Crawford	Johnson, E. B.	Rogers (AL)	Langevin	Norcross	Sherman
Cuellar	Johnson, Sam	Rogers (KY)	Larson (CT)	O'Halleran	Sinema
Culberson	Jones	Rohrabacher	Lawrence	O'Rourke	Sires
Curbelo (FL)	Jordan	Rokita	Lawson (FL)	Pallone	Slaughter
Davidson	Joyce (OH)	Rooney, Francis	Lee	Panetta	Smith (WA)
Davis, Rodney	Katko	Rooney, Thomas	Levin	Pascarella	Soto
Denham	Kelly (MS)	J.	Lewis (GA)	Payne	Speier
Dent	Kelly (PA)	Ros-Lehtinen	Lieu, Ted	Pelosi	Suozi
DeSantis	King (IA)	Roskam	Lipinski	Perlmutter	Swalwell (CA)
DesJarlais	King (NY)	Ross	Loebuck	Peters	Takano
Diaz-Balart	Kinzie	Rothfus	Lofgren	Pingree	Thompson (CA)
Donovan	Knight	Rouzer	Lowenthal	Pocan	Thompson (MS)
Duffy	Kustoff (TN)	Royce (CA)	Lowey	Polis	Titus
Duncan (SC)	LaHood	Russell	Lujan Grisham, M.	Price (NC)	Tonko
Duncan (TN)	LaMalfa	Rutherford	Lujan, Ben Ray	Quigley	Torres
Dunn	Lamborn	Sanford	Lynch	Raskin	Tsongas
Emmer	Lance	Schweikert	Maloney	Rice (NY)	Vargas
Estes (KS)	Larsen (WA)	Scott, Austin	Carolyn B.	Rosen	Velázquez
Farenthold	Latta	Sensenbrenner	Maloney, Sean	Roybal-Allard	Visclosky
Faso	Lewis (MN)	Sessions	Massie	Ruiz	Walz
Ferguson	LoBiondo	Shimkus	Matsui	Ruppersberger	Wasserman
Fleischmann	Long	Shuster	McCollum	Rush	Schultz
Flores	Loudermilk	Simpson	McEachin	Ryan (OH)	Watson
Fortenberry	Love	Smith (MO)	McGovern	Sánchez	Maxine
Fox	Lucas	Smith (NE)	McNerney	Sarbanes	Welch
Franks (AZ)	Luetkemeyer	Smith (NJ)	Meeks	Schakowsky	Wilson (FL)
Frelinghuysen	MacArthur	Smith (TX)	Meng	Schiff	Yarmuth
Gabbard	Marchant	Smucker	Moore	Schneider	
Gaetz	Marino	Stefanik		Schrader	
Gallagher	Marshall	Stewart			
Garrett	Mast	Stivers	Cummings	Napolitano	Scalise
Gianforte	McCarthy	Taylor	Labrador	Richmond	Wagner
Gibbs	McCaul	Tenney			
Gohmert	McClintock	Thompson (PA)			
Gonzalez (TX)	McHenry	Thornberry			
Goodlatte	McKinley	Tiberi			
Gosar	McMorris	Tipton			
Gottheimer	Rodgers	Trott			
Gowdy	McSally	Turner			
Granger	Meadows	Upton			
Graves (GA)	Meehan	Valadao			
Graves (LA)	Messer	Veasey			
Graves (MO)	Mitchell	Vela			
Green, Gene	Moolenaar	Walberg			
Griffith	Mooney (WV)	Walden			
Grothman	Mullin	Walker			
Guthrie	Murphy (PA)	Walorski			
Hanabusa	Newhouse	Walters, Mimi			
Handel	Noem	Weber (TX)			
Harper	Norman	Webster (FL)			
Harris	Nunes	Wenstrup			
Hartzler	Olson	Westerman			
Hensarling	Palazzo	Williams			
Herrera Beutler	Palmer	Wilson (SC)			
Hice, Jody B.	Paulsen	Wittman			
Higgins (LA)	Pearce	Womack			
Hill	Perry	Woodall			
Holding	Peterson	Yoder			
Hollingsworth	Pittenger	Yoho			
Hudson	Poe (TX)	Young (AK)			
Huizenga	Poliquin	Young (IA)			
Hultgren	Posey	Zeldin			
Hunter	Ratcliffe				
Hurd	Reed				

NAYS—179

Adams	Cleaver	Esty (CT)
Aguilar	Clyburn	Evans
Amash	Cohen	Fitzpatrick
Barragán	Connolly	Foster
Bass	Conyers	Frankel (FL)
Beatty	Cooper	Fudge
Bera	Correa	Gallego
Beyer	Courtney	Garamendi
Blumenauer	Crist	Gomez
Blunt Rochester	Crowley	Green, Al
Bonamici	Davis (CA)	Grijalva
Boyle, Brendan F.	Davis, Danny	Gutiérrez
Brady (PA)	DeFazio	Hastings
Brown (MD)	DeGette	Heck
Brownley (CA)	Delaney	Higgins (NY)
Bustos	DeLauro	Himes
Butterfield	DelBene	Hoyer
Capuano	Demings	Huffman
Cardbajal	DeSaulnier	Jackson Lee
Cárdenas	Deutch	Jayapal
Cartwright	Dingell	Jeffries
Castor (FL)	Doggett	Johnson (GA)
Castro (TX)	Doyle, Michael F.	Kaptur
Chu, Judy	Ellison	Keating
Cicilline	Engel	Kelly (IL)
Clark (MA)	Eshoo	Kennedy
Clarke (NY)	Española	Khanna
		Kihuen

Kildee	Moulton	Scott (VA)
Kilmer	Murphy (FL)	Scott, David
Kind	Nadler	Serrano
Krishnamoorthi	Neal	Sewell (AL)
Kuster (NH)	Nolan	Shea-Porter
Langevin	Norcross	Sherman
Larson (CT)	O'Halleran	Sinema
Lawrence	O'Rourke	Sires
Lawson (FL)	Pallone	Slaughter
Lee	Panetta	Smith (WA)
Levin	Pascarella	Soto
Lewis (GA)	Payne	Speier
Lieu, Ted	Pelosi	Suozi
Lipinski	Perlmutter	Swalwell (CA)
Loebuck	Peters	Takano
Lofgren	Pingree	Thompson (CA)
Lowenthal	Pocan	Thompson (MS)
Lowey	Polis	Titus
Lujan Grisham, M.	Price (NC)	Tonko
Lujan, Ben Ray	Quigley	Torres
Lynch	Raskin	Tsongas
Maloney	Rice (NY)	Vargas
Carolyn B.	Rosen	Velázquez
Maloney, Sean	Roybal-Allard	Visclosky
Massie	Ruiz	Walz
Matsui	Ruppersberger	Wasserman
McCollum	Rush	Schultz
McEachin	Ryan (OH)	Watson
McGovern	Sánchez	Maxine
McNerney	Sarbanes	Welch
Meeks	Schakowsky	Wilson (FL)
Meng	Schiff	Yarmuth
Moore	Schneider	
	Schrader	

NOT VOTING—6

□ 1209

So the bill was passed.  
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. NAPOLITANO. Mr. Speaker, I was absent during rollcall vote Nos. 403 through 406 due to my spouse's health situation in California. Had I been present, I would have voted “no” on H.R. 2825—DHS Authorization Act of 2017, “yea” on the Tsongas Amendment, “yea” on the Grijalva Amendment, and “no” on final passage of H.R. 218—King Cove Road Land Exchange Act.

REMOVAL OF NAME OF MEMBER  
AS COSPONSOR OF H.R. 620

Mr. SUOZZI. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 620.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCING THE PASSING OF  
THE HONORABLE RALPH REGULA

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, as dean of the Ohio delegation, I am greatly saddened to inform the Members that our former colleague, Ralph Regula, who was the dean of the Ohio delegation, has passed away.

Ralph was 92 years of age. He had the honor of serving his constituents back home in Ohio for 36 years. He was a key player on the Appropriations Committee for many years. He will be truly missed.

I wanted to inform the Members that Congressman BOB GIBBS—Ralph was a

constituent of Congressman GIBBS—will be organizing a Special Order next week. So Members who are interested, on either side of the aisle, in participating in that should contact Representative GIBBS' office.

#### LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Madam Speaker, I rise for the purpose of inquiring of the majority leader the schedule for the week to come, and I yield to the gentleman from California (Mr. MCCARTHY), the majority leader.

(Mr. MCCARTHY asked and was given permission to revise and extend his remarks.)

Mr. MCCARTHY. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, on Monday, the House will meet at noon for morning hour and 2 p.m. for legislative business. Votes will be postponed until 6:30.

On Tuesday, Wednesday, and Thursday, the House will meet at 10 a.m. for morning hour and noon for legislative business.

On Friday, the House will meet at 9 a.m. for legislative business.

Madam Speaker, the House will consider a number of suspensions next week, a complete list of which will be announced by close of business tomorrow.

Now, one suspension worth highlighting is H.R. 3218, the Forever GI Bill, sponsored by Representative PHIL ROE. This bipartisan legislation will remove the 15-year cap for benefits that forces veterans to use it or lose it, while enabling vets to take advantage of innovative new models like nano-degrees and massive open online courses.

Education in the 21st century is a process of lifelong learning, and I look forward to the House passing this important reform on behalf of the men and women who bravely serve our Nation.

In addition, the House will use the Congressional Review Act to disapprove of the CFPB rule on arbitration agreements. This rule hurts consumers at the expense of class-action trial lawyers, and we will work with our colleagues in the Senate to overturn this misguided regulation.

The House will also consider H.R. 3219, the Make America Secure Appropriations Act, sponsored by Representative RODNEY FRELINGHUYSEN.

□ 1215

Madam Speaker, this is vital that we demonstrate our commitment to America's servicemembers and uphold our constitutional duty to provide for the common defense.

This security package includes the committee's marked and reported bills for Defense, Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs.

Among many positives, the bill gives a 2.4 percent pay raise for our troops, increases funding for our Capitol Police, ensures greater oversight and accountability at the VA, and fully funds the President's request for a wall along our southern border.

As always, Members are advised that late-night votes are likely next week during the consideration of this appropriations package.

Finally, Madam Speaker, additional legislative items are possible in the House, and I will be sure to notify Members of any additions to our schedule.

Mr. HOYER. Madam Speaker, I thank the majority leader for the information that he has given us.

Suffice it to say there are a couple of these bills, obviously, that give us great pause. But having said that, the Appropriations Committee, over the last few weeks, has marked up, I think, all of its bills now, 12 bills. There was discussion about bringing an omnibus with all 12 bills in it. That has obviously not happened, and so we have what we refer to as a minibus.

We only have 17 legislative days left, Madam Speaker, until the end of the fiscal year on September 30. First, I would like to ask the majority leader if he can tell us the process under which the minibus will be considered. As the gentleman pointed out, there are four distinct appropriations bills that are included in the minibus.

Is this going to be an open rule?

Will all of these bills be open to amendment, or will they be considered under a rule so that our Members can prepare for the consideration of these appropriations bills?

Madam Speaker, I yield to my friend, the majority leader.

Mr. MCCARTHY. Madam Speaker, I thank the gentleman for yielding me time, and I thank him for his question.

Madam Speaker, he is correct that, as of today, all 12 appropriations bills will be done from committee, marked up in subcommittee and full committee, and I want to thank the Appropriations Committee for their work. They achieved something that has not been achieved before in the timeline that they were given, and it is extraordinary the work they were able to do.

It is correct in the Make America Secure minibus package that we are bringing, that that package covers over 66 percent of our total discretionary spending.

As the Rules Committee has noted, the bill will come under a rule, so it will be a structured rule. We assume that there will be hundreds of amendments, as the gentleman knows, just like in the NDAA, more than 200 amendments.

I would like it noted there were more Democratic amendments than there were Republican amendments in the process that we worked through, and that is why I expect there will be late votes next week as well.

Mr. HOYER. Madam Speaker, I thank the gentleman.

Madam Speaker, the gentleman made an observation about there were more Democratic amendments. That is unusual for your bills. We usually find more Republican amendments to your bills than we do Democratic amendments. But having said that, I think the gentleman's observation is correct.

I want to make it clear to Members of the House, perhaps, who have not served here very long, the first year I was majority leader in 2007, it wasn't just consideration in committee. We passed through the House of Representatives all 12 appropriations bills and sent them to the Senate prior to the August break so that the Senate had a full month to consider them. We didn't get them all done, as you have suspected.

But in any event, I don't think I have ever seen, Mr. Leader, an omnibus passed prior to the August break. Individual bills being passed, but a minibus of this nature with, as you point out, 66 percent of the discretionary spending, which, by the way, there is no budget, and, therefore, this breaks the sequester level. It breaks the agreements that we have had in the past under Ryan-Murray for 4 years, two Congresses, and the number that is being used is a number that was simply taken out of the air. There has been no vote on the floor, no other way to have set that number.

We also believe that the amendments that are going to be offered are going to be offered in a very short space of time, and that is going to be a problem, but we will see what the rule says.

Can the gentlemen tell me, do we expect to bring the other eight bills to the floor in September?

Madam Speaker, I yield to my friend.

Mr. MCCARTHY. Madam Speaker, I thank the gentleman for yielding me time, and I thank him for his note that sometimes we have more Republican ideas usually that come to the floor, and I think ideas are good.

Madam Speaker, I do intend to bring the rest of the appropriations bills through this floor and get them done to send them to the Senate.

Mr. HOYER. Madam Speaker, I thank the gentleman.

Now, the gentleman mentioned that the border wall was going to be fully paid for. The Homeland Security bill is not a part of the package that includes four bills. Madam Speaker, can the gentleman tell me what bill that will be included in?

I yield to my friend.

Mr. MCCARTHY. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, as the gentleman knows, the President campaigned across America to the American public about making sure our borders are secure. Many Members on both sides of the aisle know the challenges we have along the border. The President requested and this fully funds the President's request.

As I look back in history along this line about border security, there are

many times in history it shows, just a short history ago, of those who have voted for it. Hillary Clinton has voted for border security as well on the wall, Barack Obama, Joe Biden, and CHUCK SCHUMER.

This will be an amendment made in Rules for the bill.

Mr. HOYER. Madam Speaker, I thank the gentleman for his comments.

It is an amendment made in Rules. Is that going to be an amendment that will be made in order for full consideration and debate on the floor of the House of Representatives?

Madam Speaker, I yield to my friend.

Mr. MCCARTHY. Madam Speaker, as the gentleman knows, I do not speak for the Rules Committee. It will be their process and their determination. It is a committee. They will decide as a committee.

Mr. HOYER. Madam Speaker, I thank the majority leader for that answer.

Given the fact that, as the gentleman has pointed out, this was made a major issue by the administration during the campaign, in light of the fact that there are many members of his own administration who believe the wall will not work and is not the most effective way to do what all of us agree ought to be done, and that is to keep our border secure and to make sure that we know who is coming into the United States of America—I think that is a unanimous position, frankly, of the Members of this House.

This border wall, as I understand it, is in none of the four bills that have been marked up by the committee. Therefore, my presumption is the Rules Committee is, in some fashion, going to add this. If they add it, frankly, to the rule and that it is adopted as a result of the adoption of the rule, that will preclude a vote on the wall.

Now, I know the gentleman doesn't like me to quote his book, but it seems to me, in the book, every issue was going to be taken on its own, discretely, and that Members of the House would be able to work their will.

If it is in the rule, that is, I think, not consistent with that ability of Members of the House to fully debate whether or not we ought to be putting billions and billions and billions of dollars into a wall and whether or not that wall would be effective to accomplish the objective.

Madam Speaker, can the gentleman assure me that it will not be simply included and assumed to be adopted by the adoption of the rule itself and will, in fact, be an amendment on which the House can engage and work its will?

Madam Speaker, I yield to my friend.

Mr. MCCARTHY. Madam Speaker, I thank the gentleman for yielding.

He brings up a point about the security of our border. It was a debate nationally, but it wasn't a new debate. It is a debate that actually happened on this floor a short amount of time ago. We all remember the Secure Fence Act. It was actually debated right before I was elected.

We got veto-proof majorities in both the House and Senate. Sixty-four Democrats voted for that bill on this floor, 80 of 100 Senators.

I would like to note once again, who were those Senators who voted for this? It was Hillary Clinton; at the time, Senator Barack Obama; Senator Joe Biden; and Senator CHUCK SCHUMER. So it is not a new challenge.

But the gentleman will be thankful that we have taken the new technology and also applied it within this bill for border security. We have levees. We have dams as well. We have taken the ideas on all sides. The American public has requested this. I can't promise what the Rules Committee will do, just as I would never ask you to promise what one of the committees is going to do.

Just as you quote my book—and I don't get upset with you quoting my book. You should buy it and read it more. Buy more books. The whole staff should be reading my book.

Mr. HOYER. I am enthralled by it, Mr. Majority Leader.

Mr. MCCARTHY. And just to clarify, I get no royalties. The Wounded Veterans get the money, and I am thankful that you buy it.

But if I may finish with this, the Rules Committee will act. The American public expects us to act. We utilize technology. We utilize levees. We utilize dams. And I will tell you, many of those ideas come from your side of the aisle.

It is requested not just from Members on your side of the aisle, but Democrats and city councils and others that are along the border.

So, yes, we are taking action, just as we said we would do. The Rules Committee will find the right place to apply it, and we will be able to have the discussion on the floor.

Mr. HOYER. Madam Speaker, I understand the majority leader's reticence to answer the question because he says he can't speak for the Rules Committee. I understand that. But the fact of the matter is this is an important issue. It ought to be considered by the House.

It ought to have every Member's ability to speak to the issue of whether or not we ought to build that wall, not whether we ought to have security—we all agree that we should and must have security—but whether we do it with a wall, as I said, in which many members of the current administration do not believe it will work and have been quoted as saying so in the past, and there are many Members on our side who feel that.

I would hope that the majority leader would at least make it known to the Rules Committee that we ought to have that as a freestanding amendment, not incorporate it in a rule that the vote for the rule or a vote against the rule is, of itself, a vote on the wall itself.

Lastly, Mr. Leader, I want to say that you and I are both very concerned

about the Russian sanctions and Iranian sanctions bill that is pending. We have been working very hard on that, very constructively on that, and I look forward, over the next 24 hours, more or less, to see whether or not we could get that resolved.

We have introduced, as you know, the Senate bill as a House bill. We would be for that if it would be brought to the floor. But we want to make sure that we move a bill, as you do, as quickly as possible and get agreement with the Senate and move that bill to the President's desk.

I thank you for your work on that, and I look forward to working with you over the next day or two to see if we can achieve that objective together.

Madam Speaker, unless the gentleman wants further time, I yield back the balance of my time.

ADJOURNMENT FROM THURSDAY, JULY 20, 2017, TO MONDAY, JULY 24, 2017

Mr. MCCARTHY. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday, July 24, 2017, when it shall convene at noon for morning-hour debate and 2 p.m. for legislative business.

The SPEAKER pro tempore (Ms. CHENEY). Is there objection to the request of the gentleman from California?

There was no objection.

□ 1230

#### RECOGNIZING GABRIELLA BOFFELLI

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, last night I was proud to present my legislative director, Gabriella Boffelli, with the Vermillion Award of the Congressional Hispanic Leadership Institute, CHLI, named after the late Steve Vermillion, the former chief of staff to Congressman Lincoln Diaz-Balart.

This award is presented each year to two staffers who exemplify Steve's huge heart and dedication to freedom. None are more deserving than Gaby, and her fellow honoree, Angela Ramirez.

Since starting as an intern in my Miami office 6 years ago, Gaby has risen through the ranks, year after year, serving our south Florida community with wisdom, grace, and integrity. Now completing a master's degree at Johns Hopkins University, Gaby is the consummate public servant, selflessly working on behalf of our constituents, while constantly fighting for democracy and human rights in places like Nicaragua.

It has been an honor to have Gaby Boffelli on my team, and I know this is just the beginning of an extraordinary career.



Congratulations, my friend.  
Felicidades, mi amiga.

#### BRING AMERICA TO 100 PERCENT RENEWABLE ENERGY BY 2050

(Ms. JAYAPAL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JAYAPAL. Mr. Speaker, to quote Ronald Reagan: "Preservation of our environment is not a liberal or conservative challenge; it's common sense." Yet, this week, my Republican colleagues continued the trend of pushing through bills that deeply undermine critical environmental protections.

H.R. 806, the "Smoggy Skies Act," is an attack on the Clean Air Act that will lift protections against harmful pollutants that put the health of our communities at risk. Republicans also made it clear that they are prioritizing dangerous pipelines while shirking environmental review processes.

But despite their efforts, we are looking ahead and putting forward a bold vision for protecting our environment and our economic future. I am proud to introduce, with Congressmen POLIS, GRIJALVA, and HUFFMAN, the 100 by '50 Act, which aims to bring the United States to 100 percent renewable energy by 2050.

Climate change is the biggest threat to our planet, our economy, our children, and our communities, and our bill lays out a bold roadmap for ensuring that we transition to a clean and renewable energy economy while prioritizing good jobs for workers and investments in our communities.

This is the time to be bold.

#### HONORING HABITAT FOR HUMANITY OF BUCKS COUNTY

(Mr. FITZPATRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FITZPATRICK. Mr. Speaker, I rise to honor Habitat for Humanity of Bucks County, which is an organization dedicated to eliminating substandard housing, locally and worldwide, through constructing, rehabilitating, and preserving homes.

This global, nonprofit housing organization, with a local chapter in my district, operates on the principles that seek to put God's love into action. Habitat for Humanity of Bucks County advocates for fair and just housing policies that provide training and access to resources to help families improve their living conditions.

The Bucks County chapter of Habitat for Humanity is a motivated team, driven towards service, where they build communities and empower families. I am grateful for the work of Executive Director Florence Kawoczka, Laura Blair, B.J. Breish, Colleen Brink, Stefanie Clark, Candace Clarke, Mike Fallon, Susan Harrity, Josh

Hilliker, Theresa Leonard, Sam Martin, Tracy Mulvaney, Karen Reeve, and all of the associates and volunteers who make this organization possible.

Mr. Speaker, I am proud to work with the Bucks County Habitat for Humanity, driven by the conviction that every man, every woman, and every child should have a simple, durable place to live in dignity and safety, and that decent shelter and decent community should be a matter of conscience for all of us.

#### PROVIDE PROTECTION FOR UNDOCUMENTED FARMWORKERS

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, I represent the central coast of California, known to many of my colleagues as the salad bowl of the world. It is where agriculture is the number one industry, and it is where the farm labor movement was partially founded.

Now, as many Republicans and Democrats know, in agriculture, undocumented farmworkers do a majority of the labor-intensive work needed to put food on our dinner tables. That is why I am a cosponsor of H.R. 2690, the Agricultural Worker Program Act, also known as the "Blue Card" bill.

This bill would provide a majority of our farmworkers with a path to legal permanent residence. Now, it doesn't allow people to jump the line. It doesn't just give them benefits. In fact, there are certain obligations that they must undertake in order to receive those benefits. They have to work in agriculture for at least 100 days, and then they have to commit to working in agriculture for 100 days over the next 5 years.

Our farmworkers, whom we employ and critically need, are now living in the shadows for fear of deportation. This bill would provide legal protections for our farmworkers to ensure a better future for their families, our farms, and our communities.

While it is my hope that this bill would again be incorporated into a larger comprehensive package negotiated by Republicans and Democrats, just like it was in 2013 when Congress nearly passed comprehensive immigration reform, the people who help feed our families deserve this opportunity, and that is why I support it.

#### "MADE IN AMERICA" WEEK

(Mr. WESTERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WESTERMAN. Mr. Speaker, I rise today to show my support for the "Made in America" Week initiative. It is an initiative to highlight the contributions of American workers and job creators.

Made in America brings to mind a combination of the American spirit of

innovation and perseverance that is required to turn raw materials into manufactured goods.

I am proud of the contributions that my home State of Arkansas makes to the American economy. In Arkansas, 13 percent of the State's workforce is employed in the manufacturing industry, which is the second highest percentage in the South and the third highest percentage in the Nation. Twenty-eight percent of those jobs in Arkansas are in the Fourth District.

In 2016, manufacturers contributed \$2.2 trillion to the American economy. For every dollar spent in manufacturing, an additional \$1.80 is added to another part of the economy.

With abundant resources, a strong infrastructure, and a second-to-none work ethic, Arkansas is working to train the next generation of technicians and visionaries so that manufacturing can expand, promoting better careers, stronger families, and thriving communities.

#### THANKING UNSUNG HEROES IN WAKE OF ILLINOIS FLOODING

(Mr. SCHNEIDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHNEIDER. Mr. Speaker, this week, torrential rains caused record flooding in many parts of Illinois, and, in particular, in my district. I had the chance to visit some of the affected areas over the weekend, joined by my colleagues from Illinois, Mr. HULTGREN and Mr. ROSKAM, as well as Senator DURBIN, Fox Lake Mayor Donny Schmit, and Lake County Chair Aaron Lawlor. We spoke with residents and saw firsthand some of the many challenges these communities are facing.

I rise today, however, to recognize the many unsung heroes who have stepped up to help their neighbors, and often helped total strangers, in the wake of this disaster. This includes our first responders, dedicated government workers, and volunteers, many coming from towns far away and unaffected by the floods.

As the rains fell and then in the days after, these people worked tirelessly around the clock to lend a hand and try to hold off the rising waters. We are not out of the woods yet, and the people who serve our communities day in and day out in our local governments, our police and fire departments, and our emergency agencies are continuing to work with professionalism and quick coordination.

Mr. Speaker, I am pleased to use my time today to say "thank you" to these people working behind the scenes without due recognition. They represent the very best of our communities and our Nation and make us all very proud.



### HONORING THE MEMORY OF DIETRICH SCHMIEMAN

(Mr. NEWHOUSE asked and was given permission to address the House for 1 minute.)

Mr. NEWHOUSE. Mr. Speaker, I rise today to honor the life and memory of a constituent and distinguished soldier in our Nation's Armed Services, U.S. Marine Corps Sergeant Dietrich Schmieman of Richland, Washington, who passed away on July 10, along with 15 of his fellow servicemen.

Sergeant Schmieman served honorably as part of an elite Marine raider battalion stationed at Camp Lejeune and was on his way to complete his predeployment training in Yuma, Arizona, before being deployed to the Middle East.

Our Nation owes a debt of gratitude to individuals like Dietrich who, through their service, have preserved the freedoms that form the cornerstone of our Nation.

Sergeant Schmieman's death is a tragedy. The hole he leaves in the lives of his friends and his family can never be filled. I join the Nation in sending prayers to his family during this very difficult time.

Please join me in remembering Sergeant Schmieman and his dedication to selfless service to our Nation.

Again, our prayers are with his family and his loved ones.

### REPEAL OF OBAMACARE STATISTICS

(Mr. SOTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOTO. Mr. Speaker, next week we will see consideration of the repeal of ObamaCare without a replacement. This would be a life-and-death issue for most Americans.

First, we would see skyrocketing uninsured rates: 18 million people would lose insurance next year; 32 million people would lose insurance by 2026.

We would also see skyrocketing premiums: 20 to 25 percent by next year, 50 percent by 2020, and 100 percent by 2026.

Seventy-five percent of Americans would live in a place where there would be no marketplace insurer.

We know that for every 455 people who gain coverage across the United States, according to the New England Journal of Medicine, that at least one life is saved. So if we lose coverage for 20 million people next year, we would be looking at 43,000 to almost 44,000 avoidable deaths in the United States. That is why this is life and death.

TrumpCare has had its shot, and it has failed. It is time for the parties to come together now. It is time to have a bipartisan bill to fix the ACA.

The American people deserve nothing less.

### HONORING THE MEMORY OF OFFICER MIOSOTIS FAMILIA

(Mr. FASO asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. FASO. Mr. Speaker, today I rise to honor the memory of Officer Miosotis Familia.

Officer Familia was a member of the New York City Police Department's 46th Precinct in the Bronx who lost her life in the early hours of July 5. She was targeted by a deranged ex-convict who assassinated her in cold blood.

As New York City Police Commissioner James O'Neill said at Officer Familia's funeral: "Everything our government stands for—freedom of speech, freedom of worship, freedom from want, freedom from fear—everything starts with public safety. Miosotis knew this, and she wanted all of us to play our part.

"That is why violence against police and what we represent is a dishonor to civilized society."

With a renewed dedication to law enforcement and the communities they serve, we pledge to keep Officer Familia's legacy alive.

Mr. Speaker, I include in the RECORD Commissioner O'Neill's remarks.

#### REMARKS BY COMMISSIONER O'NEILL FOR OFFICER FAMILIA'S FUNERAL

Good morning everybody.

Barbara [NYPD Chaplain Rev. Dr. Barbara Williams-Harris], I'm not sure if I'm ready to celebrate yet. I have to work on it.

Members of the NYPD Chaplains Unit; Pastor Davidson and the staff and congregation of World Changers Church—I love the name; Mayor de Blasio; Adriana, Gennie, Peter, Delilah; Inspector Phil Rivera and all the men and women of the 4-6 Precinct in the Bronx; law enforcement officers from all across our nation and the world, many of whom traveled great distances to support us in this time of incredible sorrow; and all other friends and family gathered here this morning:

On behalf of the entire New York City Police Department, I extend our most profound condolences.

Police Officer Miosotis Familia was a kind and authentic woman.

One of 10 children raised in Washington Heights before she and her family moved together to the Bronx, she was serious but sharp-witted. And though she was the youngest, her siblings say she was never spoiled.

Miosotis was the glue that held her large family together. She would mediate any dispute, especially among her six feisty sisters. Known as a lovable goof, they playfully called her "La Loca," or Crazy Girl.

And later, as a mother, she would teach her own children life lessons—like being kind to strangers, blessing others with a smile, and respecting those less fortunate.

I'm told that Valentine's Day was her favorite holiday. She'd really go overboard with the hearts and the decorations in their Kingsbridge apartment, just so the kids could see all the love that was theirs.

Like every New Yorker, Miosotis just wanted to do her job, work hard, live without fear, improve her life, and the lives of 86-year-old mother, her two daughters, and her son.

But she also wanted to do something else: She wanted to improve the lives of other families, as well. When she made that decision 12 years ago to become an NYPD cop—a Bronx cop—she epitomized why many people choose to become police officers.

Gennie, Peter, Delilah: I can talk forever about the great things—the fantastic things

that police officers do every single day for millions of people—but nothing I can say will bring your mom back. I'm sorry for that.

But I can make you this promise: Your mom didn't die in vain. Your mom's legacy will never fade from importance or memory.

Your mom made it her mission to make your home—New York City—a better and safer place for everyone. And I vow to you we will continue to find our way forward in her honor. Because that's what cops do.

Cops are regular people who believe in the possibility of making this a safer world. It's why we do what we do. It's why we run toward, when others run away.

Your mom believed in the possibility of being part of something larger than herself. She accepted the vast responsibility that came with her decision, knowing that it would be challenging, recognizing that someone has to do this job, and believing she was willing and able to fill that role. And she was right.

Miosotis wanted other people to know her, to work with her, and to help her make this a better city for all of us.

Everything our government stands for—freedom of speech, freedom of worship, freedom from want, freedom from fear—everything starts with public safety. Miosotis knew this, and she wanted all of us to play our part.

That is why violence against the police and what we represent is a dishonor to civilized society. We should be outraged that any single person had so little regard for your right to public safety.

On the night our nation celebrated its independence, the coward who committed this atrocity did not walk down the street after midnight and shoot just anybody.

He shot a cop.

Mental illness and medication may have played a part—I don't know. What is certain, however, is that he hated the police. He saw us as the "bad guys" because countless times he heard it in conversation, saw it on television, read it in the newspapers. Combine that toxic blend with his special brand of evil, and you get . . . this funeral.

Hate has consequences. When we demonize a whole group of people—whether that group is defined by race, by religion, or by occupation—this is the result. I don't know how else to say it: This was an act of hate, in this case, against police officers—the very people who stepped forward and made a promise to protect you, day and night.

This amazing woman, this mother, this daughter, this sister, this friend, this New York City police officer, was assassinated solely because of what she represented and for the responsibility she embraced.

All her killer could see was a uniform, even though Miosotis was so much more. He blamed the police for his own terrible choices in life. And for the way he emerged after our society agreed he should go away to prison for a while.

As a city, and as a country, I don't believe we're in the same place we were at the end of 2014, when Detectives Rafael Ramos and WenJian Liu were assassinated under similar circumstances in Brooklyn. We are on firmer ground now, with police and communities working more effectively together.

But in mid-2017, there unquestionably is a creeping apathy among the public about the work and role of its dedicated police officers. I think of it this way: You don't really notice the lights are on . . . until they go out. If we do wrong, we are vilified. If we do right, we are ignored.

There is little attention paid to positive changes in policing, in general, and in this police department, in particular, no matter how effective they may be.

But the manner in which Miosotis was killed should remind everybody that the civility of our society balances on a knife's edge. And the 36,000 uniformed members of the NYPD are just regular people who made a selfless decision to help maintain that balance.

There is nothing more human than a 48-year-old mother of three, living in the Bronx, who decided to swear an oath, put on a uniform, and live a life with meaning. Fighting crime and keeping people safe is not a responsibility that the police take lightly, and neither should the public.

While crime continues to go down, year after year, that provides little comfort when the fabric of our society, the blanket of public safety we provide, is torn by a senseless, direct assault on one of our protectors.

Here are the numbers we don't talk about nearly enough:

Since our start in 1845, more than 840 New York City police officers have died in the line of duty. Miosotis is our seventh cop to be shot and killed in just the last five years. And she's our third female officer ever to be murdered on the job.

Across our nation, 135 police officers were killed in the line of duty last year, the sharpest spike in the last five years. And just yesterday, New York State Trooper Joel Davis was killed in the line of duty while responding to a radio run of a domestic dispute in upstate New York.

Each of these murdered officers has one thing in common: They lost their lives while protecting the lives of others. Some people say: "Well, that's what cops signed up for, right? That's their job."

Let me tell you something: Regular people sign up to be cops. They sign up for this job of protecting strangers, knowing there are inherent risks. But not one of us ever agreed to be murdered in an act of indefensible hate. Not one of us signed up to never return to our family or loved ones.

So, where are the demonstrations for this single mom, who cared for her elderly mother and her own three children? There is anger and sorrow, but why is there no outrage? Because Miosotis was wearing a uniform? Because it was her job?

I simply do not accept that.

Miosotis was targeted, ambushed, and assassinated. She wasn't given a chance to defend herself. That should matter to every single person who can hear my voice, in New York City and beyond.

We know there's evil in this world. That's why we need the police. But as New Yorkers, we can decide that people like Miosotis' killer will ultimately fail. He will not drive us apart. We can decide to come together and make our city reflect the good inside all of us, the hopes and simple dreams we share.

I'm asking the public to make a commitment to support your police, to work with us. Commit to watching the backs of those you call when you're scared, those you call when you're in trouble.

NYPD cops answer about four-and-a-half million radio runs a year, and are flagged down countless other times. AnAfor good or bad, only a tiny handful of our actions make the news. That tiny handful—some when things go right, others when things go wrong—because that's what sells newspapers—those are the ones that define us. And the millions—literally millions—of our other actions go unnoticed.

But we don't turn away from criticism, because we know it comes hand-in-hand with the possibility of making the safest big city in America even safer. We know you need us. And we need you. We want all our neighborhoods to be safer places for our children, for our elderly, for ourselves.

But without peace and safety, we have nothing. It's a shared responsibility. You must participate. You must not retreat.

It seems that we put all our societal failures on our police to solve. If there's not enough drug addiction funding, many say it's the police who should change their tactics. If there's not enough money for mental health, many say it's the cops who need to alter what they're doing out on the streets. If our society hasn't adequately invested in schools, the cops need to figure that out.

We tell our police: "You're the counselor, you're the parent, you're the social worker, you're the referee." But policing was never intended to solve all those problems.

It's our obligation to continually drive down crime and keep people safe. That's what Miosotis vowed to do. And that's the work we vow to continue in her stead.

What we are left with are the memories, moments shared, lives touched, friendships forged. There is no making sense of what is truly senseless. There is no explaining the unexplainable. Words do not do it justice. We cannot fix the hurt. We have to put that in the hands of a higher power. And the higher power I'm talking about is you.

We need the public to take a more-active role in our city's safety. I'm asking you to connect with your police. Listen to my words: Your police. We are yours. We're here to help. We're here to make things better. But we need your assistance. We need it now, more than ever. Because no one knows what's going on a street, or a block, better than those who live and work there every day.

That's how your neighborhoods will keep getting better. And that's how we're going to continue to keep driving crime down and keep everybody safe. And that's how we'll find our way forward, together. That's Miosotis' legacy.

The pain we feel today will not soon pass, but we know she did not die in vain. Our anger can be transformed into effective change. Our sorrow can make us a better society. We may not ever match the sacrifice made by Miosotis, but surely we can try to match her sense of service. If we cannot match her courage, we can strive to match her devotion.

In the last few days—the 4-6 Precinct, Police Plaza, all across New York—we've received many, many messages of hope and support. They tell us that people around the nation and around the world love the police very much, and mourn with us. They tell us they need us, and that they are proud of us. I, too, couldn't be more proud of our cops.

To the men and women of the NYPD who bravely put on that uniform every day—and they do, it takes courage—and to all those who have come before us: Thank you for your dedication, your leadership, and your powerful example.

And I also couldn't be more proud of—and thankful for—Miosotis, whom I promote today to Detective-First Grade. Please rise and applaud her life and service.

To Gennie, Peter, and Delilah: Here we are, today, literally surrounded by a sea of blue as far as the eye can see outside this building. And know this: Our family will always be with yours. We don't ever forget. We will always be here for you and this city.

And to all the members of the NYPD: Do not ever forget why you chose to become a police officer. Be proud of who you are and what you do. Always remember that Miosotis lived to protect all New Yorkers, and her legacy protects us still.

We pray that she now finds rest, and that her beloved family finds solace and peace and the strength to live the lives their mother fought to give them.

God bless Miosotis. God bless her family. God bless every member of the New York City Police Department, who will forever carry on her most important work.

Thank you.

Mr. FASO. I also include in the RECORD my full statement. May God bless Officer Miosotis Familia's memory.

Mr. Speaker and my colleagues, today I rise to honor the memory of Officer Miosotis Familia. Officer Familia was a member of the New York Police Department's 46th Precinct in the Bronx who lost her life in the early hours of July 5th. She was targeted by a deranged ex-convict who assassinated her in cold blood. All of New York was affected by this evil act. The 48-year-old loving mother devoted her life to helping others. Sadly, she becomes the third female NYPD officer to be murdered on the job; the first in New York since 9/11.

Officer Familia had two daughters and a son. She wanted to leave them a better future, a safer city. Every one of the 36,000 uniformed members of the NYPD goes to work every day for this vision. They sacrifice. They risk bodily harm, and worse. Too often they do so despite a hostile media and an indifferent public. As New York Police Commissioner James O'Neill said about her, and all law enforcement personnel, at Officer Familia's funeral: "Cops are regular people who believe in the possibility of making this a safer world. It's why we do what we do. It's why we run toward, when others run away." He remarked, furthermore, "Everything our government stands for—freedom of speech, freedom of worship, freedom from want, freedom from fear—everything starts with public safety. Miosotis knew this, and she wanted all of us to play our part. That is why violence against the police and what we represent is a dishonor to civilized society. We should be outraged that any single person had so little regard for your right to public safety."

Through it all, Officer Miosotis Familia carried love in her heart: love for the Bronx neighborhood she patrolled; love for the people of her city and state; and love for the oath she swore all those years ago when she made the decision to enter law enforcement: To serve and protect.

Her killer—and I refuse to mention his name—was driven only by hate. This is the hate which in 2016 resulted in the sharpest spike in police killings in five years. It is the hate that robbed three children of their mother with a single gunshot on a dark Bronx street. I want to share with this Chamber a recollection by Officer Familia's oldest daughter, delivered at her funeral. She said that Miosotis came into her room on July 4 before going to work, a regular person believing in the possibility of bringing about a safer world.

She said, "I'm going to work now. And I love you." She hugged her daughter, twice, and left to join her fellow officers. Now Officer Familia joins those lost in the line of duty. With love in her heart, she kept us safe. With a renewed dedication to law enforcement and the communities they serve, we pledge here to keep Officer Miosotis Familia's legacy alive.

#### WISHING JOHN MCCAIN A SPEEDY RECOVERY

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, yesterday I left an event and went straight to my

cellphone. The first thing on it was a notice that JOHN MCCAIN had brain cancer. I literally stopped in my steps and thought about JOHN MCCAIN and was saddened.

Senator JOHN MCCAIN is a true American hero who served our country in Vietnam and has served our country in this House of Representatives and the United States Senate.

When he ran for President, he had a bus called Straight Talk, and that wasn't just a name on a bus. He is a straight shooter.

He has been a voice of reason and honesty, standing up and speaking truth to power during these last 6 months of this current Presidency, and somebody whom we need as a voice.

It seems that Arizona produces those voices. They produced it with Barry Goldwater, and they produced it with JOHN MCCAIN.

He is a nice guy, too. The few opportunities I had to interchange with JOHN MCCAIN or go up to him and say something to him about an issue, he was always very easygoing, very pleasant, a good human being.

I urge you, if there are people in your life that you think well of, that you care about, let them know it now, and keep JOHN MCCAIN in your prayers. Hopefully, he will come back and continue to serve the United States as he has throughout his entire life.

□ 1245

#### HIGHLIGHTING HALL GROWS

(Mr. COLLINS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to highlight the success of my friends and neighbors at the Hall County Chapter of the Georgia Farm Bureau. This past year, the Farm Bureau launched Hall GROWS, an educational initiative designed to help students expand their knowledge of agriculture.

In my home State of Georgia, agriculture is the largest industry, contributing \$74 billion to the State's GDP. Our young people represent the next generation of farmers, agricultural experts, and consumers. It is our duty to ensure that these young students possess an understanding of the strategic advantage that agriculture represents for the United States.

The Farm Bureau is donating time, funding, and other resources so that schools can cultivate gardens, hold workshops for educators, and have classroom activities to help students. Because of efforts like these, Hall GROWS can continue to make an impact both in the lives of students and on the future of the industry.

The Farm Bureau's willingness to support students attests to the generosity of the American farmer. I am excited to see this program make a positive difference in communities like

my own in Hall County in Gainesville, Georgia.

Again, congratulations to the Hall County Farm Bureau for their work and effort and Hall GROWS.

#### REMEMBERING AND HONORING CONGRESSMAN MARK TAKAI

(Ms. GABBARD asked and was given permission to address the House for 1 minute.)

Ms. GABBARD. Mr. Speaker, 1 year ago today, we lost a brother, a friend, and a colleague, someone who made a great impact on my home State of Hawaii and this country.

My friend, Congressman Mark Takai, was someone who lived his entire life with a full heart committed to serving the people of Hawaii and his country. Always ready with a helping hand with creative new ideas and a hearty laugh, Mark was someone who was always on the move.

I had the honor of serving with Mark all the way back in the Hawaii State Legislature, through our time serving together in the Hawaii Army National Guard and then, again, here in Congress where we both served on the Armed Services Committee.

Mark, time and time again, made his decisions based on how best he could serve the people of Hawaii, and he took a lot of pictures along the way. Mark led by example with respect and with aloha understanding and passion building partnerships focused on seeing how he could get the job done.

So on this day commemorating Mark, my heart is with his family: his wife, Sami; his kids, Matthew and Kaila; his parents, Naomi and Erik; our entire National Guard "family," "ohana," and the people of Hawaii as we remember Mark and honor his entire life and legacy of service.

#### OBAMACARE

(Mr. DESANTIS asked and was given permission to address the House for 1 minute.)

Mr. DESANTIS. Mr. Speaker, Republicans have promised for years to repeal and replace ObamaCare, and this effort has seemed to have stalled in the Senate.

The best way to restart the ObamaCare repeal process is simple. Make Congress live under it.

The President can make this happen. ObamaCare included a provision dropping the congressional health plans for Members of Congress and diverting Members to the ObamaCare exchanges where they would have to pay their own premiums. Yet an Obama administration regulation gutted this provision and provided lucrative taxpayer subsidies for Members thereby creating an illegal exemption for Congress under ObamaCare.

Mr. President, cancel this regulatory exception. Make Members live under ObamaCare as written. If you make them live under ObamaCare, my guess

is that they will vote to quickly repeal ObamaCare.

#### FREEDOM FROM BURDENSOME REGULATIONS

(Mr. BIGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIGGS. Mr. Speaker, last week, I started "Freedom Friday" to highlight freedom-killing regulations currently in effect.

Congress used the Congressional Review Act to overturn 14 regulations implemented in the waning days of the Obama administration. The repeal of these rules alone could save the economy millions of hours of paperwork—as much as \$3.7 billion in regulatory costs to Federal agencies and up to \$35 billion in compliance costs for industries. This is a nice start, but we are not done yet.

My main priority here in Congress is to restore the constitutional parameters of the Federal Government and end overregulation. The first regulation that I will be highlighting for "Freedom Friday" is an overly burdensome restriction on our trucking industry. California and the Ninth Circuit have imposed more stringent standards for truckers than those established by the Federal Motor Carrier Safety Administration.

There are some issues over which Congress has clear constitutional authority. This is one of them. We simply cannot allow our vital interstate commerce to fall victim to an incoherent patchwork of burdensome regulations. Our economic and national security depend on resisting this ominous trend.

#### ISSUES OF THE DAY

The SPEAKER pro tempore (Mr. COMER). Under the Speaker's announced policy of January 3, 2017, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Mr. Speaker, I want to follow up on what my friend from Florida, Congressman RON DESANTIS, was saying: Under ObamaCare—that passed without a single Republican vote—Congress was expressly put under all of the conditions of ObamaCare, and it expressly took us out from the insurance that we liked, the insurance plans we had and liked, and 180 degrees contrary to what President Obama said and so many of our friends across the aisle.

Even though we liked our insurance and we wanted to keep it, it turns out that was not true what they had been saying for so many months. We didn't get to keep our insurance. I know emails keep circulating that Members of Congress have some special "pie in the sky" health insurance, but, actually, it is exactly the same insurance options that every single Federal employee from—well, I started to say

from the President down, but, actually, the President does have his own special healthcare. But I guess that is why ObamaCare seemed so appealing. It wouldn't affect the President and his family, or he might have looked at it a little bit differently. But since he has his 24/7 physician, it seemed okay to him to force the rest of the country under it.

Every Federal employee before ObamaCare had the same options we did. The major change in congressional healthcare came since the provision was put in there. Although every single Federal employee had employer—which means Federal Government, which means taxpayer—assistance in paying the premiums for their health insurance, we had to pay part and the Federal Government paid part—taxpayers, in other words, paid part. That was pretty common across the country.

But in ObamaCare, for some reason, Speaker PELOSI and Majority Leader Harry Reid thought it was a good idea to stick it to Members of Congress that were not in leadership so that there would be no Federal supplement. No Federal employer was going to pay part of the cost of the insurance, health insurance, for Members of Congress. That is in the bill.

Originally, we thought that meant every single Member of Congress would not get the employer part paid by the Federal Government. But it turns out the Speaker and certain of the leadership and leadership staff who must have helped draft the bill, that the way it was worded did not include the funds they were paid for them so they would continue to get the Federal portion paid by the government and taxpayers as that is.

But then Speaker Boehner, Majority Leader Reid, and President Obama got together, and they worked out a deal. Like my friend, Congressman DESANTIS from Florida, pointed out, they made a deal to completely ignore what was in black and white print in ObamaCare that Members of Congress, other than the leadership, would not have the Federal Government paying any part of theirs. All the rest of the Federal employees in the country, yes, they would still have the Federal Government pay part of their insurance, only Members of Congress wouldn't.

They made a deal to specifically ignore what our Democratic friends put in the law, in black and white expressly there, and so we had gotten so many calls and so much information.

Going all over east Texas, I've heard from so many people who have lost their insurance who now could not afford their insurance and now were forced into a network that did not have the doctor who was saving their lives or the medication that was saving their lives, didn't have Mayo Clinic and didn't have the certain cancer facility that they had been using to keep their lives going.

I had heard so many of those horror stories from constituents I just could

not—I mean, I went and talked to the personnel here that are supposed to help us sign up for healthcare, and I just could not bring myself to sign up for ObamaCare that was being illegally interpreted. It is not even an interpretation; it is very clear. We didn't get the Federal subsidy, yet they agreed to do it despite what they put in the law and agreed to in the law. So I went without insurance at all for a few years and then have to pay extra to have insurance through my wife's employer.

RON DESANTIS made a great point. If we went ahead and enforced ObamaCare exactly the way it is written, the Speaker and the leaders would be taken care of in the House and Senate, but the rank-and-file Members of the House and Senate, I think, would more quickly have come to the conclusion: we have got to have a change, and we have got to have it quick.

Perhaps that is what President Obama was thinking when he agreed to have the taxpayers fund the huge part of the congressional health insurance that, gee, if he did that, then they wouldn't be as quick to want to overturn it.

I think it is very important as we hear friends across the aisle talk about how devastating it will be if we repeal ObamaCare. Yeah, what happens? Think about it. What happens if we repeal ObamaCare? We would go back to the way it was before ObamaCare passed. I didn't remember it being quite this high, but one of our friends mentioned this week, I remember the polls were saying 75 percent of Americans were satisfied with their health insurance before ObamaCare was shoved down every Americans' throat. So if we repealed ObamaCare, what would happen is we would go back to a health insurance—or a healthcare situation—where 75 percent of Americans were satisfied.

What many of us were saying, as we were in the minority on this side, we were begging our friends across the aisle, look, don't just throw out the entire healthcare system the way it is even though you have got people in the health insurance business and the big pharmaceuticals helping you write ObamaCare so they are going to make billions and billions more than they have ever made—yes, it is true, a lot of health insurers have gone out of business, but the big ones that helped write ObamaCare and sign on to it—happy to endorse it and embrace it—made record profits. So much for opposing crony capitalism. We see it at its best in ObamaCare.

So Americans should be a bit skeptical when they see some of the people who helped write ObamaCare and made billions and billions saying: oh, no, let's not throw it out.

Well, just remember, if we did that, if we just voted to end ObamaCare and have our system exist as if ObamaCare had never passed, it would immediately put us into a situation where the vast majority of Americans were satisfied

with their health insurance and with the healthcare they got.

□ 1300

I have noted over the years that one of the things that has helped with the acceptance by the minority that has accepted ObamaCare as being a good thing has been that politicians here in Washington have skewed the difference between health insurance and healthcare.

I know people have said: Oh, gosh, people were dying on the sidewalks.

Actually, if you are on the sidewalk and you have got a health problem, you do as people that I have seen in the emergency rooms have done: they go to the emergency room. I am standing in line behind them, waiting to get care for one of my children.

So it wasn't a matter of not getting that healthcare. Those people did not have health insurance.

What good is ObamaCare insurance when your deductible is \$7,000, \$8,000, and you are paying \$10,000, \$12,000 a year for your insurance and you don't have enough to put aside in savings to even pay \$1,000 to \$2,000 of your deductible?

Yes, you have health insurance, but you sure don't have healthcare because now, because of ObamaCare, you cannot afford it.

Yes, from time to time I hear people say: Yeah, but the subsidy is working out so well, I am able to have insurance.

Well, what is your deductible?

Well, it is pretty high, but I am satisfied with it.

You know what we keep finding?

They are satisfied with it because they have got cheap health insurance and it works out fine until they have something catastrophic happen and they find out they don't have the money to cover what they have got to cover.

We have got to do something. I submit it wouldn't be so bad to go back to a system that a majority of Americans said they were satisfied with and then work from there.

Don't throw out the whole system again and make the Federal Government, Big Brother, have its fingers in every aspect of your supposed care. When the Federal Government has that role, whether you want to call them death panels or not, there are bureaucrats who will make decisions to decide what they are going to allow you to have and be paid for. That should never, ever be the role of the government.

Some say to go to a single-payer system. I despise that term because it masks just how evil the system is. It is socialized medicine, which is also another way of saying you have rationed care. Everybody is not going to get what they need, and the government will decide who they think has a life valuable enough to get a new knee or to get a new hip or to have back surgery or to have lifesaving surgery. The government will decide that.

That is the same reason I have heard from numerous seniors now. Before ObamaCare passed, they had Medicare as supplemental coverage. But even so, after ObamaCare passed, which cut \$716 billion out of Medicare, they could not get timely surgeries that they needed before ObamaCare.

If we don't repeal ObamaCare, it will continue with those wait times that many seniors are now experiencing. Whereas, it used to be: When do you want to do this? Tomorrow? Next week? When do you want to do it?

Now it is: I know you need it now, but it is going to be 2 or 3 months before we can work you in.

It is rationed care. That is what ObamaCare causes. There is going to be more and more of that unless we get ObamaCare repealed. I just don't think that is an option. A majority of Americans did not want ObamaCare, and, after it passed, still didn't want ObamaCare. They gave us the majority in the House, now in the Senate, and now the Presidency on a promise that we would get rid of ObamaCare.

So we start from the premise that healthcare will be better and more affordable once ObamaCare is repealed. There needs to be reforms, but you have got to start from the premise that you have to get rid of the system that is skewing and basically destroying the greatest healthcare system ever produced in the history of the world.

Medical historians, as I noted before, have indicated there was probably some point in the early 1900s—it can be debated when that point may have occurred; some say around the protocols in the early 1900s, around World War I—or whenever it was, around 100 years ago, for the first time in human history, someone who needed healthcare had a better chance of getting better if they didn't go see a doctor. That point was in the early 1900s. After that point, you started having a better chance of getting well if you went to see a doctor.

So you look at that time, whether it is 100 years, 120 years, and to think that just in the thousands of years of recorded history in our lifetimes, you have not only had a chance of getting well after seeing a doctor, but you have a great chance of being cured.

Think of all the diseases and conditions that we found cures for. We have so many yet to go. There will always be something else that needs to be researched and cured, because that is the state of this world. But we had a system here in America that produced more lifesaving medications and treatments and surgeries, more lifesaving and enhancing procedures of all kinds because, for one thing, we had competition, we had a free market system.

Our Founders so wisely put in the Constitution provisions for rewarding people, because of original thoughts or inventions, copyrights and patents. Congress has done a lot of damage to that system in recent years, but it still provides an incentive to create some-

thing that is lifesaving or life-enhancing.

We simply cannot build a healthcare system that helps people based on the foundation of ObamaCare. More and more—until it is complete, socialized medicine will be, if we leave ObamaCare in place, there will be more and more rationed care, which means less and less care for individuals.

For 6 years, Republicans have been united in our support for fully repealing ObamaCare. Congress has voted—at least the House has—more than 60 times to repeal ObamaCare. So it is not the time to get timid. Now is the time to support the President's efforts to get rid of ObamaCare.

If what we have to do is bring forth the bill that we passed in the last Congress and put it on the desk of the President to get rid of the thing that has, at least informally, President Obama's name and that he says he is proud of—people are getting hurt, people can't afford what they have got. More and more are losing insurance. We are losing more and more insurance companies.

I still continue to be quite concerned to just say there is a great panacea in buying insurance across State lines because, unless we end the exemption from the monopoly laws, the antitrust laws, then we could very easily end up with only one or two insurance companies in the whole country instead of having only one in 30 or 40 States.

Far better it is to just end the exemption from antitrust laws, end the ability for a health insurance company to monopolize and have monopolistic tactics that keep entrepreneurs from developing new insurance companies, different ways of paying for healthcare. We have got to end that so that people that come up with new ways and better ways to provide healthcare end up doing well because of their great idea to provide more affordable healthcare.

One thing in my mind that is absolutely certain: if we can just get rid of ObamaCare, then one of the steps we have got to take is to get back to a system that we had 50 years ago or so, when I was growing up in Mount Pleasant in east Texas, and you knew what things cost.

All the different times I had to be taken in for stitches because I got involved in activity that was going to get somebody hurt—and I was often the one—all those times I went in for stitches, my parents always knew what it was going to cost when the doctor put stitches in my head or above and below my eye. All the different places I have got them, they knew.

Of course, on one occasion—he can't get in trouble now because he is gone—a dear friend of the family that was a family physician at the time let my mother, since she was such a good seamstress, put in maybe three of my five stitches. Mother said: That is just basic sewing; I can do that. He said: You sure could. I have seen you sew. That is all it is.

I don't encourage that kind of thing, but mother did a nice job, and he closed it up. She knew she was still going to pay the fee. Even though she put a couple of stitches in, she knew she was going to pay the fee. Anyway, he was shorthanded on nurses that day, and mother was the nurse because it was a weekend and he came in special.

Anyway, you don't see people anymore, like they did when I was young, who say: I am going to a different doctor because the other doctor raised his prices and that one is just as good. You don't see that.

Nobody knows actually what the doctors are getting paid. I have asked for answers from wonderful healthcare providers that are really trying to take care of people: How much is this? How much is that?

Well, LOUIE, I can't really tell you. It depends.

Is it Medicare, Medicaid, cash, Blue Cross, Anthem, an HMO? You have got to tell me. And what is the diagnosis?

Sometimes it is a different charge, depending on what the disease is.

Why is that?

Because the government has put different payment schemes on these things.

We have got to get rid of a system where nobody knows what anything costs. You can't have competition and spur healthcare and healthcare providers on to the very best they can possibly do to innovate new ways and better ways to treat people and to provide healthcare if we don't have actual competition and people knowing what they are paying for. That is one of the things we have got to get back to.

I know there are some physicians who have said: Well, my contract with the insurance company doesn't have that provision.

I have heard some do, but some have told me: Yes, my contract as a doctor with that insurance company said I specifically cannot let somebody who is paying cash pay as low an amount as I am taking as full payment from this insurance company.

Well, that shouldn't be the case. But as long as an insurance company can monopolize, violate antitrust laws, then they will be able to do that kind of thing to keep people from being able to pay cash as readily as they could if they were one of the major insurance companies.

□ 1315

We ought to get out of that.

How do you get out of that?

Well, the first thing is you never ever will as long as ObamaCare continues to be the law of the land.

So I am so proud we have a President that continues to push the idea of getting rid of ObamaCare so that we can have a better system providing healthcare. And I do use the word "healthcare" and not "health insurance."

And it bothers the heck out of me that the CBO makes this grandiose

claim of how many people will lose their insurance, because they are too ignorant, under the models they create, to distinguish the difference between somebody who chooses not to buy a policy that costs them a fortune, has a huge deductible, and is going to not help them when they need it, and someone who says: Gee, I want to keep this insurance, but I can't afford it.

The CBO has made themselves—put themselves in such a blind position, they can't tell the difference. The CBO says, "Well, if somebody says, I am not paying for this insurance policy. The deductible is too high. The premiums are too high. I am going to put my money in a savings account, and I will have, in 3 years, \$40,000 to cover healthcare problems, if I have some in the future, and that will keep growing," well, they will say that poor person that now has a huge growing health savings account is like a poor homeless individual, and the government yanked away their insurance.

No. They just chose to quit rewarding a health insurance company for not providing them insurance that they need. There is a difference between losing insurance and just refusing to buy insurance that is worthless.

I am hoping that we are moving closer to the day when we can get rid of this Democrat Congress contrived group called the Congressional Budget Office, CBO. I have been convinced for a number of years that we will never be able to get this country on sound footing with a driving economy, all boats being lifted, getting the country out of debt as long as the CBO is the official scorer for the bills in this building.

It seems clear to me. Yes, I understand. They have come to my office a couple of times. I understand. I get it. You create models, and then you feed this information in that you think is important to the models you created that hardly ever rely on actual historical performance. And then you just dutifully report what the model says the cost is and what is going to happen as a result.

Try living with history and using absolute historical evidence of what happens instead of creating some goofy model that, as best it appears now, when they—well, first, I think \$1.2 trillion, they estimated ObamaCare. And then after President Obama woodshedded Elmendorf, the director—and I know he doesn't like that term—but whatever you want to call it, he called him over to the Oval Office, met with him; Elmendorf comes out, redoes his numbers—Oh, it was under a trillion dollars. \$800 billion, just like President Obama said. How about that?

And then as soon as it passes, shortly thereafter, well, you know, it is actually probably more like 1.7, 1.9. And now more modern estimates say it is not \$800 billion; it is now 1.2. It is at least \$2 trillion, maybe \$4 trillion, maybe \$4½ trillion. It is just through the roof.

So I don't think it is unrealistic to say that the CBO's margin of error on

ObamaCare wasn't plus or minus 2 or 3 percent. It was plus or minus 200 to 400 or so percent. No entity that cannot have a better margin of error than 200 percent has any business scoring anything considered official in this building.

And I know Dr. Arthur Laffer got a private grant to figure out a way to have competitive scoring of bills in the House and Senate so that these scorers could have a score on their accuracy, their success rate for accurate scoring of bills.

So as you go along, this Republican idea of competition being a good thing—you have competitive scoring instead of one official group that will never allow this country to get on a proper footing because it was set up in 1974 as Nixon was going out. And the Democrats were having a heyday, and they got a little giddy and left 2 million people in southeast Asia to die instead of having an orderly transition, and, at home, were wreaking havoc with the way we pass laws in this building.

I will continue to urge the President of the United States, as we take up a tax reform bill, not to give in to the pressure from people in Congress toward the top to go more to a 20 or 21 percent corporate tax because the corporate tax really is about the most insidious—one of the most insidious taxes because it is based on a lie.

We tell the American people, "Oh, you don't have to worry. We are going to sock it to these evil corporations and make them pay all this big tax," when the fact is that corporations don't exist, don't continue to exist if they don't have the customers pay that corporate tax. That charge is ultimately paid by Americans across the country. It is another way of sticking it to the little guy when you have a high corporate tax.

And I am fully aware there are people in this country that think it is a great thing that they think we are evolving from a manufacturing country to more of a service economy where we just provide services and don't get engaged in this lowlife manufacturing.

Well, guess what, that lowlife manufacturing is how a country survives for centuries. Any nation that is considered to have power in the world loses that power after the next war if they cannot produce the things that they need to defend themselves from hateful, evil leaders in the world.

Some people didn't seem to mind when we were losing the tire manufacturing, steel manufacturing, steel product manufacturing, losing all that to China. They didn't seem to care. Oh, Louie, don't worry about it. We are a service economy.

Well, as a historian, I am telling you, if we don't get back to manufacturing the things that we have to have to defend ourselves successfully against evil tyrants—whether in Iran, North Korea, totalitarian in Russia, wherever, if we don't manufacture what we need to de-

fend ourselves and our freedoms, we won't have them past the next war. And be sure of this. Don't believe me. You know, Jesus said there will always be wars and rumors of wars. They are going to exist.

But Reagan was right. You know, the best way to avoid a war is to have so much strength that people will not attack you. They don't want to challenge you because they know you can take them out.

Unfortunately, we have had the ability to take out evil empires and evil tyrant leaders for a long time. But just as occurred when I was in the United States Army, Active Duty for 4 years, was at Fort Benning, and our embassy was attacked in Tehran, hostages were taken. We had a President—well, he had hailed the Ayatollah Khomeini as a man of peace when he took power, so it was kind of tough on him to turn around and attack him.

But the Iranians said the students did it. But it became very clear very soon, they stopped saying the students had the hostages, and started saying, "We have the hostages." It was a government-orchestrated attack. They could have and should have protected our embassy, and Carter should have made it clear: You either get our people out unharmed or we are bringing the full power of the United States military to Iran. And it wouldn't be a bluff. I think they would have let them go.

That is why they spent at least 3 days talking about the students having them. That was a way out. If Carter had said, "We are coming if you don't get those folks out," I think that they would have let them go. But you can't bluff in a situation like that. But we should have made it clear that we are not tolerating attacks on United States land—and that is what an embassy is.

And because we didn't defend ourselves there, the stories started: Well, they ran from Vietnam. You know, didn't do anything, the paper tiger.

One after another we got hit and didn't properly respond. And I understand President Reagan acknowledged that he let the Congress intimidate him into pulling our forces out of Beirut after 300 marines or so precious lives were lost to a terrorist attack.

So the story built and continued: The United States is a paper tiger. They won't defend themselves.

And it became attractive to be attacked.

So we need a 15 percent corporate tax. Meeting with different CEOs in years past over in China: Why did you leave America?

I thought they would say: Because of all the regulations. Yeah, those were problems. And sometimes unions are too—demand too much, and we can't stay in business, so we move.

But no. The number one answer over and over is: You know, we got a deal cut, and now we are at an effective rate between 15, 20 percent corporate tax.



And in America, you know, they say, cumulatively, corporations are probably paying around 40 percent for corporate tax.

It is time to undercut the tax that China pays. Bring back our steel industry. Let's get back to having Detroit—after so many of the great Midwestern States had cities that were model cities, and people were working, and there weren't the big slums because things were going great, that day can come back. But it will not come back to the extent it could with a 20 or 21 percent corporate tax.

But, oh, my goodness, if we cut our corporate tax to 15 percent, this United States economy will explode. This less than 2 percent that we had growth under President Obama, lowest for any 8 years in our history, that would end overnight.

Mr. Speaker, if I might ask how much time I have left?

The SPEAKER pro tempore. The gentleman from Texas has 23 minutes.

Mr. GOHMERT. Mr. Speaker, I want to direct attention to this ongoing narrative about collusion with Russia. We still desperately need an independent counsel to investigate the Mueller-Comey-Lynch-Clinton relationships.

It appears Mueller is on a tear and he is going to do everything he can to divert attention from his collusion with James Comey. They were buddies. They colluded about so much.

Comey is trying to get an independent counsel appointed. He was able—by leaking illegally, pulling these shenanigans, he consulted with Mueller even on his testimony. And Mueller is the guy who is supposed to judge the testimony. And under current Federal regulations, Mueller should have recused himself.

We got to have somebody investigate Mueller. It is getting out of hand.

□ 1330

In the meantime, the new developments seem to make clear to some of us that Donald Trump, Jr., seems like a nice guy, but he appears to have been the target of a Democratic action to try to take down the Trump campaign.

They point to this meeting between Donald Trump and Natalia Veselnitskaya, a Moscow attorney. Some of this is in an article written by Scott McKay, July 14, *The American Spectator*. She was trying to meet with Donald Trump, Jr., and when they actually had the meeting, she didn't have anything to give him. She brought up about the bill that was passed that helped some extremely wealthy Russians who were buddies with Putin, but, as this article points out, the evidence of collusion between Trump, Jr., and the Russians seems to be based on a timeline which included the WikiLeaks disclosures of hacked Democratic National Committee emails and Trump's request that the Russians make public the 30,000 emails of Clinton supposedly that she deleted from her illegal private server. But it

is a smoking gun that Trump was the beneficiary of this Putin regime intelligence arm hacking the 2016 elections, so our friends across the aisle seem to say, but that doesn't make sense. He got nothing out of the meeting.

At some point, everybody in this room had to run for election, and if they had an opponent, if somebody said, "Hey, you need to know this about your opponent," you know, at some time or another, everybody in this room has listened to something, and many times it is just garbage, and you say, "I don't want anything to do with that."

And essentially that is what Donald Trump, Jr., did after he got lured into a meeting.

But when you think, wait a minute, what was this Moscow attorney even doing in this country? This article points out that her presence in the United States alone ought to be the source of suspicion, that not only is the Trump-Russian collusion narrative suspect, but the real inquiry ought to be whether the encounter was a small part of a larger attempt to trap the Trump campaign.

The Russian lawyer wasn't even supposed to be in the United States. She had been denied a visa for entry into the United States in late 2015, but given a rather extraordinary parole by the Obama administration to assist preparation for a client subject to an asset forfeiture by the Justice Department.

She could not be in the United States unless someone who answered directly to the President of the United States said: We are going to let her in. She is working on something special, so we are going to let her in. Even though we knew previously she is not somebody we should let in, she is doing something special right now. We want her in.

And the story is that Loretta Lynch had to approve her coming in.

So the client, Prevezon Holdings, that this Russian attorney was allowed to come in to help, was suspected of having paid some portion of \$230 million stolen by Russian mobsters. When Sergei Magnitsky, a Russian lawyer representing a company that had been the victim of the theft, reported it to authorities in Moscow, he was promptly jailed and beaten to death by the Russians.

The American response to this atrocity was the 2012 Magnitsky Act, which sanctioned several individuals connected to human rights abuses. The Russian Government retaliated by preventing American adoptions of Russian children. Who did that hurt? The Russian children, but Putin didn't care. Why would he care? He is making billions, he has got people like this Russian lawyer who Loretta Lynch let in.

So then we find out in June the Russian lawyer was permitted to fly back to the U.S. to have the meeting with Trump, Jr., at Trump Tower, no less, and then ends up in the front row for a

congressional hearing. She was sitting right there behind the Obama Ambassador.

In my experience, all the hearings I have seen, when you have somebody from the administration of the caliber of an ambassador, they are very careful to make sure people behind him are those who can hand a note to help him answer a question. That is what is normal. Yet there she is, right behind Obama's Ambassador to Russia.

Then she turns up at a D.C. showing of a documentary film on the negative effects of the Magnitsky Act and later appeared at a dinner involving another couple of representatives, and she is now a lobbyist for the Russians overtly. Maybe she was then. The repeal of that legislation is a priority item for the Russians and a personal objective for Veselnitskaya, the Russian attorney.

So rather than any Clinton dirt, as was reportedly the primary subject brought forth at the meeting with Donald Trump, it appears she was here with the approval of Loretta Lynch, with the approval of the Obama Department of Homeland Security.

They knew what she was about, just like they knew what the member of a terrorist organization was about when they approved him coming to the White House and Janet Napolitano lied at our hearing, said that that wasn't happening.

So she did all of this without a visa. She did not file a Foreign Agents Registration document, which is required, and the Obama administration gave her a pass on those things: Sure, let her in. She is doing important work. We are not giving her a visa; we are just letting her in. We are not going to pick her up, because she is doing important work.

Really? She is setting Donald Trump, Jr., up, and the Obama administration considered that important enough to let this person who they previously realized should not be allowed in the country to come in to do that kind of important work, set up Donald Trump?

Well, anyway, turns out Veselnitskaya was connected to Fusion GPS. That is the Democrat opposition research firm, which employed a former British spy who used Russian contacts to produce the infamous and now debunked "urinary dossier" smearing Trump. Veselnitskaya hired Fusion GPS head, Glenn Simpson, to work on behalf of Prevezon, the company she was allowed into the country to represent. Fusion then hired Christopher Steele, the British spy who drew on Russian sources to produce his dossier, and then they made him available for private briefings on the dossier with left-leaning media sources such as Mother Jones, *The New York Times*, *The Washington Post*, Yahoo, *The New Yorker*, CNN.

And, by the way, there is Veselnitskaya's social media account, which is decidedly more aligned with the Fusion GPS side of the equation

than with Trump. She was no friend of the Trumps. Every indication was she wanted the Trumps taken down.

Trump, Jr., met with her. It appears to be a setup.

I was guest hosting Patriot Tonight the other night. Some people say: Why do you do this media?

One of my jobs is to not only be aware of what is going on here, try to vote properly, argue the right way on different bills, but it is also to make sure that people in America know what is going on. And a guy called in, very interesting, but he seemed to have a pretty good grip on all of this. It is just amazing how many American citizens across the country—they are not confused by the smokescreen that we get from the mainstream media.

So if timelines are interesting to you, there is this: reportedly the Obama administration sought permission to electronically monitor Trump Tower in early June, and the FISA court refused to grant it, but in October, they allowed it. Isn't that something?

Once they set up Donald Trump, Jr., with this friend of the Obama administration, this Russian attorney who was using the Democrats' own opposition research firm, she was helping them, they then convinced a judge: Go ahead and let us monitor everything going on in Trump Tower. When the judge initially refused to do that.

The article said: "So if you'd like to don your tinfoil hat and play the collusion game, try this on for size—when the Obama administration couldn't get permission from the FISA court to surveil Trump, they allowed Veselnitskaya back in the country to take part in those Washington activities"—meeting up with Donald Trump.

"... and in the meantime"—she used—"the administration's pals at Fusion"—GPS—"with attempting to hook Trump, Jr."—into a basis for them getting a warrant.

There was nothing to that meeting, yet they used it, got a warrant to further monitor everything going on in the Trump Tower in October.

It just keeps pointing back to the fact we have got to get an independent counsel to investigate Mueller and his ties to Comey and Lynch and the Clintons, and get to the bottom of this mess. Yes, I want an investigation, because this is looking pretty lurid right now.

Just in the time left, I do need to mention, this continuing push by friends across the aisle and the Obama holdovers in our executive branch, they think net neutrality is something we have got to have. Maureen Collins in *The Federalist* has a great article on July 19, and she points out regarding net neutrality:

"The debate over net neutrality can easily turn into techie-jargon that no one understands. Here is the basic gist: the internet is made up of bits. Proponents of net neutrality want to make sure these bits are all treated equally,

meaning all web content appears on your computer at the same speed and with the same quality.

"That sounds like a good thing, right? Supporters say that net neutrality would make all content equal by ensuring that internet providers cannot buy faster or higher quality content. The free market, they say, is inherently unfair and only a third party—the government—can determine how content should be treated. But that sounds exactly like textbook New-Deal progressivism.

"You see, this is not a question of whether or not internet content should be equally available. Rather, it is the much older question of who should determine that content is equally available: consumers, or the government?"

"Even the background of net neutrality is straight out of the New Deal playbook. Like many administrative programs, the fight for net neutrality began when similar provisions failed in Congress. After legislative failures, what is a good progressive to do?"

"Progressive," that term bothers me, kind of like "single payer." Single payer means socialized medicine, government-run and rationed healthcare. What does progressive mean? Well, it actually is a throwback. It is socialism. Some socialists are even hardcore communists, not all are, but they want an Orwellian government where they watch and know everything going on, and they know better than Americans do. Let the government decide your future.

□ 1345

"The Bush FCC adopted principles for 'preserving internet freedom' in 2005, but did not go through a formal rulemaking process. In 2008, the FCC went after Comcast for going against these principles, only to get struck down by the D.C. Circuit, where bad administrative law goes to die.

"The entire process repeated itself under the Obama administration. In 2010, the FCC adopted an 'Open Internet Order.' Verizon Wireless sued the commission and, again, the commission lost at the D.C. Circuit.

"By now, it may seem that there must be something legally wrong with the FCC's net neutrality regulations."

And that is exactly right.

"Under the U.S. Constitution, only Congress can give a specific power to an executive agency, like the FCC—usually through statute. Here's the kicker: the FCC claimed Congress gave them the power to regulate the internet through the Communications Act of 1934. The observant reader will notice this law was passed a long time before the internet even existed, though the act did give the FCC power to regulate 'common carriers' like radio, wire communication, and telephone companies."

But not the internet.

"Not only does net neutrality follow the New Deal's progressive formula, it literally derives its power from a New

Deal-era law. Right before the 2016 Presidential election, the Obama FCC created a third set of net neutrality rules."

The bottom line is, if there is net neutrality, the government will decide what you get to see and hear on your internet. When I had family living in China, I knew what it was to be censored and have the government deciding. You can't learn anything negative about the government.

We cannot allow this pleasant sounding net neutrality to become a reality because, though it goes along perfectly with ObamaCare, with the government controlling our healthcare, why shouldn't they control what we get to see and hear on the internet?

And the bottom line is, this is the United States of America and it was created to control government, not to let the government control our free choices.

Mr. Speaker, I yield back the balance of my time.

#### ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 48 minutes p.m.), under its previous order, the House adjourned until Monday, July 24, 2017, at noon for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

2021. A letter from the Acting Assistant Secretary, Acquisition, Technology, and Logistics, Department of the Army, transmitting a report on the use of the authority for Army industrial facilities to engage in cooperative activities with non-Army entities for fiscal year 2016, pursuant to 10 U.S.C. 4544 note; Public Law 110-181, Sec. 328(b) (as amended by Public Law 112-81, Sec. 323(b)) (125 Stat. 1362); to the Committee on Armed Services.

2022. A letter from the Assistant General Counsel for Division of Regulatory Services, Office of Elementary and Secondary Education, Department of Education, transmitting the Department's Major final rule — Elementary and Secondary Education Act of 1965, As Amended By the Every Student Succeeds Act — Accountability and State Plans [Docket ID: ED-2016-OESE-0032] (RIN: 1810-AB27) adopted July 19, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Education and the Workforce.

2023. A letter from the Secretary, Department of the Interior, transmitting Progress Report No. 25 on the continuing studies of the quality of water in the Colorado River Basin, pursuant to 43 U.S.C. 620n; Apr. 11, 1956, ch. 203, Sec. 15; (70 Stat. 111); to the Committee on Natural Resources.

2024. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2016-0461; Directorate Identifier 2014-NM-159-AD; Amendment 39-18937; AD 2017-13-07] (RIN: 2120-AA64) received July 19, 2017, pursuant to

5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

2025. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2017-0126; Directorate Identifier 2016-NM-211-AD; Amendment 39-18943; AD 2017-13-13] (RIN: 2120-AA64) received July 19, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

2026. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2016-9574; Directorate Identifier 2016-NM-063-AD; Amendment 39-18921; AD 2017-12-06] (RIN: 2120-AA64) received July 19, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

2027. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2015-3148; Directorate Identifier 2014-NM-254-AD; Amendment 39-18928; AD 2017-12-13] (RIN: 2120-AA64) received July 19, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

2028. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2016-9188; Directorate Identifier 2016-NM-102-AD; Amendment 39-18920; AD 2017-12-05] (RIN: 2120-AA64) received July 19, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

2029. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2016-9566; Directorate Identifier 2016-NM-191-AD; Amendment 39-18927; AD 2017-12-12] (RIN: 2120-AA64) received July 19, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

2030. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Finleyville, PA [Docket No.: FAA-2016-9496; Airspace Docket No.: 16-AEA-16] received July 19, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

2031. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Helicopters Deutschland GmbH Helicopters [Docket No.: FAA-2017-0061; Directorate Identifier 2016-SW-005-AD; Amendment 39-18934; AD 2017-13-04] received July 19, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

2032. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Temporary Restricted Areas R-2509E, R-2509W,

and R-2509N; Twentynine Palms, CA [Docket No.: FAA-2016-9536; Airspace Docket No.: 16-AWP-27] received July 19, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

2033. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Limited Helicopters [Docket No.: FAA-2017-0078; Directorate Identifier 2015-SW-026-AD; Amendment 39-18933; AD 2017-13-03] (RIN: 2120-AA64) received July 19, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

2034. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2016-9384; Directorate Identifier 2016-NM-154-AD; Amendment 39-18944; AD 2017-13-14] (RIN: 2120-AA64) received July 19, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

2035. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc., Airplanes [Docket No.: FAA-2017-0558; Directorate Identifier 2015-NM-133-AD; Amendment 39-18930; AD 2017-12-15] (RIN: 2120-AA64) received July 19, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

2036. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Arcata, CA; Fortuna, CA; and Establishment of Class E Airspace; Arcata, CA, and Eureka, CA [Docket No.: FAA-2015-6751; Airspace Docket No.: 15-AWP-18] received July 19, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

2037. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Hilo, HI [Docket No.: FAA-2017-0222; Airspace Docket No.: 17-AWP-8] received July 19, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

2038. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and E Airspace; Tucson, AZ [Docket No.: FAA-2017-0218; Airspace Docket No.: 17-AWP-4] received July 19, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

2039. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 31134; Amdt. No.: 3747] received July 19, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

2040. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Depart-

ment's final rule — Modification of VOR Federal Airways V-55, V-63, V-177, V-228, and V-246 in the Vicinity of Stevens Point, WI [Docket No.: FAA-2016-9374; Airspace Docket No.: 16-AGL-23] received July 19, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

2041. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Multiple Restricted Areas; Townsend, GA [Docket No.: FAA-2017-0585; Airspace Docket No.: 17-ASO-13] received July 19, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

2042. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 31135; Amdt. No.: 3748] received July 19, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

2043. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 31136; Amdt. No.: 3749] received July 19, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

2044. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Piper Aircraft, Inc. Airplanes [Docket No.: FAA-2016-9254; Directorate Identifier 2015-CE-030-AD; Amendment 39-18948; AD 2017-14-04] (RIN: 2120-AA64) received July 19, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

2045. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Helicopters [Docket No.: FAA-2017-0060; Directorate Identifier 2016-SW-090-AD; Amendment 39-18949; AD 2017-14-05] (RIN: 2120-AA64) received July 19, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

2046. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Helicopters [Docket No.: FAA-2016-6693; Directorate Identifier 2015-SW-033-AD; Amendment 39-18886; AD 2017-10-12] (RIN: 2120-AA64) received July 19, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

2047. A letter from the Interim Deputy Secretary of Veterans Affairs, Acting Under Secretary of Defense for Personnel Readiness, Department of Veterans Affairs and Department of Defense, transmitting the Annual Joint Report for Fiscal Year 2016 regarding the activities and accomplishments of the Department of Veterans Affairs and Department of Defense Joint Executive Committee, pursuant to 38 U.S.C. 8111(f)(1); Public Law 96-22, Sec. 301(a) (as amended by Public Law 97-174, Sec. 3(a)(3)); (96 Stat. 73); jointly to the Committees on Armed Services and Veterans' Affairs.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BISHOP of Utah: Committee on Natural Resources. H.R. 2370. A bill to authorize Escambia County, Florida, to convey certain property that was formerly part of Santa Rosa Island National Monument and that was conveyed to Escambia County subject to restrictions on use and reconveyance (Rept. 115-236). Referred to the Committee of the Whole House on the state of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BUDD (for himself, Ms. SINEMA, and Mr. PEARCE):

H.R. 3321. A bill to require the establishment of a national strategy for combating the financing of terrorism and related financial crimes, and for other purposes; to the Committee on Financial Services.

By Mrs. HARTZLER:

H.R. 3322. A bill to amend the Internal Revenue Code of 1986 to require that States give preference in allocating low-income housing credit dollar amounts to projects which are committed to providing non-smoking buildings; to the Committee on Ways and Means.

By Mr. CARTWRIGHT (for himself, Mr. BRADY of Pennsylvania, Mr. CAPUANO, Mr. CARSON of Indiana, Mr. COHEN, Ms. CLARKE of New York, Mr. CONYERS, Mr. DELANEY, Mr. ELLISON, Ms. ESHOO, Mr. GARAMENDI, Mr. GRIJALVA, Mr. HASTINGS, Ms. JACKSON LEE, Mr. LOWENTHAL, Mr. LYNCH, Mr. MCGOVERN, Ms. MOORE, Mrs. NAPOLITANO, Mr. NOLAN, Ms. NORTON, Mr. O'ROURKE, Mr. PETERS, Mr. POCAN, Mr. RUSH, Mr. SWALWELL of California, Mr. TAKANO, Mr. VARGAS, Mr. VELA, and Mr. YOHIO):

H.R. 3323. A bill to amend section 9A of the Richard B. Russell National School Lunch Act to require that local school wellness policies include a requirement that students receive 50 hours of school nutrition education per school year; to the Committee on Education and the Workforce.

By Mr. ISSA (for himself, Mr. LARSEN of Washington, and Mr. BRADY of Texas):

H.R. 3324. A bill to include New Zealand in the list of foreign states whose nationals are eligible for admission into the United States as E-1 and E-2 nonimmigrants if United States nationals are treated similarly by the Government of New Zealand; to the Committee on the Judiciary.

By Mr. BARTON (for himself, Ms. CASTOR of Florida, Mr. GENE GREEN of Texas, Ms. ESHOO, Mr. REICHERT, and Ms. HERRERA BEUTLER):

H.R. 3325. A bill to amend title XIX of the Social Security Act to provide States with the option of providing coordinated care for children with complex medical conditions through a health home, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BARR:

H.R. 3326. A bill to increase accountability, combat corruption, and strengthen management effectiveness at the World Bank; to the Committee on Financial Services.

By Mr. THOMPSON of California (for himself, Mr. YOUNG of Alaska, Mr. JONES, and Mr. MARSHALL):

H.R. 3327. A bill to require the Secretary of Defense to declassify certain documents related to incidents in which members of the Armed Forces were exposed to toxic substances; to the Committee on Armed Services.

By Mr. KATKO (for himself, Mr. MCCAUL, and Mr. SIRE):

H.R. 3328. A bill to require a study regarding security measures and equipment at Cuba's airports, require the standardization of Federal Air Marshal Service agreements, require efforts to raise international aviation security standards, and for other purposes; to the Committee on Homeland Security, and in addition to the Committees on Foreign Affairs, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROYCE of California (for himself and Mr. ENGEL):

H.R. 3329. A bill to amend the Hizballah International Financing Prevention Act of 2015 to impose additional sanctions with respect to Hizballah, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARTER of Georgia (for himself, Mr. ALLEN, Mr. CHABOT, Mr. COLE, Mr. ROUZER, Mr. AUSTIN SCOTT of Georgia, Mr. JODY B. HICE of Georgia, Mr. BABIN, and Mr. BLUM):

H.R. 3330. A bill to amend title III of the Social Security Act to permit States to conduct substance abuse risk assessments and targeted drug testing as a condition for the receipt of unemployment benefits, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JENKINS of Kansas (for herself and Ms. MATSUI):

H.R. 3331. A bill to amend title XI of the Social Security Act to promote testing of incentive payments for behavioral health providers for adoption and use of certified electronic health record technology; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JENKINS of Kansas (for herself, Mr. YODER, Mr. ESTES of Kansas, and Mr. MARSHALL):

H.R. 3332. A bill to award the Congressional Gold Medal to Bob Dole, in recognition for his service to the nation as a soldier, legislator, and statesman; to the Committee on Financial Services.

By Mr. GOSAR (for himself, Mr. AMODEI, Mr. FRANKS of Arizona, Mr. SCHWEIKERT, Mr. SESSIONS, and Mr. YOUNG of Alaska):

H.R. 3333. A bill to provide for the orderly disposal of certain Federal lands, to benefit education and other purposes through the sales of such lands, to consolidate Federal lands to improve management, to provide for the acquisition of lands for recreational and other opportunities, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consider-

ation of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BEATTY (for herself, Mr. CLEAVER, Mr. COHEN, Mr. CONYERS, Ms. FUDGE, Mr. AL GREEN of Texas, Mr. JEFFRIES, Ms. KAPTUR, Ms. KELLY of Illinois, Ms. LEE, Ms. NORTON, Mr. RUSH, Mr. STIVERS, Mr. VEASEY, and Mr. YARMUTH):

H.R. 3334. A bill to posthumously award a Congressional gold medal to Maya Angelou in recognition of her achievements and contributions to American culture and the civil rights movement; to the Committee on Financial Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself and Mr. CUELLAR):

H.R. 3335. A bill to direct the Secretary of Veterans Affairs to carry out a pilot program to enter into contracts with qualified nonprofit organizations to provide service dogs to eligible veterans with a mental health mobility disorder related to post-traumatic stress or traumatic brain injury, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CONYERS (for himself, Ms. WILSON of Florida, Ms. NORTON, Mr. CUMMINGS, Ms. JACKSON LEE, and Mr. EVANS):

H.R. 3336. A bill to provide for youth jobs, and for other purposes; to the Committee on Education and the Workforce.

By Ms. DELAULO (for herself, Ms. SPIER, Ms. SLAUGHTER, Ms. PINGREE, Mr. JONES, Ms. CLARK of Massachusetts, Mr. RUSH, and Ms. CLARKE of New York):

H.R. 3337. A bill to ban meat and poultry products processed in China from school lunches, and for other purposes; to the Committee on Education and the Workforce.

By Ms. DELAULO (for herself, Ms. WASSERMAN SCHULTZ, Ms. CLARKE of New York, Mr. COHEN, Mr. KHANNA, Mr. LARSEN of Washington, Mr. RUPERSBERGER, Mrs. DINGELL, Mr. CONNOLLY, Mrs. CAROLYN B. MALONEY of New York, Ms. BORDALLO, Ms. KAPTUR, Mr. POCAN, Mr. TAKANO, Mr. YARMUTH, Mr. PAYNE, Mr. SERRANO, Mr. SCHIFF, Ms. TSONGAS, Mrs. NAPOLITANO, Mr. GRIJALVA, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. NADLER, Mr. ENGEL, Mr. RYAN of Ohio, Mr. HASTINGS, Mr. LANGEVIN, Mr. MCGOVERN, Mr. RUSH, Mr. CLYBURN, Mr. CARSON of Indiana, Ms. ROYBAL-ALLARD, Mr. CICILLINE, and Ms. JUDY CHU of California):

H.R. 3338. A bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DINGELL (for herself, Ms. DELAULO, Mr. RYAN of Ohio, Ms. KAPTUR, Mr. RASKIN, Mr. ELLISON, Mr. GRIJALVA, Mr. CONYERS, Ms. SCHAKOWSKY, Mr. POCAN, Ms. SLAUGHTER, Mr. DESAULNIER, Mr. LIPINSKI, Ms. PINGREE, Mr. SHERMAN, Mr. MCGOVERN, and Mr. NOLAN):

H.R. 3339. A bill to amend the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 to require the publication

of certain texts for trade agreements negotiated under that Act, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOGGETT (for himself, Ms. JUDY CHU of California, Ms. DELBENE, Mr. HIGGINS of New York, Mr. LEVIN, Ms. SEWELL of Alabama, and Mr. THOMPSON of California):

H.R. 3340. A bill to amend the Internal Revenue Code of 1986 to provide taxpayer protection and assistance, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FARENTHOLD:

H.R. 3341. A bill to amend title 18, United States Code, to regulate the use of cell-site simulators, and for other purposes; to the Committee on the Judiciary.

By Mr. GALLAGHER (for himself, Mr. SUOZZI, Mr. ROYCE of California, Mr. ROSKAM, and Mr. ENGEL):

H.R. 3342. A bill to impose sanctions on foreign persons that are responsible for gross violations of internationally recognized human rights by reason of the use by Hizballah of civilians as human shields, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIHUEN:

H.R. 3343. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to require States upon request to provide absent uniformed services voters and overseas voters who receive absentee ballots in an election for Federal office held in the State with absentee ballots for all subsequent elections for Federal office held in the State through the next regularly scheduled general election for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. LANGEVIN (for himself, Ms. BONAMICI, and Ms. STEFANIK):

H.R. 3344. A bill to amend the STEM Education Act of 2015 to require the National Science Foundation to promote the integration of art and design in STEM education, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. LAWSON of Florida (for himself, Ms. VELÁZQUEZ, Mr. HASTINGS, Mr. GONZALEZ of Texas, Mr. EVANS, Mr. PAYNE, Mr. BUTTERFIELD, Ms. BARRAGÁN, Mrs. WATSON COLEMAN, Mr. BISHOP of Georgia, Ms. BROWNLEY of California, Ms. SHEA-PORTER, Ms. HANABUSA, Mr. ESPAILLAT, Mrs. BEATTY, Ms. ADAMS, Ms. LEE, Ms. GABBARD, Mr. PALLONE, Ms. CLARKE of New York, Mr. CORREA, Mr. THOMPSON of California, Mr. SOTO, and Mr. VEASEY):

H.R. 3345. A bill to amend the Internal Revenue Code of 1986 to establish a small business start-up tax credit for veterans creating businesses in underserved communities; to the Committee on Ways and Means.

By Mr. LAWSON of Florida:

H.R. 3346. A bill to provide for the refinancing and recalculation of certain Federal student loans, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways

and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. RUSH, Mr. GENE GREEN of Texas, Ms. DEGETTE, Mr. BUTTERFIELD, Mr. MCNERNEY, Mr. WELCH, Ms. CLARKE of New York, Mrs. DINGELL, and Mrs. NAPOLITANO):

H.R. 3347. A bill to establish an additional fund in the Treasury to ensure consumers do not lose access to over-the-air broadcast television as a result of the reorganization of broadcast television spectrum, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PETERS (for himself, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. MARSHALL, and Mr. ROTHFUS):

H.R. 3348. A bill to expand the tropical disease product priority review voucher program to encourage treatments for the Middle East respiratory syndrome; to the Committee on Energy and Commerce.

By Ms. SÁNCHEZ (for herself, Mr. REED, Mr. RYAN of Ohio, and Mr. MEHAN):

H.R. 3349. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive for the installation and maintenance of mechanical insulation property; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (for himself, Mr. CHABOT, Ms. DELBENE, and Mr. FARENTHOLD):

H.R. 3350. A bill to amend title 17, United States Code, to establish a database of non-dramatic musical works and sound recordings to help entities that wish to publicly perform such works and recordings to identify and compensate the owners of rights in such works and recordings, and for other purposes; to the Committee on the Judiciary.

By Mr. SENSENBRENNER (for himself and Mr. CARTER of Georgia):

H.R. 3351. A bill to amend the Immigration and Nationality Act to provide for the admission of certain health care workers as immigrants, and for other purposes; to the Committee on the Judiciary.

By Mr. TAKANO (for himself, Mr. VARGAS, and Ms. CASTOR of Florida):

H.R. 3352. A bill to amend the Immigration and Nationality Act to provide that an applicant for citizenship who served honorably in the Armed Forces of the United States is not automatically barred from becoming a citizen of the United States for having committed certain crimes, and for other purposes; to the Committee on the Judiciary.

By Mr. ROTHFUS (for himself, Mr. HENSARLING, Mr. KING of New York, Mr. ROYCE of California, Mr. LUCAS, Mr. MCHENRY, Mr. PEARCE, Mr. POSEY, Mr. LUETKEMEYER, Mr. HUIZENGA, Mr. DUFFY, Mr. STIVERS, Mr. HULTGREN, Mr. ROSS, Mr. PITTENGER, Mrs. WAGNER, Mr. BARR, Mr. MESSER, Mr. TIPTON, Mr. WILLIAMS, Mr. POLIQUIN, Mrs. LOVE, Mr. HILL, Mr. EMMER, Mr. ZELDIN, Mr. TROTT, Mr. LOUDERMILK, Mr. MOONEY of West Virginia, Mr. MACARTHUR, Mr. DAVIDSON, Mr. BUDD, Mr. KUSTOFF of Tennessee, Ms. TENNEY, and Mr. HOLLINGSWORTH):

H.J. Res. 111. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Bureau of Consumer Financial Protection relating to "Arbitration Agreements"; to the Committee on Financial Services.

By Mr. PERRY:

H.J. Res. 112. A joint resolution to authorize the use of United States Armed Forces against organizations that support Islamist extremism, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SCHIFF (for himself, Ms. MCCOLLUM, Mr. KEATING, Ms. LEE, Ms. NORTON, Mrs. DAVIS of California, Mrs. NAPOLITANO, Mr. GUTIÉRREZ, Mr. BLUMENAUER, Ms. SLAUGHTER, Mr. GARAMENDI, Mr. WELCH, Mr. GRIJALVA, Mr. COHEN, Mr. LYNCH, and Mr. BERA):

H.J. Res. 113. A joint resolution proposing an amendment to the Constitution of the United States relating to the authority of Congress and the States to regulate contributions and expenditures in political campaigns and to enact public financing systems for such campaigns; to the Committee on the Judiciary.

By Mr. ISSA (for himself, Mr. BRADY of Texas, Mr. RYAN of Ohio, Mr. POSEY, Mr. NUNES, Mrs. MIMI WALTERS of California, Mr. COOK, Mr. KNIGHT, Mr. ROHRABACHER, Mr. ROYCE of California, Mr. MOONEY of West Virginia, Mr. UPTON, Mr. BURGESS, Ms. TENNEY, Mr. LAMBORN, Mr. PERRY, Mr. HUNTER, Mr. VARGAS, Mr. CORREA, Mr. CUELLAR, Ms. KAPTUR, Mr. COLLINS of New York, Ms. STEFANIK, Mr. FLORES, Mr. MCCLINTOCK, Mr. MAST, Mr. POLIQUIN, Mr. DUNN, Mrs. BLACKBURN, Mr. LAMALFA, Mr. BABIN, Mr. HUIZENGA, Mr. PITTENGER, Mr. CHABOT, and Mr. DESJARLAIS):

H. Con. Res. 70. Concurrent resolution recognizing and commending the leadership, patriotism, and contributions of veterans service organizations and volunteers involved for their commitment and sacrifice to ensure veterans are laid to rest with the honor and ceremony they earned through selfless service to the people of the United States in the Armed Forces; to the Committee on Veterans' Affairs.

By Mr. ISSA (for himself, Mr. BRADY of Texas, Mr. RYAN of Ohio, Mr. POSEY, Mr. NUNES, Mrs. MIMI WALTERS of California, Mr. COOK, Mr. KNIGHT, Mr. ROHRABACHER, Mr. ROYCE of California, Mr. MOONEY of West Virginia, Mr. UPTON, Mr. BURGESS, Mr. PERRY, Ms. TENNEY, Mr. LAMBORN, Mr. HUNTER, Mr. VARGAS, Mr. CORREA, Mr. CUELLAR, Ms. KAPTUR, Mr. COLLINS of New York, Ms. STEFANIK, Mr. FLORES, Mr. MAST, Mr. MCCLINTOCK, Mr. POLIQUIN, Mr. DUNN, Mrs. BLACKBURN, Mr. LAMALFA, Mr. BABIN, Mr. HUIZENGA, Mr. PITTENGER, Mr. CHABOT, and Mr. DESJARLAIS):

H. Res. 462. A resolution recognizing the patriotism and contributions of veterans service organizations; to the Committee on Veterans' Affairs.

By Ms. MAXINE WATERS of California (for herself, Ms. LEE, Ms. NORTON, Mrs. NAPOLITANO, Ms. BORDALLO, Ms. JUDY CHU of California, Ms. JACKSON LEE, Ms. WILSON of Florida, Mr. HASTINGS, Mr. PAYNE, Mr. EVANS, Ms. CLARKE of New York, Ms. KELLY of Illinois, Ms. BROWNLEY of California, Ms. ADAMS, and Mr. MCGOVERN):

H. Res. 463. A resolution supporting the goals and ideals of National Clinicians HIV/AIDS Testing and Awareness Day, and for other purposes; to the Committee on Energy and Commerce.

By Ms. SPEIER (for herself, Mr. SCHIFF, and Mr. KHANNA):

H. Res. 464. A resolution designating the week of July 17 through July 21, 2017, as "National Ectodermal Dysplasias Week" and

supporting the goals and ideals of National Ectodermal Dysplasias Week to raise awareness and understanding of ectodermal dysplasias; to the Committee on Energy and Commerce.

By Mr. NOLAN:

H. Res. 465. A resolution expressing the sense of the House of Representatives that regular order should be restored in the House and Senate; to the Committee on Rules.

By Mr. REICHERT (for himself and Mrs. LOWEY):

H. Res. 466. A resolution supporting the role of the United States in promoting children's access to quality education in the poorest countries through the Global Partnership for Education; to the Committee on Foreign Affairs.

By Mr. THOMAS J. ROONEY of Florida:

H. Res. 467. A resolution expressing the sense of the House of Representatives that the United Nations Security Council should immediately impose an arms embargo against the Government of South Sudan and all other parties to hostilities in South Sudan; to the Committee on Foreign Affairs.

### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. BUDD:

H.R. 3321.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3, granting authority to regulate interstate commerce and commerce with foreign nations, along with Article I, Section 8, Clause 18, granting authority to make all laws that are necessary and proper for executing the foregoing.

By Mrs. HARTZLER:

H.R. 3322.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 1

By Mr. CARTWRIGHT:

H.R. 3323.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 2: The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

By Mr. ISSA:

H.R. 3324.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 to establish a uniform Rule of Naturalization

By Mr. BARTON:

H.R. 3325.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the U.S. Constitution which gives Congress the power to "regulate commerce with foreign nations, and among the several states, and with the Indian tribes."

By Mr. BARR:

H.R. 3326.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. THOMPSON of California:

H.R. 3327.

Congress has the power to enact this legislation pursuant to the following:

United States Constitution, Article I, Section 1.

By Mr. KATKO:

H.R. 3328.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18—To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof.

By Mr. ROYCE of California:

H.R. 3329.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States

By Mr. CARTER of Georgia:

H.R. 3330.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the Constitution.

By Ms. JENKINS of Kansas:

H.R. 3331.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8:

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Article I, Section 9:

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law.

By Ms. JENKINS of Kansas:

H.R. 3332.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18, to make all laws, which shall be necessary and proper for carrying into execution the foregoing powers.

By Mr. GOSAR:

H.R. 3333.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2 (the Property Clause). Congress has the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States. By virtue of this enumerated power, Congress has governing authority over the lands, territories, or other property of the United States—and with this authority Congress is vested with the power to all owners in fee, the ability to sell, lease, dispose, exchange, convey, or simply preserve land. The Supreme Court has described this enumerated power as one "without limitation" in *Kleppe v New Mexico*, 426 U.S. 529, 542–543 (1976).

By Mrs. BEATTY:

H.R. 3334.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the U.S. Constitution

By Mr. BILIRAKIS:

H.R. 3335.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8, Clause 1 of the Constitution of the United States and Article I, Section 8, Clause 7 of the Constitution of the United States.

Article I, section 8 of the United State Constitution, which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for

the government and regulation of the land and naval forces; and provide for organizing, arming, and disciplining the militia.

By Mr. CONYERS:

H.R. 3336.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Ms. DELAURO:

H.R. 3337.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 and Article I, Section 8, Clause 18 of the United States Constitution.

By Ms. DELAURO:

H.R. 3338.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution and Article I, Section 8, Clause 1 of the United States Constitution.

By Mrs. DINGELL:

H.R. 3339.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section VIII

By Mr. DOGETT:

H.R. 3340.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution.

By Mr. FARENTHOLD:

H.R. 3341.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses 1 and 3, and the 4th and 14th Amendments to the Constitution

By Mr. GALLAGHER:

H.R. 3342.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. KIHUEN:

H.R. 3343.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section IV of the Constitution

By Mr. LANGEVIN:

H.R. 3344.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. LAWSON of Florida:

H.R. 3345.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. LAWSON of Florida:

H.R. 3346.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. PALLONE:

H.R. 3347.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, clause 3 of the U.S. Constitution. That provision gives Congress the power "to regulate commerce with foreign nations, and among the several states, and with the Indian tribes."

By Mr. PETERS:

H.R. 3348.

Congress has the power to enact this legislation pursuant to the following:



Article I, Section 8  
By Ms. SANCHEZ:  
H.R. 3349.  
Congress has the power to enact this legislation pursuant to the following:  
Article I, Section 8, Clause 1,  
By Mr. SENSENBRENNER:  
H.R. 3350.  
Congress has the power to enact this legislation pursuant to the following:  
Article I, Section 8, Clause 8  
By Mr. SENSENBRENNER:  
H.R. 3351.  
Congress has the power to enact this legislation pursuant to the following:  
Article I, Section 8, Clause 4  
By Mr. TAKANO:  
H.R. 3352.  
Congress has the power to enact this legislation pursuant to the following:  
Article 1, Section 8 of the Constitution of the United States.  
By Mr. ROTHFUS:  
H.J. Res. 111.  
Congress has the power to enact this legislation pursuant to the following:  
Article I, Section 1 of the Constitution of the United States, "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives;" and Article I, Section 8, Clause 3, "To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;" and Article I, Section 8, Clause 18, "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof."  
By Mr. PERRY:  
H.J. Res. 112.  
Congress has the power to enact this legislation pursuant to the following:  
Article 1, Section 8, Clause 11  
By Mr. SCHIFF:  
H.J. Res. 113.  
Congress has the power to enact this legislation pursuant to the following:  
Article V of the Constitution

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 24: Mr. POSEY.  
H.R. 38: Mr. CALVERT.  
H.R. 112: Mrs. MURPHY of Florida.  
H.R. 113: Mrs. MURPHY of Florida.  
H.R. 175: Mr. CARTER of Georgia.  
H.R. 352: Mr. CARTER of Georgia.  
H.R. 398: Mr. BUCHANAN and Mr. MEEKS.  
H.R. 399: Ms. JUDY CHU of California, Mr. KHANNA, and Ms. SHEA-PORTER.  
H.R. 453: Mr. STIVERS.  
H.R. 490: Mr. LUCAS, Mr. ESTES of Kansas, and Mr. KUSTOFF of Tennessee.  
H.R. 535: Mr. BRENDAN F. BOYLE of Pennsylvania.  
H.R. 619: Mr. RYAN of Ohio.  
H.R. 635: Mr. KIHUEN.  
H.R. 644: Mr. MASSIE.  
H.R. 712: Mr. BISHOP of Georgia.  
H.R. 713: Mr. BISHOP of Georgia.  
H.R. 721: Mr. SIMPSON.  
H.R. 754: Mr. NUNES, Mr. CUELLAR, Mr. ESPAILLAT, and Mr. BRADY of Pennsylvania.  
H.R. 772: Mr. SANFORD and Mr. HARPER.  
H.R. 778: Mr. MITCHELL.  
H.R. 785: Mr. BABIN.  
H.R. 792: Mr. BISHOP of Michigan and Mrs. DINGELL.  
H.R. 795: Mr. BARLETTA, Mr. GROTHMAN, Mr. BARR, Mr. TAYLOR, and Mr. KIHUEN.

H.R. 817: Mr. HIGGINS of New York.  
H.R. 823: Mr. BEYER, Ms. MAXINE WATERS of California, and Ms. SEWELL of Alabama.  
H.R. 850: Mr. MESSER.  
H.R. 873: Mr. RATCLIFFE, Mr. WENSTRUP, Mr. LIPINSKI, and Mr. TAKANO.  
H.R. 1002: Mr. SARBANES.  
H.R. 1057: Mr. DANNY K. DAVIS of Illinois and Mr. SHIMKUS.  
H.R. 1094: Mr. DELANEY.  
H.R. 1102: Mr. PETERS.  
H.R. 1148: Mr. FITZPATRICK, Mr. BARTON, and Mr. FARENTHOLD.  
H.R. 1156: Mr. DUNN.  
H.R. 1164: Mr. DUNN and Mr. WILLIAMS.  
H.R. 1205: Ms. MENG, Mr. SEAN PATRICK MALONEY of New York, and Mr. POLIS.  
H.R. 1289: Ms. BROWNLEY of California.  
H.R. 1298: Mr. HECK.  
H.R. 1357: Ms. KUSTER of New Hampshire.  
H.R. 1419: Mr. POE of Texas.  
H.R. 1467: Mr. ENGEL.  
H.R. 1481: Mr. BRADY of Pennsylvania.  
H.R. 1539: Mr. BISHOP of Georgia.  
H.R. 1555: Mr. HARPER.  
H.R. 1565: Mr. CRAMER.  
H.R. 1626: Mr. RODNEY DAVIS of Illinois.  
H.R. 1697: Mr. JORDAN, Mr. JODY B. HICE of Georgia, and Mr. BILIRAKIS.  
H.R. 1734: Ms. SCHAKOWSKY.  
H.R. 1759: Mr. POLIS and Mr. CARBAJAL.  
H.R. 1795: Ms. BASS.  
H.R. 1821: Mr. JOHNSON of Georgia.  
H.R. 1938: Mr. SANFORD.  
H.R. 2015: Mr. SCHIFF and Ms. SCHAKOWSKY.  
H.R. 2069: Mr. MEEKS and Mr. MACARTHUR.  
H.R. 2083: Mrs. McMORRIS RODGERS.  
H.R. 2106: Mr. ROYCE of California and Mr. BERA.  
H.R. 2121: Ms. MOORE.  
H.R. 2133: Mr. RENACCI, Mr. LATTA, Mr. KUSTOFF of Tennessee, and Mr. WALBERG.  
H.R. 2151: Mr. SCHNEIDER.  
H.R. 2295: Mr. PRICE of North Carolina.  
H.R. 2319: Mr. CLAY, Mr. THOMPSON of Pennsylvania, and Mr. CLEAVER.  
H.R. 2327: Mr. BABIN, Mr. BLUM, Mr. CALVERT, Mr. BISHOP of Utah, Mr. PITTENGER, Mr. WEBER of Texas, Mr. BOST, Mr. CRAMER, Mr. CUELLAR, and Mr. LOWENTHAL.  
H.R. 2403: Mr. RYAN of Ohio.  
H.R. 2404: Ms. ADAMS, Mr. BROWN of Maryland, Mr. BUTTERFIELD, Ms. CLARKE of New York, Mr. CLEAVER, Mr. CLYBURN, Mr. DANNY K. DAVIS of Illinois, Ms. FUDGE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MOORE, Mr. PAYNE, Mr. RICHMOND, Ms. SEWELL of Alabama, Mr. THOMPSON of Mississippi, Ms. MAXINE WATERS of California, and Mrs. WATSON COLEMAN.  
H.R. 2408: Mr. COOK, Ms. CASTOR of Florida, Mrs. COMSTOCK, Mr. TED LIEU of California, Miss GONZÁLEZ-COLÓN of Puerto Rico, and Mr. O'ROURKE.  
H.R. 2465: Ms. TSONGAS, Ms. JACKSON LEE, and Mr. MURPHY of Pennsylvania.  
H.R. 2482: Ms. SINEMA and Mr. LEVIN.  
H.R. 2519: Mrs. DAVIS of California, Mr. MCEACHIN, Mr. HUFFMAN, Mr. KILDEE, Mr. AMODEI, Mr. FARENTHOLD, Mr. MARINO, Mr. GIANFORTE, Mr. PAULSEN, Mr. TIBERI, Mr. CUELLAR, Mr. COOPER, and Ms. KAPTUR.  
H.R. 2556: Mr. JOYCE of Ohio.  
H.R. 2583: Mr. LOWENTHAL.  
H.R. 2584: Mr. STIVERS and Ms. LOFGREN.  
H.R. 2652: Mr. COLE.  
H.R. 2656: Ms. SHEA-PORTER.  
H.R. 2687: Mr. MICHAEL F. DOYLE of Pennsylvania and Mr. SEAN PATRICK MALONEY of New York.  
H.R. 2711: Mr. EVANS, Mr. THOMPSON of Pennsylvania, and Mr. PETERSON.  
H.R. 2712: Mr. MEEHAN.  
H.R. 2723: Ms. JENKINS of Kansas and Mr. SMITH of Texas.  
H.R. 2746: Mr. LOWENTHAL.  
H.R. 2770: Mr. RUIZ.  
H.R. 2779: Mr. LAMALFA.

H.R. 2851: Ms. SINEMA, Mr. CURBELO of Florida, Mr. KELLY of Pennsylvania, Mr. HARRIS, and Mr. SMUCKER.  
H.R. 2871: Mr. BRAT and Mr. DUNN.  
H.R. 2884: Ms. KAPTUR, Ms. TSONGAS, and Ms. HANABUSA.  
H.R. 2916: Mrs. DINGELL.  
H.R. 2929: Mr. MOULTON.  
H.R. 2942: Mr. NEAL.  
H.R. 2968: Mrs. NAPOLITANO and Mr. EVANS.  
H.R. 2972: Mr. THOMPSON of Pennsylvania.  
H.R. 2973: Mr. THOMPSON of Pennsylvania, Mr. FOSTER, and Mr. SMITH of Washington.  
H.R. 3051: Mr. CARSON of Indiana.  
H.R. 3053: Mr. ISSA, Mr. RODNEY DAVIS of Illinois, Mr. FLEISCHMANN, and Mr. NEWHOUSE.  
H.R. 3071: Mr. ROSS.  
H.R. 3079: Ms. CLARK of Massachusetts and Mr. GOODLATTE.  
H.R. 3084: Mrs. WALORSKI.  
H.R. 3091: Ms. SHEA-PORTER and Mr. SERRANO.  
H.R. 3111: Mr. CUMMINGS, Mr. CONYERS, Ms. SCHAKOWSKY, Ms. NORTON, Mr. GRIJALVA, Ms. MOORE, and Mr. LANGEVIN.  
H.R. 3129: Mr. PEARCE, Ms. MCCOLLUM, and Mr. NEWHOUSE.  
H.R. 3131: Mr. COLE.  
H.R. 3133: Mr. ROUZER.  
H.R. 3139: Mr. BRAT.  
H.R. 3145: Mr. GARRETT.  
H.R. 3174: Mr. QUIGLEY and Mr. COLE.  
H.R. 3186: Mr. SCOTT of Virginia, Mr. THOMPSON of California, Ms. BROWNLEY of California, Ms. SPEIER, Ms. LEE, Ms. KUSTER of New Hampshire, Mr. POLIS, Mr. ELLISON, Mr. DEFAZIO, Mr. QUIGLEY, Mr. WELCH, Mr. SARBANES, Mr. LOWENTHAL, Mr. MCGOVERN, Mr. KILDEE, Ms. LOFGREN, and Mr. KEATING.  
H.R. 3192: Ms. KELLY of Illinois.  
H.R. 3199: Ms. LOFGREN and Mr. BUTTERFIELD.  
H.R. 3214: Ms. CASTOR of Florida, Mr. PERLMUTTER, Mr. YARMUTH, and Mr. SERRANO.  
H.R. 3218: Mr. ISSA, Mrs. NAPOLITANO, Mr. KHANNA, Mr. CUELLAR, Ms. NORTON, Ms. BORDALLO, Mr. HIGGINS of New York, Mr. COSTA, Ms. MATSUI, Mr. NADLER, Mr. KILMER, Mr. KRISHNAMOORTHY, Mr. CASTRO of Texas, Ms. CASTOR of Florida, Mr. SCHNEIDER, Mr. HURD, Mrs. DINGELL, Mr. VEASEY, Ms. MICHELLE LUJÁN GRISHAM of New Mexico, Ms. SLAUGHTER, and Mr. RASKIN.  
H.R. 3222: Mr. CUMMINGS.  
H.R. 3223: Mr. BABIN and Mr. ROUZER.  
H.R. 3236: Mr. ROSKAM.  
H.R. 3258: Mr. SEAN PATRICK MALONEY of New York, Mr. MCGOVERN, Mr. BEN RAY LUJÁN of New Mexico, and Mr. COHEN.  
H.R. 3274: Mr. NEAL, Mr. MCGOVERN, Ms. CLARK of Massachusetts, Mr. CAPUANO, Mr. LYNCH, Ms. TSONGAS, Mr. KEATING, Mr. MOULTON, Mr. LARSON of Connecticut, Mr. CROWLEY, Mr. DEUTCH, Ms. BROWNLEY of California, and Miss GONZÁLEZ-COLÓN of Puerto Rico.  
H.R. 3282: Mr. POSEY, Mr. GROTHMAN, and Mr. WEBER of Texas.  
H.R. 3298: Mr. AMODEI, Mr. TURNER, Mr. SAM JOHNSON of Texas, Mr. ABRAHAM, Mr. GUTHRIE, Mr. MESSER, Mrs. WAGNER, Mr. DENT, and Mr. CHABOT.  
H.J. Res. 1: Mr. NORMAN.  
H.J. Res. 6: Mr. NORMAN.  
H. Res. 129: Mr. GRAVES of Georgia and Mr. ALLEN.  
H. Res. 201: Mr. MAST, Mr. BRADY of Texas, Ms. LOFGREN, Mr. CHABOT, and Mr. ZELDIN.  
H. Res. 274: Mr. RASKIN.  
H. Res. 317: Mrs. WATSON COLEMAN.  
H. Res. 426: Mr. PERLMUTTER.  
H. Res. 445: Mr. LOWENTHAL, Mr. WALZ, Mr. ESPAILLAT, and Mr. ROSKAM.  
H. Res. 446: Mr. COHEN.  
H. Res. 447: Mr. CORREA.  
H. Res. 458: Mr. GAETZ, Mr. GRIFFITH, Mr. RENACCI, Mr. HARRIS, and Mr. LABRADOR.

DELETIONS OF SPONSORS FROM  
PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions, as follows:

H.R. 620: Mr. SUOZZI.

## PETITIONS, ETC.

Under clause 3 of rule XII,

59. The SPEAKER presented a petition of Lieutenant Governor Byron Mallott, Alaska, relative to House Joint Resolution 14, requesting the Congress of the United States

call a convention of the states to propose amendments to the Constitution of the United States; which was referred to the Committee on the Judiciary.



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 115<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 163

WASHINGTON, THURSDAY, JULY 20, 2017

No. 123

## Senate

The Senate met at 10 a.m. and was called to order by the Honorable LUTHER STRANGE, a Senator from the State of Alabama.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our shield, look with favor upon us. Lord, You have told us in James 4:2 that we have not because we ask not. We therefore continue to ask You to place Your healing hand on Senator JOHN MCCAIN. Astound us with Your power.

Today, we also pray that You would guide our lawmakers around the obstacles that hinder their progress, uniting them for the common good of this great land. Lord, enable them to go from strength to strength, as they fulfill Your purposes for their lives. Striving to please You, help them to stand for right and leave the consequences to You.

We pray in Your powerful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 20, 2017.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable LUTHER STRANGE, a Senator from the State of Alabama, to perform the duties of the Chair.

ORRIN G. HATCH,  
President pro tempore.

Mr. STRANGE thereupon assumed the Chair as Acting President pro tempore.

### RECESS SUBJECT TO THE CALL OF THE CHAIR

The ACTING PRESIDENT pro tempore. In my capacity as a Senator from the State of Alabama, I ask unanimous consent that the Senate recess subject to the call of the Chair.

There being no objection, the Senate, at 10:03 a.m., recessed subject to the call of the Chair and reassembled at 10:11 a.m. when called to order by the Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### THOUGHTS AND PRAYERS FOR SENATOR MCCAIN

Mr. MCCONNELL. Mr. President, Senator MCCAIN is an American hero. He is a hero to our conference. He is a hero to our country. Here in the Senate, he is a friend to almost all of us. Our collective prayers are with him now. We are thinking of Cindy and the rest of his family as well, along with his staff and the people of Arizona.

Senator MCCAIN, as we all know, has never shied away from a fight, and I assure you he isn't going to back down now. I know the Senator from Arizona will confront this challenge with the same extraordinary courage that has characterized his entire life, and he should know that we are all in his corner, every single one of us.

We look forward to seeing our friend again soon, and we hope he will be back in the very near future.

### HEALTHCARE

Mr. MCCONNELL. Mr. President, I thank the President for having our conference over to the White House yesterday. The President and his administration understand the American people are hurting under ObamaCare. They have been long engaged in the effort to bring relief. Nobody could have been more involved in this effort than the President, the Vice President, and the entire team, with numerous phone calls and meetings. They have been all in, and I want the President and his entire team to know how much we appreciate their deep involvement in this and their commitment to getting an outcome.

Dealing with this issue is what is right for the country. The fight to move beyond the status quo of ObamaCare was certainly never going to be easy, but we have come a long way, and I look forward to continuing our work together to finally bring relief.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S4087

CONCLUSION OF MORNING  
BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the Bush nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of John Kenneth Bush, of Kentucky, to be United States Circuit Judge for the Sixth Circuit.

Mr. ENZI. Mr. President, I ask unanimous consent to speak for a few minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## HEALTHCARE

Mr. ENZI. Mr. President, my colleagues and I have been on this floor for the last 7 years talking about the problems with ObamaCare and the need to address them.

In the early days, when ObamaCare was still being cobbled together, we talked about individuals losing their coverage. Promises were made that if you liked the plan you had, you could keep it. That turned out to be a broken promise.

In 2009 and 2010, we talked about premiums skyrocketing. Today, we are still talking about it. Premiums are more than 100 percent higher in Wyoming today than they were when the law was passed. Our insurer has fortunately been more conservative in their approach. So premiums didn't spike the way they did in other States.

I usually enjoy being right, but in this case, I am very sad to have watched the worst possible scenario play out. Time after time, President Obama was faced with problems in implementation and in outcomes, and he would dismiss them by saying: "It just needs more time," or, as this cartoon shows, "it just needs a tune up."

We and the American people gave it time and money—specifically, 7 years and hundreds of billions of dollars. We are now left trying to pick up the pieces of health insurance markets all across the country.

You can see here that this ambulance is ObamaCare. Behind it is its engine and other key components, and they have completely fallen apart. That is the private insurance market today. The part you don't see here is that there is a patient in the back of this ambulance. This isn't just about politics. This is about real people and whether they can afford an insurance premium that is in some cases higher than their rent or their mortgage payments each month.

Even before its passage, my Republican colleagues and I talked about the

danger that ObamaCare posed to private insurance markets.

Insurers have already left the market in droves. In Wyoming, we are down to one carrier. We lost the others to the economics of ObamaCare, and we will be lucky to keep the one we have. I know many people in our country are going to be in the position of having no insurers offering plans in their county.

How could this happen? It has happened because of politics being put before patients and an unwillingness to take on the hard task of fixing something that you have sold as the perfect solution.

I can tell you that healthcare isn't a simple issue. It is incredibly complex and, really, there is no one right way to tackle it. I was the ranking member of the Health, Education, Labor, and Pensions Committee when ObamaCare passed. We worked hard to find common ground. When it became clear that there was not a reciprocal commitment to that from our colleagues on the other side of the aisle, we did work hard to try to stop it.

Now we are finally in a position to do so. We have a President in the White House who is committed to repealing and replacing ObamaCare with better care before more irreparable harm is done. Republicans have been working on an approach that attempts to address both the short-term and long-term problems caused by ObamaCare.

We have problems to solve right now. We are proposing to stabilize insurance markets in the short term and to get insurance costs on a more manageable trajectory over the longer term. We are striking at the heart of ObamaCare by removing its mandates and taxes while putting Medicaid on a more sustainable footing.

Doing this isn't easy. You may have read a little something about the challenges of moving a healthcare bill forward, but the alternative is to do what our colleagues on the other side of the aisle have done for 7 years and watch ObamaCare crater. We don't think that is the right thing to do. We think we have an obligation, even if it is not an easy vote, to salvage our insurance system.

Getting something done in Washington isn't always a pretty process, but I am proud to be working with the women and men in my conference who see that there is something larger at stake than themselves and who know that sitting this out means more harm and, perhaps, harm that can't be undone later.

I will keep working. I am committed to passing the best product that we can deliver for the people of Wyoming and for our whole country. I look forward to continuing to work together to repeal ObamaCare and replace it with policies that will truly improve healthcare in America. I hope my colleagues will join me in this worthy endeavor.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SULLIVAN). Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, yesterday, several of my Democratic colleagues spoke in opposition to the nomination of John Bush to serve on the Sixth Circuit Court of Appeals. They were particularly concerned about his activities outside of the courtroom, especially his personal blog posts. The comments of my friend, the junior Senator from Minnesota, were representative of their concern.

He reminded us that he has been serving on the Judiciary Committee for 8 years. He said that by confirming someone to the Federal bench like Mr. Bush, who has blogged about controversial political and policy matters, the Senate would be doing something unprecedented. Specifically, my friend from Minnesota—in angst—said, "I don't think we have been here before."

"I don't think we have been here before," he said. I would encourage my friend to think a little harder about his tenure on the Judiciary Committee. Just a few years ago, the Senate considered President Obama's nomination of Stephen Bough to be a Federal judge in Missouri. Mr. Bough had been quite an active blogger himself. His blogging and online commentary were not simply confined to political satire and sarcasm. His blogging didn't use merely flippant or intemperate language. His blogging demonstrated a real and palpable animus toward conservatives and Republicans in general, toward elected Republicans in particular, and by name—by name. He insulted and impugned people from his home State, such as Senators, his Governor, the President of the United States, and a Republican nominee for President, just to name a few.

Mr. Bough's posts were truly mean-spirited. It wasn't just that he called Republicans "knuckleheads"—which he did. That was when he was feeling especially kind. No, he said specific Republicans were "corrupt." They had done "evil things"—"evil things." I can go on and on about his corrosive rhetoric.

He approvingly posted an article describing how San Francisco was contemplating naming a sewage plant after President Bush as a suitable legacy for the President and posted another one that said his Governor was highly "ignorant."

His invective was not reserved to members of the political branches. He said that his State supreme court was the most corrupt in the history of the State. I am not making this up. He is an officer of the court, calling the supreme court the most corrupt in the history of his State.

For my Democratic colleagues who now profess to care about the judgment of judicial nominees who blog, I submit that impugning the integrity of the tribunal that has jurisdiction over their professional conduct and law license, as Mr. Bough did, is more than a few tweaks shy of exhibiting sound judgment.

Mr. Bough also implied that President Bush made his Supreme Court appointments as some sort of quid pro quo. He harshly criticized sitting Supreme Court Justices by name, and he claimed that the Republican nominee for President wanted only Federal judges who would disregard the law and rule in favor of the “religious right” and that he was “sucking up.”

He made a crude comment about women that I will not repeat.

Now, some of our Democratic colleagues have criticized John Bush because he said that he would try hard to be impartial as a judge. By contrast, in one of his blog posts, Stephen Bough flat-out said that he, himself, “shouldn’t be a judge.” This is commentary on himself. But every one of our Democratic colleagues on the Judiciary Committee at the time, including our friend from Minnesota, obviously disagreed with his own judgment about himself. They all voted for him, which is especially curious in hindsight, given the superior weight our Democratic colleagues now place on blog posts. Only one Member of the Democratic conference voted against Mr. Bough. These are many of the same Democrats, of course, who are supposedly aghast—aghast—at the Bush nomination. Mr. Bough is now Federal District Court Judge Stephen Bough.

Finally, I would like to set the record straight on the subject of the slur. Mr. Bush did not use the slur in a blog post, and he did not use it flippantly. In fact, he said he has never used this term and would never use it.

Rather, Mr. Bush quoted by name someone else—a prominent author who had used the slur. Mr. Bush quoted him to show how various authors had viewed our hometown of Louisville over time—both those who praised it and those who criticized it. In short, Mr. Bush said that he used it to show “the good, the bad, and the ugly.”

So who was the author he quoted verbatim and by name? Why, it was noted liberal Hunter Thompson. I note that Mr. Thompson’s use of the slur did not prevent liberals, including Democratic officeholders, from praising him. In fact, not one but two Democratic Presidential candidates went to his funeral—George McGovern and John Kerry.

The Senate has considered a judicial nominee who did use this slur in a blog posting, who actually did use the exact same slur, in fact. The judicial nominee was not quoting any literary or published work, and this judicial nominee did not use the slur for any critical purpose. The judicial nominee used it flippantly and cavalierly. Who was the

judicial nominee? It was President Obama’s judicial nominee and current Federal District Court Judge Stephen Bough, who sits on the bench right now for life, after being confirmed by the votes of our Democratic colleagues.

I hope I have at least refreshed the memory of my friend from Minnesota and some of my other Democratic colleagues.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

#### THOUGHTS AND PRAYERS FOR SENATOR MCCAIN

Mr. SCHUMER. Mr. President, first, on a sad note but one always of hope when it comes to Senator MCCAIN, his cancer diagnosis sent a shock wave through the Senate last night. He is one of my dear friends, as he is a dear friend to many in this body, and from the bottom of my heart, I wish him and his family well. So does every Member of this Chamber. The respect that this man has is broad and deep, both based on his service to America and on what he has done here in this Chamber.

I agree with what the majority leader said earlier, in that JOHN MCCAIN is an American hero. There is no one who has done more to serve his country and this Chamber than Senator MCCAIN. There is no one who is more passionate in the defense of our soldiers and in our defense than Senator MCCAIN.

The same courage that he showed as a soldier he showed here. JOHN MCCAIN and I led a group to deal with immigration reform. He had to take so many tough positions to do what was right. He was fearless. His word was good. He was good at compromising, and he was good at making his views known.

With that bill, which passed this body with 67 or 68 votes—a large number of Democrats and Republicans—had it become law, our country’s economy would have been better, and our security would have been better because it was so tough on the border. We would have been in a better place for it had that bill passed.

The point I want to make is not with regard to the bill but to MCCAIN—how we were in rooms for hours and hours, day after day, and we got to see the mettle of the man. Boy, the more you knew him, the better he looked, and the better he was.

So we know that, against this new battle, Senator MCCAIN will fight in the only way he knows how—with every fiber of his being. We wish him well. Our prayers are for him and his family. We hope that he joins us very soon because this country needs JOHN MCCAIN now more than ever.

#### HEALTHCARE

Mr. President, on the issue of healthcare, yesterday President Trump seemed intent on pushing forward the Republicans’ failing healthcare plan with a vote sometime early next week. We have been on the topic of healthcare for 7 months, and I am still not sure which version of the Republican plan we will be voting on.

Will it be repeal and replace? Will we be voting on the Senate bill that would cause 22 million Americans to lose their coverage and that would cause costs to go up and care to go down? Will it be with the Cruz amendment, which would annihilate the “pre-existing condition” requirement, in quoting my friend Senator GRASSLEY? Or will it be repeal without replace, which would cause our healthcare system to implode, creating chaos, which would cause millions to lose insurance and millions more to have their coverage diminished?

The CBO confirmed last night that repeal without replace would cause 32 million Americans—that is about a 10th of the country—to lose their insurance and would cause premiums to double after 10 years.

It was a horrible idea in January and was rejected, wisely, by our Republican colleagues. We were not involved. The door was closed on us on January 4. It is a horrible idea now.

So will that be the focus next week or will it be a new bill that has more money thrown in, as some have suggested—the same core bill of devastating cuts to Medicaid, tax breaks for the wealthy and the special interests, the cruel Cruz amendment, and an extra \$2 billion slush fund? Is that going to be the bill?

We Democrats do not know what our Republican friends are planning to vote on next week. I will bet that many Republicans do not know yet either. What we do know is that a \$200 billion slush fund, tacked onto a bill that would gut Medicaid and other services by well over \$1 trillion, is like putting an old bandaid on a bullet wound. The \$200 billion in additional funding would only offset 17 percent of the bill’s total cuts to coverage. It would not come anywhere close to covering the wound that the Republicans are inflicting on Medicaid, on Americans in nursing homes, on Americans in rural areas, on those who are suffering from opioid addiction. It just will not work, and repeal without replace is even worse. All of the options are horrible options for the Republican Party, but, more importantly, they are horrible options for the American people.

It is time to start over. It is time for our Republican colleagues to drop this failed approach and work with Democrats on actually improving our healthcare system. They closed the door on us on January 4 in passing something called reconciliation, which basically says: We do not need the Democrats; we will do it ourselves. Let them open the door now that they have

seen that that failed approach does not work. I outlined three specific, non-ideological proposals yesterday that we could work on together, right now, to stabilize the marketplaces and help bring down premiums. I believe they would pass quickly. My Republican friends do not seem to know what to do. My suggestion is to drop these failed ideas and work with Democrats on the commonsense, nonideological solutions that we Democrats have offered.

Here is one more point. I have heard some of my colleagues say they may vote for the motion to proceed next week because they are in favor of debate. I will remind them that the rules under reconciliation only allow for 20 hours of debate to be equally divided between the parties and 1 minute of debate allowed per amendment. That is not debate. The idea that you would vote on the motion to proceed in order to have a healthcare debate is absurd. If my colleagues want to debate healthcare, they should vote no on the motion to proceed and urge their leader to hold a real debate—in committees, in public hearings, on the floor, and through regular order, which is a process that they have spurned for 7 months—not 10 hours for each party, with 1 minute per amendment, on such an important proposal. That is not a debate. It is the legislative equivalent of “Beat the Clock.” This is serious business—the health and welfare of the American people—not some game show.

#### TRADE AND OUTSOURCING

Mr. President, just as the administration is flailing and failing on healthcare, they are failing on trade and outsourcing as well.

I read today that the administration has failed to secure any concessions from China on its dumping of excess steel and aluminum in our markets, which is killing jobs in my State and in many others. As well, today, the Carrier plant at which President-Elect Trump tweeted about saving jobs just laid off 300 workers in Indiana and moved the positions to Mexico. It is exactly 6 months to the day since President Trump took office. It is a shame that we are losing these good-paying American jobs. Despite all of the President's tough talk on trade and his Commerce Secretary's “100 days of trade talks” plan, the loss of these jobs shows that, in 6 months, the Trump administration has been unable to actually deliver results on trade, with the exception of the first U.S. beef shipment to China, which was the result of an agreement that President Obama helped to broker before the end of his term. The Trump administration has made few inroads in reducing our trade deficit or in making it easier for our companies to compete abroad.

It is all well and good to tweet about a few hundred jobs saved at the Carrier plant, as the President-elect did last December—and I am glad he saved them—but as President, you have to

actually take strong action, not go to one plant. You need policies that will protect millions of workers from the rapacious policies of China and other countries. Making America great again requires more than 140 characters per issue. The 338 jobs that are leaving Carrier today are a reminder that, when it comes to actual substance and policy, the Trump administration has done very little to change the game on trade to keep jobs in the United States—another broken promise to the American worker.

Mr. President, I reiterate my remarks from yesterday on the nomination of John Bush to the Sixth Circuit Court of Appeals. Many of my colleagues have been down on the floor and have expressed just how distressing and damaging this nomination will be.

His extreme record demonstrates that John Bush simply does not have the temperament to be an impartial Federal judge—the very least our system requires. Once again, I urge my colleagues to oppose his confirmation.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

#### THOUGHTS AND PRAYERS FOR SENATOR MCCAIN

Ms. HASSAN. Mr. President, I thank our leader, Senator SCHUMER, for his remarks.

I join with Senator SCHUMER and all of our colleagues in wishing the very best to our tough and resilient American hero and colleague, JOHN MCCAIN. Our thoughts and prayers are with him and his family. We need him back here as fast as he can get here.

#### HEALTHCARE

Mr. President, I also share Leader SCHUMER's remarks and concerns about the current status of the healthcare bill as we understand it.

I urge my colleagues on the other side of the aisle to vote down the motion to proceed so that we can have regular order and so that we can hear from stakeholders and the American people about how changes in healthcare would impact them and what ideas they have for us to be able to lower costs and make sure that all Americans have access to truly affordable, high-quality care.

Mr. President, I also rise to oppose the nomination of Attorney John K. Bush to serve on the U.S. Court of Appeals for the Sixth Circuit.

An independent and impartial judiciary is critical to our democracy and to our march toward progress. Our Founders established our court system to serve as an independent arbiter that would protect the rights of every American and ensure equal justice under our laws. Unfortunately, it is clear that Mr. Bush lacks the impartiality and commitment to equal justice for every American that is needed to qualify for a lifetime appointment on the Sixth Circuit Court of Appeals.

President Trump's nomination of Mr. Bush represents yet another attempt by this administration to undermine

the rights of American women to make their own healthcare decisions and to control their own destinies. To fully participate not only in our economy but also in our democracy, women must be recognized for their capacity to make their own healthcare decisions, just as men are, and they must have the full independence to do so, just as men do. Mr. Bush has made it clear that he fundamentally disagrees with that principle and that he does not support a woman's constitutionally protected right to have a safe and legal abortion. Hiding behind a pseudonym on an online blog, Mr. Bush has gone so far as to compare a woman's right to make her own reproductive health decisions to slavery, saying they are “the two greatest tragedies in our country.” The fact that someone nominated for the bench would believe something like this is nothing short of appalling.

Mr. Bush has also criticized essential programs that women and their families depend on, referring to programs like the Women, Infants, and Children Program—otherwise known as WIC—and grants to combat violence against women as “wasteful.”

I also have real concerns with Mr. Bush's record when it comes to the rights of LGBTQ Americans. Mr. Bush has made clear that he is vehemently opposed to marriage equality, calling it a “no-compromise” position. In 2011, he criticized the State Department for an announcement that led to more equal treatment of same-sex parents, and he has even used an offensive, anti-gay slur in a quote that he chose to use in public remarks.

Mr. Bush's deeply offensive public statements and his record indicate that he is an individual who is focused on extreme partisanship and who does not recognize the basic equality of all Americans. His statements and his actions tell us that he is not committed to the concept of equal justice under our laws. This is unacceptable for someone seeking a lifetime appointment to a job that requires sound judgment, objectivity, and, more than anything else, an essential commitment to fairness.

I will oppose Mr. Bush's nomination to the Sixth Circuit Court of Appeals, and I urge my colleagues to do the same.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. I ask unanimous consent to be allowed to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, to the disappointment of the American



public, the world scientific community, and even to corporate giants like Goldman Sachs and Cargill, President Trump recently decided to withdraw the United States from the Paris Agreement. He cited as justification a slew of alternative facts. Some of the most egregious of these alternative facts came from a National Economic Resource Associates—a group we will call NERA in this speech—report that was commissioned and promoted by a group that calls itself the U.S. Chamber of Commerce but fronts for the fossil fuel industry. “U.S. Chamber of Carbon” might be a better and more accurate name for it.

The U.S. Chamber of Commerce, so-called, is a heavy hitter in Washington. It was the second largest spender of anonymous outside money, or dark money, in the 2016 Federal elections, second only to the National Rifle Association. In addition to all that political election spending, it wields the largest lobbying force on Capitol Hill. In 2015, the chamber dropped over \$100 million on lobbying.

The U.S. Chamber of Commerce is one of climate action's most implacable enemies, as everybody here knows, despite the good climate policies of so many companies on its board. Along with Senators WARREN, SANDERS, and others, I examined this inconsistency between the positions of the chamber and of its board members in our recent report, “The U.S. Chamber of Commerce: Out of Step with the American People and its Members.”

Mr. President. I ask unanimous consent to have printed in the RECORD excerpts from the report, “The U.S. Chamber of Commerce: Out of Step with the American People and its Members.”

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE U.S. CHAMBER OF COMMERCE: OUT OF STEP WITH THE AMERICAN PEOPLE AND ITS MEMBERS

A Report from Senators Sheldon Whitehouse, Elizabeth Warren, Barbara Boxer, Bernard Sanders, Sherrod Brown, Jeff Merkley, Richard Blumenthal, and Edward Markey

(Select Climate Change Specific Excerpts)  
EXECUTIVE SUMMARY

The United States Chamber of Commerce (the Chamber), the largest lobbying organization in the country, has used its considerable resources to fight legislation in Congress and Obama Administration actions on tobacco and climate change at home and abroad. A series of 2015 New York Times articles exposed the Chamber's aggressive tactics to help the tobacco industry fight international antismoking laws, regulations, and policies, and described the organization's systematic efforts to undermine the Environmental Protection Agency's work to address climate change and carbon pollution. These activities raised questions about the Chamber's policy-making process; one analyst concluded that “the Chamber is at odds with the interests of some, if not most, of its membership in three other areas: climate change, minimum wages and tobacco,” and described its advocacy as “aligned with the

small number of companies that are its largest contributors.”

In response to the 2015 allegations, Senators Sheldon Whitehouse, Elizabeth Warren, Barbara Boxer, Bernard Sanders, Sherrod Brown, Jeff Merkley, Richard Blumenthal, and Edward Markey examined the positions and actions of Chamber Board members to determine the extent to which the Chamber's activities on tobacco and climate change reflect its Board members' views and interests. The analysis focused on the 108 private-sector members of the Chamber's Board of Directors, which the Chamber describes as “the principal governing and policymaking body of the U.S. Chamber of Commerce. . . . [that] determine[s] the U.S. Chamber's policy positions on business issues and advise[s] the U.S. Chamber on appropriate strategies to pursue.” The findings of this analysis—based on correspondence with the Chamber's Board members and a review of publicly available information on Chamber Board member positions on tobacco and climate change—reveal the following:

The Chamber's positions and actions on tobacco and climate change are at odds with those of its Board members. Approximately half of the companies on the Chamber's Board of Directors have adopted anti-tobacco and pro-climate positions that contrast sharply with the Chamber's activities. Chamber Board member companies have acknowledged the public health harms of tobacco and support the efforts of their employees to quit smoking. They have also taken public positions and actions in support of efforts to reduce carbon emissions and address climate change. Despite the positions of its Board members, the Chamber opposes efforts in Congress and by the Administration to address these issues.

Not a single Board member explicitly supported the Chamber's lobbying efforts. In response to inquiries from several senators, 21 Chamber Board members distinguished their actions from the Chamber's on tobacco by describing their own positive efforts, and five respondents distinguished their actions and positions on climate change. Five additional companies on the Chamber's Board explicitly disagreed with the Chamber's positions on tobacco or tobacco lobbying activities. For example, Chamber Board member Celgene stated that it “[does] not support tobacco use or policies that promote tobacco use.” Steward Health Care Systems elaborated on its disagreement with the Chamber's actions, saying that it “was the only company on the Chamber Board that went on record to oppose the initiative.” Other respondents sidestepped key questions and failed to respond to questions about how they viewed the Chamber's activities. Not one Board member explicitly supported the Chamber's actions on tobacco and climate.

The Chamber's decision-making process and Board policy decisions are not transparent. Ten Chamber Board members revealed, in their responses to the congressional inquiries, that they had no knowledge of or input into the Chamber's lobbying activities on tobacco or climate issues. For example, Chamber Board member Edward Jones, Inc., indicated that the company “[was] not advised of any campaigns... [and is] not aware of any processes” to develop these campaigns. Sempra Energy reported that “the issues raised in [the] letter have not been discussed during the short time [it has] been a member of the organization.” Despite the Chamber's description of the Board as its “principal governing and policy-making body,” not one Chamber Board member explicitly indicated that they were fully aware of and able to provide their input and views to the Chamber regarding its actions on tobacco and climate.

The findings in this report raise serious questions about the Chamber's credibility and its actions on tobacco and climate policy, and indicate that the Chamber does not accurately represent the positions, input, and knowledge of its membership.

I. INTRODUCTION

The United States Chamber of Commerce is the largest lobbying organization in the country. OpenSecrets, a nonprofit, nonpartisan research group that tracks the effects of money and lobbying, showed that in 2015 alone, the Chamber spent roughly \$85 million on lobbying efforts, more than twice the amount spent by the second-highest organization (the National Association of Realtors). During the 2013–2014 election cycle, the Chamber spent \$35 million on political expenditures (through super PACs, 501(c) organizations, and/or political party committees) that were “outside” or independent of candidates' campaign committees.

The Chamber has used its considerable resources to fight legislation and government action on tobacco and climate change at home and abroad. A series of 2015 New York Times articles exposed the Chamber's aggressive activities helping the tobacco industry to fight international antismoking laws, regulations, and policies, and described the organization's systematic efforts to undermine the Environmental Protection Agency's work to address climate change and carbon pollution.

While the Chamber claims that it “reflects the grassroots views of the entire business community” and that it represents the “interests of more than three million businesses of all sizes, sectors, and regions” when it interacts with Congress, its positions and actions on tobacco and climate do not appear to reflect or communicate the positions of many of its member companies. The following analysis shows that approximately half of the companies on the Chamber's Board of Directors have publicly taken positions on tobacco and climate change that are in conflict with the Chamber's actions and positions. This calls into question the Chamber's allegedly transparent decision-making process, and suggests that the Chamber does not accurately represent the positions of its member companies.

Moreover, the Chamber's lobbying is at odds with its own public positions. The organization strongly professes that it is anti-tobacco, saying that it “is not in the business of promoting cigarette smoking at home or abroad, period.” It also claims to support the environment, saying that it “has in its public documents, Hill letters and testimony, supported efforts to reduce greenhouse gas emissions in the atmosphere,” and calling for a “comprehensive climate change law.” Plainly, there is a broad gap between the Chamber's stated policies, its Board members' positions, and its actual lobbying activities.

III. THE CHAMBER'S LOBBYING ON TOBACCO AND CLIMATE ISSUES

When the Chamber weighs in, many in Washington, D.C., listen. The Chamber is the largest lobbying organization in the country and claims to represent the “interests of more than three million businesses of all sizes, sectors, and regions” when it interacts with Congress. OpenSecrets, a nonprofit, nonpartisan research group that tracks the effects of money and lobbying, showed that in 2015 alone, the Chamber spent roughly \$85 million on lobbying efforts, more than twice the amount spent by the second-highest organization (National Association of Realtors). During the 2013–2014 election cycle, the Chamber spent \$35 million on political expenditures (through super PACs, 501(c) organizations, and/or political party committees)

that were “outside” or independent of candidates’ campaign committees.

The Chamber has attacked U.S. climate policies with similar zeal. According to The New York Times, in early 2014, a group of 30 corporate lawyers, coal lobbyists, and Republican political strategists gathered at the Chamber’s headquarters to devise legal strategies to dismantle the President’s Clean Power Plan—before President Obama had even introduced a draft proposal of it. The Chamber has also been vocal about its opposition to climate action when testifying before Congress. For instance, the Chamber has testified in opposition to the Paris Agreement, despite the fact that many of its Board member companies have pledged to support the goals of the Agreement. Additionally, nearly all of Chamber campaign contributions—94%—have reportedly gone to climate change denier candidates.

#### V. FINDINGS

Based on the responses to the Tobacco and Climate Letters and public positions and policies of Board members, the report finds that:

Approximately half of the companies on the U.S. Chamber of Commerce’s Board of Directors have anti-tobacco and/or pro-climate positions.

None of the respondents to the Tobacco and Climate Letters expressed explicit support for the Chamber’s activities, and numerous Chamber Board members distanced themselves from Chamber activities on tobacco or climate.

The Chamber’s decision-making process lacks transparency, even with respect to its Board members. A number of Board members were unaware of key Chamber policymaking and lobbying decisions on tobacco and climate.

#### Climate Change Findings

Almost half of the Chamber Board members (52 of 108, 48%) have taken public positions supporting efforts to reduce carbon emissions and address climate change, including eight of the companies that responded to the Senate inquiry on Chamber climate policies (see Appendix V). The remaining Board member companies appear to have no public position on climate change as a public health or environmental issue.

These 52 companies that support efforts to address climate change, have undertaken their own initiatives to reduce carbon emissions, support the EPA’s work on climate change, or have publicly committed to support of the Paris Agreement.

Indeed, many Chamber Board members are national and international leaders on this issue. For example:

Allstate is a member of the Ceres Company Network, a group of companies that have agreed to improve their environmental and social performance, publicly report on their sustainability practices, and continuously improve their performance and disclosure on sustainability issues. Allstate was also named to the Climate Disclosure Leadership Index (CDLI) from 2008 to 2014 for its efforts to reduce its carbon footprint and transparency on its climate change adaptation.

AT&T is one of more than 150 companies to have signed on to the American Business Act on Climate Pledge. AT&T has committed to reduce its direct greenhouse emissions by 20 percent and reduce its electricity consumption by 2020.

BMO Financial Group stated that it is “focused on reducing our environmental footprint, setting clear goals and consistently maintaining carbon neutrality across our entire enterprise.”

Las Vegas Sands was named to the CDP’s “A list” in 2015 for its efforts to address and disclose corporate climate change information.

Ryder received the EPA SmartWay Excellence Award in 2013 and 2014 in recognition of its efforts to address carbon pollution and emissions.

Sanofi “strives to reduce [its] environmental impact, so that [it] can contribute to decreasing the effects of climate change. This includes a two-pronged approach to reduce [its] carbon footprint and to combat diseases directly correlated with climate change.” Sanofi says that it has reduced its carbon emissions by 60 times, cut transport costs by 50 percent, and has set a goal of reducing its water consumption by 25 percent between 2010 and 2020.

3M is a founding member of the National Climate Coalition. In its 2015 Sustainability Report, 3M touted its “history of proactive leadership in addressing both the challenges and opportunities presented by climate change and energy conservation.”

UPS stated it was “pleased to join 12 other firms at the White House on July 27, 2015, in launching the American Business Act on Climate Change . . . [W]e pledged first to reduce our carbon intensity by 20% by 2020, from a 2007 baseline. Second, we plan for our alternative fuel and technology fleet, which will number about 8,000 trucks by the end of the year, to have driven a cumulative 1 billion miles by 2017.”

No Chamber Board members that responded to the Senate letter explicitly supported the Chamber’s lobbying actions on climate policy. Seven respondents to the Climate Letter indicated that they do not agree with every action taken by trade associations of which they are a member, and three companies declined to express a position. Two of the eleven companies that responded to the Climate Letter (Citadel and HCSC) indicated that they were not involved in the Chamber’s climate-related activities, and the other nine did not indicate whether they were involved in the Chamber’s climate policy decision-making process.

Despite the fact that nearly half of Chamber Board members have acknowledged the risk of climate change or are actively working to address the risks of climate change, the Chamber has opposed executive action on climate and lobbied heavily in support of legislation undermining climate action, assembling a “vast network of lawyers and lobbyists ranging from state capitols to Capitol Hill, aided by Republican governors and congressional leaders,” to oppose President Obama’s climate change regulations.

#### VI. CONCLUSION

The Chamber claims that it “reflects the grassroots views of the entire business community when the organization testifies before Congress or regulatory agencies, disseminates reports or statements to the media, or sends comments or letters to Capitol Hill and to policymakers.” It states that “everyone involved in the process must help develop positions that benefit the entire business community, rather than any given narrow interest . . . The process must be open and above board.”

But this investigation finds these claims to be plainly untrue. Despite its claims of a representative policy-making process, the Chamber does not speak for many of its Board members on two of the most pressing public health issues of our time. The discrepancy between how the Chamber and its Board members act on tobacco and climate is stark. Bloomberg columnist Barry Ritholtz contends that it is easy for the Chamber to ignore its numerous member companies that oppose its stance because one third of its revenue comes from just 19 companies, many of them in the energy industry.

Indeed, based on the responses of Chamber Board member companies, the Chamber

seems to act at will, without broadly consulting its leading members about fundamental policy positions on which it spends millions of dollars in collected dues.

Some American business icons have demonstrated leadership by disaffiliating themselves from the Chamber over fundamental policy disagreements. Apple, Exelon, and Pacific Gas and Electric (PG&E), have left the Chamber over its destructive climate policies. Nike left the Board for similar reasons, and other members—Intel, Johnson & Johnson, and Microsoft—publicly disagree with and distance themselves from the Chamber’s climate position. And CVS Health withdrew its membership from the Chamber last year due to the group’s tobacco lobbying.

Many Chamber members do good work to address the risks of tobacco and climate change. But too many of these members quietly disapprove of the Chamber’s positions without taking action. As long as these Board members lend their tacit support to an organization that spearheads systematic efforts against policies to limit tobacco and climate change, it is difficult to accept their claims that they are anti-tobacco or good on climate.

We encourage Chamber Board members to stop looking the other way where there is disagreement, and defending their Chamber membership as supporting free speech. This positioning makes it appear as though they’re trying to have it both ways and damages their credibility and efforts in support of positive action. These companies should take responsibility for the positions and actions of the Chamber, and use their leverage as an opportunity to shift the tenor of a powerful lobbying force away from harming public health and towards positions that help reduce tobacco use and address the risks of climate change.

Mr. WHITEHOUSE. When President Trump announced his withdrawal from the Paris Agreement, he used these alternative facts from that chamber-commissioned NERA report. Here is what Trump said:

Compliance with the terms of the Paris Accord and the onerous energy restrictions it has placed on the United States could cost America as much as 2.7 million lost jobs by 2025. . . . This includes 440,000 fewer manufacturing jobs.

End of alternative facts quote.

This was another assertion:

By 2040, compliance with the commitments put into place by the previous administration would cut production for the following sectors: paper down 12 percent; cement down 23 percent; iron and steel down 38 percent; coal—and I happen to love the coal miners—down 86 percent; natural gas down 31 percent. The cost to the economy at this time would be close to \$3 trillion in lost GDP and 6.5 million industrial jobs, while households would have \$7,000 less income and, in many cases, much worse than that.

End quote of his alternative facts.

Countless reviewers, including PolitiFact, Scientific American—that known crazy, phony, liberal publication, Scientific American—CNBC, and Fortune magazine, fact-checked the President’s speech. It did not fare well. PolitiFact warned us to “take these statistics with a grain of salt.” An analysis of the underlying report was done by Kenneth Gillingham, an economics professor at Yale University. He pointed out that the NERA study made up a hypothetical set of policy actions to reach those goals. Those policy actions may well never have been

taken by anyone to comply with the Paris Agreement, but that was what they used. Second, NERA only modeled the cost side.

You have heard the phrase “cost-benefit equation.” They only looked at the costs. They didn’t ever look at the benefit side. This is phony accounting when you only look at one side of the ledger.

NERA, of course, has a history of producing misleading reports for its industry sponsors. In 2015, it released a report for the National Association of Manufacturers on the proposed ozone standard, claiming it would cost as much as \$140 billion per year. On the cost side, EPA estimated it would cost a fraction of what NERA estimated, less than 12 percent. The economic consulting firm Synapse analyzed the NAM report and found it “grossly overstates compliance costs, due to major flaws, math errors, and unfounded assumptions . . . these assumptions and other flaws led NERA to overstate compliance costs by more than 700 percent.”

That is just on the cost side. Once again, they didn’t even bother to look at the benefits. It is a one-side-of-the-ledger-phony analysis. Of course, the chamber commissioned NERA to do the same thing for it on climate: overestimate the costs and ignore the benefits. In this world of climate denial, this is a classic maneuver.

Senator TED CRUZ cited the NERA report in his CNN op-ed urging President Trump to pull the United States out of the Paris Agreement a day before President Trump cited these stats in his withdrawal speech.

CRUZ, Trump, and the chamber ignored more than 1,000 companies that supported the United States remaining in the Paris Agreement, including several chamber member companies. Some of these have publicly distanced themselves from the chamber as a result of the President’s decision. A recent Bloomberg news article was headlined, “Paris Pullout Pits Chamber Against Some of Its Biggest Members.”

Citigroup said: “We have been outspoken in our support for the Paris agreement and have had a dialogue with the Chamber about how its views and advocacy on climate policy are inconsistent with Citi’s position.” Similar distancing came from Dow and Ford.

Over the weekend, the Washington Post ran a piece, “Is the most powerful lobbyist in Washington”—that is the so-called U.S. Chamber of Commerce—“losing its grip,” exploring this tension around climate in more detail. The article said: “[P]erhaps the most nettlesome issue for the Chamber has been climate change.” It calls out the chamber’s claims to be neutral on the Paris Agreement, while actually providing “ammunition for foes of the agreement.”

The article highlights the chamber’s climate denial efforts, including its 2009 proposal to hold a public trial on

climate science—what it dubbed “the Scopes monkey trial of the 21st century.” New Mexico-based utility PNM Resources actually quit the chamber because that idea was so preposterous.

The Washington Post identified 8 of the 25 companies that signed an ad in the New York Times supporting the Paris Agreement as chamber members, including GE, Microsoft, and Walt Disney. The CEOs of these companies publicly criticized President Trump’s decision.

Microsoft’s Brad Smith said:

We’re disappointed with the decision to exit the Paris Agreement. Microsoft remains committed to doing our part to achieve its goals.

GE’s Jeff Immelt said:

Disappointed with today’s decision on the Paris Agreement. Climate change is real. Industry must now lead and not depend on government.

Walt Disney’s Bob Iger said:

As a matter of principle, I’ve resigned from the President’s Council over the #Paris Agreement withdrawal.

The chamber is out of step with its own members on climate change, maintaining a scientifically untenable position as every one of our State universities knows. Who is pulling the chamber’s chain? It is hard to tell since the chamber hides from the public who its donors are, but I suspect the answer is the same as to why the Republicans continue to revive the hated, zombie healthcare bill despite huge public distaste for it.

Mr. President, that brings me to the nomination of John Bush to the U.S. Court of Appeals for the Sixth Circuit. The chamber’s rigid anti-climate stance is part of a fossil fuel political program that holds this Chamber in a state of intimidation and inaction on climate change. As Congress cowers before this fossil fuel political presence, we are now advancing the nomination of a climate denier to the Federal bench.

John Bush was not nominated because of any track record of distinguished performance or demonstrated commitment to public service. To the contrary, his most notable achievements seem to be a series of wildly offensive blog postings and public statements, denying that climate change is real and mocking it, comparing a woman’s right to choose to the evil of slavery, casually using vile slurs against gay people. On and on goes the list.

Bush has written a number of posts dealing with environmental issues in which he insists on placing the terms “global warming” and “climate change” in quotation marks, insinuating that they do not really exist. Tell that to your home State universities.

With this appalling track record, why was he nominated? It is not hard to figure that out. He is here because through those offensive blog posts and by flagging himself as a loyal climate denier, he signals himself as a willing foot soldier of the big special interests. These big special interests are intent

on capturing our courts, just as they have captured so much of Congress.

Judicial nominees like Mr. Bush are exactly what these special interests want, to make sure they can, first, maintain their dark money influence. That is their most particular key. That is the mother ship off of which all the other special interest mischief they perform comes from and of course to see to it that these big interests are never held accountable to the American people. That is the signal he sends.

Bush has flagged that he will rule the right way for the big special interests that fund the Republican Party, and the special interests’ big reward is his nomination and confirmation. He has shown that he is familiar with the recipes when it comes time to cook the decisions.

My Democratic colleagues and I respect any President’s desire and prerogative to fill the vacancies in the executive and judicial branches. Even though I understand we will not see eye to eye with our colleagues across the aisle on every nominee, Senate Democrats have given the President’s nominees a very fair shake. This is no normal nominee. This is a freak who lowers the bar on judicial nominees forever.

If Mr. Bush wants to exercise his First Amendment right to spout offensive, ignorant, and hateful nonsense as some kind of nutty Breitbart blogger, he is free to do so, but that is not the measure—or has not until today been the measure of a Federal judge for the U.S. Court of Appeals.

Mr. Bush is patently unqualified for this position, well outside any version of the mainstream, and his appointment can reasonably be predicted to bring dishonor and preordained partiality to the judiciary. I regret we are at this point.

I yield the floor.

The PRESIDING OFFICER (Mrs. FISCHER). Under the previous order, all postcloture time has expired.

The question is, Will the Senate advise and consent to the Bush nomination?

Mr. SASSE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Michigan (Ms. STABENOW) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 47, as follows:

(Rollcall Vote No. 164 Ex.)

## YEAS—51

Alexander	Fischer	Paul
Barrasso	Flake	Perdue
Blunt	Gardner	Portman
Boozman	Graham	Risch
Burr	Grassley	Roberts
Capito	Hatch	Rounds
Cassidy	Heller	Rubio
Cochran	Hoeven	Sasse
Collins	Inhofe	Scott
Corker	Isakson	Shelby
Cornyn	Johnson	Strange
Cotton	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	McConnell	Toomey
Enzi	Moran	Wicker
Ernst	Murkowski	Young

## NAYS—47

Baldwin	Gillibrand	Murray
Bennet	Harris	Nelson
Blumenthal	Hassan	Peters
Booker	Heinrich	Reed
Brown	Heitkamp	Sanders
Cantwell	Hirono	Schatz
Cardin	Kaine	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Tester
Coons	Leahy	Udall
Cortez Masto	Manchin	Van Hollen
Donnelly	Markey	Warner
Duckworth	McCaskey	Warren
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Murphy	

## NOT VOTING—2

McCain      Stabenow

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE CALENDAR

Mr. ENZI. Madam President, I ask unanimous consent that the Senate resume consideration of the Bernhardt nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of David Bernhardt, of Virginia, to be Deputy Secretary of the Interior.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Madam President, I want to discuss this nomination.

I am here to add my voice to those of my colleagues who oppose the nomination of David Bernhardt to be Deputy Secretary of the Interior. There are a host of reasons—from his history of censoring scientists to his denial of climate change—but I am going to limit my remarks to his allegiance to the oil industry and, specifically, his disregard for the importance of a moratorium on any drilling in the eastern Gulf of Mexico.

During his confirmation process, he gave some very troubling responses to questions about the moratorium from

the ranking member, Senator CANTWELL. She asked: “Do you support the current moratorium in relation to offshore drilling in the Eastern Gulf of Mexico?”

He responded:

I am aware that, in response to the President's recent Executive Order on the Outer Continental Shelf, Secretary Zinke issued a Secretarial Order 3350 directing the Bureau of Ocean Energy Management to review and develop a new five-year plan. I support the President's and the Secretary's actions to examine new leasing opportunities within the OCS in order to advance the Administration's energy agenda.

Then Senator CANTWELL asked him: “Do you support extending this moratorium?”

He responded: “I support the President's and the Secretary's actions aimed at increasing offshore production while balancing conservation objectives.”

First of all, when it comes to the eastern gulf, there is no good way to increase offshore production while balancing environmental concerns. The gulf—the eastern gulf is still recovering from the horrific 2010 *Deepwater Horizon* explosion, which fouled the gulf all the way east into most of the Panhandle of Florida.

Secondly, as I have explained time and again, it makes no sense to drill in an area that is critically important to the U.S. military and is the largest testing and training area for the U.S. military in the world, where we are testing our most sophisticated weapons systems and where we are sending our fighter pilots who need the open space to train. That is why they have the F-22 training at Tyndall Air Force Base. That is why they have training for pilots on the F-35 at Eglin Air Force Base. That is also why the Chief of Staff of the Air Force wrote in a letter just recently, “The moratorium is essential for developing and sustaining the Air Force's future combat capabilities.”

I ask unanimous consent to have the two letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE UNDER SECRETARY  
OF DEFENSE,

Washington, DC, April 26, 2017.

Hon. MATT GAETZ,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE GAETZ: Thank you for your letter dated March 24, 2017, regarding maintaining the moratorium on oil and gas activities in the Gulf of Mexico beyond 2022. Since military readiness falls under my purview, I have been asked to respond to your letter on behalf of the Secretary of Defense. The Department of Defense (DoD) cannot overstate the vital importance of maintaining this moratorium.

National security and energy security are inextricably linked and the DoD fully supports the development of our nation's domestic energy resources in a manner that is compatible with military testing, training, and operations. As mentioned in your letter, the complex of eastern Gulf of Mexico operating areas and warning areas provides crit-

ical opportunities for advanced weapons testing and joint training exercises. The moratorium on oil and gas “leasing, pre-leasing, and other related activities” ensures that these vital military readiness activities may be conducted without interference and is critical to their continuation. Emerging technologies such as hypersonics, autonomous systems, and advanced sub-surface systems will require enlarged testing and training footprints, and increased DoD reliance on the Gulf of Mexico Energy Security Act's moratorium beyond 2022. The moratorium is essential for developing and sustaining our nation's future combat capabilities.

Since signing the 1983 “Memorandum of Agreement Between the Department of Defense and the Department of the Interior on Mutual Concerns on the Outer Continental Shelf,” the two departments have worked cooperatively to ensure offshore resource development is compatible with military readiness activities. During recent discussions between the DoD and the Department of the Interior's Bureau of Ocean Energy Management, a question arose concerning whether Congress intended the moratorium to prohibit even geological and geophysical survey activities in the eastern Gulf. We would welcome clarification from Congress concerning this matter.

On behalf of the Secretary, I appreciate your interest in sustaining our testing and training activities in the eastern Gulf of Mexico.

Sincerely,

A.M. KURTA,

*Performing the Duties of the Under Secretary of Defense for Personnel and Readiness.*

DEPARTMENT OF THE AIR FORCE,  
OFFICE OF THE CHIEF OF STAFF,  
Washington, DC, June 27, 2017.

Hon. BILL NELSON,  
United States Senate,  
Washington, DC.

DEAR SENATOR NELSON: I write this letter in whole-hearted support of a proposal seeking to extend the moratorium on leasing, preleasing, or any other related activity in any area east of the Military Mission Line in the Gulf of Mexico. I understand this provision is being considered for inclusion in the National Defense Authorization Act for Fiscal Year 2018.

The Air Force fully supports the development of our nation's domestic energy resources in a manner that is compatible with the military testing, training, and operations. The complex of eastern Gulf of Mexico operating areas and warning areas provides critical opportunities for advanced weapons testing and joint training exercises. The moratorium on oil and gas leasing, preleasing, and other related activities ensures that these vital military readiness activities may be conducted without interference and is critical to their continuation. Of course, we are always willing to work with the appropriate agencies to see if there are ways to explore for energy without hampering air operations.

The moratorium is essential for developing and sustaining the Air Force's future combat capabilities. Although the Gulf of Mexico Energy Security Act's moratorium does not expire until 2022, the Air Force needs the certainty of the proposed extension to guarantee long-term capabilities for future tests. Emerging technologies such as hypersonics, 5th generation fighters, and advanced sub-surface systems will require enlarged testing and training footprints, and increased Air Force reliance on the moratorium far beyond 2022.

Please don't hesitate to contact me if you have any questions. I look forward to continuing our work with you to ensure America's Air Force remains the very best.

Sincerely,

DAVID L. GOLDFEIN,  
General, USAF, Chief of Staff.

Mr. NELSON. The letters—one from the Office of the Secretary of Defense and the other from General Goldfein, the Chief of Staff of the Air Force—state they are needing to put a major investment of telemetry into the eastern gulf range for all of these sophisticated weapons systems, and they don't want this investment of the infrastructure with the moratorium ending in the year 2022. They want to extend the moratorium for another 5 years, to 2027. That is a reasonable request by the Department of Defense and the Department of the Air Force.

For example, a test can start way down in the South, off of Key West, and a cruise missile could go all the way, 300 miles, because of the size of this test range, and then it could have a land impact on Eglin Air Force Base. That is part of our testing regime.

One could ask, Why couldn't the cruise missile weave around oil rig activities? Well, look at the new miniature cruise missiles that are out there. It is not one, but a swarm, which takes up a big footprint that we are testing. This is just one example of a weapons system that needs a lot of open space. This is a national asset. We don't want to give it up. That is why the top brass in the Pentagon is asking that we extend this moratorium so that those expensive investments in telemetry can be made.

We should not put someone in charge at the Department of the Interior if he has an open objection to what is obviously needed for national security and if he has demonstrated a history of siding just with special interests. It would be a bad decision when it comes to the national security of this country.

I am going to oppose the nomination, but that is just one reason, one item, on an ever-growing list of concerns that this Senator has with the Department of the Interior these days.

On June 29, Secretary Zinke announced that the Department was seeking public comment on a new 5-year plan for offshore oil and gas leasing. In case anyone has forgotten, the current 5-year plan was just finalized 6 months ago and is supposed to run through 2022. Why would the Department spend more taxpayer money to go through the whole process all over again? The only reason this Senator can see is that the oil industry wants more acreage. They are going after the eastern Gulf of Mexico, despite the fact that the Department of Defense is asking for exactly the opposite.

By the way, they ought to take from the very productive sections of the Gulf of Mexico off of Louisiana. There are acres and acres under lease, but of all those acres under lease, how many are actually drilled and/or in production? It is a small percentage of the

acreage under lease that is actually drilled. So why don't we take advantage of the existing leases, particularly in the central gulf, which is where the oil is? That is where all the sediments over millions of years came down the Mississippi River, settled in what is today the gulf, into the Earth's crust, compacted it, and made it into oil. That is where the oil is.

Now, remember, also out there in the eastern gulf, this is the area that is off limits. This is the Eglin Gulf Test and Training Range. The Air Force wants to extend that moratorium from 2022 by 5 years—out to 2027—in order to protect it for all of these reasons we have been discussing. It is all of that open space, and we ought not give it up.

I will give you another example of the short memories over at the Department of the Interior.

After the 2010 BP oilspill, it became clear that the relationship between regulators and the oil industry was a problem so the Minerals Management Service was divided into two separate agencies in the Department of the Interior—the Bureau of Ocean Energy Management, which regulates lease sales, and the Bureau of Safety and Environmental Enforcement, which is supposed to ensure that safety standards are followed. Less than a decade later, people seem to have forgotten all of that, and they want to put the two back together again. It is another example of what is going on. Not only that, but the administration is trying to roll back the safety rules, like the well control rule that was finalized in November of last year. This long-overdue rule seeks to prevent what went so tragically wrong on the *Deepwater Horizon* rig from ever happening again.

Every day, it seems like the administration is coming up with a new way to put the gulf at risk and Florida's coastline and tourism-driven economy at risk. It is now putting at risk the national security of the country by messing up the largest testing and training range for the U.S. military and the world. It is utilized by all branches of service. As a matter of fact, when they stopped the Atlantic fleet of the Navy from doing all of its training off of Puerto Rico on the Island of Vieques, all of that training came to the gulf. The Navy squadrons come down for 2 weeks at a time to the Naval Air Station Key West, with the airport actually being on Boca Chica Key, and when they lift off on the runway, within 2 minutes, those F/A-18s are over restricted airspace so they do not have to spend a lot of time and fuel in getting to their training area.

I have heard from business owners, and I have heard from residents across the entire State of Florida. They do not want drilling in the eastern gulf. They have seen what can happen when the inevitable spill happens. We lose an entire season of tourism, and all of that revenue goes away, along with that loss.

Why do they know that?

The BP oilspill was off of Louisiana, but the winds started carrying the oil slicks to the east. It got as far east as Pensacola Beach, and the white, sugary sands of Pensacola were covered in black oil. That was the photograph that went around the world. The winds continued to push it, and tar mats came over and got onto the beach at Destin. We were desperately trying to keep the oil from going into the Choctawhatchee Bay at Destin like it had already gone into the Pensacola Bay at Pensacola. The winds kept pushing it to the east, and the tarballs ended up all over the tourism beaches of Panama City. Then the winds did us a favor—they reversed, and they started taking it back to the west.

So there was oil on some of the beaches, but what happened for an entire year of the tourist season? The tourists did not come to the gulf beaches, not only in Northwest Florida but all down the peninsula, all the way down to Marco Island, and they lost an entire tourist season. That is why people are so upset about any messing around.

This Senator brings this to us as I have spoken of what has happened and have stood up for over the last four decades in order to fight to prevent those kinds of spills from happening again off the coast of the State of Florida.

Yet now we have, right here, an issue in front of us, something that could threaten the Department of Defense's mission for being ready to protect this Nation. In that case, my recommendation to the Senate is not to vote for this nomination for Deputy Secretary of the Interior because of his history and because of how he responded to Senator CANTWELL in the committee.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. ERNST). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. CANTWELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. What is the pending business?

The PRESIDING OFFICER. The Bernhardt nomination is pending.

Ms. CANTWELL. I thank the Chair.

Madam President, I rise today to speak about the Bernhardt nomination to be Deputy Secretary of the Interior.

The Deputy Secretary plays an important role in forming and carrying out the administration's policy on a broad range of issues. These issues include our Nation's public lands, our national parks, our national wildlife refuges, our water resources, mineral and energy development on public lands and Federal waters, carrying out our trust responsibilities to our Tribal nations, and working with our territories and Freely Associated States.

The Deputy Secretary also performs very important functions as it relates

to the Secretary or in the Secretary's absence. In virtually all matters, the Deputy Secretary has the authority of the Secretary. That is why I look at this position with such an important critique, because we know in past positions there have been conflicts, and we know we have important policies to discuss, and we need to make sure we have no conflicts of interest.

I have made no secret that I have concerns about this nomination. Mr. Bernhardt is no stranger to this body and he is no stranger to the Department of the Interior. He held a number of senior political positions in the Department during the Bush administration beginning in 2006.

After leaving the Department in 2009, he returned to a successful private practice. For 8 years, he has represented a wide range of clients, including oil and gas companies, mining companies, and water supply interests in California, just to name a few. If he is confirmed, he will oversee the same companies at the Department of the Interior; that is, he will be making decisions on the same things that he lobbied for at the agency, and now he will be on the other side of the table and be able, after a short period of time, to make decisions in those areas.

So, as I said at his confirmation hearing—I'm not suggesting that just working for the private sector disqualifies someone, but when you have a wide range of issues that you have worked on in the private sector and now you are going to be on the other side of the table, it brings up concerns.

The President of the United States traveled the country when he was campaigning and said he wanted to drain the swamp from special interests, and he has repeated that many times over the last few years. But with Mr. Bernhardt's nomination, I am afraid he is not draining the swamp, he is actually helping to fill it.

The nominee's private sector experience as a registered lobbyist for companies whose main public policy focuses are in the Department of Interior creates an appearance of a conflict of interest. Also, the nominee wants to lead the Department that he sued four times.

It is true that Mr. Bernhardt has considerable experience. We saw another nominee come to this same post in a past administration on the same basis. People thought he had a lot of experience in a lot of these cases, but he obviously didn't follow the law and ended up going to jail because of his overreaching within the agency and organization.

So these are very important public policy issues, public lands issues—interests that the American people need to make sure are aboveboard and no conflicts of interest.

Mr. Bernhardt served in the highest levels of the Department of the Interior at a time when the inspector general called it "a culture of ethical failure." I know that at the hearing he

told us he tried to help change that failure of culture within the agency. The Inspector General also testified that "ethics failures on the part of senior department officials—taking the form of appearances of impropriety, favoritism and bias—have been routinely dismissed with a promise 'not to do it again.'"

While Mr. Bernhardt has given testimony about the fact that he tried to help change and get away from that culture, I still have concerns that his private sector client base poses a significant problem. The nominee's extensive client base in the area, which falls under the jurisdiction of the Department of the Interior, creates at least an inherent appearance of conflict. He and his clients have lobbied extensively on such matters as the Cadiz pipeline in California, opening up the Arctic National Wildlife Refuge to oil exploration, and weakening the Endangered Species Act. He has advocated in favor of expanding offshore drilling and lifting the moratorium in the Gulf after the Deepwater Horizon disaster. He also represented Westlands Water District, the Nation's largest irrigation district, as a registered lobbyist. His law firm represented Westlands in four different lawsuits against the Department of the Interior.

In November 2016, he joined the Trump transition team, and Mr. Bernhardt deregistered as a lobbyist for Westlands yet continued to work for them in some capacity.

As the ranking member of the Energy and Natural Resources Committee, I raised concerns about these issues with the nominee during his confirmation hearing. He has submitted required financial disclosure and ethics forms, but there are specific questions we want to make sure are addressed.

He has declined to comment on recusing himself beyond just the 1-year minimum that is required by the ethics rules. I know Mr. Bernhardt says he will comply with whatever the organization and agency requires, but we don't have the time, given the long list of conflicts of interest and given that past case representation, to constantly know every issue and every meeting and every oversight to make sure that undue influence is not being pressured at the Department of Interior.

The President of the United States, who nominated Mr. Bernhardt, told the Times just yesterday in a conversation about the Attorney General: "If he was going to recuse himself, he should have told me before he took the job and I would have picked someone else." Well, I hope that is not the issue here. I hope the agency isn't running fast toward somebody who just won't recuse themselves in hopes that they will get someone who will do the bidding of these interests and not take into consideration the complexity, the legal structure, and the challenges that dealing with these issues takes.

In fact, as late as March of this year, Mr. Bernhardt's firm was submitting

invoices to Westlands for lobbying charges with itemized expenses. Documents show he was engaged in regular contact with congressional offices and working on legislation and efforts to inform administration policy at the same time he was serving on the Trump transition team.

Even the appearance that Mr. Bernhardt was still lobbying on behalf of clients that do business with the Department of the Interior at the same time he wants to help lead it validates some of the concerns we have been expressing.

I remain concerned about his record on behalf of these corporations at the expense of the environment and his tenure at the Department of the Interior and many other challenges. The Department's responsibilities and jurisdictions are just too vast. They are too important to the American people to just green-light someone who I believe will be very challenged in doing this job. So I urge my colleagues to oppose this nomination.

Just today, a complaint was filed with a U.S. Attorney about this nominee's alleged lobbying activities based on new records available pursuant to California public records law. I want answers from the nominee. We are going to continue to ask questions.

In the meantime, I ask my colleagues to oppose this nomination. Make sure we get the answers we need before the nomination of David Bernhardt can continue.

I thank the Presiding Officer.

I yield the floor.

Madam President, I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

MR. GARDNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

MR. GARDNER. Madam President, it is my honor to come to the Senate floor today to talk in support of a fellow Coloradan's nomination to be the Deputy Secretary of the Department of the Interior—David Bernhardt. I am very excited about his nomination, strongly support his nomination, and believe that my fellow Coloradan will do an absolutely incredible job for Colorado and for the rest of this country at the Department of the Interior.

I had the great honor just a month or more ago of welcoming David to the committee and welcoming his beautiful family there with him that day. I reminded his oldest son Will about the connection that my family and our oldest child will always have with Will, because when my wife Jaime was working at the Department of the Interior, our oldest daughter Alyson spent some time at daycare with David Bernhardt's son Will, as well. It was the same daycare and the same work Jaime and David did at the Department of the Interior, working together



all those years. But there is more than that. There are more connections I will share, between David Bernhardt and me, and one of the many reasons why I support him.

I have known him personally and professionally for nearly two decades. We both grew up in rural Colorado. I am from the Eastern Plains of Colorado, and Mr. Bernhardt is from the Western Slope. I am from the flatlands, and he is from the mountains. We share a lot of common interests in rural development and saving small towns.

We both began our public service 1 year apart, interning in the Colorado State Legislature for a member of the Colorado State Legislature named Russell George, who would go on, eventually, to become the Colorado speaker of the house.

I will never forget when I began. It was in the second term of then-State Representative Russell George. I worked for him on Tuesdays and Thursdays in an internship through Colorado State University. He said: You should reach out and meet last year's intern because I think he could help you figure out the ropes around here and what you should know about the internship. He gave me the phone number for David Bernhardt. So I followed in the footsteps of David Bernhardt at the capitol, and I am excited to see the work that he continues to do.

As I mentioned, Mr. Bernhardt worked with my wife Jaime at the Department of the Interior, and, at one point, their offices were just around the corner from one another. His personal background and public and private sector professional experiences prove that he is a strong voice for the West and extremely well-qualified for the nomination to be Deputy Secretary. He has extensive insight on western water policy, natural resource policy, and Indian affairs, just to name a few. Those who have worked with Mr. Bernhardt commend him for his integrity and wealth of knowledge on the issues under the jurisdiction of the Department of the Interior.

In 2008, after the Department reached the largest Indian water rights settlement in the Nation's history, Secretary Kempthorne personally acknowledged Mr. Bernhardt's work as then-Solicitor and stated: "His effective coordination—both within Interior as well as with the local, tribal, state and congressional leaders—was essential to the success we celebrate today."

The country will indeed benefit from having Mr. Bernhardt serve as Deputy Secretary, a position that is the second ranking official within the Department and has statutory responsibilities as the chief operating officer.

Along with Mr. Bernhardt's professional career, I believe it is important to fully understand his background and the foundation of his interest in public lands, which further qualifies him for this very important role.

Mr. Bernhardt is originally from the outskirts of the small town of Rifle,

CO, located on Colorado's Western Slope. If you have driven through the Eisenhower Tunnel, the Veterans Memorial Tunnels, or if you go to Grand Junction, CO, you will have been right by and through Rifle, CO.

Few places more fully embody the spirit and mission of the agency he has been nominated to lead as Deputy Secretary. Growing up in rural Colorado instilled in David strong western values and interests, and, to this day, Mr. Bernhardt enjoys hunting, recreation, the outdoors, and fishing.

Rifle is located in Garfield County, an area where about 60 percent of the lands are Federal public lands. Think about the work he is about to take on upon confirmation: 60 percent of his home county is public lands.

Rifle was founded as a ranching community along the Colorado River, and it retains that heritage today, along with tremendous opportunities for world-class outdoor recreation, including fishing, hiking, skiing, rafting, and rock climbing. It also sits at the very edge of the Piceance Basin, an area in Colorado which has vast amounts of natural gas.

David grew up in the oil shale boom and bust and has said that the boom-and-bust cycle in Western Colorado has made him more sensitive to the potential benefits and the potential impacts—both environmental and social—of resources development.

In the 1980s, his hometown of Rifle was hit hard by the State's oil shale crash, and he personally experienced some of the hard times the Nation's rural communities often face. Much like the Department of the Interior itself, Rifle is a community that is a product of its public lands and the western heritage around it. It is centrally located, just a few miles away from the iconic Grand Mesa, the world's largest flat top mountain. The flat top's wilderness and the Roan Plateau represent a home base among these public lands, with virtually unmatched access to world-class outdoor experiences, which is why Mr. Bernhardt has such a passion for these issues.

His background and outlook on public lands and water issues assisted him in his prior service at the Department of the Interior, including in the Solicitor's role. Mr. Bernhardt's confirmation as Solicitor was confirmed by voice vote by the U.S. Senate in 2006. By voice vote, he was approved the last time he served at the Department of the Interior.

There have been other nominees—I think this has been a subject of debate on his nomination—considered by the Energy Committee and by this body who practiced private law from the time between their public service appointments at the Department of the Interior and the time they would come back to the administration. Mr. Bernhardt has taken the same steps these nominees did in order for his nomination to move forward today.

I think it is important to point out the Hayes-Schneider standard that was established for the Department of the Interior.

David Hayes, nominated for Deputy Secretary in the Obama administration, was confirmed by the Senate. He had previously served in the Clinton administration, and then he served in the Obama administration. In between that time, he had a private law practice.

Janice Schneider, nominated for Assistant Secretary under President Obama, served in the Clinton administration but in between served in a private law practice. What we see is another nominee who is a dedicated public servant, has gained experience in the private sector, and is willing to come back to public service to give back to our great country.

Mr. Bernhardt's integrity and ability are two of his strongest qualities for his nomination. Public service requires certain sacrifices. I certainly appreciate Mr. Bernhardt's and his family's acceptance of the nomination that will be considered by this body today.

I hope the Senate process has not become a broken process, which disincentivizes qualified people—like Mr. Bernhardt, who is held in high professional regard—from serving and from returning to public service. That is why I hope his nomination today receives strong bipartisan support.

As the Senate takes up the vote on this nomination, I urge my colleagues to hold this nominee to the same practice, the same process to which we hold all nominees who are under consideration before the U.S. Senate.

There are a number of individuals and organizations that support David Bernhardt. The Southern Ute Indian Tribe in Colorado has written a letter of support for his nomination; the Colorado Water Congress, a very important organization made up of environmentalists and water users and municipalities, supports David Bernhardt's nomination; the Colorado River District supports David Bernhardt's nomination.

Why are these important? Because these are people who have worked with him throughout his career, from the time he was an intern for Russell George in the State legislature to the time that he worked with Scott McInnis, to the time he worked at a law firm, to the time he worked at the Department of the Interior, all the way up until today.

The National Congress of American Indians supports David Bernhardt as Deputy Secretary of the Interior; Ducks Unlimited applauds the nomination of David Bernhardt as Deputy Secretary of the Interior; the Boone and Crockett Club supports David Bernhardt's nomination to be Deputy Secretary of the Interior. The list goes on and on.

Here is a letter from a wide variety of organizations: the International

Snowmobile Manufacturers Association, the Recreational Vehicle Industry, environmental organizations that have done great work in conservation, the National Shooting Sports Foundation. These are groups, organizations—not partisan efforts, but organizations that rely on Democrats and Republicans.

The Indian Nation supports David Bernhardt's nomination. These are Republicans, Democrats, and Independents across the country who believe David Bernhardt would do an incredible job at the Department of the Interior.

Here is a letter of support for David Bernhardt from the chief of the Penobscot Nation. The National Cattlemen's Beef Association supports the nomination of David Bernhardt. The list goes on and on.

To my colleagues today, from those who know him best, I ask support for David Bernhardt, Deputy Secretary of the Department of the Interior, and stress the importance of a strong bipartisan vote today to show support for our western States that have so much need at the Department of the Interior. The work needs to be done so that we can start once again getting to the work of the people.

I yield the floor.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of David Bernhardt, of Virginia, to be Deputy Secretary of the Interior.

Mitch McConnell, Roger F. Wicker, John Thune, Tim Scott, John Hoeven, Pat Roberts, Orrin G. Hatch, Tom Cotton, John Barrasso, Thom Tillis, Michael B. Enzi, John Boozman, James M. Inhofe, John Cornyn, James Lankford, Mike Rounds, Cory Gardner.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of David Bernhardt, of Virginia, to be Deputy Secretary of the Interior, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. MORAN), and the Senator from Nebraska (Mr. SASSE).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. LEAHY) and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

The PRESIDING OFFICER (Mr. PERDUE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 39, as follows:

[Rollcall Vote No. 165 Ex.]

#### YEAS—56

Alexander	Fischer	Murkowski
Barrasso	Flake	Paul
Bennet	Gardner	Perdue
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Capito	Heinrich	Rounds
Cassidy	Heitkamp	Rubio
Cochran	Heller	Schatz
Collins	Hoeven	Scott
Corker	Inhofe	Shelby
Cornyn	Isakson	Strange
Cotton	Johnson	Sullivan
Crapo	Kennedy	Thune
Cruz	King	Tillis
Daines	Lankford	Toomey
Donnelly	Lee	Wicker
Enzi	Manchin	Young
Ernst	McConnell	

#### NAYS—39

Baldwin	Franken	Nelson
Blumenthal	Gillibrand	Peters
Booker	Harris	Reed
Brown	Hassan	Sanders
Cantwell	Hirono	Schumer
Cardin	Kaine	Shaheen
Carper	Klobuchar	Tester
Casey	Markey	Udall
Cooms	McCaskill	Van Hollen
Cortez Masto	Menendez	Warner
Duckworth	Merkley	Warren
Durbin	Murphy	Whitehouse
Feinstein	Murray	Wyden

#### NOT VOTING—5

Leahy	Moran	Stabenow
McCain	Sasse	

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 39.

The motion is agreed to.

The Senator from Utah.

Mr. HATCH. Mr. President, is it appropriate to make a speech at this time?

The PRESIDING OFFICER. It is.

Mr. HATCH. Thank you, Mr. President.

President Ronald Reagan used to say that people are policy. Attacking a new President's policies, therefore, often includes undermining his or her ability to appoint men and women to lead his or her administration.

The Constitution gives to the President the power to appoint executive branch officials. The Senate has the power of advice and consent as a check on that appointment power.

In the early months of the Obama administration, Senate Democrats were clear about how we should carry out our role in the appointment process. Less than 2 weeks after President Obama took office, the Judiciary Committee chairman said he wished that the Senate could have put the new Justice Department leadership in place even more quickly. Just 3 months into President Obama's first term, the chairman argued that, "at the beginning of a presidential term, it makes sense to have the President's nominees in place earlier, rather than engage in needless delay."

Well, actions speak much louder than words. With a Republican in the White House, Senate Democrats have turned our role of advice and consent into the most aggressive obstruction campaign in history.

This chart is an illustration.

Democrats complained about obstruction when, during the first 6

months of the Obama administration, the Senate confirmed 69 percent of his nominations. Today marks 6 months since President Trump took the oath of office, and the Senate has been able to confirm only 23 percent of his nominations.

I ask my Democratic colleagues: If 69 percent is too low, what do you call a confirmation pace that is two-thirds lower?

Democrats do not have the votes to defeat nominees outright. That is why the centerpiece of their obstruction campaign is a strategy to make confirming President Trump's nominees as difficult and time-consuming as possible.

Here is how they do it. The Senate is designed for deliberation as well as for action. As a result, the Senate must end debate on a nomination before it can confirm that nomination. Doing so informally is fast. Doing it formally is slow.

In the past, the majority and minority informally agreed on the necessity or length of any debate on a nomination, as well as when a confirmation vote would occur. The first step in the Democrats' obstruction campaign, therefore, is to refuse any cooperation on scheduling debates and votes on nominations. The only option is to use the formal process of ending debate by invoking cloture under Senate rule XXII. A motion to end debate is filed, but the vote on that motion cannot occur for 2 calendar days. If cloture is invoked, there can then be up to 30 hours of debate before a confirmation vote can occur.

The Democrats' obstruction playbook calls for stretching this process out as long as possible. While informal cooperation can take a couple of hours, the formal cloture process can take up to several days.

The late Senator Daniel Patrick Moynihan once said that you are entitled to your opinion, but not to your own set of facts. I would state, then, to let the confirmation facts do the talking.

President Trump and his three predecessors were each elected with the Senate controlled by his own political party. This is another illustration right here. At this point in the Clinton and George W. Bush administrations, the Senate had taken no cloture votes—nothing, none whatsoever—as you can see, on nominations. We took just four nomination cloture votes at this point during the Obama administration. So far in the Trump administration, the Senate has taken 33 cloture votes on nominations. Think about that. If that isn't obstruction, I don't know what is. It is not even close.

There is one very important difference between cloture votes taken in the beginning of the Clinton, Bush, or Obama administrations and those taken this year. In November 2013, Democrats effectively abolished nomination filibusters by lowering the vote

necessary to end debate from a super-majority of 60 to a simple majority. It now takes no more votes to end debate than it does to confirm a nomination. In other words, the Senate did not take cloture votes during previous administrations, even though doing so could have prevented confirmation.

Today, Democrats are forcing the Senate to take dozens of cloture votes even though doing so cannot prevent confirmation. At least half of these useless cloture votes taken so far would have passed even under the higher 60-vote threshold.

Earlier this week, 88 Senators, including 41 Democrats, voted to end debate on President Trump's nominee to be Deputy Secretary of Defense. We have seen tallies of 67, 81, 89, and even 92 votes for ending debate. Meanwhile, these needless delays are creating critical gaps in the executive branch.

A clear example is the nomination of Makan Delrahim, a former Senate staffer whom everybody on both sides knows, is a wonderful guy, and who everybody knows is honest. But this clear example is the nomination of Delrahim to head the Antitrust Division at the Department of Justice. Antitrust enforcement is a critical element of national economic policy. It protects consumers and businesses alike, and, without filling these important posts, uncertainty in the market reigns. This is a particular problem at a time of common and massive mergers and acquisitions. Yet Mr. Delrahim, like dozens of others, has been caught in the maelstrom of delays. Mr. Delrahim was appointed out of the Judiciary Committee on a 19-to-1 vote. Everybody there knows how good he is, how decent he is, how honorable he is, and how bipartisan he has been. He is supremely qualified and enjoyed broad support throughout the Senate as a whole. Yet his nomination, like so many others, languishes on the floor because of Democratic obstruction. Indeed, it has taken longer to get Mr. Delrahim confirmed than any Antitrust Division leader since the Carter administration. Keep in mind that this is a former staffer of ours who served both Democrats and Republicans.

Regarding the delay of Mr. Delrahim's confirmation, I ask unanimous consent to have two news articles printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From [www.wsj.com](http://www.wsj.com), July 12, 2017]

#### SENATE FIGHT OVER TRUMP'S NOMINEES HEATS UP

(By Brent Kendall and Natalie Andrews)

WASHINGTON—A congressional battle over President Donald Trump's nominations for a range of influential positions is escalating and becoming more acrimonious, creating additional uncertainty over when some notable government vacancies might be filled.

Mr. Trump has been slower than recent presidents to roll out nominees. But for an array of people the president has selected, Senate Democrats are using procedural tactics to slow the confirmation process to a

crawl—at least in part to object to the lack of open hearings on health-care legislation, Democratic leaders say.

More than 30 nominees are sitting on the sidelines while they await a final Senate confirmation vote. Those include several picks for the Justice and Treasury departments, as well as new commissioners for a federal energy regulator that has been unable to conduct official business because of its vacancies.

If the current pattern holds, many of these people may not be confirmed for their jobs before the Senate takes a break in mid-August. Senate Minority Leader Chuck Schumer (D., N.Y.) in most circumstances has been invoking Senate procedures to require up to 30 hours of debate per nominee, an amount of Senate floor time that means lawmakers can't confirm more than a handful of nominees each week.

The minority party often waives a requirement for lengthy debate, but Democrats are generally declining to do so. In response to GOP complaints, they cite what they call Republican obstructionism under President Barack Obama, including Republicans' refusal to hold a hearing or vote on Mr. Obama's Supreme Court nominee, Merrick Garland.

In the current environment, even non-controversial nominees can take up several days of Senate time. For example, the Senate spent much of the first part of the week considering the nomination of David Nye to be a federal judge in Idaho. Mr. Nye was originally nominated by Mr. Obama and Mr. Trump renominated him after taking office.

Senators took a procedural vote Monday on Mr. Nye, but he wasn't confirmed until Wednesday afternoon, on a 100-0 vote.

Raw feelings on both sides of the aisle erupted this week. Republicans accused Democrats of unprecedented obstruction, saying it would take the Senate more than 11 years at the current pace before Mr. Trump could fully staff a government.

White House legislative affairs director Marc Short, in a press briefing Monday, accused Mr. Schumer of being an irresponsible champion of the "resist" movement. Senate Majority Leader Mitch McConnell (R., Ky.) cited the issue as a top reason for his decision to push back the Senate's planned August recess by two weeks.

On the Senate floor Wednesday, Mr. McConnell said Democrats were "bound and determined to impede the president from making appointments, and they're willing to go to increasingly absurd lengths to further that goal."

Democrats dismiss such characterizations given what they see as unprecedented Republican tactics toward Mr. Obama's nominees, especially Judge Garland. In February 2016, Republican Senate leaders said they wouldn't consider a Supreme Court nominee until after the election.

Democrats also note that Mr. Trump has yet to name people for hundreds of vacancies and say there have been paperwork problems with a number of people he has chosen.

"Our Republican friends, when they're worried about the slow pace of nominations, ought to look in the mirror," Mr. Schumer said on the Senate floor on Tuesday. The GOP complaints about the pace of confirmations, he added, "goes to show how desperate our Republican leadership is to shift the blame and attention away from their health-care bill."

Mr. Schumer has said Democrats will generally insist on lengthy Senate debate time for nominees until Republicans start using traditional Senate procedures for advancing their health legislation, including committee hearings and bill markups.

Mr. McConnell has said Republicans have held numerous hearings on ACA issues in the

past and it isn't necessary to do so for the current legislation.

Unlike the political fights earlier in the year over some of Mr. Trump's cabinet picks and his Supreme Court nomination of Neil Gorsuch, the current nominees at the head of the queue aren't high-profile, and some have bipartisan support.

Those awaiting Senate floor action include Makan Delrahim, in line to lead the Justice Department's antitrust division. Mr. Delrahim, a deputy White House counsel who served as a government antitrust lawyer in the George W. Bush administration, was approved by the Senate Judiciary Committee five weeks ago on a 19-1 vote.

Among its current pending matters, the antitrust division is deep into its review of AT&T Inc.'s proposed \$85 billion deal to acquire Time Warner Inc., a transaction announced in October.

Also pending are two picks for Republican seats on the Federal Energy Regulatory Commission, which usually has five members but currently has just one. Since February, the commission has lacked a quorum to conduct official business such as approving energy infrastructure projects. The nominees, Neil Chatterjee, a McConnell aide, and Robert Powelson, each were approved on a 20-3 vote by the Senate Energy and Natural Resources Committee last month.

Mr. Trump may have made a tactical misstep by not moving to fill an open Democratic FERC seat at the same time he announced the GOP nominees in May. For government commissions made up of members from both parties, presidents usually look to pair Democratic and Republican nominees, which gives both sides an incentive to move forward with the nominations. Mr. Trump in late June announced his intention to nominate Richard Glick, a Democratic Senate staffer, for an open FERC seat, but he hasn't done so yet.

Other pending nominees include Boeing executive Patrick Shanahan to be deputy secretary of defense, the No. 2 slot at the Pentagon, and Kevin Hassett to be the chairman of the Council of Economic Advisers.

Dozens of other nominees have been working their way through Senate committees and could be in line for full Senate consideration in the coming weeks. Those include Christopher Wray for FBI director as well as two nominees for the Nuclear Regulatory Commission.

[From Law360, New York, July 14, 2017]

#### WAIT TO CONFIRM TRUMP'S ANTITRUST CHIEF LONGEST IN 40 YEARS

(By Eric Kroh)

It has taken longer for the administration of President Donald Trump to get its top antitrust lawyer in place at the U.S. Department of Justice than any since President Jimmy Carter, leaving the division running at a limited clip some six months into Trump's tenure.

As of Friday, it has been 175 days since Trump's inauguration, and his nominee for assistant attorney general in charge of the DOJ's antitrust division, Makan Delrahim, has yet to be approved by the full Senate despite pressing matters such as the government's review of AT&T's proposed \$85 billion acquisition of Time Warner.

After taking office, Trump's five predecessors had their nominees to head the antitrust division confirmed by June at the latest. In the last 40 years, only Carter has taken longer to get his pick permanently installed after a change in administration. Carter nominated John H. Shenefield to be assistant attorney general on July 7, 1977, and he was confirmed on Sept. 15 of that year.

On the rung below, only two of five deputy assistant attorney general positions are currently filled at the antitrust division. Though the division is largely staffed by career employees and has been humming along under acting directors, the lack of a confirmed head and the vacancies at the deputy level could be a sign that the administration doesn't place a high priority on antitrust matters, according to Christopher L. Sagers of the Cleveland-Marshall College of Law at Cleveland State University.

"It doesn't seem like this particular White House has been as interested in the day-to-day administration of government as it has been in political issues," Sagers said. "I don't think that bodes particularly well for antitrust enforcement."

Trump did not take especially long to nominate Delrahim. It had been 66 days since his inauguration when Trump announced his choice on March 27. Former President Barack Obama was relatively speedy with his pick, naming Christine A. Varney to the position a mere two days after taking the oath of office. On average, though, the six presidents before Trump took about 72 days to announce their nominees.

However, it has taken an unusually long time for Delrahim to make it through the logjam of nominations in the Senate. As of Friday, it has been 109 days since Trump announced Delrahim as his pick to lead the antitrust division. Of the past six administrations, only President George W. Bush's nominee took longer to confirm when the Senate approved Charles A. James on June 15, 2001, 120 days after he was nominated.

Popular wisdom holds that the antitrust division is hesitant to launch any major merger challenges or cartel investigations when it is operating under an acting assistant attorney general, but that is largely a canard, Sagers said.

It's true that the division has been mainly focused on addressing litigation and deal reviews that were already ongoing when Trump took office and continuing probes begun under Obama. However, past acting assistant attorneys general have not been afraid to take aggressive enforcement actions, such as the DOJ's challenge to AT&T's acquisition of T-Mobile in 2011 under acting head Shari A. Pozen, Sagers said.

Nevertheless, the lack of permanent leadership is likely being felt at the division, Sagers said.

"At a minimum, it's a burden on the agency's ability to get all its work done," he said.

For example, the DOJ asked the Second Circuit on two occasions for more time to file its opening brief in a case involving the government's interpretation of a decades-old antitrust consent decree that applies to music performing rights organization Broadcast Music Inc. In its request, the DOJ said it needed to push back the filing deadline because of the turnover in leadership at the antitrust division.

"Given the context of decrees that govern much of the licensing for the public performance of musical works in the United States, this is an important issue," the DOJ said in an April court filing. "In the meantime, there is still an ongoing transition in the leadership in the Department of Justice, and this is a matter on which the newly appointed officials should have an opportunity to review any brief before it is filed."

The Second Circuit ultimately declined to grant the DOJ's second request for an extension.

The setting of big-picture policies at the antitrust division such as in the BMI case is exactly the kind of thing that can fall by the wayside under temporary leadership, Sagers said.

Depending on the industry, companies may also be waiting to see the direction the DOJ takes on merger reviews under the Trump administration before deciding to follow through with or pursue large deals, according to Andrea Murino, a partner with Goodwin Procter LLP.

"I do think it is something you have to factor in," Murino said.

Dealmakers may be watching to see how the DOJ acts on blockbuster transactions such as the AT&T-Time Warner merger. The antitrust division also has to decide whether to challenge German drug and chemicals maker Bayer AG's \$66 billion acquisition of U.S.-based Monsanto Co.

The antitrust division's tenor will in large part be set by who will serve under Delrahim in the deputy assistant attorney general positions. Following Delrahim's confirmation, current acting Assistant Attorney General Andrew Finch will serve as his principal deputy. Last month, the DOJ named Donald G. Kempf Jr. and Bryson Bachman to two of the deputy assistant attorney general openings, leaving three vacancies remaining.

While it's preferable to have a full slate of officials and enforcers in place, the antitrust division will continue to review deals, go to court and police cartels until those seats are filled, Murino said.

"They've gone through this before, maybe just not for this length of time," she said. "There is a slew of really talented career people that do not change with the political administration."

As long as those people are in place, they will keep the trains running on time."

Mr. HATCH. Mr. President, Mr. Delrahim's appointment is just one example among many. This particular example serves an important case in point. Democrats are deliberately slow walking dozens of confirmations in a cynical effort to stall the President's agenda and hurt the President, but they are hurting the country, and they are hurting the Senate. They are hurting both sides.

I don't want to see Republicans respond in kind when Democrats become the majority and when they have a President.

It won't surprise anyone to hear that they are not limiting their obstruction campaign to executive branch nominees. In fact, looking at the judicial branch shows that this is part of a long-term obstruction strategy. In February 2001, just days after the previous Republican President took office, the Senate Democratic leader said they would use "any means necessary" to obstruct the President's nominees. A few months later Democrats huddled in Florida to plot how, as the New York Times described it, to "change the ground rules" of the confirmation process. And change the ground rules is exactly what they did.

For two centuries, the confirmation ground rules called for reserving time-consuming rollcall votes for controversial nominees so that Senators could record their opposition. Nominations with little or no opposition were confirmed more efficiently by voice vote or unanimous consent.

Democrats have literally turned the confirmation process inside out. Before 2001, the Senate used a rollcall vote to confirm just 4 percent—4 percent—of

judicial nominees and only 20 percent of those rollcall votes were unopposed nominees.

During the Bush Administration, after Democrats changed the ground rules, the Senate confirmed more than 60 percent of judicial nominees by rollcall vote, and more than 85 percent of those rollcall votes were on unopposed nominees.

Today, with a Republican President again in office, Democrats are still trying to change the confirmation ground rules. The confirmation last week of David Nye to be a U.S. district judge was a prime example. The vote to end debate on the Nye nomination was 97 to 0. In other words, every Senator, including every Democrat, voted to end the debate. Most people with common sense would be asking why the cloture vote was held at all and why the delay.

But Democrats did not stop there. Even after a unanimous cloture vote, they insisted on the full 30 hours of postcloture debate time provided for under Senate rules. To top it off, the vote to confirm the nomination was 100 to 0.

I don't want anyone to miss this. Democrats demanded a vote on ending a debate none of them wanted, and then they refused to end the debate they had just voted to terminate—all of this on a nomination that every Democrat supported. That is changing the confirmation ground rules.

Only four of the previous 275 cloture votes on nominations had been unanimous. In every previous case, whatever the reason was for the cloture vote in the first place, the Senate proceeded promptly to a confirmation vote.

In 2010, for example, the Senate confirmed President Obama's nomination of Barbara Keenan to the Fourth Circuit 2 hours after unanimously voting to end debate.

In 2006 the Senate confirmed the nomination of Kent Jordan to the Third Circuit less than 3 hours after unanimously ending debate.

In 2002 the Senate confirmed by voice vote the nomination of Richard Carmona to be Surgeon General less than 1 hour after unanimously ending debate.

The Nye nomination was the first time the Senate unanimously invoked cloture on a U.S. district court nominee. This was the first time there was a unanimous vote to end debate on any nomination on which the minority refused to allow a prompt confirmation vote.

Here is another chart that shows the percent confirmed by rollcall vote during the Clinton administration, the George W. Bush administration, and the Obama administration. Here we have the Trump administration, and, as you can see, they are not confirming his nominees even if they are qualified and the Democrats admit it. No matter how my friends across the aisle try to change the subject, these facts are facts.

While the Senate used time-consuming rollcall votes to confirm less

than 10 percent of the previous three Presidents' executive branch nominees, under President Trump, it is nearly 90 percent.

I admit the Democrats are bitter about the Trump win. I understand that. Everybody on their side expected Hillary Clinton to win. Many on our side expected her to win as well. But she didn't. President Trump is now President, and he did win, and he is doing a good job of delivering people up here to the Senate for confirmation.

This is not how the confirmation process is supposed to work.

The Constitution makes Senate confirmation a condition for Presidential appointments. This campaign of obstruction is exactly what the Senate Democrats once condemned. Further poisoning and politicizing the confirmation process only damages the Senate, distorts the separation of powers, and undermines the ability of the President to do what he was elected to do.

I hope our colleagues on the other side will wise up and realize that what they are doing is destructive to the Senate, harmful to the Senate, and it is a prelude to what can happen when they get the Presidency. I don't want to see that happen on the Republican side.

#### TAX REFORM

Mr. President, to change the subject, I would like to speak about the effort to reform our Nation's Tax Code. Last week, I came to the floor to give what I promised would be the first in an ongoing series of statements about tax reform. Today, I would like to give the second speech on that subject in this series.

As I have said before, while there are tax reform discussions ongoing between congressional leaders and the administration, I expect there to be a robust and substantive tax reform process here in the Senate, one that will give interested Members—hopefully from both parties—an opportunity to contribute to the final product. I anticipate that, at the very least, the members of the Finance Committee will want to engage fully in this effort.

I have been working to make the case for tax reform for the last 6 years, ever since I became the lead Republican on the Senate Finance Committee. This current round of floor statements is a continuation of that effort.

Last week, I spoke on the need to reduce the U.S. corporate tax rate in order to grow our economy, create jobs, and make American businesses more competitive. Today's topic is closely related to that one. Today, I want to talk about the need to reform our international tax system.

Over the last couple of decades, we have enjoyed a rapid advancement in technology and communication, which has been a great benefit to everyone and has improved the quality of life for people all over the world. Unfortunately, our tax system has failed to evolve along with everything else.

For example, in the modern world, business assets have become increasingly more mobile. Assets like capital, intellectual property, and even labor can now be moved from one country to another with relative ease and simplicity. Assets that are relatively immobile—those that cannot be easily moved—are becoming increasingly rare. The Tax Code needs to change to reflect that fact.

Our current corporate tax system imposes a heavy burden on businesses' assets, which creates an overwhelming incentive for companies to move their more mobile assets offshore, where income derived from the use of the assets is taxed at lower rates.

As I noted last week, there is no shortage of lower tax alternatives in the world for companies incorporated in the United States. It does not take a rocket scientist to understand this concept. All other things being equal, if there are two countries that tax businesses at substantially different rates, companies in the country with higher tax rates will have a major incentive to move taxable assets to the country with lower rates. That dynamic only moves in one direction, as there are not many companies that are looking to move to higher tax countries, like the United States, from lower tax jurisdictions. This is not just a theory; this has been happening for years.

An inversion, if you will recall, is a transaction in which two companies merge, and the resulting combined entity is incorporated offshore. Let me repeat some numbers that I cited last week. In the 20 years between 1983 and 2003, there were just 29 corporate inversions out of the United States. In the 11 years between 2003 and 2014, there were 47 inversions—nearly double the number in half the amount of time. That number includes companies that are household names in the United States. This is happening in large part because of the perverse incentives embedded in our corporate tax system and the stupidity of us in the Congress to not solve this problem.

Keep in mind that I am only talking about inversions. There are also foreign takeovers of U.S. companies, not to mention arrangements that include earnings stripping and profit shifting. The collective result has been a massive erosion of the U.S. tax base and, perhaps more importantly, decreased economic activity here at home.

Make no mistake—our foreign competitors are fully aware of these incentives. They have recognized that lowering corporate tax rates can help them lure economic activity into their locations. Yet, in the face of this competition, the U.S. tax system has remained virtually frozen.

As I noted last week, reducing the corporate tax rate would help alleviate these problems, but more will be required, including reforms to our international tax system.

Currently, the United States uses what is generally referred to as a

worldwide tax system for international tax, which means that U.S. multinationals pay the U.S. corporate tax on domestic earnings as well as on earnings acquired abroad. Taxes on those offshore earnings are generally deferred so long as the earnings are kept offshore and are only taxed upon repatriation to the United States after accounting for foreign tax credits and the like.

Put simply, this type of system is antiquated. The vast majority of our foreign counterparts have already done away with worldwide taxation and have converted to a territorial system. Generally speaking, a territorial system is one in which multinational companies pay tax only on earnings derived from domestic sources.

By clinging to its worldwide tax system and a punitively high corporate tax rate, the United States has severely diminished the ability of its multinational companies to compete in the world marketplace. Because U.S.-based companies are subject to worldwide taxation while their global competitors are subject to territorial taxation systems, U.S. companies all too often end up having to pay more taxes than their foreign competitors, putting them at a distinct competitive disadvantage.

Generally speaking, foreign-based companies pay taxes only once at the tax rate of the country from which they have derived the specific income. A U.S. multinational, on the other hand, generally pays taxes on offshore income at the rate set by the source country but then gets hit again—and at a punitively high rate—when it repatriates its earnings back to America.

This is stupidity in its highest sense. This needs to change. It is not only Republicans who are saying that; many Democrats have recognized this issue as well. For example, I will cite the Finance Committee's bipartisan working group on international tax, which is cochaired by Senators PORTMAN and SCHUMER, our ranking minority leader, which examined these issues thoroughly and produced a report in 2015. In that report, after noting that most industrialized countries have lower corporate rates and territorial systems, this bipartisan group of Senators said: "This means that no matter what jurisdiction a U.S. multinational is competing in, it is at a competitive disadvantage."

The report by Senators PORTMAN and SCHUMER and the members of their working group also referred to something called the lock-out effect. Simply put, the lock-out effect refers to the incentives U.S. companies have to hold foreign earnings and make investments offshore in order to avoid the punitive U.S. corporate tax. This is not a dodge or a tax hustle on the part of these companies; they are simply doing what the Tax Code tells them to do. The Tax Code essentially tells U.S. companies: You can have \$100 in Ireland, say, or you can have \$65 in the United States.

Well, no surprise here—companies generally opt to have \$100 in Ireland.

Currently, a huge amount of capital—as much as \$2.5 trillion or maybe even more—that is held by U.S. multinational companies is effectively locked out of the United States and is unavailable for investment here at home. However, as Senators SCHUMER and PORTMAN and their colleagues on the international tax working group noted, those funds can easily be used to grow the economies of those foreign countries that have kept their tax codes up to date.

These are massive problems, and if we are going to put together an effective tax reform package and be competitive, we will have to find a way to tackle these issues. The most obvious way, of course, would be with a combination of reducing our corporate tax rates, transitioning to a territorial tax system, and ensuring protection of the U.S. tax base from things like earnings stripping and profit shifting. That approach, as it turns out, has bipartisan support.

These matters represent a significant portion of our tax reform efforts, and we already know it is one on which Republicans and Democrats can agree, at least in concept. In other words, there is ample reason for our Democratic colleagues to join Republicans and for Republicans to join Democrats in the tax reform discussions.

These issues are not just important for faceless corporations or tax planners; they are important for American workers who are up and down the income scale. Anyone who is hoping to have a job and opportunities here in the United States and not somewhere else has an interest in reforming our international tax system. If we pass up this current opportunity to address these issues, people should expect to see more and more economic activity and the headquarters and supporting staff of more household-name companies moved outside the United States.

With bipartisan recognition of the need for reform and agreement on international concepts already having been displayed, we owe it to the American people to work together and fix this problem.

As I have said multiple times, I hope my friends on the other side of the aisle will be willing to work with us on tax reform, but if they decline—and, sadly, we have seen some indication that they will—Republicans will need to be ready to take steps to fix these problems. I think we will be ready. Indeed, I think we are more than up to the challenge. I hope we do something about these important issues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

HEALTHCARE

Mr. MURPHY. Mr. President, I thank the Senator from Georgia for the recognition.

Colleagues, the new CBO score is out on, I guess, version 4.5 or 5.5—it is hard

to keep track of the bill to repeal the Affordable Care Act—and nothing has changed. This proposal, which is a moral and intellectual dumpster fire, is still a disaster.

Here is what the CBO says about the bill that is currently being reworked behind closed doors by my Republican colleagues. The CBO says that, immediately, 15 million people would lose coverage by next year. That is a humanitarian catastrophe. It is something this country has never witnessed before—that number of people losing coverage in that short a period of time. Our emergency rooms would be overwhelmed as they would be unable to deal with the scope of that kind of humanitarian need. Ultimately, the number would rise to 22 million at the end of the 10-year window. We know it will be far bigger than that in the second 10 years because that is when the worst of the Medicaid cuts will happen, but 22 million is a lot of folks. It is no different than in the previous version, which was 23 million, or in the House's bill, which somehow got a majority vote in that place despite 24 million people losing health insurance, according to the CBO.

Today, 90 percent of Americans are covered by health insurance. The CBO says that number will go all the way down to 82 percent. I have heard my friend Senator CORNYN complain on this floor year after year that the ACA still leaves millions of Americans uncovered. This would make it even worse.

When you get down to look at what happens to individual Americans, it gets even more frightening. Let me give an example of how this bill would dramatically increase premiums on individuals who are currently insured through the private market.

A lot of the coverage losses happen because of this assault on Medicaid, but lots of folks who have private coverage would not be able to afford it any longer. If you are a 64-year-old who is making, let's say, \$55,000, that is over three times the Federal poverty level. In a lot of places, you can live on \$56,000. Today, that individual is paying about a \$6,700 premium. Under the Republican healthcare bill, that individual would be paying \$18,000 in premiums. That is an increase of 170 percent. That is just one individual.

The bottom line is that, if you are older and you are less wealthy, you are going to be paying a whole lot more under this proposal.

Despite all of the guarantees made by Republicans and this President that under their plan, costs would go down, that deductibles would go down and premiums would go down, the CBO says the exact opposite. It says that, especially if you are sort of middle-income and are 50 or older, your premiums will go up dramatically.

This is a terrible bill. It does not solve a single problem that the Republicans said they were trying to fix. More people lose insurance, costs go

up, and quality does not get better. This is a terrible piece of legislation.

We are at this very frightening time in the negotiations when changes are being made to this bill not to improve policy but to try to win individual votes. That is what is happening as we speak. Behind closed doors, small changes are being made to this bill to try to win the votes of individual Senators, giving them specific amounts of money for their State, and their State alone, in order to win their vote. That is shameful, and it is no way to reorder one-fifth of the American economy. We are talking about 20 percent of the U.S. economy. And changes are being made to this bill right now that have nothing to do with good healthcare, that have only to do with winning individual votes to try to get to 50, because Republicans refuse to work with Democrats—refuse to work with us. So instead of building a product that could get big bipartisan support, Republicans are now down to a handful of their Members and are trying to find ways to deliver amounts of money to those Members' States in order to win their vote.

There is a special fund in the latest version of the bill for insurance companies in Alaska that was not in the previous version of the bill. Now, all of these provisions get written in a way that if you are an average, ordinary American who decides to take a couple of hours of your time to read the bill, you would never know that it was a specific fund for Alaska because it doesn't say "Alaska." It sets up a whole bunch of requirements that a State has to meet to get this special fund for insurance companies, and only one State fits that description, and it is Alaska.

There is a change in this bill from previous law that addresses States that were late Medicaid expanders, States that expanded into the new Medicaid population allowed for under the Affordable Care Act but did it late in the process. The previous version didn't give those States credit when establishing the baseline for the new Medicaid reductions, but miraculously this new bill has a specific provision to allow for two States that were late Medicaid expanders to be able to get billions of additional dollars sent to their State. Those States are Alaska and Louisiana—two States.

There is a new provision in the latest version of the bill that makes a very curious change to the way in which DISH payments are sent to States—that is the Disproportionate Share Hospital Program that helps hospitals pay for the costs for people without insurance. Not coincidentally, it is a change that was advocated by one Senator from one State: Florida. The change will disproportionately benefit the State of Florida, and it is now in the new version.

These are not changes that help the American healthcare system. They are not changes that benefit my State or



the State of the majority of Members here. Some of these changes don't benefit 98 of us; they only benefit 2 of us. And they are in this version of the bill in order to win votes, not to make good policy.

We heard word this morning of a new fund that was invented in the middle of the night last evening that would supposedly help States that are Medicaid expansion States transition their citizens who are currently on Medicaid to the private market. Now there are reports that it is a \$200 billion fund, and that is a lot of money. It sounds like a lot of money, and it is a lot of money, but it would represent 17 percent of the funds that are being cut to States, and it would only be a temporary bandaid on a much bigger problem. Why? Because CBO says definitively that the subsidies in this bill for people who want to buy private insurance are so meager that virtually no one who is kicked off of Medicaid will be able to afford those new premiums. That is why the numbers are so sweeping in their scale—22 million people losing healthcare insurance.

So even if you get a little bit of money to help a group of individuals in a handful of States transition, when that money runs out—and it will—they are back in the same place. All they are doing is temporarily postponing the enormity of the pain that gets delivered. And once again, this provision being delivered to only States with Medicaid expansion populations is being targeted in order to win votes, not in order to improve the entirety of the healthcare system.

Senator CORKER called out his colleagues today. He said that he was willing to vote for the motion to proceed, but he was growing increasingly uncomfortable with a bill that was increasingly—I think his word was “incoherent.” That is what happens when you get to the point where you have a deeply unpopular bill that everybody in the country hates and you need to put amounts of money in it to get a handful of additional votes. It becomes incoherent. And this was an incoherent bill to begin with. It is hard to make this bill more incoherent, but that is what is happening when these individual funds are being set up for Alaska, Louisiana, and Florida.

We could solve all of this if Republicans decided to work with Democrats. If we set aside the big tax cuts for the wealthy and the pillorying of the Medicaid Program, if we try to fix the real problems Americans face today, we could do it on a bipartisan way. And wouldn't that be great.

I get it that there is enormous political advantage for Democrats to sit on the sidelines and watch Republicans vote for a bill that has a 15-percent approval rating, just like there was political advantage for Republicans to sit on the sidelines and not do anything to help Democrats provide insurance to 20 million more Americans. Healthcare is a very thorny political issue, but it

doesn't have to be that way. We could sit down together and own this problem and the solution together, and we could end healthcare being a permanent political cudgel that just gets used every 5 to 10 years by one side to beat the other side over the head.

We are Senators too. We got elected just like our Republican friends did. Why won't Republicans let Democrats into the room, especially after this bill has failed over and over again to get 50 votes from Republicans? We don't have a communicable disease. We aren't going to physically hurt you if you let us into that room. We are not lying when we say we have a desire to compromise.

Democrats aren't going to walk into a negotiating room and demand a single-payer healthcare system. We understand that we are going to have to give Republicans some of what they want; maybe that is flexibility in the benefit design that is offered on these exchanges. But Republicans are going to have to give Democrats some of what we want, which is the end to this madness—an administration that is trying to sabotage our healthcare system and destroy the healthcare our citizens get. But that could be a compromise. It is not illegal to meet with us. There are 48 of us; there are not 12 of us. My constituents in Connecticut deserve to have a voice in how one-fifth of the American economy is going to be transformed.

I know a lot of my Republican friends want to do this. I have talked with Republican Senators who say: Well, when this process falls apart, we want to work with you. It is falling apart, because the only way Republicans are going to get the 50 votes is by making these shameful changes—specific funding streams for specific States in order to get a handful of votes—and that is not how this place should work. Maybe that is how things happened here 100 years ago, but it is not how things should happen today.

So once again I will beg my Republican colleagues to stop this partisan closed-door exercise and come and work with Democrats. We can do this together. We can own it together. We will have plenty of other stuff left to fight about if we find a way to agree on a path forward for America's healthcare system.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CASSIDY). The Senator from Oregon.

Mr. WYDEN. Mr. President, before he leaves the floor, I want to commend my colleague from Connecticut for a very thoughtful speech. I think he has made the case that the challenge ahead is really a two-part drill—first, to stop something that is especially ill advised, and second, to then move to a better way that really focuses on sunlight and bipartisanship. So I thank my colleague for his very thoughtful comments.

THINKING ABOUT SENATOR MCCAIN

Mr. President, I am here to speak about healthcare, but before I turn to

that subject, I want to spend a few minutes talking about our wonderful colleague JOHN MCCAIN.

Some of the most satisfying moments I have had in public life have been serving with JOHN MCCAIN. When I came to the U.S. Senate—Oregon's first new U.S. Senator in almost 30 years—I had the honor of being chosen to serve on the Senate Commerce Committee, which was chaired by JOHN MCCAIN. And what an exhilarating way to begin serving in the Senate. We tackled big, meaty, important issues of the future—the question of multiple and discriminatory taxes on internet commerce. We focused, for example, on Enron and what went wrong there when so many consumers were ripped off. We dug into consumer rights. JOHN MCCAIN was an early advocate for saying that if you rode on an airplane, it didn't mean you ought to sacrifice basic consumer rights, and some of those same issues are getting more attention today.

Then, of course, we built on this floor the Y2K measure. When everybody was so concerned about what would happen at that time, Senator MCCAIN gave me the honor of being his Democratic partner in putting together a bill. We had the benefit of incredible work from the private sector and first responders and smarter Federal policies. We all know that some of the calamitous predictions about Y2K didn't come to pass.

JOHN MCCAIN did some extraordinary work at that time. As a young U.S. Senator, what a thrill it was to be able to be involved with a real American hero on some of those first experiences I had in the Senate.

As we begin to absorb the news of last night, what struck me is that now we are counting on JOHN MCCAIN's legendary strength to give cancer its toughest fight ever—toughest fight ever.

I just wanted to come to the floor today and say we are rooting for you, dear friend. We are rooting for you and Cindy and your wonderful family, and we are thinking about you this afternoon.

HEALTHCARE

Mr. President, it is my sense that if you thought the TrumpCare debate in the Senate had met its end on Tuesday, it is pretty obvious you ought to be thinking again. The zombie stirs once more.

The latest attempt by the majority to cobble together 50 votes, according to reports, comes down to waving a \$200 billion slush fund in front of Senators from States that expanded Medicaid under the Affordable Care Act.

As the ranking Democrat on the Senate Finance Committee, I am very pleased that the Presiding Officer joined the committee this year. We have studied this one-time slush fund, and the theory, of course, is that it is supposed to be enticing enough for a Senator to vote for a bill that still slashes Medicaid to the bone.

Let's be realistic about what the slush fund represents in the context of

the overall plan. Senate Republicans are steering tens of millions of Americans toward a cliff and are offering the world's smallest pillow to break the fall.

Before I go further on the specifics of what the majority has on offer, I want to step back and take a look at what the American people have been subjected to over the course of this debate. The reason I want to do this is that, even by Beltway standards here in Washington, this is the absolute worst of this city.

In the crusade to repeal the Affordable Care Act, the ACA, there has been the AHCA—the House TrumpCare bill. That is the one that earned the big victory ceremony with the President of the United States in the Rose Garden. Next, we had the BCRA—the Senate TrumpCare bill. Then, there was a second version of the BCRA. Then, along came something called the ORRA, the bill I have called “repeal and ruin,” which got its start back in 2015. Then, this morning, the public got a look at a third version of the BCRA. My sense is, if you are having coffee in Coos Bay, OR, or in Roseburg over lunch or something like that, your head is going to be spinning as you hear this news.

I also want to make sure folks know about the strategy that has come out of the White House over the last few days. The President first endorsed the Senate's TrumpCare bill, but then it was repeal only. Then, while the country watched the administration sabotage the Affordable Care Act, the President said that everybody ought to just sit back and watch what happens. Then it was back to calling for the Senate majority to pass TrumpCare.

Nobody in this Chamber, with the possible exception of Senate Majority Leader MITCH MCCONNELL, can claim to really know what is coming down the pike on American healthcare. So with the health and well-being of hundreds of millions of Americans at stake, this shadowy, garbled, and wretched process really just leaves your jaw on the floor.

Senate Republicans seem to be speeding toward a vote on something. As I mentioned, there is the prospect of this \$200 billion slush fund being dangled out there to help round up votes. My sense is that this slush fund is of zero consolation to the millions of Americans who live in States that didn't expand Medicaid. It is of zero consolation to the tens of millions of middle-class families who are going to have their tax cuts or healthcare ripped away and see their premiums skyrocket. It will be of zero consolation to middle-class families who are panicked over whether they are going to be able to take care of elderly parents and grandparents when long-term care through Medicaid is cut.

Make no mistake about what this slush fund really does; it just delays a little bit of the pain for a short time in States that expanded Medicaid. But the slush fund is going to run dry. That is a fact. State budgets are going to get

hit like a wrecking ball. That is the reason so many Governors are so unhappy with what is on offer.

There is no escaping the consequences of whatever the Senate passes. If you had objections to TrumpCare or a repeal-only bill yesterday, this doesn't change a thing.

A few hours ago, the nonpartisan Congressional Budget Office—for folks who don't follow the lingo and CBO, those are our nonpartisan umpires. They put out an analysis of the third version of the Senate Republican healthcare bill. If you were hoping that was the charm, the news doesn't exactly help your cause.

The CBO found that it is still going to send premiums through the roof. The new version is going to kick 22 million Americans off their healthcare. It is still going to make healthcare unaffordable for millions of Americans with preexisting conditions. That is especially troubling to me—and I know the Presiding Officer is very interested in the policy foundations of these big issues. Before the Presiding Officer came to this body, I worked with one of our former colleagues, and we put together what is still the only comprehensive bipartisan health reform—seven Democrats, seven Republicans—that has been introduced in this body. One of the priorities that those Senators—and some of those colleagues on the other side of the aisle are still here; they were cosponsors of this bill, and many of the Democratic sponsors are still here. There was bipartisan agreement that there should be an airtight, loophole-free commitment to protecting people with preexisting conditions. As I said, seven Democrats, seven Republicans signed off on that bill. A number of them from both sides still serve in the U.S. Senate today.

Now what is being discussed is an approach that would make healthcare unaffordable for millions of people with preexisting conditions, really taking a big step back—and I have heard my colleague speak about this, commenting on TV shows and the like—toward the days when healthcare in America was for the healthy and the wealthy. That is what you get if you don't have airtight protections for those with preexisting conditions, if you don't have what we had in our original bill by seven Democrats, seven Republicans—airtight protections, loophole-free protections for those with preexisting conditions. If you don't have it, you are marching back to the days when healthcare was for the healthy and wealthy, where you could not move to another job if you got a great opportunity because you had a preexisting condition. You were immobilized. That is where this is going with the proposal to make healthcare unaffordable for millions of people with preexisting conditions, turning back the clock, moving away from what has strong bipartisan support in this Chamber with Senators on both sides who are still here.

For those who care about the affordability of health coverage, there is a statistic that really leaves you without words. Under the Senate Republican bill, in 2026, a middle-aged American who brings home \$26,500 annually will face a deductible of \$13,000—\$13,000. If you are watching this, remember that figure the next time you hear that the Senate Republican bill lowers costs or puts the patient at the center of care. If this bill becomes law, that individual with a \$13,000 deductible is one bad injury or diagnosis away from personal bankruptcy. How does that figure compare to the system on the books today, you might ask? Under the Affordable Care Act, that same individual's deductible is \$800.

The other option being put forward by Senate Republican leaders is a repeal-only strategy, and they claim it would have a 2-year transition. But the numbers from the Congressional Budget Office make clear that the idea of a transition after a repeal bill passes is a fantasy.

“Repeal and run” means that 17 million Americans lose coverage in the first year; 32 million Americans lose coverage within a decade; premiums in private market plans double. It is easy to see why. My colleague in the Chair, the Presiding Officer, knows so well about the signals that are sent to the private marketplace; we are talking about the marketplace. If you are pouring gasoline on the fires of uncertainty in the private insurance sector and people can't plan and they can't calculate, what will happen during this 2-year transition? You are going to have bedlam in the marketplace. It is a prescription for trouble, and premiums and private market plans will double.

The numbers I am talking about are real lives. I was the director of the Gray Panthers senior citizens group for almost 7 years before I was elected to the Congress. This is my background. As I started to see government reports and the like, I came to realize that those reports—all those facts and figures on pieces of paper, long sheets of paper, figure after figure—are not really what this debate is all about. This is a debate about people, about their hopes and aspirations and what they want for the future. Families are worried, for example, about how they are going to pay for the care of an older parent. I think about those seniors I met as director of the Gray Panthers. They did nothing wrong. They scrimped and saved, and they didn't go on the special vacation. They didn't buy the boat. They did everything right. They educated their kids and tried to sock away a little money. What we know is, growing old in America is expensive. In spite of being careful about costs all their lives, when a spouse needed extra care or they had early onset of healthcare problems, they went through all the money they saved. Then they needed Medicaid.

Medicaid now picks up the costs of two out of three nursing home beds in

America. What is not known is very often seniors need not just that care, but they need home and community-based care. They need a continuum of services so they get the right kind of care at the right time.

They are looking at this bill. They are saying this is going to make my prospects for being able to afford care—whether it is nursing homes, home and community-based services—an awful lot harder to figure out in the days ahead.

We have young people who have been through cancer scares. We have single parents who work multiple jobs to put food on the table. This is what I am hearing about at home. When I had the good fortune of being chosen Oregon's first new Senator in almost 30 years, I made a pledge that I would have an open meeting, open to everybody in every one of my State's counties. We have 36 counties in Oregon.

This year, so far, I have had 54 open-to-all town meetings. Each one of them lasts 90 minutes. There are no speeches. People say what they want. They ask a question. It is the way the Founding Fathers wanted it to be. They are educating me, and I am trying to respond. I am trying to take back to Washington, DC, which often strikes them as a logic-free zone—I am trying to take their thoughts back to Washington, DC. Frankly, my highest priority has been to find common ground with people of common sense on the Finance Committee, especially in the healthcare area, because long ago I decided if you and your loved ones don't have your health, nothing else really matters.

At those 54 town meetings—they have been in counties where Donald Trump won by large numbers or Hillary Clinton won by large numbers—each one of those meetings has been dominated by the fears of Americans of all walks of life, of all political philosophies worried about what is going to happen to their healthcare.

Frankly, their worry seems to be just as great in rural communities that President Trump won by large majorities because Medicaid expansion in my State has been enormously helpful. So many Oregon communities, under 10,000 in population, have been able to use Medicaid expansion at a hospital to maybe hire another person. It has really been a lifeline. They have an awful lot of people between 55 and 64. They are going to be charged five times as much as young people here, and they are going to get fewer tax credits to deal with it.

In all of these counties—counties won by Donald Trump, counties won by Hillary Clinton—fear about healthcare has been front and center. People are fearful and obviously would like some clarity, some sense of what is coming next.

One of our colleagues whom I do a lot of work with, Senator THUNE—a member of the Finance Committee and his party's leadership—spoke to a reporter

a little bit ago. He couldn't say what the Senate would take up, if the first procedural vote passes next week, whether it would be TrumpCare or a straight repeal bill.

My sense is, everybody is being asked to walk into this abyss on healthcare but particularly colleagues on the other side of the aisle. To be in the dark about what is on offer a few days before a vote that affects hundreds of millions of Americans, one-sixth of the American economy—for them to be in the dark, someone like myself, the ranking Democrat on the Senate Finance Committee that has jurisdiction over Medicare and Medicaid and tax credits, strikes me as very odd, even by the standards of the beltway.

The American people are now left guessing about what comes next. The only guarantee, should the first procedural vote succeed, is that both options Senate Republican leaders put on the table are going to raise premiums, make care unaffordable for those with preexisting conditions, and leave tens of millions of Americans without health coverage.

I want to repeat a message that I and other Democratic Senators have been delivering for days. The choice between TrumpCare and straight repeal of the Affordable Care Act is false. Nobody is being forced to choose between calamity and disaster.

Democrats and Republicans absolutely can work together on the healthcare challenges facing the country. As soon as there is a willingness to drop this our-way-or-the-highway approach—this partisan approach known as reconciliation—there will be a good-faith effort on our side to find common ground.

I heard enough of the back-and-forth in this debate to know there is a bipartisan interest; for example, in flexibility for States. I know the President of the Senate is especially interested in this issue—flexibility for the States. He has given it a lot of thought. I want him to know I am always open to talking to him about this issue.

In the bill I described earlier—seven Democrats, seven Republicans—we had a special section which became law in the Affordable Care Act that in effect provided for what are called innovation waivers. The theory—and I am sure my colleague in the Chair has been thinking about these issues as well—is based on the idea we both have heard for years, conservatives have said, if those folks in Washington will just give us the freedom, we can find better ways to cover people, hold down the costs, and make what works in Louisiana work for us, and folks in Oregon can pursue what works for folks in Oregon.

I said, at the time, that every single bill that I would be part of in this debate about fixing American healthcare would have a provision that would respond to this argument that the States are the laboratories of democracy. We would have a provision that would allow considerable flexibility for States to take their own approaches.

I continue to feel very strongly about it. I wrote an entire section of my comprehensive bill to give States flexibility, and fortunately it was included in the Affordable Care Act. There ought to be room to work on these kinds of issues, State flexibility. There ought to be room to work on a bipartisan basis with respect to bringing down prescription drug costs.

I have indicated to the President of the Senate, I think the lack of transparency in the pharmaceutical market has really been a major factor in the reason that our people get hammered by escalating drug prices.

We have heard for so long that some of the middlemen—they are called pharmaceutical benefit managers. They came into being a few years ago. They said: We will negotiate for businesses or States or labor unions. We will negotiate a better deal for the consumer.

Consumers said: Hey, we will see that in our pocketbook. At home we would see that at a pharmacy, at Fred Meyer or Rite Aid or Walgreens or any of our pharmacies. These are all big pharmacies around the country. Right now, as of this afternoon, we don't know what these middlemen put in their pocket and what they put in our pocket.

There ought to be an opportunity to find common ground. I think there ought to be a chance for Democrats and Republicans to work together on approaches like my SPIKE bill, which says that when a big pharmaceutical company wants to drive up the prices, they should have to publicly justify why they are doing so.

There ought to be ways for Democrats and Republicans to work together and bring down prescription drug costs. There certainly is bipartisan interest in getting more competition and more consumers into the insurance markets. That means more predictability and certainty.

My view is, if you are serious about really helping to make the private insurance market robust, you have to stop this crusade to repeal the ACA. Insurers are making decisions right now. All eyes are on this body to bring certainty back to the marketplace.

The reality is, there is only a very short time with respect to 2018 premiums. I know there are Republican Senators who would like to tackle challenges on a bipartisan basis. The message my colleagues and I are sending on this side of the aisle is, there are a lot of open arms here. Instead of taking the partisan route and causing devastation in our healthcare system, let's work together to make healthcare better and more affordable for all Americans.

I consider that kind of bipartisan cooperation to be the premier challenge of my time in public service, to work with colleagues, common sense, looking for common ground. I have heard one after another of my colleagues on this side of the aisle state that in just the last few days.

Let us set aside this partisan our-way-or-the-highway approach, opt for the alternative, which is more sunshine and more bipartisanship. I will pledge to you everything in my power on the Senate Finance Committee to bring that about.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BLUNT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MANUFACTURING

Mr. BLUNT. Mr. President, the White House started out this week with all kinds of activities on the White House grounds pertaining to things that we make here in America and the importance of manufacturing and, frankly, the kinds of good jobs that have traditionally come with manufacturing.

When we have an economy that focuses on making things and growing things, that has always been the strongest economy for working American families—an economy that competes, an economy that produces. Where the Presiding Officer and I live in Louisiana and in Missouri, in the middle of the country and close to that great transportation corridor and close to the resources of the country, we always particularly thrive when we are in an economy that is focused on making things.

With all of the other discussions this week, it would be a shame to not think about those products from every State that the President talked about this week, that were on the Capitol grounds, and that are reflective of companies that are almost brandnew and companies that are a century old, where people had figured out how to be competitive enough in what they were doing that they could make a living for themselves and lots of other people, doing just that. In fact, manufacturing employs 12.3 million people in the country today, including more than 260,000 people in my State of Missouri. There is no doubt that we benefit from those kinds of jobs.

I was glad that in 2014 we were able to get the Revitalize American Manufacturing and Innovation Act signed into law. This was a new way, a new opportunity for businesses to link with each other and to link with training facilities, maybe research universities. You have to have that kind of public partner, as well, to see what we could be to be even more competitive than we are. When we looked at Germany and other countries, they were not only doing this sort of thing, but they were doing it in a way that made it really hard for us sometimes to keep up with that level of interaction between innovation and manufacturing, innovation and labor.

Businesses are really very much impacted, jobs are very much impacted by

the decisions that government ultimately sets the stage for. If you are going to make something in America today, the first two boxes I think you would have to check would be can you pay the utility bill and does the transportation system work with what you are trying to do. If you can't check those two boxes, no matter how great that workforce and that location might be, you are not going to take those jobs there. So government, either as a regulator or as a provider, is going to be very involved in whether you can pay the utility bill.

That is why I was really glad to see the new director at the Environmental Protection Agency look at the power rule. The courts fortunately had already said you don't have the authority to do that—only Congress can do what you want to do here—which is look at the power rule and look at States like many of our States in the middle of the country where, in my State, the so-called clean power rule would have doubled the utility bill for families and the places they work in about 10 or 12 years. By the way, nobody pays the utility bill for you. The utility bill is paid based on how many utilities you use. There is no mythical big government to come in and pay the utility bill unless we are going to have a totally different system than we have now. The utility bill would have doubled.

I have often said that in the last three years in this fight to see that this didn't happen to Missouri families—and I said it again on the radio this morning in an interview, thinking that this fortunately had not happened—I said: If you want to test what happens if the utility bill is allowed to double because of some needless government action—and double before it has to because you are doing things before they have to be done—the next time you pay your utility bill, just as you are writing your checks out of your checkbook, pay it one more time and see what you are going to do with the rest of your family's money that month, which suddenly you can't do because you are paying the utility bill twice.

There are ways—when we need to transition to some other kind of utility provider if we want to transition in fuels or sources or whatever—there are ways to do that. The way to do that is to say that the next time you have to build something, the next time you have to borrow money that the utility users are going to pay back over 20 or 30 years, once you have paid for what you are doing now that has met all the requirements, you have to do it differently than what that silly rule would have said, because it would have said you have to pay for what you already have, but you have to also be paying for what you immediately had to replace it with.

This would have been like if you had the CAFE standards, the miles-per-gallon standards, if that same agency

would have said: OK, we are going to have new miles-per-gallon standards and they are effective immediately, and if you have a car that doesn't meet those standards, you of course have to keep paying for your car, but you also have to have a new car. That is what we were about to tell utility users and families. And if you don't think that would have had an impact on jobs, you are just not thinking about jobs.

There was a water rule, the waters of the United States, that would have done about the same thing. Both of those have been pushed back by the courts, and hopefully we are walking toward a more reasonable situation where we are thinking about how to accomplish the same goals in a way that lets families accomplish their dreams.

Then the second thing, the transportation issue: Does the transportation system work for what you want to make? Can you get the material where you need to get it? Can you get a product in a way that continues to make you competitive? And the State and Federal Government and local governments are very, very much in charge of the decisions that make that environment whatever it is.

So when we are thinking about "Made in America," we have to think about those things. Then we have to think, with that infrastructure in place, what is the third and crucial piece of that puzzle coming together? It is a workforce that is competitive and prepared and an education system that is prepared to help with whatever comes next.

If we think we know what the average person, or any person, is going to be doing and how they are going to be doing it 20 years from now, I suspect none of us are quite that able to predict what 20 years from now is going to look like. In fact, if we had thought about the way we do most of the work we do now 20 years ago, it would be amazing: Oh, it is just 20 years later, but we didn't have the cell phone, we didn't have an iPad, we didn't have a computer. There was nothing at the factory that did what that machine does right now. We have to have a workforce that is ready, and we have to do all we can to make that workforce ready.

On the infrastructure front, we need to look not only at the infrastructure bill that is coming up, but also how many more tools can we put in the tool box. Senator WARNER and I reintroduced the BRIDGE Act to provide one more tool to create more incentive for private sector partnerships, to do things differently than we have done them before. If we are going to get different results, we have to do different things. If we do just exactly what we have been doing, we are going to get just exactly what we have been getting.

So as the President focuses, I think properly, on the kinds of American jobs that create stronger families and more opportunities, we don't want to lose

this week without also thinking about those jobs, thinking about the 12.3 million Americans who work at making things, thinking about the more than a quarter of a million Missourians who do that. Think about the others who work at growing things and how an economy that makes things and grows things is a stronger economy than an economy where people just trade services with each other. There is nothing wrong with trading services, but if you do that on top of a productive economy, it has a much better likelihood for everyone involved to serve the people who provide the services, as well as the people who are out there making things that are competitive in the world to have better opportunities.

I appreciate the President and Vice President this week calling attention to that important part of what we do as we move toward transportation and infrastructure and other things.

#### THOUGHTS AND PRAYERS FOR SENATOR MCCAIN

Mr. President, while I am on the floor, I want to mention for just a minute our friend, JOHN MCCAIN. I know lots of prayers have been said for Senator MCCAIN and his family. Lots of stories today have been told and traded, and there are lots of stories to tell.

When I was in the House for 14 years, I was often in brief meetings with Senator MCCAIN. Frankly, I never grew to appreciate him anywhere near like I did when I had a chance to begin to work with him every day. For me, at least, he was an acquired taste. It took time to really see his strength, his tenacity, and to understand that irascibility was just part of who he is and part of his determination to make the country and the Congress and the Senate better.

It would be hard to find anyone more determined or less fearful. In fact, someone in a recent debate in the last year or so said that Senator MCCAIN had—I think a reporter said that Senator MCCAIN had done something because he was afraid to do the other thing. When asked about it, Senator MCCAIN said: Well, it has been a long time since I was afraid.

He is a man who served his country day after day after day, and still does; a believer in what we stand for; someone who has traveled all over the world, as I have had a chance to travel to dangerous spots and other places. Over and over again, as I would get there, people would say: Here is what Senator MCCAIN had to say when he was here. Here is what Senator MCCAIN did when he was here. Senator MCCAIN was here last week. He was there, always proud of the independence and determination and democracy and freedom that he stands for.

We all know he is in a fight right now, but we all also know he is a fighter. He is not a man who surrenders. I know the prayers of not only the Senate but so many people all over the country and, frankly, all over the world go out to help JOHN MCCAIN as he faces this fight.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. WARREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. WARREN. Mr. President, I rise today to oppose the nomination of David Bernhardt as the next Deputy Secretary of the Interior.

Mr. Bernhardt has shown that he is unwilling to fight for the long-term conservation of our public lands and the responsible use of our public resources. By his own admission, he intends to be a big business yes-man for the Trump administration's extreme disregard for our environment and the human lives that are affected.

President Trump promised to drain the swamp of DC, but with each day of this administration, this Republican-controlled Senate approves yet another corporate insider to help out big business. The decision to nominate Mr. Bernhardt is no exception. He is another conflict-ridden, climate-dismissing Trump appointee who favors profits over people.

Let's look at his record. Mr. Bernhardt has extensive political experience in the Department of the Interior under the Bush administration, but in his tenure at the Department, including the 2 years he oversaw the ethics division, the Department was awash in ethical scandals and scientific misconduct.

And what did he do after he left government service? He scooted off to a lucrative lobbying firm to help Big Oil and other extraction companies maximize their profits by expanding offshore drilling and delaying air pollution limits on coal plants, regardless of the impact that would have on our children's future.

Even Mr. Bernhardt isn't proud of his own record. Prior to his nomination, his lobbying firm bio bragged about recently helping corporations fight against the Endangered Species Act, supporting corporate interests in offshore drilling and exploration for fossil fuels, and helping mining companies pursue public lands for development. He openly bragged about recently representing "an entity under investigation by a Federal Agency" and "entities accused of violating the Department of the Interior's regulations." He swaggered through Washington. That is, he swaggered right up until he was under consideration for the No. 2 spot at Interior. Now that he is in the public spotlight, he has scrubbed all those pro-industry, pro-pollution references from his bio. Now that the public is paying attention, he is putting out a clean image of a public servant who just happens to advise big corporations from time to time.

Beyond the ties Mr. Bernhardt still has to industry, I am alarmed by his

willingness to serve as the corporate rubberstamp that President Trump wants. Mr. Bernhardt is a walking conflict of interest who has taken one spin through the revolving door, and now he is coming back around again for a second pass.

The Deputy Secretary serves at the pleasure of the President. But a Deputy Secretary—the No. 2 at the Department—is, first and foremost, bound to serve the American people and the mission of the Department. No President is properly served by a corporate yes-man, and Mr. Bernhardt's yes-man mentality was on full display during his confirmation hearing.

When my colleague from Minnesota, Senator AL FRANKEN, questioned Mr. Bernhardt about climate change at his nomination hearing, he was all too willing to dismiss the urgency of climate change, and he pushed aside the responsibility of the Department of the Interior to act. In defiance of accepted climate science, he stated:

This President ran, he won on a particular policy perspective. That perspective's not going to change to the extent we have the discretion under the law to follow it.

In other words, don't bother me with the facts; we will just stick to whatever President Trump tells us to do.

But the rest of us can't ignore the facts. Our planet is getting hotter. The last 16 years were all among the hottest 17 years on record, and our seas are rising at an alarming rate. Our coasts are threatened by furious storm surges that can sweep away homes and devastate even our largest cities. Our economically disadvantaged communities, too often situated in low-lying floodplains, are one bad storm away from destruction. Our naval bases are under attack—not by enemy ships but by rising seas. Our food supplies and forests are threatened by droughts and wildfires that are becoming so common across the country that they barely even make the evening news.

The effects of manmade climate change are all around us, and things will only continue to get worse at an accelerating pace if we don't do something about it. We can act, and one important step is saying no to corporate raiders who are seeking to exploit public lands and gamble with our children's future.

President Trump thinks leadership is handing over management of our public lands to Big Oil and Big Coal executives who are looking to stuff their pockets while the getting is good. Mr. Bernhardt, a seasoned advocate for corporate interests, seems all too eager to please this President and corporate interests, no matter the cost to the American people. If President Trump's highest ranking agency officials are not brave enough to speak even a little truth to power about this President's climate delusions, then, who will?

The American people deserve leadership at the Department of the Interior—leadership that is committed to ensuring that our public resources and

our public lands are preserved for future generations of Americans. The American people deserve leadership that fights back when the President seeks to cut thousands of jobs at the Department of the Interior or offers a budget that critically undermines the Department's mission and threatens our public lands.

The American people deserve leadership at the Department of the Interior—leadership that works for the people—and that is not David Bernhardt.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BLUNT). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEGISLATIVE SESSION

### MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At the request of Mr. SCHUMER the following statement was ordered to be printed in the RECORD.)

### VOTE EXPLANATION

• Ms. STABENOW. Mr. President, due to a family related matter in Michigan, I was unable to attend today's rollcall vote on the nomination of John K. Bush to be a United States circuit judge for the Sixth Circuit. Had I been able to attend, I would have opposed his nomination.

I also was unable to attend today's rollcall vote on the motion to invoke cloture on the nomination of David Bernhardt to be Deputy Secretary of the Interior. Had I been able to attend, I would have voted no on the cloture motion.●

### MCKINNEY-VENTO HOMELESS ASSISTANCE ACT

Mrs. MURRAY. Mr. President, July 22, 2017, marks the 30th anniversary of the enactment of the McKinney-Vento Homeless Assistance Act, our Nation's landmark law designed to prevent and address homelessness. Many communities in my home State of Washington and across the country are confronting a surge in homeless and housing-insecure individuals, and the resources brought to bear by McKinney-Vento are essential to continued progress. The McKinney-Vento Act also marked the first time that Congress provided dedicated funding to ensure equal edu-

cational opportunities for children and youth who are experiencing homelessness. The law requires States and school districts to remove barriers that homeless children and youth face in receiving a high-quality education. In the years since the McKinney-Vento Act was passed, hundreds of thousands of young people experiencing homelessness have received the supports they need in order to attend school, graduate, and secure a well-paying job that can provide for their families.

I am proud to have introduced and seen enacted legislation to remove barriers and provide support to homeless children and youth, from early childhood through postsecondary education. Many of these laws have codified best practices pioneered by dedicated Washington State educators determined to make a difference for homeless children and youth.

I have fought and continue to fight for funding that makes a difference for homeless children and youth, veterans and other adults, and families experiencing homelessness. I ask my colleagues to join me in celebrating the success of the McKinney-Vento Act and recognizing how far we still have to go in order to solve our homelessness crisis and make sure that every child in our country has access to a quality education no matter where they live, how they learn, or how much money their parents make.

### RECOGNIZING THOSE WHO SERVED ON WAKE ISLAND

Mr. CRAPO. Mr. President, today I wish to honor the servicemembers and civilians who served on Wake Island in World War II, as the last gathering of the Survivors of Wake-Guam-Cavite, Inc., is scheduled to be held in Boise in September.

Survivors of the defense of Wake Island and their families have held annual reunions and other get-togethers for the last nearly 71 years. Idaho became home to annual reunions of Wake Island survivors and their families. Many of these gatherings have been organized by Alice Ingham, whose husband was on Wake Island, but since many Wake Island survivors have now, unfortunately, passed away, the organization has decided to wind down their reunions, noting, "We would like to honor all of our Wake men—the living, the deceased, and those who never made it home from the war—with this final reunion." The last worker from Idaho, Joe Goicoechea of Boise, passed away this past year.

The astounding Americans who served on Wake Island and their families are lasting examples of courage and resolve. The history of World War II and the bravery of the American servicemembers who fought for our Nation and its allies are familiar parts of our collective national history, but an often overlooked part of this legacy is the service of the civilian workers on Wake Island who were swept into the

war. The civilian workers, including many Idahoans, working for Morrison Knudsen Company, building infrastructure on the island, when it was attacked the same day as the attack on Pearl Harbor, immediately became soldiers. Their service cannot be forgotten. I thank all those who have helped keep the memories of those who served on Wake Island alive.

In Veterans Memorial Park in Boise, a memorial honoring Americans who served on Wake Island gives the following account: "Five hours after bombing Pearl Harbor on December 7th, 1941, Japanese forces attacked Wake Island, a tiny island midway between Hawaii and Japan. The United States was constructing a runway essential for planes to refuel on their way through the area. There were 449 Marines, 68 Sailors, 6 Army Air Corps, and 1146 civilians employed by the Boise-based Morrison Knudsen Company on the island. Approximately 250 of the MK workers were from Idaho. For 15 days the military and civilians bravely defended the island from the Japanese forces. Wake Island fell to the Japanese on December 23, 1941.

"Following the battle, 98 civilian construction workers were kept on Wake Island to labor for the Japanese. When their work was complete, they were forced to dig their own graves before being executed. The remaining defenders of the island, both military and civilian, were taken as prisoners of war by the Japanese and held for 44 months. These brave heroes endured exceedingly harsh conditions, serving as slave labor for the Japanese government in Japan and China. Many died in captivity. In 1981 the civilian MK employees were granted Veteran status in recognition of their service in the War of the Pacific . . ."

Those who survived and returned home have enriched our communities. Thank you to those who served on Wake Island and their families for the immeasurable service you have given to our country and for your enduring examples of devotion and strength.

### ADDITIONAL STATEMENTS

#### TRIBUTE TO MAJOR RICHARD E. HAGNER

• Mr. COCHRAN. Mr. President, I am pleased to commend MAJ Richard E. Hagner for his dedication to duty and service to the Nation as an Army congressional fellow and congressional budget liaison for the Assistant Secretary of the Army. Major Hagner was recently selected for the Army's prestigious Advanced Strategic Planning and Policy Program and will be transitioning from his present assignment to begin doctoral studies at Vanderbilt University.

A native of Milwaukee, WI, Major Hagner was commissioned as an infantry officer after his graduation from



North Georgia College and State University with a bachelor of science degree. He subsequently earned master's degrees in joint information operations from the Naval Postgraduate School and legislative affairs from the George Washington University.

Major Hagner has served in a broad range of assignments during his Army career. He has served as a rifle platoon leader, communications officer, and network engineer, becoming instrumental to the success of his units from the battalion to brigade level. Notably, he has also commanded at the company level in Mannheim, Germany, following a demanding combat deployment to Afghanistan. His leadership has brought great credit to the U.S. Army.

In 2015, Major Hagner was selected to be an Army congressional fellow, where he served in the offices of the late Congressman Alan Nunnelee of Mississippi and Congressman Steve Israel of New York. I have had the privilege of working with him in his role as a congressional budget liaison officer. In that role, Richard ensured the Army's budget positions were well represented before the appropriations committees.

It has been a pleasure to have worked with MAJ Richard Hagner. His leadership, thoughtful judgment, and exemplary work have been a positive influence on his soldiers, peers, and superiors throughout his career. I am pleased to recognize and commend his dedication to our Nation and service to the U.S. Congress as an Army congressional liaison.●

#### TRIBUTE TO JIM SINCLAIR

● Mr. DAINES. Mr. President, this week, I have the distinct honor of recognizing Jim Sinclair of Plains for the leadership he has provided to his community in northwest Montana. As the senior pastor of his church, Jim has provided a helping hand to others for over two decades.

The people of Sanders County know Jim and his wife, Renee, for the admirable work their ministry has done to support those in need. Before becoming a pastor, Jim made a living harvesting timber, and those skills have been valuable with helping the most vulnerable members of their community stay warm during the cold Montana winters. In addition to distributing firewood, Jim's church harnesses the talents of many volunteers in order to provide a food bank, soup kitchen, and clothing bank. Jim's hands on approach to ministry has empowered his community to help each other overcome challenges.

Communities like Plains depend on folks like Jim and Renee, as well as the dozens of volunteers they have mentored over the years. I thank them for all the hard work they have done and wish them the best as their ministry continues to grow in the service of others.●

#### RECOGNIZING ST. PAUL AFRICAN METHODIST EPISCOPAL CHURCH

● Mr. MANCHIN. Mr. President, I am proud to stand before you this evening to celebrate the 125th anniversary of the founding of the St. Paul African Methodist Episcopal Church. First built on Court Street in Charleston, WV, St. Paul African Methodist Episcopal Church has served as a bedrock of faith since its founding in 1892.

With humble beginnings, St. Paul AME first organized in the basement of the old Charleston courthouse under the leadership of Rev. Lewis McGhee, Sr. One year later, construction began on a permanent home, and in 1897, that home was completed.

The St. Paul African Methodist Episcopal Church has been a leader of the community for its entire existence. In the early 1900s, Rev. Francis Herman Gow formed the first African American Boy Scout troop in Charleston. Reverend Gow's trailblazing did not just end there, and in 1915, Reverend Gow established the Mattie V. Lee Home to provide housing for African-American women who travelled to Charleston in search of work.

The Mattie V. Lee Home still stands today under the direction of the Presteria Center, where it serves as an addiction treatment facility. Just as the Mattie V. Lee Home continues to make a difference in the Charleston community so long after its founding date, so too does the St. Paul African Methodist Episcopal Church.

Today the St. Paul African Methodist Episcopal Church works to provide both healing and spiritual guidance in Charleston. Under the direction of Rev. John Sylvia, the church serves free weekly dinners for all interested, and associate pastor Rev. Roberta Smith was involved in creating RESET, a group to foster positive dialogue between law enforcement, clergy, and community of Charleston, WV.

It is through these acts of positivity and spiritual guidance that St. Paul AME has flourished in the Charleston community. I would like to thank Rev. John Sylvia and the entire congregation at St. Paul African Methodist Episcopal Church for their commitment to the Charleston community. I am proud of the work done by St. Paul AME, and I know that the church will continue to spread the Word of the Lord for many more years to come.●

#### RECOGNIZING ROHINNI

● Mr. RISCH. Mr. President, today I would like to highlight the innovation, creativity, and entrepreneurial spirit that is found all across my home State of Idaho. Every month, I recognize a small business owner from one of our Idaho communities who embodies the spirit of innovation and determination in delivering a product or service that makes a substantial difference in the lives of many Americans. The small business that I would like to highlight

this month has done just that by having an outsized influence on the micro-electronic and lighting industries. As chairman of the Senate Committee on Small Business and Entrepreneurship, I am pleased to honor Rohinni as the Small Business of the Month for July 2017.

The future is bright for this Coeur d'Alene based technology startup. Rohinni develops and manufactures LED lighting products. Described as "the World's Thinnest LED lighting," they allow light to be printed in any shape, on any surface, and for any need. The company's products have already been applied in many different fields, including transportation and consumer electronics.

Cofounders Cody Peterson and Andy Huska first worked together creating advanced force-sensing capacitive membrane switches, touchpads, and touchscreens for the Pacinian Corporation, which Mr. Peterson founded. With their extensive experience and background in innovative technology products, they began with a new, clever concept: Using a thin slice of conductive material, they were able to disperse thousands of micro-LED diodes to create glowing surfaces. With this new direction, Rohinni was born in 2013. After further developing this innovative technique and obtaining 44 patents, including one for the world's thinnest keyboard, Cody and Andy mastered micro-LED placement. With the help of some crucial venture capital investments 2 years later, the cofounders turned their idea into a successful company and have even expanded with a branch office in Austin, TX. Their new technology has been successfully used in many products, including fabric, television displays, mobile devices, and automotive displays.

Rohinni's creative efforts have been recognized by several business and trade publications. As one of the founders of the Semiconductor Caucus, I recognize the importance that these emerging technologies have on the advancement of our Nation's scientific progress, as we continue to move towards manufacturing products that are simpler in design, more efficient, lighter in weight, and smaller in size. The innovation displayed by companies like Rohinni help to preserve our global competitive edge in the electronic, semiconductor, and memory industries.

It is my honor to recognize Cody Peterson and Andy Huska and the employees of Rohinni who have made lasting contributions to the electronics industry. You make our State proud, and I look forward to watching your continued growth and success.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Ridgway, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

## PRESIDENTIAL MESSAGE

## REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT TRANSNATIONAL CRIMINAL ORGANIZATIONS THAT WAS ESTABLISHED IN EXECUTIVE ORDER 13581 ON JULY 24, 2011—PM 14

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to significant transnational criminal organizations declared in Executive Order 13581 of July 24, 2011, is to continue in effect beyond July 24, 2017. This notice superseded the notice regarding this topic submitted to the *Federal Register* on July 19, 2017.

The activities of significant transnational criminal organizations have reached such scope and gravity that they threaten the stability of international political and economic systems. Such organizations are increasingly sophisticated and dangerous to the United States; they are increasingly entrenched in the operations of foreign governments and the international financial system, thereby weakening democratic institutions, degrading the rule of law, and undermining economic markets. These organizations facilitate and aggravate violent civil conflicts and increasingly facilitate the activities of other dangerous persons.

The activities of significant transnational criminal organizations continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. Therefore, I have determined that it is necessary to con-

tinue the national emergency declared in Executive Order 13581 with respect to transnational criminal organizations.

DONALD J. TRUMP.  
THE WHITE HOUSE, July 20, 2017.

## MESSAGES FROM THE HOUSE

At 10:13 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate

H.R. 2883. An act to establish a more uniform, transparent, and modern process to authorize the construction, connection, operation, and maintenance of international border-crossing facilities for the import and export of oil and natural gas and the transmission of electricity.

H.R. 2910. An act to provide for Federal and State agency coordination in the approval of certain authorizations under the Natural Gas Act, and for other purposes.

At 2:57 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 218. An act to provide for the exchange of Federal land and non-Federal land in the State of Alaska for the construction of a road between King Cove and Cold Bay.

H.R. 2825. An act to amend the Homeland Security Act of 2002 to make certain improvements in the laws administered by the Secretary of Homeland Security, and for other purposes.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 218. An act to provide for the exchange of Federal land and non-Federal land in the State of Alaska for the construction of a road between King Cove and Cold Bay; to the Committee on Energy and Natural Resources.

H.R. 2825. An act to amend the Homeland Security Act of 2002 to make certain improvements in the laws administered by the Secretary of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2883. An act to establish a more uniform, transparent, and modern process to authorize the construction, connection, operation, and maintenance of international border-crossing facilities for the import and export of oil and natural gas and the transmission of electricity; to the Committee on Energy and Natural Resources.

H.R. 2910. An act to provide for Federal and State agency coordination in the approval of certain authorizations under the Natural Gas Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2266. A communication from the Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Revisions to Freedom of Information Act Regulations" (RIN3038-AE57) received in the Office of the President of the Senate on July 10, 2017; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2267. A communication from the Secretary of Defense, transmitting the report of three (3) officers authorized to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-2268. A communication from the Secretary of Defense, transmitting the report of two (2) officers authorized to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-2269. A communication from the Secretary of Defense, transmitting the report of an officer authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-2270. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Vice Admiral Frank C. Pandolfe, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-2271. A communication from the Senior Official performing the duties of the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a certification of the Advanced Arresting Gear (AAG) program; to the Committee on Armed Services.

EC-2272. A communication from the Senior Official performing the duties of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the annual report of the National Security Education Program for fiscal year 2016; to the Committee on Armed Services.

EC-2273. A communication from the Acting Assistant Secretary of the Army (Acquisition, Logistics and Technology), transmitting, pursuant to law, a report relative to Army Industrial Facilities Cooperative Activities with Non-Army Entities for Fiscal Year 2016; to the Committee on Armed Services.

EC-2274. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Minority and Women Inclusion Final Rule" (RIN2590-AA78) received during adjournment of the Senate in the Office of the President of the Senate on July 14, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC-2275. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report entitled "Quality of Water, Colorado River Basin, Progress Report No. 25"; to the Committee on Energy and Natural Resources.

EC-2276. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Illinois; NAAQS Updates" (FRL No. 9964-97-Region 5) received during adjournment of the Senate in the Office of the President of the Senate on July 14, 2017; to the Committee on Environment and Public Works.

EC-2277. A communication from the Director of Congressional Affairs, Office of New Reactors, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of

a rule entitled “Generic Aging Lessons Learned for Subsequent License Renewal Applications for Nuclear Power Plants” (NUREG-2191, Volumes 1 and 2; and NUREG-2192) received during adjournment of the Senate in the Office of the President of the Senate on July 14, 2017; to the Committee on Environment and Public Works.

EC-2278. A communication from the Board of Trustees of the Federal Hospital Insurance and Federal Supplementary Medical Insurance Trust Funds, transmitting, pursuant to law, the Board’s 2017 Annual Report; to the Committee on Finance.

EC-2279. A communication from the Board of Trustees of the Federal Hospital Insurance and Federal Supplementary Medical Insurance Trust Funds, transmitting, pursuant to law, the Board’s 2017 Annual Report; to the Committee on Finance.

EC-2280. A communication from the Acting Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled “Report to Congress on the Nurse Education, Practice, Quality, and Retention Program” for fiscal year 2016; to the Committee on Health, Education, Labor, and Pensions.

EC-2281. A communication from the Acting Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled “Fiscal Year 2015 and Fiscal Year 2016 Distribution of Funds Under Section 330 of the Public Health Service Act Report to Congress”; to the Committee on Health, Education, Labor, and Pensions.

EC-2282. A communication from the Acting Assistant Secretary for Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled “Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act—Accountability and State Plans” ((RIN1810-AB27) (Docket No. ED-2016-OESE-0032)) received in the Office of the President pro tempore of the Senate; to the Committee on Health, Education, Labor, and Pensions.

EC-2283. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-97, “Fiscal Year 2017 Revised Local Budget Temporary Adjustment Act of 2017”; to the Committee on Homeland Security and Governmental Affairs.

EC-2284. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-99, “Fiscal Year 2018 Local Budget Act of 2017”; to the Committee on Homeland Security and Governmental Affairs.

EC-2285. A communication from the Chief of the Regulatory Coordination Division, Office of Policy and Strategy, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Exercise of Time-Limited Authority to Increase the Fiscal Year 2017 Numerical Limitation for the H-2B Temporary Nonagricultural Worker Program” (RIN1615-AC12) received in the Office of the President of the Senate on July 18, 2017; to the Committee on the Judiciary.

EC-2286. A communication from the Chief Financial Officer and the Chief Operating Officer of the National Tropical Botanical Garden, transmitting, pursuant to law, a report relative to an audit of the Garden for the period from January 1, 2016, through December 31, 2016; to the Committee on the Judiciary.

EC-2287. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Severn River, Sherwood Forest, MD” ((RIN1625-AA00) (Docket No.

USCG-2017-0468)) received in the Office of the President of the Senate on July 18, 2017; to the Committee on Commerce, Science, and Transportation.

EC-2288. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Navigation and Navigable Waters, and Shipping: Technical, Organizational, and Conforming Amendments” (Docket No. USCG-2016-0498) received in the Office of the President of the Senate on July 18, 2017; to the Committee on Commerce, Science, and Transportation.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-68. A joint resolution adopted by the Legislature of the State of Nevada urging the United States Congress not to repeal the Patient Protection and Affordable Care Act or its most important provisions; to the Committee on Finance.

### ASSEMBLY JOINT RESOLUTION NO. 9

Whereas, In 2010, the Patient Protection and Affordable Care Act (Public Law 111-148), commonly known as the Affordable Care Act, was passed by Congress and signed into law by President Barack Obama; and

Whereas, The Affordable Care Act established a comprehensive series of health insurance reforms designed to make universal, affordable health insurance coverage available to all Americans, while also controlling rising health care costs and ending certain common industry practices that limited access to health insurance coverage; and

Whereas, The Affordable Care Act expanded access to health insurance coverage by creating health insurance marketplaces, allowing children to stay on a parent’s health insurance plan until the age of 26 years, expanding Medicaid and establishing a system of tax credits and penalties designed to both encourage consumers to purchase individual health insurance coverage and provide incentives to businesses to encourage them to provide health insurance coverage to employees; and

Whereas, The Affordable Care Act prohibits an insurer from denying health insurance coverage to a person on the basis of a preexisting condition, prohibits an insurer from rescinding coverage, eliminates lifetime and annual limits on coverage, requires all marketplace plans to provide coverage for 10 essential health benefits, including preventative care, establishes a mechanism for consumers to appeal determinations regarding coverage and establishes a system to assist consumers in navigating the health insurance marketplace; and

Whereas, The Affordable Care Act additionally provides incentives to expand the number of primary health care providers and encourages them to serve in medically underserved areas, promotes alternative payment methodologies designed to improve the value of care and encourages patients to use community-based resources and other services intended to reduce unnecessary hospitalizations and inappropriate emergency department use; and

Whereas, The Affordable Care Act further mandates health insurance coverage for colorectal cancer screening tests for persons who are between 50 and 75 years of age, mammograms annually for women who are over 40 years of age, and regular screenings of women for cervical cancer and the human papillomavirus vaccine to prevent cervical cancer; and

Whereas, The Affordable Care Act mandates health insurance coverage for immunization vaccines for children, including, without limitation, diphtheria, tetanus, pertussis, influenza, measles and rotavirus; and

Whereas, The Affordable Care Act includes many other benefits and protections to ensure access to health care by all; and

Whereas, A number of national leaders have proposed repealing the Affordable Care Act during the 115th Congress without a plan to replace the Affordable Care Act which adequately protects the thousands of Nevadans who benefit from or may not have access to health insurance coverage without the Act; and

Whereas, Repealing the Affordable Care Act without establishing mechanisms to preserve the significant improvements and protections afforded by the law, and without adequately providing for those who stand to lose their health insurance coverage upon repeal, will have significant detrimental effects on individuals and their families, on the health care industry in general and on the overall economic well-being of both Nevada and the nation as a whole: Now, therefore, be it

*Resolved by the Assembly and Senate of the State of Nevada Jointly*, That the members of the 79th Session of the Nevada Legislature hereby urge Congress to fully preserve the critical benefits afforded by the Affordable Care Act which many Nevadans have come to rely upon; and be it further

*Resolved*, That Congress should not repeal the Affordable Care Act so that these essential programs remain available to future generations of Nevadans; and be it further

*Resolved*, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States, as the presiding officer of the United States Senate, the Speaker of the United States House of Representatives and each member of the Nevada Congressional Delegation; and be it further

*Resolved*, That this resolution becomes effective upon passage.

POM-69. A resolution adopted by the House of Representatives of the State of Michigan supporting and encouraging the International Criminal Court to conduct an independent investigation into the human rights violations allegedly occurring in the Chechen Republic of Russia; to the Committee on Foreign Relations.

### HOUSE RESOLUTION NO. 79

Whereas, A formal complaint has been filed with the International Criminal Court alleging horrific harms inflicted on gay men in the Chechen Republic of Russia. The complaint cites abuses stemming from both governmental actions as well as so-called “honor killings” by members of the men’s own families; and

Whereas, The Chechen Republic of Russia has denied that any abuses have occurred, and have further denied that gay men exist within the Chechen Republic. Russia has begun an internal investigation into the alleged abuses; and

Whereas, Every human being has the right to life and to be free from bodily integrity abuses by their government. These basic human rights include the right to be free from torture and other forms of cruel and unusual punishment; and

Whereas, The International Criminal Court should not stand idly by if severe violations of basic human rights have in fact occurred against residents of one of its member nations. The International Criminal Court has the authority to open an official investigation into the alleged violations occurring in the Chechen Republic of Russia: Now, therefore, be it

*Resolved by the House of Representatives,* That we support and encourage the International Criminal Court to conduct an independent investigation into the human rights violations allegedly occurring in the Chechen Republic of Russia; and be it further

*Resolved,* That copies of this resolution be transmitted to the President of the International Criminal Court, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-70. A resolution adopted by the House of Representatives of the State of Colorado relative to ensuring access to reproductive care; to the Committee on Health, Education, Labor, and Pensions.

#### HOUSE RESOLUTION 17-1005

Whereas, Colorado has always been committed to a quality health care system and to creating policies that meet the health needs of women and families, including affordable reproductive health services; and

Whereas, Colorado was the first state to allow safe, legal abortion on a bipartisan basis in 1967; and

Whereas, The American College of Obstetricians and Gynecologists has stated that “[s]afe, legal abortion is a necessary component of women’s health care”, and health providers and associations affirm that good access to reproductive health care deeply and positively impacts women’s lives and futures; and

Whereas, Reproductive health care is both safe and common. More than 90% of women have used contraception, about three in ten women will have an abortion in her lifetime, and more than half of women will have a child at some point in their lives.

Whereas, People may disagree with the decision to seek an abortion, but it is a decision that each person should make for themselves with the counsel of their health providers, their families, and their faiths; and

Whereas, Rates of maternal mortality are decreasing around the world, but increasing in the United States for women of color who face an alarming and disparate rate of pregnancy complications and maternal mortality; and

Whereas, Restrictions on the availability of reproductive health care and limits on health coverage, such as policies denying insurance coverage for reproductive health services, have a disparate impact on low-income women and women of color and their families; and

Whereas, Obstacles to obtaining the best method of contraception for each person’s unique health and life circumstances remain a barrier to many; and

Whereas, Low-income women and women of color face a higher rate of unintended pregnancy, so ensuring access to contraception is a critical part of helping to address health disparities in marginalized communities; and

Whereas, An inability or difficulty to conceive is not only emotionally difficult for people looking to start a family but can be prohibitively expensive, so we must do more to help people seeking to build their families, regardless of sexual orientation or gender identity; and

Whereas, There is a continued need to address inequities in health care access and ensure culturally and linguistically appropriate training of health providers: Now, therefore, be it

*Resolved by the House of Representatives of the Seventy-first General Assembly of the State of Colorado:*

That we, the members of the Colorado House of Representatives, find that:

(1) Colorado continues to be a state where all individuals’ health remains a top priority, and Coloradans resist attempts to undermine the right to access reproductive health care;

(2) Access to comprehensive and affordable reproductive health care is critical to ensure that people have the information and services to prevent unintended pregnancies, the support to have healthy pregnancies and become parents when they are ready, and the ability to raise their children in a safe and healthy environment and to be able to care for their families with dignity;

(3) State, county, and city health departments shall promote policies to ensure access to a full range of reproductive health care, including abortion, and eliminate disparities that prevent low-income women and women of color from seeking safe, high-quality care;

(4) Both public and private health insurance should cover the full range of reproductive health care, including abortion;

(5) Facilities and professionals providing reproductive health services shall not be subjected to regulations that do not have a medical benefit and that are more burdensome than those imposed on other facilities or health care professionals that provide medically comparable procedures. Provision of services should be based on the best medical practices as developed by medical experts and supported by medical evidence.

(6) All qualified health care professionals shall be able to provide the full range of reproductive health care, including abortion, and have access to appropriate medical training; and be it further

*Resolved,* That copies of this Resolution be sent to President Donald J. Trump; Vice President Mike Pence; Paul Ryan, Speaker of the United States House of Representatives; Orrin Hatch, President Pro Tempore of the United States Senate; Governor John W. Hickenlooper; Dr. Larry Wolk, Executive Director, Colorado Department of Public Health and Environment; and the members of Colorado’s Congressional Delegation.

POM-71. A resolution adopted by the House of Representatives of the State of Colorado relative to recognizing the importance of Colorado libraries; to the Committee on Health, Education, Labor, and Pensions.

#### HOUSE RESOLUTION 17-1008

Whereas, Colorado libraries are a vital and essential public resource that provide free and equal access to educational and recreational material and enrich the lives of all citizens; and

Whereas, Libraries play a critical role in democracy and community development by promoting civil discourse and empowering citizens to learn, imagine, and succeed; and

Whereas, Libraries across Colorado lead the way in developing new and innovative ways of meeting the needs of and uniting the state’s increasingly diverse population; and

Whereas, Colorado receives \$2.7 million annually from the federal Institute of Museum and Library Services (IMLS) for library services and technology, which is roughly two-thirds of the State Library’s total operational costs; and

Whereas, The IMLS is the main funding source for more than 40 different Colorado library services and programs, yet costs less than 49 cents per resident; and

Whereas, One such program is the Check Out Colorado State Parks program, now in its second year. The program allows each library to offer two Colorado state park passes and activity backpacks to library patrons. The program was used almost 4,000 times total, or more than 165 times a week in the first six months; and

Whereas, Early learning programs, such as One Book 4 Colorado, which gives away 75,000 books each year to 4-year-olds statewide; Storyblocks.org, an online tool to help parents learn how to reinforce early learning skills; and the statewide Summer Reading Program that encourages children, teens, and adults to read and learn for fun, are all funded through the IMLS; and

Whereas, The IMLS funds support professional development programs like the Career Online High School, which, when launched this month, will help more than 200 adults in 17 libraries across the state earn high school diplomas and career experience, and the Highly Effective School Library program, which helps schools provide tools for students to develop 21st century skills and meet academic standards; and

Whereas, Essential library programs and services, such as the Colorado Talking Book Library, Colorado’s historic newspaper collection, the state’s institutional libraries, state publications, and many others all receive funding support through the IMLS; and

Whereas, This vital funding from the IMLS allows every Coloradan to have access to these programs and ensures that Colorado’s rich diversity and culture is represented by libraries across the state, including the Blair-Caldwell African American Research Library in Denver’s historic Five Points neighborhood that is devoted to preserving and showcasing the many contributions of African Americans to Colorado and the West and is one of only five library institutions in the nation that encompasses a circulating collection, archive, and museum; and the Rodolfo “Corky” Gonzalez Branch Library, designed specifically to celebrate the diverse and culturally rich community of West Denver; and be it

*Resolved by the House of Representatives of the Seventy-first General Assembly of the State of Colorado:*

That we, the members of the Colorado House of Representatives:

(1) Declare our support and appreciation for Colorado libraries and staff; and

(2) Recognize that the invaluable public services and programs provided by Colorado libraries and staff cannot be sustained without the funding support of the federal Institute of Museum and Library Services; and be it further

*Resolved,* That copies of this Resolution be sent to Donald Trump, President of the United States; Mike Pence, Vice President of the United States; John Hickenlooper, Governor of Colorado; the Colorado Association of Libraries; the Colorado Department of Education; and the members of Colorado’s Congressional delegation.

POM-72. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the United States Congress to pass the Trickett Wendler Right to Try Act of 2017; to the Committee on Health, Education, Labor, and Pensions.

#### HOUSE CONCURRENT RESOLUTION No. 18

Whereas, state legislatures across the United States have passed measures known as “Right to Try” laws authorizing access by terminally ill patients to investigational drugs and other potentially life-saving methods of treatment; and

Whereas, as of the date of filing of this Resolution, at least thirty-three U.S. states, including Louisiana, have established a Right to Try law; and

Whereas, Louisiana’s Right to Try law, enacted through House Bill No. 891 (Act No. 346) of the 2014 Regular Session, sets forth the following legislative findings:

(1) The process of approval for investigational drugs, biological products, and devices in the United States often takes many years.

(2) A terminally ill patient does not have the luxury of waiting for an investigational drug, product, or device to receive final approval from the U.S. Food and Drug Administration (FDA); and

Whereas, this law (R.S. 40:1169.1 et seq.) provides that, subject to certain conditions, terminally ill patients in Louisiana are authorized to use drugs, biological products, and devices that have successfully completed phase one of an FDA-approved clinical trial but which remain under investigation in the clinical trial process and have not yet been approved by the FDA for general use; and

Whereas, the Trickett Wendler Right to Try Act of 2017 has been introduced in the One Hundred Fifteenth United States Congress as S. 204 and would codify in federal law the essential provisions of the Right to Try laws of Louisiana and other states; and

Whereas, a key function of this legislation is to bar the federal government from prohibiting or restricting the production, manufacture, distribution, prescribing, or dispensing of an experimental drug, biological product, or device that is intended to treat a terminally ill patient and is authorized by and in accordance with state law; and

Whereas, the Trickett Wendler Right to Try Act of 2017 and the Right to Try law of Louisiana affirm the fundamental right of a patient with a terminal illness to attempt to preserve his own life by accessing available investigational drugs, biological products, and devices; and that the decision to pursue such a course of treatment is one that rightfully should be made by a terminally ill patient in consultation with his physician, and not by the government; Now, therefore, be it

*Resolved*, that the Legislature of Louisiana does hereby memorialize the United States Congress to pass the Trickett Wendler Right to Try Act of 2017; and be it further

*Resolved*, that a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-43. A joint resolution adopted by the General Assembly of the State of Colorado designating April 2017 as “Second Chance Month”; to the Committee on the Judiciary.

#### HOUSE JOINT RESOLUTION 17-1026

Whereas, Every person is endowed with human dignity; and

Whereas, Redemption and second chances are American values; and

Whereas, An estimated 65 million American citizens have a criminal record; and

Whereas, Eighty-six thousand people are currently incarcerated or under the supervision of the Colorado Department of Corrections, and data shows that approximately 95 percent of those in state prison will be released to their communities; and

Whereas, Individuals with a criminal record often face a “second prison” of significant barriers, also known as collateral consequences; and

Whereas, Many of these collateral consequences fail to provide any proven public safety benefit, are mandatory, and take effect automatically, regardless of the seriousness of the offense, the time passed since the offense, or the individual’s efforts to make amends and earn back the public’s trust; and

Whereas, The inability to find gainful employment and other collateral consequences of conviction inhibit the economic mobility of people with a criminal history, which negatively impacts the well-being of their children and families for generations; and

Whereas, Collateral consequences contribute to recidivism, increase victimization, decrease public safety, and result in lost eco-

nomics output for Colorado and the United States; and

Whereas, BKB Limited, BornFit, Denver Scrap Metal Recycling, Hallucination Sports, H.E.A.T. Inc., Lifted From The Rut, the Hornbuckle Foundation, Prison Fellowship, Second Chances Denver, The Shores Treatment & Recovery, TRIBE Recovery Services, and Youth for Christ sponsored the annual Second Chances 5k on Saturday, April 8, 2017, in Denver, Colorado, in order to raise awareness of the obstacles that people with a criminal record face and to provide opportunities for members of the community to run or walk in honor of second chances; and

Whereas, April 21, 2012, is the anniversary of the death of Charles Colson, who used his second chance following his incarceration for a Watergate-related crime to found Prison Fellowship, the nation’s largest Christian nonprofit serving prisoners and their families; and

Whereas, The designation of April as “Second Chance Month” can increase public awareness about the need for closure for those with a criminal record and about opportunities to provide second chances: Now, therefore, be it

*Resolved by the House of Representatives of the Seventy-first General Assembly of the State of Colorado, the Senate concurring herein:*

That we, the members of the Colorado General Assembly:

(1) Designate April 2017 as “Second Chance Month”; and

(2) Honor the work of communities, governmental institutions, nonprofits, congregations, employers, and individuals in removing unnecessary legal and societal barriers that prevent individuals with a criminal record from becoming productive members of society; and

(3) Call upon the people of Colorado to observe “Second Chance Month” through actions and programs that promote awareness of the “second prison” and provide second chances for those who have paid their debt; and be it further

*Resolved*, That copies of this Joint Resolution be sent to Donald Trump, President of the United States; Mike Pence, Vice President of the United States; Jeff Sessions, Attorney General of the United States; John Hickenlooper, Governor of Colorado; Donna Lynne, Lieutenant Governor of Colorado; Rick Raemisch, Executive Director of the Colorado Department of Corrections; BKB Limited; BornFit; Denver Scrap Metal Recycling; Hallucination Sports; H.E.A.T. Inc.; Lifted From The Rut; the Hornbuckle Foundation; Prison Fellowship; Second Chances Denver; The Shores Treatment & Recovery; TRIBE Recovery Services; Youth for Christ; and the members of Colorado’s Congressional delegation.

POM-74. A resolution adopted by the House of Representatives of the State of Colorado concerning the commemoration of the birthday of the Reverend Dr. Martin Luther King, Jr.; to the Committee on the Judiciary.

#### HOUSE RESOLUTION 17-1004

Whereas, The Reverend Dr. Martin Luther King, Jr., was born in Atlanta, Georgia, on January 15, 1929, graduated from Morehouse College with a Bachelor of Arts degree in 1948, graduated from Crozer Theological Seminary in 1951, and received a Ph.D. from Boston University in 1955; and

Whereas, Rev. Dr. King’s faith, resiliency, and commitment to justice became known worldwide through his speeches, writings, and actions; and

Whereas, Rev. Dr. King declared that the moral responsibility to aid the oppressed did not stop at the edge of his street, town, or

state when he wrote, “I cannot sit idly by in Atlanta and not be concerned about what happens in Birmingham. Injustice anywhere is a threat to justice everywhere.”; and

Whereas, Rev. Dr. King withstood attacks on his home and family, among numerous other threats and setbacks, standing firm in his conviction that although the arc of the moral universe is long, it bends towards justice; and

Whereas, Rev. Dr. King led the Montgomery bus boycott, a 13-month protest beginning in 1955, against the segregated city bus lines; and

Whereas, The Montgomery bus boycott led to the integration of the Montgomery city bus system and is widely credited as the beginning of the civil rights movement in America; and

Whereas, In 1957, Rev. Dr. King was elected president of the Southern Christian Leadership Conference, an organization formed to provide leadership for the burgeoning civil rights movement; and

Whereas, Between 1957 and 1968, Rev. Dr. King spoke more than 2,500 times, wrote 5 books as well as numerous articles, led protests, helped register African American voters, was arrested more than 20 times, was awarded 5 honorary degrees, was named Man of the Year by Time magazine, and became the symbolic leader of the African American community as well as a world figure; and

Whereas, On August 28, 1963, Rev. Dr. King directed the March on Washington, wherein more than 200,000 Americans gathered in the name of equality and civil rights and which culminated in Rev. Dr. King’s historic “I Have a Dream” speech; and

Whereas, The leadership of Rev. Dr. King was instrumental in bringing about landmark legislation, such as the “Civil Rights Act of 1964”, which prohibited segregation in public accommodations and facilities and banned discrimination based on race, color, or national origin, and the “Voting Rights Act of 1965”, which eliminated remaining legal barriers to voting for disenfranchised African American voters; and

Whereas, In 1964, Rev. Dr. King was awarded the Nobel Peace Prize for his tireless and selfless work in the pursuit of justice for African Americans and other oppressed people in America; and

Whereas, Rev. Dr. King’s 13 years of non-violent leadership ended abruptly and tragically when, on April 4, 1968, he was assassinated while standing on the balcony of the Lorraine Motel in Memphis, Tennessee; and

Whereas, Rev. Dr. King’s life and work continue to echo in our lives as we strive to reach the lofty goal he set when he said, “Let us all hope that the dark clouds of racial prejudice will soon pass away and the deep fog of misunderstanding will be lifted from our fear-drenched communities, and in some not too distant tomorrow the radiant stars of love and brotherhood will shine over our great nation with all their scintillating beauty.”; and

Whereas, Rev. Dr. King’s birthday is a federal holiday in the United States and a state holiday in the state of Colorado, which is celebrated each year on the third Monday in January; and

Whereas, On Monday, January 16, 2017, we celebrate the 31st anniversary of Rev. Dr. King’s holiday; Now, therefore, be it

*Resolved by the House of Representatives of the Seventy-first General Assembly of the State of Colorado:*

That we, the members of the Colorado General Assembly, hereby encourage appropriate observances, ceremonies, and activities to commemorate the federal and state legal holiday honoring the Rev. Dr. Martin Luther King, Jr., throughout all cities, towns, counties, school districts, and local governments within Colorado; and be it further

*Resolved*, That copies of this Joint Resolution be sent to President Barack Obama, Honorable Governor John Hickenlooper, the Congressional Black Caucus, the National Black Caucus of State Legislators, and the members of Colorado's congressional delegation: Senators Michael Bennet and Cory Gardner and Representatives Diana DeGette, Jared Polis, Scott Tipton, Ken Buck, Doug Lamborn, Mike Coffman, and Ed Perlmutter.

POM-75. A resolution adopted by the City Council of the City of Oberlin, Ohio, to the President of the United States opposing the withdrawal of the United States from the Paris Climate Agreement; to the Committee on Foreign Relations.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOEVEN, from the Committee on Appropriations, without amendment:

S. 1603. An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2018, and for other purposes (Rept. No. 115-131).

By Mr. ALEXANDER, from the Committee on Appropriations, without amendment:

S. 1609. An original bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2018, and for other purposes (Rept. No. 115-132).

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. INHOFE for Mr. MCCAIN for the Committee on Armed Services.

\*David Joel Trachtenberg, of Virginia, to be a Principal Deputy Under Secretary of Defense.

\*Charles Douglas Stimson, of Virginia, to be General Counsel of the Department of the Navy.

\*Owen West, of Connecticut, to be an Assistant Secretary of Defense.

\*Ryan McCarthy, of Illinois, to be Under Secretary of the Army.

Air Force nomination of Lt. Gen. Steven L. Kwast, to be Lieutenant General.

\*Air Force nomination of Gen. Paul J. Selva, to be General.

Army nomination of Maj. Gen. Bruce T. Crawford, to be Lieutenant General.

Air Force nomination of Lt. Gen. John B. Cooper, to be Lieutenant General.

Army nominations beginning with Col. John B. Dunlap III and ending with Col. Andrew M. Roman, which nominations were received by the Senate and appeared in the Congressional Record on June 15, 2017.

Army nomination of Col. Deborah Y. Howell, to be Brigadier General.

Army nomination of Lt. Gen. Stephen R. Lyons, to be Lieutenant General.

Army nomination of Maj. Gen. Charles W. Hooper, to be Lieutenant General.

Army nomination of Maj. Gen. Edward M. Daly, to be Lieutenant General.

Army nomination of Col. Michelle M. Rose, to be Brigadier General.

Navy nomination of Capt. Daniel W. Dwyer, to be Rear Admiral (lower half).

Navy nomination of Rear Adm. (lh) Ross A. Myers, to be Rear Admiral.

Marine Corps nomination of Maj. Gen. John J. Broadmeadow, to be Lieutenant General.

Marine Corps nomination of Lt. Gen. Kenneth F. McKenzie, Jr., to be Lieutenant General.

Marine Corps nomination of Lt. Gen. Vincent R. Stewart, to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Herman S. Clardy III, to be Lieutenant General.

Army nomination of Lt. Gen. William C. Mayville, Jr., to be Lieutenant General.

Army nomination of Maj. Gen. Richard D. Clarke, to be Lieutenant General.

Navy nomination of Rear Adm. Frederick J. Roegge, to be Vice Admiral.

Marine Corps nomination of Maj. Gen. Daniel J. O'Donohue, to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Michael A. Rocco, to be Lieutenant General.

Marine Corps nomination of Lt. Gen. Mark A. Brilakis, to be Lieutenant General.

Air Force nomination of Brig. Gen. John D. Slocum, to be Major General.

Air Force nomination of Brig. Gen. Anthony J. Carrelli, to be Major General.

Air Force nomination of Brig. Gen. Sam C. Barrett, to be Major General.

Army nominations beginning with Col. Michael N. Adame and ending with Col. Patrick C. Thibodeau, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2017, (minus 2 nominees: Col. Robert B. Davis; Col. Andrew M. Harris)

Army nominations beginning with Col. John C. Andonie and ending with Col. Cynthia K. Tinkham, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2017.

Army nominations beginning with Col. Samuel AgostoSantiago and ending with Col. William L. Zana, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2017.

Navy nomination of Rear Adm. (lh) William R. Merz, to be Vice Admiral.

Mr. INHOFE for Mr. MCCAIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with William John Ackman and ending with Michael D. Zollars, which nominations were received by the Senate and appeared in the Congressional Record on June 5, 2017.

Air Force nomination of Lisa E. Donovan, to be Major.

Air Force nomination of Kirt L. Stallings, to be Colonel.

Air Force nominations beginning with Michael G. Rhode and ending with Scott D. Wright, which nominations were received by the Senate and appeared in the Congressional Record on June 15, 2017.

Air Force nomination of Richard L. Allen, to be Colonel.

Air Force nomination of Michael J. Silverman, to be Major.

Air Force nomination of Maiya D. Anderson, to be Colonel.

Air Force nominations beginning with Kimberly M. Kittleson and ending with Kevin C. Peterson, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2017.

Air Force nominations beginning with Cecilia A. Florio and ending with John M. Fejes, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2017.

Army nominations beginning with James C. Benson and ending with Jacob S. Loftice, which nominations were received by the Senate and appeared in the Congressional Record on June 15, 2017.

Army nomination of Timothy D. Litka, to be Lieutenant Colonel.

Army nomination of Scott D. Blackwell, to be Colonel.

Army nominations beginning with Michael A. Adams and ending with D012118, which nominations were received by the Senate and appeared in the Congressional Record on June 15, 2017.

Army nominations beginning with Todd R. Anderson and ending with John F. Yanikov, which nominations were received by the Senate and appeared in the Congressional Record on June 15, 2017.

Army nominations beginning with Douglas A. Allen and ending with Thomas K. Sarrouf, which nominations were received by the Senate and appeared in the Congressional Record on June 15, 2017.

Army nominations beginning with Charles E. Bane and ending with Matthew D. Wegner, which nominations were received by the Senate and appeared in the Congressional Record on June 15, 2017.

Army nomination of Doreen A. Douchi, to be Major.

Army nomination of Brandon J. Baer, to be Lieutenant Colonel.

Army nomination of Barry Murray, to be Lieutenant Colonel.

Army nominations beginning with Francis K. Agyapong and ending with Sashi A. Zickefoose, which nominations were received by the Senate and appeared in the Congressional Record on June 15, 2017.

Army nominations beginning with Joseph H. Afanador and ending with D013069, which nominations were received by the Senate and appeared in the Congressional Record on June 15, 2017.

Army nominations beginning with Bert M. Baker and ending with Maria R. S. Yates, which nominations were received by the Senate and appeared in the Congressional Record on June 15, 2017.

Army nominations beginning with Breck S. Brewer and ending with Diana W. Weber, which nominations were received by the Senate and appeared in the Congressional Record on June 15, 2017.

Army nominations beginning with Daniel F. Alemany and ending with Brittany E. McCroan, which nominations were received by the Senate and appeared in the Congressional Record on June 15, 2017.

Army nomination of Wil B. Neubauer, to be Colonel.

Army nomination of Mark C. Gillespie, to be Colonel.

Army nomination of Joseph M. O'Callaghan, Jr., to be Colonel.

Army nomination of Bret P. Van Poppel, to be Colonel.

Army nomination of Aliya I. Wilson, to be Major.

Army nomination of William O. Murray, to be Lieutenant Colonel.

Army nomination of Patrick R. Wilde, to be Lieutenant Colonel.

Army nomination of Jeff H. McDonald, to be Colonel.

Army nominations beginning with Edward V. Abrahamson and ending with D012929, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2017.

Army nominations beginning with Scott J. Akerley and ending with D002220, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2017.

Army nominations beginning with Ryan C. Agee and ending with D011536, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2017.



Army nominations beginning with Erik C. Alfsen and ending with D013346, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2017.

Army nominations beginning with Bradford A. Baumann and ending with Thomas B. Vaughn, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2017.

Army nomination of Jay A. Johannigman, to be Colonel.

Navy nominations beginning with Cameron M. Balma and ending with Scott D. Ziegenhorn, which nominations were received by the Senate and appeared in the Congressional Record on June 15, 2017.

Navy nominations beginning with Richard A. Ackerman and ending with Patricia R. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on June 15, 2017.

Navy nominations beginning with Sarah R. Boutwell and ending with Andrew F. Young, which nominations were received by the Senate and appeared in the Congressional Record on June 15, 2017.

Navy nominations beginning with Jeremiah E. Chaplin and ending with Jeanette Sheets, which nominations were received by the Senate and appeared in the Congressional Record on June 15, 2017.

Navy nomination of Linwood O. Lewis, to be Commander.

Navy nomination of Brian A. Evick, to be Commander.

Navy nominations beginning with Kristopher M. Brazil and ending with Sheree T. Williams, which nominations were received by the Senate and appeared in the Congressional Record on June 15, 2017.

Navy nominations beginning with Bryce D. Abbott and ending with Shane M. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on June 15, 2017.

Navy nominations beginning with Jeremiah P. Anderson and ending with Ashley S. Wright, which nominations were received by the Senate and appeared in the Congressional Record on June 15, 2017.

Navy nominations beginning with Stacy J. G. Arenstein and ending with Henry L. Thomason, which nominations were received by the Senate and appeared in the Congressional Record on June 15, 2017.

Navy nominations beginning with Kelly W. Bowman, Jr. and ending with Robert H. Vohrer, which nominations were received by the Senate and appeared in the Congressional Record on June 15, 2017.

Navy nominations beginning with Lara R. Bollinger and ending with Candice C. Tresch, which nominations were received by the Senate and appeared in the Congressional Record on June 15, 2017.

Navy nominations beginning with Patrick P. Davis and ending with Sean C. Stevens, which nominations were received by the Senate and appeared in the Congressional Record on June 15, 2017.

Navy nominations beginning with Jeffery A. Alsup and ending with Terry N. Traweck, Jr., which nominations were received by the Senate and appeared in the Congressional Record on June 15, 2017.

Navy nomination of Linda C. Seymour, to be Captain.

Navy nomination of Chad J. Trubilla, to be Commander.

Navy nominations beginning with Patrick R. Adams and ending with James T. Watters, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2017.

Navy nomination of Randall G. Schimpf, to be Lieutenant Commander.

By Mr. HATCH for the Committee on Finance.

\*David J. Kautter, of Virginia, to be an Assistant Secretary of the Treasury.

By Mr. GRASSLEY for the Committee on the Judiciary.

Christopher A. Wray, of Georgia, to be Director of the Federal Bureau of Investigation for a term of ten years.

Trevor N. McFadden, of Virginia, to be United States District Judge for the District of Columbia.

Beth Ann Williams, of New Jersey, to be an Assistant Attorney General.

John W. Huber, of Utah, to be United States Attorney for the District of Utah for the term of four years.

Justin E. Herdman, of Ohio, to be United States Attorney for the Northern District of Ohio for the term of four years.

John E. Town, of Alabama, to be United States Attorney for the Northern District of Alabama for the term of four years.

By Mr. ISAKSON for the Committee on Veterans' Affairs.

\*Brooks D. Tucker, of Maryland, to be an Assistant Secretary of Veterans Affairs (Congressional and Legislative Affairs).

\*Michael P. Allen, of Florida, to be a Judge of the United States Court of Appeals for Veterans Claims for the term of fifteen years.

\*Amanda L. Meredith, of Virginia, to be a Judge of the United States Court of Appeals for Veterans Claims for the term of fifteen years.

\*Joseph L. Toth, of Wisconsin, to be a Judge of the United States Court of Appeals for Veterans Claims for the term of fifteen years.

\*Thomas G. Bowman, of Florida, to be Deputy Secretary of Veterans Affairs.

\*James Byrne, of Virginia, to be General Counsel, Department of Veterans Affairs.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BLUNT (for himself, Mr. COCHRAN, Mr. CORNYN, Mr. MANCHIN, Mr. ENZI, Mr. THUNE, Mr. STRANGE, and Mrs. CAPITO):

S. 1592. A bill to prohibit the Federal Government from requiring race or ethnicity to be disclosed in connection with the transfer of a firearm; to the Committee on the Judiciary.

By Ms. HARRIS (for herself and Mr. PAUL):

S. 1593. A bill to provide grants to States and Indian tribes to reform their criminal justice system to encourage the replacement of the use of payment of secured money bail as a condition of pretrial release in criminal cases, and for other purposes; to the Committee on the Judiciary.

By Mr. LEE (for himself, Mr. CRUZ, Mr. LANKFORD, Mr. COTTON, Mr. STRANGE, and Mr. RUBIO):

S. 1594. A bill to amend the National Labor Relations Act to modify the authority of the National Labor Relations Board with respect to rulemaking, issuance of complaints, and authority over unfair labor practices; to the

Committee on Health, Education, Labor, and Pensions.

By Mr. RUBIO (for himself and Mrs. SHAHEEN):

S. 1595. A bill to amend the Hizballah International Financing Prevention Act of 2015 to impose additional sanctions with respect to Hizballah, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PETERS (for himself and Mr. RUBIO):

S. 1596. A bill to amend title 38, United States Code, to increase certain funeral benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. JOHNSON:

S. 1597. A bill to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury and the Commissioner of the Social Security Administration to disclose certain return information related to identity theft, and for other purposes; to the Committee on Finance.

By Mr. ISAKSON (for himself, Mr.

TESTER, Mr. ROUNDS, Mrs. MCCASKILL, Mr. TILLIS, Mr. MANCHIN, Mr. HELLER, Ms. KLOBUCHAR, Mr. CORNYN, Mr. FRANKEN, Mr. CRAPO, Mr. DONNELLY, Mr. INHOPE, Ms. DUCKWORTH, Mr. SULLIVAN, Mr. KAINE, Mr. DAINES, Mr. UDALL, Ms. COLLINS, Ms. HEITKAMP, Mr. BLUNT, Mr. PETERS, Mr. RUBIO, Mr. BROWN, Mr. ROBERTS, Mr. HEINRICH, Mr. MORAN, Ms. HIRONO, Mrs. CAPITO, Ms. HASSAN, Mr. BOOZMAN, Mr. CARDIN, Mrs. FISCHER, Mr. NELSON, Ms. STABENOW, Mrs. SHAHEEN, Mrs. MURRAY, Mr. BLUMENTHAL, Ms. WARREN, and Mr. CASSIDY):

S. 1598. A bill to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KAINE (for himself and Mr. PORTMAN):

S. 1599. A bill to require the Secretary of Labor to award grants for promoting industry or sector partnerships to encourage industry growth and competitiveness and to improve worker training, retention, and advancement; to the Committee on Health, Education, Labor, and Pensions.

By Ms. HIRONO (for herself and Mr. MERKLEY):

S. 1600. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to make improvements in the old-age, survivors, and disability insurance program, and to provide for Social Security benefit protection; to the Committee on Finance.

By Mrs. SHAHEEN (for herself, Ms. KLOBUCHAR, Mr. FRANKEN, and Ms. HARRIS):

S. 1601. A bill to amend the Fair Housing Act to establish that certain conduct, in or around a dwelling, shall be considered to be severe or pervasive for purposes of determining whether a certain type of sexual harassment has occurred under that Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. GILLIBRAND:

S. 1602. A bill to authorize the Secretary of the Interior to conduct a study to assess the suitability and feasibility of designating certain land as the Finger Lakes National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HOEVEN:

S. 1603. An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending

September 30, 2018, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. LEE (for himself, Mr. LEAHY, Mr. HOEVEN, and Mr. CRUZ):

S. 1604. A bill to establish the Daniel Webster Congressional Clerkship Program; to the Committee on Rules and Administration.

By Mr. CASEY (for himself, Mrs. MURRAY, Ms. CORTEZ MASTO, Mr. BLUMENTHAL, Ms. WARREN, Mrs. GILLIBRAND, and Mrs. FEINSTEIN):

S. 1605. A bill to improve the response to sexual assault and sexual harassment on board aircraft operated in passenger air transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BOOKER (for himself and Mr. FRANKEN):

S. 1606. A bill to authorize grants for the support of caregivers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH:

S. 1607. A bill to establish a pilot program to transform the Federal-aid highway program to a performance- and outcome-based program, and for other purposes; to the Committee on Environment and Public Works.

By Mr. FLAKE (for himself, Mr. PAUL, Mr. DONNELLY, and Mr. MURPHY):

S. 1608. A bill to authorize the Capitol Police Board to make payments from the United States Capitol Police Memorial Fund to employees of the United States Capitol Police who have sustained serious line-of-duty injuries, and for other purposes; to the Committee on Rules and Administration.

By Mr. ALEXANDER:

S. 1609. An original bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2018, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. SCOTT (for himself and Mr. GRASSLEY):

S. 1610. A bill to require law enforcement agencies to report the use of lethal force, and for other purposes; to the Committee on the Judiciary.

By Mr. HOEVEN (for himself and Mr. ROUNDS):

S. 1611. A bill to amend title 38, United States Code, to allow the Secretary of Veterans Affairs to enter into certain agreements with non-Department of Veterans Affairs health care providers if the Secretary is not feasibly able to provide health care in facilities of the Department or through contracts or sharing agreements, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HATCH:

S. 1612. A bill to expand the definition of highway safety improvement project under section 148 of title 23, United States Code, to include education integrated into an approved State strategic highway safety plan, and for other purposes; to the Committee on Environment and Public Works.

By Mr. RISCH:

S. 1613. A bill to amend the Pittman-Robertson Wildlife Restoration Act to modernize the funding of wildlife conservation, and for other purposes; to the Committee on Environment and Public Works.

By Ms. DUCKWORTH:

S. 1614. A bill to provide for the regulation of video visitation services and inmate calling services by the Federal Communications Commission generally, to establish criteria for the provision of video visitation services by the Bureau of Prisons, and for other purposes; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself, Mr. DURBIN, Mr. FLAKE, and Mr. SCHUMER):

S. 1615. A bill to authorize the cancellation of removal and adjustment of status of cer-

tain individuals who are long-term United States residents and who entered the United States as children and for other purposes; to the Committee on the Judiciary.

By Mr. CRAPO (for himself, Mr. PERDUE, Mr. TILLIS, Mr. COTTON, Mr. SCOTT, Mr. HELLER, Mr. ROUNDS, Mr. TOOMEY, Mr. SHELBY, Mr. CORKER, Mr. SASSE, Mr. MORAN, Mrs. CAPITO, Mr. HATCH, Mr. ISAKSON, Mr. BAR-RASSO, Mr. WICKER, Mr. ENZI, Mr. RUBIO, Mr. BLUNT, Mr. CRUZ, Mr. LANKFORD, Mr. STRANGE, and Mr. COCHRAN):

S.J. Res. 47. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Bureau of Consumer Financial Protection relating to "Arbitration Agreements"; to the Committee on Banking, Housing, and Urban Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ENZI (for himself, Ms. HEITKAMP, Mr. CRAPO, Mr. INHOFE, Mr. RISCH, Mr. CORNYN, Mr. TESTER, Mr. LANKFORD, Mr. HOEVEN, Mr. BAR-RASSO, Mr. HEINRICH, Mr. UDALL, Mr. THUNE, Mr. MERKLEY, and Mr. ROUNDS):

S. Res. 225. A resolution designating July 22, 2017, as "National Day of the American Cowboy"; to the Committee on the Judiciary.

By Ms. BALDWIN:

S. Res. 226. A resolution designating the week of July 17 through July 21, 2017, as "National Ectodermal Dysplasias Week" and supporting the goals and ideals of National Ectodermal Dysplasias Week to raise awareness and understanding of ectodermal dysplasias; to the Committee on the Judiciary.

By Mrs. CAPITO (for herself, Ms. DUCKWORTH, Mr. UDALL, Mr. DURBIN, and Mr. MORAN):

S. Res. 227. A resolution recognizing "National Youth Sports Week" and the efforts by parents, volunteers, and national organizations in their efforts to promote healthy living and youth development; to the Committee on Commerce, Science, and Transportation.

By Mr. CARDIN (for himself, Mr. COONS, Mr. BOOKER, and Mr. MERKLEY):

S. Res. 228. A resolution calling for a credible, peaceful, free, and fair presidential election in Kenya in August 2017; to the Committee on Foreign Relations.

By Mr. ROUNDS:

S. Con. Res. 22. A concurrent resolution expressing the sense of Congress on the use of the Intergovernmental Personnel Act Mobility Program and the Department of Defense Information Technology Exchange Program to obtain personnel with cyber skills and abilities for the Department of Defense; to the Committee on Armed Services.

## ADDITIONAL COSPONSORS

S. 170

At the request of Mr. RUBIO, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. 170, a bill to provide for non-preemption of measures by State and local governments to divest from entities that engage in commerce-related

or investment-related boycott, divestment, or sanctions activities targeting Israel, and for other purposes.

S. 372

At the request of Mr. PORTMAN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 372, a bill to amend the Tariff Act of 1930 to ensure that merchandise arriving through the mail shall be subject to review by U.S. Customs and Border Protection and to require the provision of advance electronic information on shipments of mail to U.S. Customs and Border Protection and for other purposes.

S. 431

At the request of Mr. THUNE, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 431, a bill to amend title XVIII of the Social Security Act to expand the use of telehealth for individuals with stroke.

S. 563

At the request of Mr. HELLER, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 563, a bill to amend the Flood Disaster Protection Act of 1973 to require that certain buildings and personal property be covered by flood insurance, and for other purposes.

S. 609

At the request of Mr. MORAN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 609, a bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 and title 38, United States Code, to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers and to expand access to such care and services, and for other purposes.

S. 690

At the request of Mr. CARDIN, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 690, a bill to extend the eligibility of redesignated areas as HUBZones from 3 years to 7 years.

S. 708

At the request of Mr. MARKEY, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 708, a bill to improve the ability of U.S. Customs and Border Protection to interdict fentanyl, other synthetic opioids, and other narcotics and psychoactive substances that are illegally imported into the United States, and for other purposes.

S. 794

At the request of Mr. ISAKSON, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 794, a bill to amend title XVIII of the Social Security Act in order to improve the process whereby Medicare administrative contractors issue local coverage determinations under the Medicare program, and for other purposes.

S. 952

At the request of Ms. WARREN, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 952, a bill to increase the role of the financial industry in combating human trafficking.

S. 1034

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1034, a bill to improve agricultural job opportunities, benefits, and security for aliens in the United States, and for other purposes.

S. 1122

At the request of Mrs. MURRAY, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 1122, a bill to amend the Occupational Safety and Health Act of 1970 to clarify when the time period for the issuance of citations under such Act begins and to require a rule to clarify that an employer's duty to make and maintain accurate records of work-related injuries and illnesses is an ongoing obligation.

S. 1182

At the request of Mr. YOUNG, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1182, a bill to require the Secretary of the Treasury to mint commemorative coins in recognition of the 100th anniversary of The American Legion.

S. 1311

At the request of Mr. CORNYN, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 1311, a bill to provide assistance in abolishing human trafficking in the United States.

S. 1393

At the request of Mr. CORNYN, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 1393, a bill to streamline the process by which active duty military, reservists, and veterans receive commercial driver's licenses.

S. 1462

At the request of Mrs. SHAHEEN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Missouri (Mrs. McCASKILL) were added as cosponsors of S. 1462, a bill to amend the Patient Protection and Affordable Care Act to improve cost sharing subsidies.

S. 1526

At the request of Mr. TESTER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1526, a bill to appropriate amounts to the Department of Veterans Affairs to improve the provision of health care to veterans, and for other purposes.

S. 1533

At the request of Mr. GRASSLEY, the name of the Senator from Iowa (Mrs. ERNST) was added as a cosponsor of S. 1533, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality

foot and ankle care, to amend title XVIII of such Act to modify the requirements for diabetic shoes to be included under Medicare, and for other purposes.

S. 1546

At the request of Mr. WARNER, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 1546, a bill to amend the Patient Protection and Affordable Care Act to provide greater flexibility in offering health insurance coverage across State lines.

S. 1552

At the request of Mr. FLAKE, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1552, a bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that up to 10 percent of their income tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated.

S. 1558

At the request of Mr. RISCH, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1558, a bill to amend section 203 of Public Law 94-305 to ensure proper authority for the Office of Advocacy of the Small Business Administration, and for other purposes.

S. 1559

At the request of Mr. RISCH, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1559, a bill to ensure a complete analysis of the potential impacts of rules on small entities.

S. 1562

At the request of Mr. GARDNER, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1562, a bill to impose sanctions with respect to the Government of the Democratic People's Republic of Korea and any enablers of the activities of that Government, and for other purposes.

S. 1587

At the request of Mr. CRUZ, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1587, a bill for the relief of Liu Xia.

S. 1588

At the request of Mr. CARDIN, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 1588, a bill to secure Federal voting rights of persons when released from incarceration.

S. 1589

At the request of Mr. CARDIN, the name of the Senator from Missouri (Mrs. McCASKILL) was added as a cosponsor of S. 1589, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S.J. RES. 17

At the request of Mr. CORNYN, the name of the Senator from Alabama

(Mr. STRANGE) was added as a cosponsor of S.J. Res. 17, a joint resolution approving the discontinuation of the process for consideration and automatic implementation of the annual proposal of the Independent Medicare Advisory Board under section 1899A of the Social Security Act.

S. CON. RES. 15

At the request of Ms. WARREN, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. Con. Res. 15, a concurrent resolution expressing support for the designation of October 28, 2017, as "Honoring the Nation's First Responders Day".

S. RES. 75

At the request of Mr. PORTMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 75, a resolution recognizing the 100th anniversary of the Academy of Nutrition and Dietetics, the largest organization of food and nutrition professionals in the world.

S. RES. 160

At the request of Mr. NELSON, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. Res. 160, a resolution honoring the service to United States Armed Forces provided by military working dogs and contract working dogs, also known as "war dogs".

S. RES. 223

At the request of Mr. CRUZ, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. Res. 223, a resolution honoring the life and legacy of Liu Xiaobo for his steadfast commitment to the protection of human rights, political freedoms, free markets, democratic elections, government accountability, and peaceful change in the People's Republic of China.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KAINE (for himself and Mr. PORTMAN):

S. 1599. A bill to require the Secretary of Labor to award grants for promoting industry or sector partnerships to encourage industry growth and competitiveness and to improve worker training, retention, and advancement; to the Committee on Health, Education, Labor, and Pensions.

Mr. KAINE. Mr. President, the U.S. infrastructure system is in critical need of an upgrade. The American Society of Civil Engineers recently graded the U.S. system a D+ given its capacity, condition, funding, future need, operation and maintenance, public safety, resilience and innovation. Any investment to improve our Country's infrastructure system would create millions of new jobs, requiring millions of skilled workers to fill them.

A recent study by the Center of Education and the Workforce at Georgetown University estimated that a \$1 trillion infrastructure investment would create 11 million new jobs. Nearly half of these would require training

past the high school level. Even without a significant investment, though, infrastructure industries are already struggling to meet workforce demands. Workers in infrastructure industries are expected to retire at a 50% higher rate than the general workforce. And historic inequities that have limited women and people of color from accessing these jobs have further constrained the pipeline of potential workers. To ensure infrastructure investments benefit businesses, workers and the economy, the U.S. must invest in the creation of a diverse pipeline of workers with skills necessary to access in-demand opportunities.

Industry and sector partnerships are a proven strategy for helping workers prepare for middle-skill jobs and helping businesses find skilled workers. Congress requires States and local areas to support the development of these partnerships under the Workforce Innovation and Opportunity Act (WIOA), but no dedicated funding has been provided for these activities. Work-based learning strategies, such as apprenticeships, are common pathways to skilled jobs in infrastructure industries. Many small and medium-sized businesses shy away from developing high-quality work-based learning programs, however, because of real or perceived costs associated with the strategy.

This is why I am pleased to introduce with my colleague, Senator PORTMAN, the Building U.S. Infrastructure by Leveraging Demands for Skills Act or BUILDS Act. The BUILDS Act creates a grant program that would support industry and sector partnerships working with local businesses, industry associations and organizations, labor organizations, State and local workforce boards, economic development agencies and other partners engaged in their communities to encourage industry growth, competitiveness and collaboration to improve worker training, retention and advancement in targeted infrastructure clusters.

Specifically, the bipartisan BUILDS Act would leverage sector partnerships to engage businesses in work-based learning programs. Businesses and industries would be incentivized to work with the greater community to create on-the-job training programs to fill the jobs necessary to expand the Country's infrastructure system. Additionally, businesses and education providers would be connected to develop classroom curriculum to complement on-the-job learning. Workers on the other hand, would receive support services such as mentoring and career counseling to ensure that they are successful from the pre-employment to placement in a full-time position.

Our Country desperately needs improvements to critical infrastructure like our roads and bridges, however to do that work we must have a trained workforce that's ready to fill these good-paying jobs. Virginia businesses in the transportation, construction, en-

ergy, and information technology industries continue to tell me they have trouble finding job applicants with the necessary skills. This bill will help workers get the job training they need to be hired. I hope that my colleagues on both sides of the aisle consider the BUILDS Act as a necessary component to any investment in our Nation's infrastructure.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 225—DESIGNATING JULY 22, 2017, AS “NATIONAL DAY OF THE AMERICAN COWBOY”

Mr. ENZI (for himself, Ms. HEITKAMP, Mr. CRAPO, Mr. INHOFE, Mr. RISCH, Mr. CORNYN, Mr. TESTER, Mr. LANKFORD, Mr. HOEVEN, Mr. BARRASSO, Mr. HEINRICH, Mr. UDALL, Mr. THUNE, Mr. MERKLEY, and Mr. ROUNDS) submitted the following resolution; which was referred to the Committee on the Judiciary:

##### S. RES. 225

Whereas pioneering men and women, recognized as “cowboys”, helped to establish the American West;

Whereas the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism;

Whereas the cowboy spirit exemplifies strength of character, sound family values, and good common sense;

Whereas the cowboy archetype transcends ethnicity, gender, geographic boundaries, and political affiliations;

Whereas the cowboy, who lives off the land and works to protect and enhance the environment, is an excellent steward of the land and its creatures;

Whereas cowboy traditions have been a part of American culture for generations;

Whereas the cowboy continues to be an important part of the economy through the work of many thousands of ranchers across the United States who contribute to the economic well-being of every State;

Whereas millions of fans watch professional and working ranch rodeo events annually, making rodeo one of the most-watched sports in the United States;

Whereas membership and participation in rodeo and other organizations that promote and encompass the livelihood of cowboys span every generation and transcend race and gender;

Whereas the cowboy is a central figure in literature, film, and music and occupies a central place in the public imagination;

Whereas the cowboy is an American icon; and

Whereas the ongoing contributions made by cowboys and cowgirls to their communities should be recognized and encouraged: Now, therefore, be it

*Resolved*, That the Senate—

- (1) designates July 22, 2017, as “National Day of the American Cowboy”; and
- (2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

##### SENATE RESOLUTION 226—DESIGNATING THE WEEK OF JULY 17 THROUGH JULY 21, 2017, AS “NATIONAL ECTODERMAL DYSPLASIAS WEEK” AND SUPPORTING THE GOALS AND IDEALS OF NATIONAL ECTODERMAL DYSPLASIAS WEEK TO RAISE AWARENESS AND UNDERSTANDING OF ECTODERMAL DYSPLASIAS

Ms. BALDWIN submitted the following resolution; which was referred to the Committee on the Judiciary:

##### S. RES. 226

Whereas ectodermal dysplasias is a congenital disorder that causes defects to the skin, hair, nails, teeth, and glands of an individual and can also cause harm to other body parts of an individual, such as the eyes, ears, and throat;

Whereas ectodermal dysplasias is a genetic disorder that is passed from parent to child;

Whereas a child may be the first individual in a family to be affected by ectodermal dysplasias and can then pass the condition on to the next generation;

Whereas ectodermal dysplasias is a rare disorder that affects fewer than 200,000 people in the United States;

Whereas symptoms of ectodermal dysplasias in an individual can include—

- (1) the inability to perspire;
- (2) lack of tears in the eyes;
- (3) cleft lip and palate;
- (4) sparse saliva;
- (5) missing fingers or toes; and
- (6) absence or malformation of some or all teeth, known as anodontia and hypodontia, respectively;

Whereas there are more than 180 different types of ectodermal dysplasias and a specific diagnosis depends on the combination of symptoms that an individual experiences;

Whereas there is no cure for ectodermal dysplasias;

Whereas the treatment for ectodermal dysplasias varies depending on the severity of the disease, which can range from mild symptoms to extensive health issues that require advanced care;

Whereas many types of ectodermal dysplasias affect the teeth and the nature of dental and oral symptoms—

- (1) are specific to each syndrome; and
- (2) can include severe hypodontia and anodontia that require complex care;

Whereas an individual who suffers from ectodermal dysplasias can expect to spend approximately \$150,000 on dental care alone during the lifetime of the individual;

Whereas most insurance companies provide coverage for the treatment of a congenital disease or anomaly;

Whereas most States require coverage for any repair or restoration of body parts for a congenital disease like ectodermal dysplasias;

Whereas coverage for complex and medically necessary dental procedures that are required because of ectodermal dysplasias, including prosthetic teeth and bone grafts, is routinely denied;

Whereas access to health insurance coverage for medically necessary dental services relating to ectodermal dysplasias varies across the United States;

Whereas gaps in ectodermal dysplasias coverage have serious consequences for patients and their families and may lead to severe limits on proper oral function and the ability to eat or speak;

Whereas scientists across the United States are conducting research projects and

clinical trials and are hopeful that breakthroughs in ectodermal dysplasias research and treatment are forthcoming; and

Whereas the Senate is an institution that can raise awareness about ectodermal dysplasias to the general public and the medical community: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of July 17 through July 21, 2017, as “National Ectodermal Dysplasias Week”;

(2) supports the goals and ideals of National Ectodermal Dysplasias Week to raise awareness and understanding of ectodermal dysplasias;

(3) encourages the people of the United States to become more informed about—

(A) ectodermal dysplasias; and

(B) the role of comprehensive treatment for all symptoms of ectodermal dysplasias, including dental manifestations, in improving quality of life; and

(4) respectfully requests that the Secretary of the Senate transmit an enrolled copy of this resolution to the National Foundation for Ectodermal Dysplasias, a nonprofit organization dedicated to improving the lives of individuals affected by ectodermal dysplasias.

#### SENATE RESOLUTION 227—RECOGNIZING “NATIONAL YOUTH SPORTS WEEK” AND THE EFFORTS BY PARENTS, VOLUNTEERS, AND NATIONAL ORGANIZATIONS IN THEIR EFFORTS TO PROMOTE HEALTHY LIVING AND YOUTH DEVELOPMENT

Mrs. CAPITO (for herself, Ms. DUCKWORTH, Mr. UDALL, Mr. DURBIN, and Mr. MORAN) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 227

Whereas July 16 through 22 is “National Youth Sports Week”, a celebration of youth sports participation and all of the benefits youth derive from engagement in sports;

Whereas a primary goal in youth sports is to encourage active participation by all youth in healthy physical activities according to their age, interests, and abilities;

Whereas the relationship between sports skills and life skills provide young athletes with fundamental values, compassion, and the good ethics needed to succeed both on and off the playing field;

Whereas, in 2008, the National Council of Youth Sports (“NCYS”) reported that there are more than 60,000,000 registered participants in organized amateur youth sports programs;

Whereas youth sports offer a multitude of positive benefits to participants that extend far beyond the playing field, including—

(1) improved academic performance, such as increased school attendance, lower dropout rates, higher high school graduation rates, and higher grade point averages;

(2) increased health and positive physical behaviors, such as improved health factors, and prevention of obesity, chronic diseases, and other health problems;

(3) social well-being, such as character development, and exposure to positive role models; and

(4) improved psychological health, such as decreased likelihood of substance abuse, reduced instances of behavioral misconduct, and high self-esteem; and

Whereas National Youth Sports Week highlights the efforts made toward—

(1) promoting physical activity in all segments of the community;

(2) living healthy;

(3) making access to physical activities easier by removing barriers to creating youth development activities;

(4) encouraging youth development activities and outcomes; and

(5) improving the safety of participating in physical activities: Now, therefore, be it

*Resolved*, That the Senate recognizes the millions of youth throughout the United States who benefit from youth sports, and the parents, volunteers, and local and national organizations, such as the National Council of Youth Sports, that make youth sports in the United States possible.

#### SENATE RESOLUTION 228—CALLING FOR A CREDIBLE, PEACEFUL, FREE, AND FAIR PRESIDENTIAL ELECTION IN KENYA IN AUGUST 2017

Mr. CARDIN (for himself, Mr. COONS, Mr. BOOKER, and Mr. MERKLEY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 228

Whereas the United States has deep interests in Kenya’s democratic stability and regional leadership, and a free and fair election in Kenya holds regional significance as an example for other African countries with elections scheduled in the near future;

Whereas Kenya has general elections scheduled for August 8, 2017;

Whereas electoral violence in 2007 and 2008 resulted in the deaths of at least 1,300 people and the displacement of 600,000 in Kenya, effectively paralyzing the country and the wider region for more than two months before the creation of a power-sharing government;

Whereas the people of Kenya adopted a new constitution in 2010 that sought to devolve power to 47 counties and their elected governors and local representatives;

Whereas the public confidence in the electoral process is critical both to continued democratic progress in Kenya and to ensuring the transparency in electoral preparations that is vital for the success of the August 8, 2017, elections;

Whereas, despite having a permissible legal environment, the Government of Kenya has taken actions to limit democratic space for civil society and media organizations, which could adversely affect their contributions to a credible, peaceful election and broader democratic consolidation;

Whereas there have been deeply concerning instances of hate speech by all sides in Kenya, inciting supporters to ethnic violence as a means by which to gain electoral advantage, intimidate electoral rivals, or suppress voter turnout; and

Whereas the political parties, monitoring groups, and the media in Kenya have the legal authority to record polling station results and tallies at the constituency and national levels in order to ensure that the process is perceived as honest and transparent: Now, therefore, be it

*Resolved*, That the Senate—

(1) calls upon the Government of Kenya and opposition parties in Kenya—

(A) to hold credible, peaceful, free, and fair presidential elections in August 2017 in order to advance democratic consolidation in Kenya and promote stability in the broader region; and

(B) to condemn in the strongest terms the use of hate speech and the incitement of violence by political candidates, the media, or any Kenyan citizens;

(2) calls upon Kenyan citizens to fully and peacefully participate in the general elections and seek to resolve any disputes over results through the legal system;

(3) calls upon Kenyan political candidates at the national, county, and local levels to respect the Electoral Code of Conduct and the Political Party Code of Conduct;

(4) encourages political parties, civil society, and the media in Kenya to act responsibly with their parallel vote tabulations so as not to usurp the role of the electoral commission as the official source for declaring official election results;

(5) encourages civil society organizations in Kenya to continue providing critical early warning and response measures to mitigate election-related violence and further strengthen democratic processes;

(6) commends the key role the faith-based community has played in ensuring a peaceful pre- and post-election environment through periodically convening the Multi-Sectoral Forum to deliberate on matters of governance, election management, and looming insecurity;

(7) supports efforts by the Department of State and the United States Agency for International Development (USAID), including the Bureau of Conflict and Stabilization Operations, the Bureau of Democracy, Human Rights, and Labor, and the Bureau of African Affairs, to assist election-related preparations in Kenya, including programs focused on conflict mitigation;

(8) strongly encourages the President to appoint an Assistant Secretary of State for African Affairs in order to bolster diplomatic engagement with the Government of Kenya, the opposition, and the donor community, which has historically been critical during Kenya’s elections; and

(9) calls upon the United States Government and other international partners, especially election-focused nongovernmental organizations, to continue to support Kenya’s efforts to address the remaining electoral preparation challenges and identify gaps in which additional resources or diplomatic engagement could make important contributions to the conduct of the elections.

#### SENATE CONCURRENT RESOLUTION 22—EXPRESSING THE SENSE OF CONGRESS ON THE USE OF THE INTERGOVERNMENTAL PERSONNEL ACT MOBILITY PROGRAM AND THE DEPARTMENT OF DEFENSE INFORMATION TECHNOLOGY EXCHANGE PROGRAM TO OBTAIN PERSONNEL WITH CYBER SKILLS AND ABILITIES FOR THE DEPARTMENT OF DEFENSE

Mr. ROUNDS submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 22

*Resolved by the Senate (the House of Representatives concurring),*

##### SECTION 1. SHORT TITLE.

This concurrent resolution may be cited as the “Whole of Society Cyber Personnel Cooperation Resolution of 2017”.

##### SEC. 2. SENSE OF CONGRESS ON USE OF INTERGOVERNMENTAL PERSONNEL ACT MOBILITY PROGRAM AND DEPARTMENT OF DEFENSE INFORMATION TECHNOLOGY EXCHANGE PROGRAM TO OBTAIN PERSONNEL WITH CYBER SKILLS AND ABILITIES FOR THE DEPARTMENT OF DEFENSE.

It is the sense of Congress that—

(1) the Department of Defense should fully use the Intergovernmental Personnel Act Mobility Program (IPAMP) and the Department of Defense Information Technology Exchange Program (ITEP) to obtain cyber personnel across the Government by leveraging cyber capabilities found at the State and local government level and in the private sector in order to meet the needs of the Department for cybersecurity professionals; and

(2) the Department should implement at the earliest practicable date a strategy that includes policies and plans to fully use such programs to obtain such personnel for the Department.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 260. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill S. 1519, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 261. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill S. 1519, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 260. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill S. 1519, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XVI, add the following:

**SEC. 1630C. SENSE OF CONGRESS ON USE OF INTERGOVERNMENTAL PERSONNEL ACT MOBILITY PROGRAM AND DEPARTMENT OF DEFENSE INFORMATION TECHNOLOGY EXCHANGE PROGRAM TO OBTAIN PERSONNEL WITH CYBER SKILLS AND ABILITIES FOR THE DEPARTMENT OF DEFENSE.**

It is the sense of Congress that—

(1) the Department of Defense should fully use the Intergovernmental Personnel Act Mobility Program (IPAMP) and the Department of Defense Information Technology Exchange Program (ITEP) to obtain cyber personnel across the Government by leveraging cyber capabilities found at the State and local government level and in the private sector in order to meet the needs of the Department for cybersecurity professionals; and

(2) the Department should implement at the earliest practicable date a strategy that includes policies and plans to fully use such programs to obtain such personnel for the Department.

SA 261. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill S. 1519, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-

tary personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title XII, add the following:

**SEC. 1273. STRATEGY TO IMPROVE DEFENSE INSTITUTIONS AND SECURITY SECTOR FORCES IN NIGERIA.**

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that contains a comprehensive strategy to support improvements in defense institutions and security sector forces in Nigeria.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include the following:

(1) An assessment of the threats posed by terrorist and other militant groups operating in Nigeria, including Boko Haram, ISIS-WA, and Niger Delta militants, as well as a description of the origins, strategic aims, tactical methods, funding sources, and leadership structures of each such organization.

(2) An assessment of efforts by the Government of Nigeria to improve civilian protection, accountability for human rights violations, and transparency in the defense institutions and security sector forces.

(3) A description of the key international and United States diplomatic, development, intelligence, military, and economic resources available to address instability across Nigeria, and a plan to maximize the coordination and effectiveness of these resources to counter the threats posed by Boko Haram, ISIS-WA, and Niger Delta militants.

(4) An assessment of efforts undertaken by the security forces of the Government of Nigeria to improve the protection of civilians in the context of—

(A) ongoing military operations against Boko Haram in the northeast region;

(B) addressing farmer-herder land disputes in the Middle Belt;

(C) renewed militant attacks on oil and gas infrastructure in the Delta; and

(D) addressing pro-Biafra protests in the southeast region.

(5) An assessment of the effectiveness of the Civilian Joint Task Force that has been operating in parts of northeastern Nigeria in order to ensure that underage youth are not participating in government-sponsored vigilante activity in violation of the Child Soldiers Accountability Act of 2008 (Public Law 110-340).

(6) An assessment of the options for the Government of Nigeria to eventually incorporate the Civilian Joint Task Force into Nigeria's military or law enforcement agencies or reintegrate its members into civilian life.

(7) A plan for the United States Government to work with the Nigerian military and judiciary to transparently investigate human rights violations committed by the security forces of the Government of Nigeria and other security forces operating in Nigeria that have involved civilian casualties, including a plan to undertake tangible measures of accountability following such investigations in order to break the cycle of conflict.

(8) A plan for the United States Government to work with the Nigerian defense institutions and security sector forces to improve detainee conditions.

(9) A plan for the United States Government to work with the Nigerian military, international organizations, and nongovernmental organizations to demilitarize the humanitarian response to the food insecurity and population displacement in northeastern Nigeria.

(10) Any other matters the President considers appropriate.

(c) UPDATES.—Not later than 1 year after the date on which the report required under subsection (a) is submitted to the appropriate congressional committees, and annually thereafter for 5 years, the President shall submit to the appropriate congressional committees an update of the report containing updated assessments and evaluations on progress made on the plans described in the report, including—

(1) updated assessments on the information described in paragraphs (2), (4), and (6) of subsection (a); and

(2) descriptions of the steps taken and outcomes achieved under each of the plans described in paragraphs (7), (8), (9), and (10) of subsection (a), as well as assessments of the effectiveness and descriptions of the metrics used to evaluate effectiveness for each such plan.

(d) FORM.—The report required under subsection (a) and the updates required under (c) shall be submitted in unclassified form, but may include a classified annex.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees;

(2) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate; and

(3) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

#### AUTHORITY FOR COMMITTEES TO MEET

Mr. McCONNELL. Mr. President, I have 9 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

#### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Thursday, July 20, 2017 at 10 a.m. to conduct a hearing entitled, “Housing Finance Reform: Maintaining Access for Small Lenders”.

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Senate Committee on Energy and Natural Resources is authorized to meet during the session of the Senate in order to hold a nomination hearing on Thursday, July 20, 2017, at 10 a.m. in Room 366 of the Dirksen Senate Office Building in Washington, DC.

#### COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Thursday, July 20, 2017, at 10 a.m., in 215 Dirksen Senate Office Building, to consider favorably reporting the nomination of David J. Kautter, of Virginia, to be an Assistant Secretary of the Treasury, vice Mark J. Mazur.

#### COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Thursday, July 20, 2017, at 9:30 a.m., to hold a hearing entitled “Nominations.”

#### COMMITTEE ON JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate, on July 20, 2017, at 9:30 a.m., in SD-226 of



the Dirksen Senate Office Building, to conduct an executive business meeting.

#### COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to hold a business meeting during the session of the Senate on Thursday, July 20, 2017, off the senate floor and in conjunction with afternoon votes, to consider pending nominations.

#### COMMITTEE ON INTELLIGENCE

The Senate Select Committee on Intelligence is authorized to meet during the session of the 115th Congress of the U.S. Senate on Thursday, July 20, 2017 from 2 p.m., in room SH-219 of the Senate Hart Office Building to hold a Closed Hearing.

#### SUBCOMMITTEE ON TECHNOLOGY, INNOVATION, AND INTERNET

The Committee on Commerce, Science, and Transportation is authorized to hold a meeting during the session of the Senate on Thursday, July 20, 2017, at 10 a.m. in room 253 of the Russell Senate Office Building. The Committee will hold Subcommittee Hearing on "An Update on FirstNet."

#### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

#### SUBCOMMITTEE ON FISHERIES, WATER AND WILDLIFE

The Subcommittee on Fisheries, Water and Wildlife of the Committee on Environment and Public Works is authorized to meet during the session of the Senate on Thursday, July 20, 2017, at 10 a.m., in Room 406 of the Dirksen Senate Office Building, to conduct a hearing entitled, "Innovative Financing and Funding: Addressing America's Crumbling Water Infrastructure."

#### ORDERS FOR MONDAY, JULY 24, 2017

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 4 p.m., Monday, July 24; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate proceed to executive session and resume consideration of the Bernhardt nomination; finally, that the postcloture time on the Bernhardt nomination expire at 5:30 p.m., Monday, July 24.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADJOURNMENT UNTIL MONDAY, JULY 24, 2017, AT 4 P.M.

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 5:11 p.m., adjourned until Monday, July 24, 2017, at 4 p.m.

#### NOMINATIONS

Executive nominations received by the Senate:

#### DEPARTMENT OF STATE

JON M. HUNTSMAN, JR., OF UTAH, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE

UNITED STATES OF AMERICA TO THE RUSSIAN FEDERATION.

#### DEPARTMENT OF JUSTICE

BART M. DAVIS, OF IDAHO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF IDAHO FOR THE TERM OF FOUR YEARS, VICE WENDY J. OLSON, RESIGNED.

JOSHUA J. MINKLER, OF INDIANA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF INDIANA FOR THE TERM OF FOUR YEARS, VICE JOSEPH H. HOGSETT, RESIGNED.

#### IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

#### To be commander

BETTY S. ALEXANDER  
ERICA L. ARNOLD  
ARON W. BOWLIN  
MELISSA K. BURKE  
REGINALDO F. CAGAMPAN  
TREVOR W. CARLSON  
TAMERA A. CORSON  
VIRGILIO S. CRESCINI  
JESUS M. CRESPODIAZ  
VIRGINIA H. DAMIN  
CHRISTINE D. DAVIES  
DANA DONES  
JAMES J. DRISCOLL  
CHRISTA D. DUNCANARFAA  
TREVOR W. EBORN  
BRIAN E. ELLIS  
CAROL M. ELLSWORTH  
BROOKES A. ENGLEBERT  
JENNIFER M. FAUST  
THOMAS N. FULLER  
LACY L. GEE  
EDITH R. GLANTON  
ELIZABETH K. GLOOR  
NOELLE M. GRIFFITH  
STACEY M. HAMLETT  
BRADLEY S. HAZEN  
LAWRENCE B. HENRY  
RACHEL S. HERNANDEZ  
DANETTE R. HINELY  
STUART R. HITCHCOCK  
TODD A. HLAVAC  
KARI L. JOHNDROWCASEY  
ROBERT D. JOHNS  
MATTHEW C. JONES  
JAMES A. KETZLER  
MONICA A. KNAPP  
SHANE E. LAWSON  
SARAH A. LEDFORD  
BRANDON J. LIMTIACO  
MARY F. LISEC  
LEAH M. LIZADA  
RODRIGO F. LOPEZ  
RUBEN A. LOPEZ  
DANIEL S. MCCLURE  
ALEAH J. MCHENRY  
HILARY A. MEYER  
KEVIN J. MICHEL  
ERIC J. MILLER  
MARK J. MILLER  
ERIN C. MOHAN  
AARON C. MYERS  
ERIN R. OCKERREZA  
KRISTINA R. OLIVER  
KAREN L. ORTOLANI  
JOSE L. PINON  
JESSICA M. PIPKIN  
SHANNA C. POWELLSEARCEY  
SHARON QUALLIO  
VALERIE R. QUINN  
PETER W. SCHENKE  
EILEEN SCOTT  
SEBASTIAN STACHOWICZ  
JACK A. STANSBURY  
SHALANDA D. STEPHENS  
KENDER W. SURIN  
MELISSA R. TRONCOSO  
LIGIA B. VILLAJUANA  
ABIGAIL T. WHITE  
ALFONZA WILLIS  
BRANDON K. WOLF  
JAMES S. ZMIJSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

#### To be commander

DOMINIC J. ANTENUCCI  
JOHN J. BOYD  
LOUIS E. BUTLER  
MATTHEW P. CUTCHEN  
CHRISTOPHER J. DEERWESTER  
HOLLY H. DIDAWICK  
GUY W. EDEN  
ERIKA C. GEHLEN  
NATHANIEL R. GROSS  
BRIAN A. HAHN  
TEMPERANCE C. HUFFSTETLER  
KIMBERLY J. KELLY  
JAMES M. KENNEDY, JR.  
BRIAN D. KORN  
DAVID H. LEE  
COURTNEY E. LEWIS  
ABIGAIL L. MEYERS  
MARY R. MURPHY  
SARA A. ONEILMILLER  
JEFFREY J. PIETRZYK  
AARON M. RIGGIO

BENJAMIN C. ROBERTSON  
ELIZABETH M. ROCHE  
JACOB W. ROMELHARDT  
IAN SANTICOLA  
RYAN SANTICOLA  
LISA M. SENAY  
DAVID M. SHULL  
CHRISTOPHER C. SWAIN  
CRAIG S. THEDWALL  
SEAN M. THOMPSON  
CHRISTOPHER P. TOSCANO  
GRAHAM C. WINEGEART  
MATTHEW J. WOOTEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

#### To be commander

CLELIA ANDERSON  
JOHNFRITZ E. ANTOINE  
JANETTE B. ARENCIBIA  
STEFANIE M. BLIGHTON  
JON D. CHAMPINE  
SHAWNNA M. CHEE  
JANIESE A. CLECKLEY  
LESLIE R. COUNCILOR  
WILLIAM T. CRIDER  
PRASAD B. DIWADKAR  
SCOTT E. DUNN  
MARIA D. EDUSADA  
JANINE E. ESPINAL  
ROMMEL D. FLORES  
MONICA E. GONZALEZ  
BRADEY R. GOTTO  
KIBWE A. HAMPDEN  
MELISSA J. HARNLY  
SCOTT A. HAZELRIGG  
SAMUEL H. JARVIS  
JASON M. JONES  
PAMELA M. KLEPACTULENSRU  
CODY L. LALLATIN  
AUSTIN W. LATOUR  
SAMUEL Y. LEVIN  
CARL E. LONG, JR.  
DAVID J. LOOMIS II  
KEVIN J. LYLE  
VENANCIO MAYSONET  
SEAN M. MCCARTHY  
BERNARD C. McDONALD  
KEVIN P. MCMULLEN  
JOSHUA A. MILLER  
NAUSHEEN MOMEN  
THOMAS P. MURPHY  
JULIA A. NEFCZYK  
MARGARET M. PARKS  
DARREN J. PIERCE  
JOHN B. PRICE  
MATHEW A. RANDOLPH  
ELIZABETH C. RAPHAEL  
CHAD J. REES  
ALBERT RICCARDI III  
JUAN N. ROSARIO  
NATHAN L. SEAMAN  
DOUGLAS A. SEARLES  
ERIN M. SIMMONS  
ELIZABETH G. SKOREY  
JOSEPH A. SORCIC  
KEVIN L. STARKEY  
CHRISTOPHER T. STEELE  
LEEDJIA A. SVEC  
JARED H. TAYLOR  
GEORGE W. VANCIL  
DEAN J. WAGNER, JR.  
MARK D. WAKEFIELD  
STACY J. WASHINGTON  
MICHAEL A. ZUNDEL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

#### To be commander

ERIC F. BAUMAN  
ROBIN C. BENNETT  
KITTIMA BOONSIRISERMBOOK  
MARK A. BUCKNER  
LAURA N. CARLE  
JOSHUA E. COHEN  
CAREY H. COLLINSDEISLEY  
DEREK T. FAGEN  
EDWARD J. GIVENS, JR.  
BENJAMIN M. GRAY  
JAYSON H. HUBER  
DAMON T. JENSEN  
DAVID Z. LIU  
RUOHONG LIU  
JASON W. MATHYS  
JENNIFER L. MCGUIREHAVEMAN  
CALEB J. NOORDMANS  
MELANIE A. PERRY  
BARRY E. PETERSON  
BRYAN P. RASMUSSEN  
SHAWN D. TEUTSCH  
PHILLIP S. TIMMONS  
JOSHUA C. TREESH  
LESLIE H. TRIPPE  
WALTER B. VOLINSKI, JR.  
EVAN R. WHITBECK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

#### To be commander

THOMAS B. ABLEMAN  
JAVIER AGRAZ, JR.  
ARRIEL E. ATIENZA

JONATHAN D. AUTEN  
 SARAH B. BALLARD  
 PATRICK D. BARKER  
 THOMAS K. BARLOW  
 JASON R. BERNHARD  
 WILLIAM A. BOLLER  
 KIM E. BURKE  
 AMY A. CANUSO  
 GREGORY G. CAPRA  
 PETER N. CARBONE  
 JOHN M. CHILDS  
 ANNA Y. CHOE  
 JAMES CHUNG  
 DELBERT D. CLARK  
 JAMES K. CLARK  
 DEBRA D. COFFEY  
 RANDY W. CONNOLLY  
 JERALD L. COOK  
 PATRICK D. CRONYN  
 GARFIELD CROSS  
 EMILY L. CROSSMAN  
 LAWRENCE C. DECKER  
 JUSTIN J. DEGRADO  
 JULIE E. DIERKSHEIDE  
 BRIAN M. DIMMER  
 MARK S. DOUGLAS  
 ADRIAN ELLIOTT  
 KENNETH M. FECHNER  
 DARYL B. FICK, JR.  
 ELIZABETH M. FOWLER  
 SHARI L. GENTRY  
 ANTONINO GERMANA  
 LISA K. GIBSON  
 DOMINIC T. GOMEZLEONARDELLI  
 DAVID E. GREENE  
 STEVEN D. GRJALVA  
 RICHARD T. GROSSART  
 SUZANNE R. GUDEMAN  
 DAVID A. HELTZEL  
 KRISTINA J. HOOVER  
 KRISTOFER A. KAZLAUSKAS  
 TERRENCE M. KILFOIL  
 CHARLES C. KO  
 KELLY G. KOREN  
 MICHAEL J. KRZYZANIAK  
 JACQUELINE S. LAMME  
 JONATHAN S. LEIBIG  
 DEREK N. LODICO  
 KATHLEEN M. LOVE  
 MARTIN W. LUNCEFORD  
 DOUGLAS C. MCADAMS  
 JONATHAN D. MCDIVITT  
 LUCAS S. MCDONALD  
 SEAN F. MCGRATH  
 JIAN M. MEI  
 ELLIE C. K. MENTLER  
 DEREK M. MILETICH  
 KYLE E. MILLER  
 LYNITA H. MULLINS  
 THOMAS J. MURPHY II  
 WAYNE T. MURPHY  
 JOSHUA D. NASSIRI  
 MEGHANN E. NELLES  
 BENJAMIN E. NELSON  
 LUKE C. NICHOLAS  
 JUSTIN J. NORK  
 ALFRED J. OWINGS II  
 DAVID A. PAZ  
 ANGEL J. PEREZ  
 JAMI J. PETERSON  
 CHRISTOPHER R. PHILLIPS  
 HUY Q. PHUN  
 EVELYN M. POTOCHNY  
 HOWARD I. PRYOR II  
 BENJAMIN N. QUARTLEY  
 JODIE D. RAPPE  
 WILLIAM W. REYNOLDS, JR.  
 NELLY K. RICE  
 JAMES R. RIPLE  
 CHRISTA M. ROBINSON  
 MATTHEW W. ROSE  
 BRIANNA L. RUPP  
 MICHELLE J. SANGIORGI  
 JOSEPH W. SCHMITZ  
 ALBERT J. SCHUETTE, JR.

ANIL N. SHAH  
 MANISH SINGLA  
 JASON E. SMITH  
 MONIQUE E. SMITH  
 LEAH K. SPRING  
 KRISTINA J. STCLAIR  
 THEODORE J. STEELMAN  
 EDWARD T. STICKLE, JR.  
 NICHOLAS N. SWEET  
 VIRGINIA P. TETI  
 ROBERT N. UNISZKIEWICZ  
 JOHANNAH K. VALENTINE  
 MARCEL M. VARGAS  
 SHELTON A. VIOLA  
 WILLIAM H. WARD  
 JOHN G. WHALEY  
 KRISTI M. WOOD  
 JEFFREY C. WORTHLEY  
 BRUCE A. YEE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
 UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

ERIC W. HASS  
 GAIL M. MULLEAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
 UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

CHRISTOPHER L. ALMOND  
 REBECCA W. BARRETT  
 PETER R. BENSON  
 BLAKE E. BURKET  
 BRANDON M. CASPERSON  
 JUAN CHAVIRA  
 ANDREW D. CLINE  
 JAMES M. DOHM  
 GRADY D. DONATHAN IV  
 ELIZABETH A. DURIKA  
 ALAN W. EICHELMAN  
 TIMOTHY W. GLERSON  
 LAKEVA B. GUNDERSON  
 JACKSON R. HABECK  
 ROBERT B. HAGEL  
 BENJAMIN P. HOFMAN  
 CARL E. JACKSON, JR.  
 WEURELUS D. JOHNSON  
 TIMOTHY W. KABER  
 GREG C. KIRK  
 ROBERT D. KLEINMAN  
 DENNIS LA  
 CHAD M. MARSHALL  
 ANGELIQUE N. MCBEE  
 ANDREW W. OLSEN  
 BRYAN M. PARNELL  
 FEDERICO PEREZROMERO  
 WILLIAM R. PITCAIRN IV  
 AARON J. RIPLE  
 DANIEL J. SCHMITT  
 JACOB W. SEGALLA  
 THOMAS J. SOLEATHER  
 JUSTIN D. SPINKS  
 COURTNEY B. STRINGHAM  
 BENJAMIN H. TURNER  
 DANIEL W. WALL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
 UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

ROBERT E. BRADSHAW  
 AARON C. CARLTON  
 THOMAS T. COOK  
 JAMES L. DANCE  
 JERRY D. DURHAM  
 STEPHEN D. FISHER  
 PAUL B. GREER  
 JEFFERY B. JENKINS  
 TAVIS J. LONG  
 HARVEY C. MACKLIN  
 MARC H. MASSIE

JOHN M. MIYAHARA  
 MICHAEL Q. OBANNON  
 RONALD S. ODELL, JR.  
 CHARLES A. OWENS  
 RAY F. RIVERS  
 DONALD W. ROGERS, JR.  
 MARGARET E. SIEMER  
 LEROY C. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
 UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

THOMAS E. ARNOLD  
 RASAQ A. BALOGUN  
 KRISTINA J. BICKING  
 MICHAEL C. BISHOP  
 JOSEPH R. BOSSI  
 TIMOTHY J. CALVO  
 DAVID M. CARROLL  
 ABDUL R. CEVILLE  
 TANYA K. CORMIER  
 ANTHONY R. DICOLA  
 JOHN C. DONNELLY  
 ANDRE L. FIELDS  
 DAVID S. FUCHS, JR.  
 BRIAN L. GARBERT  
 TERRY C. GRIGSBY  
 JOHN P. HAGAN  
 JACKIE B. HURSE  
 WILLIAM M. JAKUBOWICZ  
 MARCUS L. JONES  
 RICHARD D. JONES  
 CHRISTOPHER R. KADING  
 MORDOCAL KIFLU  
 CHRISTOPHER M. LOUNSBERRY  
 TAQUINA T. LUSTER  
 BRIAN P. MADDEN  
 MICHAEL H. MALONE  
 DANIEL W. METZ  
 JASON A. MORGAN  
 OWEN B. MORRISSEY  
 SEAN A. NEER  
 QUY P. NGUYEN  
 SEAN J. NULLA  
 LEOPOLDO OCHOA, JR.  
 DAVID J. OZECK  
 ANDREW M. PHILLIPS  
 NICOLE C. PONDER  
 JAMES A. PROSSER  
 JECISKEN RAMSEY  
 MATTHEW B. REED  
 KEVIN C. RICHARDSON  
 DENA B. RISLEY  
 BRANDOLYN N. ROBERTS  
 CHRISTOPHER F. ROESNER  
 FRANKLIN B. SEMILLA  
 BRAN M. SHERMAN  
 MATTHEW J. SHIELS  
 JAIME J. SIQUEIROS  
 TAMARA T. SONON  
 JOSEPH K. SPEDE  
 SHANE D. STATEN  
 JESSE K. TALJERON  
 DOUGLAS H. THOMPSON  
 MICHAEL L. TUCKER  
 NICHOLAS A. ULMER  
 JOSE L. VARGAS  
 ANGELA C. WATSON  
 CHRISTOPHER T. WILSON  
 MICHAEL P. YUNKER

## CONFIRMATION

Executive nomination confirmed by  
 the Senate July 20, 2017:

THE JUDICIARY

JOHN KENNETH BUSH, OF KENTUCKY, TO BE UNITED  
 STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT.

# EXTENSIONS OF REMARKS

RECOGNIZING THE OUTSTANDING SERVICE OF COLONEL JOHN G. BUCK, DISTRICT COMMANDER FOR THE SEATTLE DISTRICT, U.S. ARMY CORPS OF ENGINEERS

## HON. DEREK KILMER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2017

Mr. KILMER. Mr. Speaker, I rise today to commemorate the 26 year service record of Colonel John G. Buck, District Commander for the Seattle District of the U.S. Army Corps of Engineers, and I am proud to offer my sincere congratulations on his upcoming retirement.

Col. Buck received his U.S. Army commission in 1991 from the United States Military Academy. He has served in various leadership positions throughout the United States, Europe, and the Middle East.

In 2005, he was awarded the Bronze Order of the de Fleury Medal for his outstanding performance of duty. He then served as commander of the 14th Engineer Battalion at Joint Base Lewis McChord, where he effectively trained a battalion for deployment to Afghanistan. His successful training methods served as a model for other engineering units.

Throughout his career, Col. Buck has demonstrated strong dedication and leadership that has been an asset in every position he has held, exemplifying the values and ideals of the U.S. Army and the Corps of Engineers.

I have had the honor of knowing and working with Col. Buck over the past three years while he served as Commander of the Seattle District where he spearheaded the advancement of a number of key projects for the State of Washington.

During his tenure, the Seattle District successfully completed their first two favorable reports in nearly a decade. Thanks to his direction, the Puget Sound Nearshore Restoration Project and the Skokomish River Ecosystem Restoration Project were approved and congressionally authorized in 2016. Collectively these projects represent roughly half a billion dollars in new authority to complete over 2,000 acres of aquatic ecosystem restoration in our state. This is an enormous accomplishment.

I am also especially grateful for his hard work and dedication to resolving a difficult and complicated permitting issue and providing some much needed regulatory clarity to shellfish growers in our region. Thanks to his efforts, more people will have more economic opportunity.

Mr. Speaker, it is truly an honor to represent a man of this caliber here in our nation's capital. I am humbled to be able to speak in recognition of his impressive career and service record today in the United States' Congress, and I am grateful for the many contributions he has made to our country as well as the State of Washington.

IN RECOGNITION OF 26TH CONGRESSIONAL DISTRICT ATHLETIC TEAMS

## HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2017

Mr. BURGESS. Mr. Speaker, I rise today to recognize recent athletic victories within my district. I am proud to announce that the Argyle High School boy's golf team has claimed the title of state champions this spring.

The Argyle High School boy's golf team attained their third straight state title by thirteen strokes. The Eagles three-peat performance in the UIL Class 4A state tournament was led by Coach Brady Bell. Also of note, Luke Griggs took fifth place in individual performance at the state tournament. The team has won its local district tournament for six consecutive years, and continues to excel in this area of athletics. The team effort displayed by Argyle's High School golf team in the state tournament demonstrates the continued success and dedication in District 26.

It is my honor to represent Argyle High School boy's golf team in the U.S. House of Representatives. These dedicated student athletes and their coaches have represented the 26th District well, and our community looks forward to more successful seasons to come.

RECOGNIZING THE LIFE OF FALLEN MISSISSIPPI SOLDIER ARMY STAFF SERGEANT (SSG) JORGE LUIS PENA-ROMERO, JR.

## HON. TRENT KELLY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2017

Mr. KELLY of Mississippi. Mr. Speaker, today I rise in memory of fallen soldier Army Staff Sergeant (SSG) Jorge Luis Pena-Romero Jr. who gave his life while in service to our nation on July 16, 2005, during Operation Iraqi Freedom. SSG Pena-Romero was killed when an improvised explosive device detonated near his military vehicle in Baghdad. SSG Pena-Romero was assigned to the 1st Squadron, 11th Armored Cavalry Regiment, Fort Irwin, Texas, which was attached to the 155th Armored Brigade Combat Team from Mississippi.

According to the Los Angeles Times, SSG Pena-Romero, a Guadalajara, Mexico native, moved with his family to the United States when he was 2. He loved to draw and build model planes and cars. He also loved anything military-related. He collected newspaper clippings, according to his wife, Melissa.

SSG Pena-Romero joined the Army in 1995 after graduating from Fallbrook High School. He played football, basketball and baseball. While stationed in Fort Hood, he met his wife on a double date with his roommate. Melissa recalls that date.

"My sister and his roommate didn't last," Melissa said. "We did."

The article also states that SSG Pena-Romero served tours in Korea and Kosovo. He became a U.S. citizen in 2003, the same year that he was assigned to Ft. Irwin.

SSG Pena-Romero was known in the Army for being generous and compassionate. He provided personal equipment if a soldier was missing a canteen or a first aid pouch.

In his personal life, SSG Pena-Romero preferred to spend time with his family. He played soccer with his daughter, Alexis. He played football with his sons, Jorge III and Adrian.

SSG Pena-Romero is survived by his wife, Melissa; parents, Jorge Sr. and Maria Pena; three children, Alexis Jorge III, and Adrian; and four siblings.

SSG Pena-Romero became a citizen of the United States to live the American dream and defend the freedoms we all enjoy. His service will always be remembered.

RECOGNIZING GREG ELLIOT FOR RECEIVING THE JOE WARNER PATIENT ADVOCACY AWARD

## HON. ALEXANDER X. MOONEY

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2017

Mr. MOONEY of West Virginia. Mr. Speaker, I rise today to recognize a truly outstanding constituent in the field of health care, Greg Elliot of Charleston, West Virginia. Mr. Elliot has been selected this year as one of the recipients of the prestigious Joe Warner Patient Advocacy Award.

The National Center for Assisted Living, a branch of the American Healthcare Association (AHCA/NCAL), is the nation's largest association of professional long term health providers. They bestow this annual award on Association members who have worked diligently to educate Members of Congress about the needs of long term care patients, and to advance quality in the long term and post-acute care community.

These members share the same passion and commitment to progressing long term and post-acute care as the late Joe Warner of Illinois-based Heritage Enterprises, for whom the award is named. All the recipients share a compassionate and caring view of our nation's frail, elderly, and disabled.

Greg Elliot's commitment to improving long-term care continues today as the Vice President of American Medical Facilities Management in West Virginia. Mr. Elliot is a second-generation owner of AMFM, which operates 17 long-term care, skilled nursing and rehabilitation centers throughout West Virginia.

Three of these centers are located in my congressional district including the Braxton Health Care and Rehabilitation Center in Sutton, Clay Health Care Center in Ivydale and the E.A. Hawse Nursing and Rehabilitation Center in Baker.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

AMFM Nursing and Rehabilitation Centers employ more than 1,700 West Virginians, provides care for more than 1,100 patients, and is the largest privately held-multi-facility nursing home company in West Virginia.

Greg is frequently in Washington visiting my Congressional office advocating on behalf of West Virginia seniors. I always appreciate his ideas and insight into health care issues and I look forward to many more meetings in the future. With Greg Elliot's leadership, AMFM has received countless awards such as the Silver Achievement in Quality Award from the American Healthcare Association. He also received Administrator of the Year Award from West Virginia Health Care Association. The third-party research institute, My Inner View, has ranked AMFM facilities in the top 10 percent in the nation 46 times for customer or employee satisfaction.

Mr. Elliot is currently on the board for the Charleston Area Alliance & Chamber of Commerce, and is an At-Large Representative on the American Healthcare Association Board of Governors.

Greg Elliot has been very involved in charities throughout West Virginia. In fact, to date the AMFM Charitable Foundation has donated more than \$500,000 for charitable organizations throughout West Virginia including food pantries, local volunteer fire departments, libraries and women's shelters.

Mr. Elliot founded The AMFM Grill Team, a group of employee volunteers that band together to provide great BBQ to the AMFM centers and surrounding communities. In 2016 following the devastating flooding in our state, the team went to two flooded communities and prepared hundreds of meals for the affected residents.

Greg Elliot resides in Charleston, WV with his wife Jennifer of 16 years, his 10-year-old daughter Elizabeth and their two dogs. Greg enjoys the outdoors, cooking out, and all things electronic, especially building robots with his daughter.

Mr. Speaker, please join me in thanking Greg Elliot for his years of dedication and care to our nation's frail, elderly and disabled. His career and life accomplishments truly reflect the ideals embodied in the Joe Warner Patient Advocacy Award.

IN RECOGNITION OF 26TH CONGRESSIONAL DISTRICT ATHLETIC TEAMS

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 20, 2017*

Mr. BURGESS. Mr. Speaker, I rise today to recognize recent athletic victories within my district. I am proud to announce that the Colony High School softball team claimed the title of state champions this spring.

Coach Deana Coleman led the Colony Cougars to their first appearance in the UIL Class 5A state championship, and sophomore Karlie Charles was named the game's most valuable player. Furthermore, five team members have joined the 5A 2017 All-Tournament Team. I would like to congratulate the Colony High School softball team on its successful 2017 season, capped off by this well-deserved state championship.

It is my honor to represent the Colony High School softball team in the U.S. House of Representatives. These dedicated student athletes and their coaches have represented the 26th District well, and our community looks forward to more successful seasons to come.

HONORING GARDEN CLUB OF LEXINGTON

**HON. ANDY BARR**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 20, 2017*

Mr. BARR. Mr. Speaker, I rise to honor a very special organization, the Garden Club of Lexington as they celebrate their 100th anniversary.

The Garden Club of Lexington was formed in 1917, and in 1924, they were invited to join the Garden Club of America. For their first large civic project, members planted trees along Richmond Road. This provided an attractive and lasting entrance to the city of Lexington.

One of the major undertakings of the Garden Club of Lexington was the establishment of public gardens at Ashland, the historic home of the renowned Henry Clay. Clay represented Kentucky in the United States Senate and in the House of Representatives, where he served three terms as Speaker. Club members over the years raised funds, designed, and established beautiful garden areas at Ashland, including the Saunder Peony Garden. The award winning gardens are enjoyed by countless citizens and visitors to Central Kentucky.

The Garden Club of Lexington organizes many other civic projects designed to beautify Lexington and to provide the public with wonderful opportunities to enjoy nature. As this outstanding organization celebrates its first 100 years, I applaud them for past accomplishments and wish them a bright future.

It is my honor to recognize the Garden Club of Lexington before the United States House of Representatives.

RECOGNIZING THE LIFE OF FALLEN MISSISSIPPI NAVY PETTY OFFICER FIRST CLASS (PO1) STACY OREDIA JOHNSON

**HON. TRENT KELLY**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 20, 2017*

Mr. KELLY of Mississippi. Mr. Speaker, today I rise in memory of Navy Petty Officer First Class (PO1) Stacy Oredia Johnson who paid the ultimate sacrifice while defending our great nation on July 18, 2011, during Operation Enduring Freedom. PO1 Johnson was killed in a motorcycle crash in Manama, Bahrain. PO1 Johnson was assigned to Naval Security Force Bahrain.

According to the Associated Press, PO1 Johnson, a 1993 Rolling Fork High School graduate, reported for recruit training in November 1993. He served on the amphibious ships USS *Ogden* and USS *Peleliu* as well as the carrier USS *Nimitz*. His duty stations included being located in Texas and Hawaii, but

he spent most of his time in service in San Diego, California. He reported to Naval Security Force Bahrain in September 2010 after spending a year at Region Southwest Security Detachment, San Diego.

While PO1 Johnson was stationed in San Diego, he met and married his wife, Randa. They had three children together, Dallas, Jordy, and Nashira. Randa recalled her husband's service in an online tribute. She said PO1 Johnson served his country for nearly 18 years and he was fortunate to have traveled the world and connected with many people with whom he developed amazing friendships.

PO1 Johnson is survived by his wife, Randa Johnson; children, Dallas Johnson, Jordy Johnson, Nashira Johnson, and stepson, Demonte Fagan. He was preceded in death by his father, Ernest Lee Johnson; and his mother, Lillie Mae Johnson.

PO1 Johnson's service to our nation will not be forgotten.

IN RECOGNITION OF 26TH CONGRESSIONAL DISTRICT ATHLETIC TEAMS

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 20, 2017*

Mr. BURGESS. Mr. Speaker, I rise today to recognize recent athletic victories within my district. I am proud to announce that the Keller High School softball team has claimed the title of state champions this spring.

The Keller High School Indians softball team, coached by Bryan Poehler, this season earned its second consecutive UIL Class 6A state championship. Also of note, Keller's second baseman Camryn Woodall was named most valuable player of the championship game. This is the fourth title earned by the Keller Indians in school history. This team put forth great effort in securing the 6A division state title, persevering through two weather delays in their path to championship victory.

It is my honor to represent the Keller High School softball team in the U.S. House of Representatives. These dedicated student athletes and their coaches have represented the 26th District well, and our community looks forward to more successful seasons to come.

HONORING THE EMPLOYEES OF AEROJET ORDNANCE TENNESSEE

**HON. DAVID P. ROE**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 20, 2017*

Mr. ROE of Tennessee. Mr. Speaker, today I am honored to recognize Aerojet Ordnance Tennessee (AOT) and their 81 employees in Jonesborough, Tennessee, on the delivery of their seven millionth M67 Hand Grenade body assembly in May 2017.

Awarded its first M67 Hand Grenade body assembly contract from the Joint Munitions Command at Rock Island Arsenal in 2001, when it became the sole supplier of the M67 grenade body for the U.S. and Canadian governments, AOT has been producing the M67 at a high rate. Over the past 16 years, AOT

has been producing almost 500,000 grenade body assemblies annually on average to support our warfighters.

On the occasion of this milestone, I am proud to recognize the dedicated, hardworking employees of AOT and their achievements so far. These Tennesseans are working hard to ensure our men and women in uniform have the resources they need to carry out their missions effectively, and they deserve our sincere appreciation.

RECOGNIZING THE FREEPORT BOYS TRACK AND FIELD TEAM FOR THEIR CLASS 2A STATE TITLE

**HON. CHERI BUSTOS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 20, 2017*

Mrs. BUSTOS. Mr. Speaker, I rise today to congratulate the Freeport High School Boys Track and Field team for earning the Class 2A Illinois State Championship.

The Freeport Boys Track and Field team scored 37 points and defeated over seventy other teams to win the title. Their dedication and passion for their sport meant that they were determined to win gold. As a former athlete, I understand the amount of hard work and commitment to be awarded such a title. The Freeport Track and Field team is an example of the importance of dedication and a strong work ethic. I am proud there is such young talent in our community, and to see them represent Freeport throughout the state.

Mr. Speaker, I would like to again formally congratulate the Freeport Boys Track and Field team on their title, and I join the rest of the community in wishing them every success in the future.

IN RECOGNITION OF 26TH CONGRESSIONAL DISTRICT ATHLETIC TEAMS

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 20, 2017*

Mr. BURGESS. Mr. Speaker, I rise today to recognize recent athletic victories within my district. I am proud to announce that Krum High School Softball has claimed the title of state champions this spring.

The Krum High School softball team made its first appearance in a state championship this season, led by Coach Bryan Chaney. The Krum High School softball team put forth a great effort throughout its 4A state title run. Junior pitcher and championship game MVP, Krum's Tristan Bridges, led Krum's softball team in a narrow victory. This display of success has set a winning precedent for future teams in the 26th District of Texas.

It is my honor to represent the Krum High School in the U.S. House of Representatives. These dedicated student athletes and their coaches have represented the 26th District well, and our community looks forward to more successful seasons to come.

RUSSIAN HACKING AND THE NEED FOR TRANSPARENCY

**HON. TERRI A. SEWELL**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 20, 2017*

Ms. SEWELL of Alabama. Mr. Speaker, governmental transparency is a cornerstone of our democracy, and the American people deserve nothing less than the full disclosure of the Trump campaign's Russian contacts. It seems like every week, we find out more information about meetings between Russian contacts and individuals within President Trump's inner circle. Advisors in President Trump's White House have been forced to revise applications for security clearance because of repeated failures to report meetings with officials connected to the Kremlin.

In addition, the Trump Administration's refusal to acknowledge the vast scope of Russian interference in the 2016 election is leaving the United States vulnerable and exposed, opening the doors for future Russian attacks against our electoral system. The CIA, the FBI, the Director of National Intelligence, the NSA, and the other intelligence agencies in the intelligence community all agree that the Russians directed the hacking of the 2016 election. It is time that the Trump Administration unequivocally denounces the Russian government's meddling in our electoral process. The longer they delay standing up to Putin, the longer our country remains susceptible to further cyber-attacks.

The integrity of our elections is at stake. It is time for the Administration to stop pretending that the hacking did not happen, and start working to ensure that it does not happen again. Many Americans had to traverse a long, arduous path in their fight to secure the right to vote. I represent the 7th Congressional District of Alabama, the home to some of the greatest battlefields of the Civil Rights and Voting Rights Movement: Birmingham, Selma, and Montgomery. My constituents overcame insurmountable adversity in order to secure their right to vote. They shed blood and sacrificed their lives so that future generations would never be turned away from the ballot box or denied their sacred, constitutional right to vote. We are doing them a gross injustice if we do not take action against the Russian government's blatant interference in our election.

The American people deserve to know the truth, and they deserve the assurance that their government is working on their behalf to remove barriers to the ballot box. We cannot afford to sacrifice the integrity of our elections, nor impugn the veracity of our intelligence community and our law enforcement agencies. I urge the Trump Administration to accept the facts in front of them so we can begin to move forward and ensure that no foreign entity ever has the ability to attack our democracy again.

HONORING PATRICK DOWNTON, JR.

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 20, 2017*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Patrick Downton, Jr. Patrick is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 692, and earning the most prestigious award of Eagle Scout.

Patrick has been very active with his troop, participating in many scout activities. Over the many years Patrick has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Patrick has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Patrick Downton, Jr., for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING THE LIFE OF THE FALLEN SOLDIER ARMY SERGEANT (SGT) TRAVIS S. COOPER

**HON. TRENT KELLY**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 20, 2017*

Mr. KELLY of Mississippi. Mr. Speaker, today I rise in memory of fallen Mississippi soldier Army Sergeant (SGT) Travis S. Cooper who paid the ultimate sacrifice while defending our nation on July 16, 2005, during Operation Iraqi Freedom. SGT Cooper was killed when an improvised explosive device hit his convoy in Baghdad.

SGT Cooper was assigned to the 2nd Battalion, 114th Field Artillery Regiment, 155th Brigade Combat Team headquartered in Starkville, Mississippi.

SGT Cooper, a Macon, Mississippi native, was 24 years old at the time of death. He attended Noxubee High School in Macon, Mississippi. According to his brother, Antwan Cooper, he left school a year early and took his General Educational Development (GED) test. In September 2000, he joined the National Guard.

According to the Associated Press, Governor Haley Barbour said, "Our hearts and prayers go out to the Cooper family and friends. Marsha and I honor this brave man's service, and we deeply regret this incident."

SGT Cooper was awarded the Bronze Star Medal, Purple Heart, Mississippi Medal of Valor, Army Commendation Medal, Army Achievement Medal (2 Oak Leaf Clusters), Army Good Conduct Medal, National Defense Service Medal, Global War on Terrorism Expeditionary Medal, Iraq Campaign Medal, and the Combat Action Badge.

SGT Cooper's funeral was held at Miller's Chapel Missionary Baptist Church. He was buried at Oddfellows Cemetery in Macon, Mississippi.

SGT Cooper's service and sacrifice will always be remembered.

## SAUDI ARABIA

**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 20, 2017*

Mr. POE of Texas. Mr. Speaker, Saudi Arabia is a crucial ally in the fight against terrorism. Many of the same terrorist organizations that threaten the United States also desire to overthrow the Saudi government and break our partnership.

It's a key member of the coalition to fight ISIS, with its pilots flying alongside Americans since day one of the campaign in Syria. Last year, Riyadh adopted strict laws prohibiting fundraising for terrorism, jointly designating support networks for al-Qaeda and the Taliban.

Saudi intelligence has assisted in preventing terrorist plots targeting the U.S. In 2010 Saudi assistance helped foil an attempt by al-Qaeda to conceal bombs on a cargo plane en route to the United States. The Saudis are also battling Iranian-backed rebels in Yemen. These rebels not only threaten the Kingdom but also targeted our own warships and destabilize the Red Sea trade routes.

The current diplomatic standoff between Saudi Arabia and Qatar demonstrates that Riyadh is willing to take a stand against state sponsorship of terrorism in the region. This is all encouraging. However, the Saudis still have much more they need to do at home to counter the sources of extremism in the region.

The battle against terrorism will ultimately have to be fought and won on the battlefield of ideas. Saudi Arabia has simply not done enough to defeat extremist ideology. The Kingdom is playing the role of both arsonist and firefighter when it comes to Islamic extremism.

Nowhere is this more evident than the textbooks Saudi Arabia produces to teach its youth. For far too long Saudi Arabia's education curriculum has inspired the very ideology that is at the root of many terrorist organizations like ISIS and al-Qaeda.

Saudi textbooks are full of anti-Semitism, conspiracy theories, and calls to violence that have incited students both at home and across the world. This poisonous ideology has provided the groundwork for generations of radicalization and extremism.

In fact, ISIS adopted official Saudi textbooks for its schools in 2015 until the terrorist group could publish its own. Moreover, its export of hateful material through Saudi-funded schools abroad has helped spread the toxic ideology to more tolerant and open Muslim communities in countries such as Kosovo and Indonesia.

While the Kingdom has repeatedly pledged to remove extremist content from its curriculum, troubling language remains in many of the most recent editions of Saudi textbooks. In 2006 the Saudis committed to eliminate all passages that promoted hatred towards any religion by 2008.

Yet even today textbooks include content that discourages befriending "infidels," claims the goal of Zionism is world domination, and encourages "fighting" any polytheist or infidel who refuses to submit to the supremacy of Islam. This intolerance is unacceptable and directly contributes to the widespread persecu-

tion of religion minorities that plagues the Middle East.

Another passage in a current Saudi textbook for middle school students states that "the mujahideen who are doing good deeds for the sake of Allah . . . should be given transportation, weapons, food and anything else they may need to continue their jihad." Messages such as this undermine the Saudis own counterterrorism efforts.

By indoctrinating children into the belief that people of other faiths are inferior or are a threat to Islam, Saudi Arabia is ensuring future generations of extremists that will join the ranks of terrorist groups. This is not to ignore that some positive steps have been taken. In recent years the Kingdom has introduced passages that denounce terrorism and encourage dialogue with other faiths.

But these steps only send mixed messages to easily influenced young minds so long as the more extreme messages remain. The State Department and previous administrations have also failed to hold their Saudi counterparts to past pledges.

The State Department has even refused to publish reports that shed light on these troubling textbooks for fear of embarrassing our Saudi partners. While we appreciate Riyadh's contribution to our overall counterterrorism efforts in the region, we must hold them accountable for their role in fueling the very extremism we are trying to combat. It is in both our countries' interest.

In the fight against terrorism, we all need to be on the same page.

And that's just the way it is.

**HONORING MATTHEW PARR****HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 20, 2017*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Matthew Parr. Matthew is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1393, and earning the most prestigious award of Eagle Scout.

Matthew has been very active with his troop, participating in many scout activities. Over the many years Matthew has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Matthew has contributed to his community through his Eagle Scout project. Matthew researched native plants and then constructed a pollinator station outside of St. Therese North Catholic Church in Kansas City, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Matthew Parr for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

**TX-22 STUDENTS RECEIVE THE PRESIDENT'S ENVIRONMENTAL YOUTH AWARD****HON. PETE OLSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 20, 2017*

Mr. OLSON. Mr. Speaker, I rise today to congratulate Eric Li, Toby Liu, Charles Wang, Melody Voo, Alexander Miao, Jimmy Liu and Eric Tong, all from TX-22, for receiving the Environmental Protection Agency and the White House Council on Environmental Quality's President's Environmental Youth Award (PEYA).

The seven students, from Pearland, Katy and Houston, were recognized for starting the organization, We Care Act, which refurbishes electronics and other items and sends them to needy children living in poverty or affected by natural disasters. So far, We Care Act has collected and reused more than 40,000 items and sent them to more than 20 countries. PEYA recognizes outstanding environmental projects by K-12 youth. Students are selected based on their initiative, creativity and applied problem-solving skills that are needed to tackle environmental problems and find solutions.

On behalf of the Twenty-Second Congressional District of Texas, congratulations again to Eric L., Toby, Charles, Melody, Alexander, Jimmy and Eric T. for receiving this honorable award. We Care Act is a fantastic organization that helps those who truly need it. We're proud of their dedication to helping others.

**HONORING THE LIFE OF NEW YORK STATE TROOPER JOEL DAVIS****HON. ELISE M. STEFANIK**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 20, 2017*

Ms. STEFANIK. Mr. Speaker, I rise today to honor the memory of New York State Trooper Joel Davis, a Watertown native who was recently killed in the line of duty while serving his community. I extend my condolences to his family, especially his wife, Suzanne, and three children. Joel Davis lived his life in a way that was truly indicative of his North Country values. He was deeply dedicated to his family and completely invested in the well-being of his community members.

After graduating from Indian River High School, Trooper Davis attended Jefferson Community College, and eventually went on to graduate from the Black River/St. Lawrence Valley Police Academy in 2003. He worked as a Jefferson County Sheriff's Deputy for 10 years before his service as a New York State Trooper, where he was known as a "go-to guy," responsible for the Philadelphia, New York satellite station outside of Fort Drum. Additionally, Davis was a certified sniper with the Jefferson County Sheriff's Emergency Response Team and was a field training officer for both the Sheriff and State Police. Davis will be fondly remembered as a fair cop who heard both sides of every situation and was always first-on-scene when an issue arose. He was an honest, polite, friendly, and kind man who wanted to help the community he called home.



Joel Davis had an older brother, Josh, who is a member of the Watertown City Police Department. Josh cites his brother as one of the most important role models in his life, and the reason he chose a career in law enforcement. Though Joel was considered the more serious of the two brothers, he also loved a good joke and to laugh—he loved to dance to music and have fun.

Trooper Davis also loved sports and grew up playing every sport imaginable with his family and friends. In his spare time, he volunteered as a coach and commissioner of a youth baseball league, and has had a lasting impact on the lives of the many young athletes he worked with.

This past Saturday, thousands of officers attended the services for Trooper Joel Davis. We will not forget Trooper Davis and the ultimate sacrifice he made. Our hearts mourn with his family, friends, and the entire law enforcement community.

IN RECOGNITION OF ANTHONY  
COLACCHIO

**HON. WILLIAM R. KEATING**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 20, 2017*

Mr. KEATING. Mr. Speaker, I rise today in sincere recognition of Anthony Colacchio and his commendable dedication in starting a wheelchair curling program at the Cape Cod Curling Club, as well as his dedication to serving wheelchair athletes.

Anthony has always been passionate about volunteering his time, money, and efforts to helping those who are differently-abled. He is a nationally-certified wheelchair trainer, has convinced the Grand National Curling Committee to set aside money to assist wheelchair curlers, accompanied the United States Paralympic Team to the Paralympic Games in Sochi, Russia in 2014, and will be accompanying the team again during the 2018 Games in Pyeong Chang, South Korea. Anthony and his wife, Mary, have also been invaluable in the ongoing expansion to make the Cape Cod Curling Club in Falmouth, Massachusetts handicap accessible.

Anthony's renowned work with the wheelchair curling community has roots much closer to home. After seeing his brother, who was in a wheelchair, sidelined from sport, Anthony saw curling as a golden opportunity to bring together all athletes in a common arena as equals. Anthony's work has come with sacrifice—dedicating so much of his time to the sport, he has missed special occasions with family but they have remained supportive throughout his tireless work.

Anthony's volunteerism does not end at the edge of the ice. He is involved in Neighborhood Falmouth, a local chapter of a national movement that promotes community residence for older Americans. Anthony regularly takes seniors to their doctors' appointments, providing vital transportation so they can access the health services they need. Additionally, he is on the board of directors for USS *Donner* Reunion, an organization that provides information and holds reunions for former shipmates of the USS *Donner*, a dock landing ship that served in the U.S. Navy from 1945 to 1970.

Anthony and Mary host an annual banquet in July known as the International Bonspiel. This year marks the 48th year of the banquet, and attendees will include veterans of the wheelchair curling community from South Korea, Slovakia, Canada, and the United States. Anthony's selfless commitment to both wheelchair athletes and the sport of curling has touched innumerable lives in the United States and around the world. For these efforts he is being recognized this year at the Bonspiel dinner.

Mr. Speaker, I am proud to honor Anthony Colacchio for his dedication to the sport of curling and creating an equal playing field for people of all abilities. I ask that my colleagues join me in thanking him for his work and wishing him all the best as he continues his important efforts.

HONORING NATHAN PAUL RAWSON

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 20, 2017*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Nathan Paul Rawson. Nathan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 692, and earning the most prestigious award of Eagle Scout.

Nathan has been very active with his troop, participating in many scout activities. Over the many years Nathan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Nathan has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Nathan Paul Rawson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING DR. WILEY J.  
DOBBS

**HON. MICHAEL K. SIMPSON**

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 20, 2017*

Mr. SIMPSON. Mr. Speaker, I rise today to congratulate Dr. Wiley J. Dobbs for 33 years of distinguished service educating Idahoans on the occasion of his retirement from his current position as Superintendent of Twin Falls School District.

Dr. Dobbs' career as an educator is marked by a stalwart commitment to students across Idaho, particularly in Twin Falls. After serving as a high school teacher in Montpelier, Idaho, Dr. Dobbs returned to his hometown of Twin Falls to serve as an educator in both junior high schools and high schools, as well as a stint at the University of Idaho as an education instructor. After years in the classroom, Dr. Dobbs transitioned to the Twin Falls School District as Director of Operations in 2000. By 2003, he had accepted the position that would carry him to retirement: Superintendent of Twin Falls School District.

Throughout his career, Dr. Dobbs has demonstrated a superior dedication to the lives of the students and families he serves. In fact, Dr. Dobbs spent much of his career creating opportunities for students outside the classroom by volunteering as an advisor to the Congressional Award program. With his help, the city of Twin Falls has garnered national recognition for the quality and quantity of students who earn their Congressional Award for an outstanding commitment to setting and achieving their goals.

Mr. Speaker, I sincerely thank Dr. Dobbs for his service and commitment to education in Idaho. On behalf of a grateful state, I wish him well in the next chapter of his life.

HONORING THE ALLIED CLEAN  
FUELS PLAZA

**HON. MIKE THOMPSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 20, 2017*

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor the Allied Clean Fuels Plaza upon the occasion of their Grand Opening Celebration. This fuel service center is the first business in Northern California to specialize in offering clean fuel options for all types of vehicles.

In addition to the traditional three grades of unleaded and diesel gasoline offered by most service stations throughout the country, the Plaza offers a broad range of fuels and energies which address the ecological issues of the twenty-first century. These fuels include E-85 ethanol, diesel exhaust fluid (DEF), renewable hydrocarbon diesel, Propane Autogas and six fast-fill compressed natural gas (CNG) dispensers. The Plaza also features the option to recharge electric cars with a state of the art Tesla Supercharger Station. The Supercharger is capable of charging, eight Tesla vehicles simultaneously in just 20 minutes.

The Allied Clean Fuels Plaza is addressing the serious issue of climate change by making cleaner sources of energy available to our community. The station is already equipped to offer Liquefied Natural Gas (LNG) and Hydrogen to meet the demands of our community as these fuels become more popular. The Plaza represents the first of the types of businesses we will need to protect the vitality of our environment for future generations.

While the Plaza is looking toward the future, they are firmly rooted in the history and values of our community. They are affiliated with Allied Propane Service, which has been operating in Northern California for 50 years. Their emphasis on clean fuel reflects the desires of members of our community to be responsible consumers. Their full service Circle K convenience store sells sandwiches, soups and regional cheeses from local vendors, and they offer premium wines from Napa and Sonoma, the best wine in the world.

Mr. Speaker, the Allied Clean Fuels Plaza is an innovative, responsible and impressive new service station in my community. Stan Teaderman is the driving force behind the Plaza and is an important member of our community who works hard to benefit the environment and support many charitable causes. Therefore, it is fitting and proper that we honor them here today and wish them the best of success.

## PERSONAL EXPLANATION

**HON. JIMMY GOMEZ**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 20, 2017*

Mr. GOMEZ. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted Nay on Roll Call No. 392.

## HONORING PARKER SWAGGERTY

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 20, 2017*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Parker Swaggerty. Parker is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1360, and earning the most prestigious award of Eagle Scout.

Parker has been very active with his troop, participating in many scout activities. Over the many years Parker has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Parker has contributed to his community through his Eagle Scout project. Parker built a wheelchair accessible sidewalk for the Chapel of Family Promise in Kansas City, Missouri, which provides transitional housing for homeless families.

Mr. Speaker, I proudly ask you to join me in commending Parker Swaggerty for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

SEVEN LAKES SENIOR SELECTED  
FOR INTERNATIONAL OLYMPIAD**HON. PETE OLSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 20, 2017*

Mr. OLSON. Mr. Speaker, I rise today to congratulate Thomas Xiong of Katy, TX, for being chosen to join Team USA at the International Biology Olympiad.

Thomas, a Seven Lakes High senior, was selected as a gold medalist in the 15th annual USA Biology Olympiad (USABO), qualifying him to represent the U.S. at the International Biology Olympiad this July in the U.K. He was picked out of 20 USABO National Finalists. To be chosen, he had to take practical and theoretical tests that followed 10 days of intensive biology instruction at Marymount University in Arlington, VA. The finalists studied with U.S. experts in the fields of cellular and molecular biology, plant anatomy and physiology, animal anatomy and physiology, genetics and evolution, ecology, ethology, and biosystematics. Thomas will represent the U.S. with Edward Lee of Austin, TX, Alexander Tsao of Fullerton, CA and Catherine Wang of Lexington, MA.

On behalf of the Twenty-Second Congressional District of Texas, congratulations again to Thomas for being one of four to represent

the U.S. at the International Biology Olympiad. We know he will be a great asset to Team USA and will make TX proud. Good luck.

RECOGNIZING LT. COLONEL TED  
BALLARD**HON. JOE WILSON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 20, 2017*

Mr. WILSON of South Carolina. Mr. Speaker, I am grateful to honor a true American hero who has continued to make a difference in the lives of many throughout his life. Lt. Colonel Arthur "Ted" Ballard Jr. was born in Spartanburg, South Carolina in 1932. He is a graduate of Spartanburg Senior High School, Spartanburg Junior College, and attended Clemson University.

In 1954, Ted joined the U.S. Air Force as an Aviation Cadet and received his silver pilot's wings and commission the following year. In 1955, he married the love of his life, Ruth. Their son, Kevin, was born in 1959.

In June of 1966, Ted was deployed to the Korat Air Force Base in Thailand to begin flying combat missions over Vietnam. On September 26, 1966, during his 68th mission, Ted's F-105 was shot down by ground fire, forcing Ted to eject the aircraft over enemy territory just north of Hanoi. He suffered a broken left leg and was captured and interned by the North Vietnamese. Ted remained as a prisoner of war for six years, spending time in the infamous "Hanoi Hilton."

Upon his release in March of 1973, Ted returned to the United States and underwent medical treatment and recovery until August of that year. He and his wife decided to finish their undergraduate degrees after his return. Ted went on to earn a master's degree and serve on the faculty of the USAF War College before retiring in 1975. He and his wife moved back to Spartanburg, South Carolina, where Ted became the instructor for the Air Force Junior ROTC program at Gaffney High School. He retired in 1997 after teaching for 22 years.

Sadly, Ted lost his son in 2009 and his wife in 2015. Upon his wife's death, Ted established the Dr. Kevin Dale Ballard 1980 Endowed Scholarship Fund at Wofford College, in South Carolina, in memory of both his brilliant son and loving wife. The scholarship will be awarded to a deserving Wofford College student studying science, technology, or medicine for the first time this fall.

On May 7, 2017, Ted was presented the Order of the Palmetto, South Carolina's highest civilian honor, by Governor Henry McMaster for his admirable service to the citizens of South Carolina.

A truly remarkable man, Ted continues to share the extraordinary story of his life, his time as a POW, and his time in the armed forces. He has made South Carolina and our nation proud.

HONORING KEITH ANDREW  
WILLIAMSON, II

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 20, 2017*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Keith Andrew Williamson, II. Keith is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 214, and earning the most prestigious award of Eagle Scout.

Keith has been very active with his troop, participating in many scout activities. Over the many years Keith has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Keith has contributed to his community through his Eagle Scout project. Keith refurbished a council ring and fire pit at Immacolata Manor in Liberty, Missouri, rebuilding the trail to the ring, repairing the fire pit and constructing benches around the fire pit.

Mr. Speaker, I proudly ask you to join me in commending Keith Andrew Williamson, II, for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING MAJOR PATRICK W.  
MILLER**HON. TOM REED**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 20, 2017*

Mr. REED. Mr. Speaker, I rise today to recognize Major Patrick W. Miller for his outstanding acts of heroism and his dedicated military service.

Major Miller received his commission into the Medical Service Corps in 2003 from St. Bonaventure University and continued his service as Medical Platoon Leader for the 1st Cavalry Division in Texas. His battalion was soon deployed to Baghdad, Iraq, where he served for 13 months. Major Miller was promoted to Battalion Assistant Operations Officer and spent another 15 months in Iraq before returning home.

In 2011, Major Miller was assigned as Chief of Resource Management for U.S. Army Medical Activity at Fort Drum. He remained there until moving back to Fort Hood to act as Brigade Comptroller for the 1st Medical Brigade. It was there that on April 2nd, 2014, Major Miller heard gunfire outside his office. Miller faced the attacker and was injured while trying to impede the rampage.

Major Miller was able to get to safety and call 911, sounding the alarm on the attack. Despite the horrific circumstances, Major Miller continued to maintain his composure and conduct himself professionally, all the while remaining cognizant of the well-being of those around him.

I ask my colleagues to join me in commending Major Patrick W. Miller for his heroic actions and the dedication and honor with which he serves our country.

## PERSONAL EXPLANATION

**HON. CLAUDIA TENNEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 20, 2017*

Ms. TENNEY. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "Nay" on Roll Call No. 395, and "Nay" on Roll Call No. 396.

SUGAR LAND NATIVE NAMED A  
2017 NASA ASTRONAUT CANDIDATE**HON. PETE OLSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 20, 2017*

Mr. OLSON. Mr. Speaker, I rise today to congratulate Loral O'Hara of Sugar Land, TX, a Clements High School Ranger, for being selected by NASA to join the 2017 Astronaut Candidate Class.

Currently working as a Research Engineer for the Woods Hole Oceanographic Institution, Loral has an exceptional professional history, including working as a design engineer, mechanical technician and as a project engineer. She has a Bachelor of Science degree in Aerospace Engineering from the University of Kansas and a Master of Science degree in Aeronautics and Astronautics from Purdue University. Loral will report for duty this August, where she will begin her two years of training as an Astronaut Candidate. Once done, she will be assigned technical duties in the Astronaut Office while she awaits a flight assignment.

On behalf of the Twenty-Second Congressional District of Texas, congratulations again to Loral for being selected as a NASA Astronaut Candidate. We are very proud of her and look forward to her representing TX-22 in space.

## IMPORTANT ISSUES OF THE DAY

SPEECH OF

**HON. THOMAS A. GARRETT, JR.**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 19, 2017*

Mr. GARRETT. Mr. Speaker, I hadn't intended to but I'll begin my remarks by addressing his remarks. And I'll do something that I rarely do and that is to quote a French historian, political scientist, and diplomat, and that is Alexis de Tocqueville, who stated, "The American Republic will endure until the day that Congress discovers that it can bribe the public with the public's own money. The previous administration was led by an individual who on the campaign trail said that 7 trillion dollars in debt was "unpatriotic." Now we sit at the precipice of 20 trillion dollars in debt after two terms and I would submit that perhaps that's unpatriotic multiplied by three, or nearly that, and echo the sentiments of Mr. SCHWEIKERT that it is absolutely, positively unsustainable. Now there are ways that we could certainly deal with runaway debt. One way would be to completely devalue the currency. If you really want to step away from the

hyperbolic barbs that are thrown by my colleagues across the aisle as it relates to the motives for the legislation that we carry and find out who would really be harming seniors and children, it would be those who would continue to spend until the only way to cover the tab was to deflate the value of the very monies set aside to care for those least able to care for themselves. And so I thank Congressman SCHWEIKERT, not only for his wise remarks but also for reminding me just how much I miss being a member of the state house in the Commonwealth of Virginia where there is actual back and forth debate on the merits of issues, wherein those small percentage of individuals who choose to inform themselves might shape their opinion based on a discourse rather than people standing at this microphone unchecked.

Which leads me to my next point, which is also not on the subject that I originally intended to address and that is, the statement of my distinguished colleague from Maryland, Mr. RASKIN, who spoke on this floor about 45 minutes ago on a subject that's important not just to him, and not just to me, but to America, and that is on the subject of asset forfeiture. His comments were indicative of the tone that this body has devolved into. One of the many Democrats who I admire, Daniel Patrick Moynihan, who Vanity Fair described as a fervent Democrat who saw the value of working with Republicans (where is he today?), once said, "You're entitled to your own opinions, but you're not entitled to your own facts." Mr. RASKIN said the Trump Administration was burdening Americans by virtue of an asset forfeiture policy and he cited the case of a Chinese restaurant and an entrepreneur who he said had amassed 25,000 dollars so that he could buy a building, but he was going over the speed limit so he was pulled over by police so without cause they took his money and it took 7 years according to my colleague to recoup his money and the opportunity was lost and that's what's wrong with Mr. Trump's policy. Wow. And he implored listeners to please look up this case, so I did. In fact there was a man who had saved money to open up a Chinese restaurant who was going 10 miles an hour over the speed limit who was pulled over by law enforcement who had not 25 but 75,000 dollars forfeited and it took him not 7 years but 10 months to get it back and it happened in 2014 and I'm not terribly sure who was president then and I'm not terribly sure who was president then but I don't think it was Donald Trump! So I will join my colleague in suggesting that we need asset forfeiture review and refer in this country, but please, you're entitled to your own opinions, you're not entitled to your own facts.

Now why am I hear tonight? Golly ned why am I hear at all? Who are we as a nation? I tell my children if you want to know what's the right thing to do in life when you're confronted with challenges, when you have a dilemma, ask yourself who do I want to be, not who am I, but who do I want to be, because I hope I never reach my aspirational goals, but I keep trying as long as I am here. I don't think that if you reach all your goals for who you want to be that you've aimed high enough. And if you ask yourself who I want to be when you face that ethical or moral dilemma you will always then come up with the right answer when you answer what the person you want to be, would do. And so I grew up with a father who actu-

ally had a name for the belt that he wore around his waist, it was the enforcer. I had a mother who thought I could do anything I wanted to do and a father who would kick my tail if I didn't give it my best effort. I spent nearly ten years as a prosecutor and I can't tell you how many times I looked down the dais at the criminal defendant and thought, I wonder but there for the grace of God, go I. But for the fact that I was blessed with amazing parents who encouraged me who loved me and disciplined me and told me the things I could do, unlike so many in political office today who garner votes and support by telling people what they can't do, what they need done for them.

By gosh this country was built on a government dependent upon people, not a people dependent upon government. And that's who we are. Now, who are we going to be? Where are we going? A wiser person than I once said, "If you want to know where you're going, you should look where you've been." It's a relatively humbling thing to do representing the fifth district of Virginia, because the fifth district of Virginia was first represented by in this institution by James Madison. I tell people those are some very small, big shoes to fill. Very small, big shoes to fill. James Madison won the congressional seat when he ran in an election against a pillar of American foreign policy named Monroe. They were so collegial during the campaign that they often traveled together and when Madison was elected to Congress, prior to the Seventeenth Amendment, he went to the Virginia Assembly, the longest serving, democratically elected, legislative body on the planet Earth, and suggested that James Monroe should be the Senator, and indeed he was made the Senator. So we have Madison, we have Monroe. The drafter of the Declaration of Independence, Thomas Jefferson, lived in Virginia's fifth district. The arbiter of the power of the Article III branch of government, the Supreme Court, John Marshall, retired in Virginia's fifth district. Patrick Henry retired in Virginia's fifth district. Lee and Grant sat at a table at Appomattox Courthouse at the end of the American Civil War in the fifth district of Virginia. And a young woman named Barbara Johns stood up in the face of possible injury or death to start the Virginia Civil Rights movement in the fifth district. So it's pretty humbling and it gives me a good lesson in who we are. So many on my side of the aisle criticized President Obama when he said, you know if you have a business, you didn't do that, somebody else did that for you. I'll defend him, I'll defend him. You did it, with blood and sweat and tears and hardwork and persistence and willingness to stand up time and again after failing. You did it because you stood on the shoulders of giants who gave you the opportunity to do it. That imperfect people, Thomas Jefferson, a slave owner, who gave us near perfect documents, James Madison, documents that have been revised, oh I don't know 27 times in hundreds of years. That we constantly should strive to be a more perfect union. That we will never achieve that status of a perfect union, so long as institutions on Earth are governed by mere mortal men, but that we have a duty in this nation to try to continue to. So that's why I'm here. I'm not here to perpetuate my own power. I understand that the most indispensable person is the person who recognizes that they are not indispensable. Folks drive past the graveyard

and look at the headstones because I can promise you there's piles of folks buried there that thought the world just couldn't go on without them. And the band played on. The fifth district of Virginia was here before I got here and it'll be here when I leave. I'm not here to perpetuate my own name or my own legacy or any sort of power. I'm here to make sure that everything I do is pointed towards giving the posterity that will follow us, my children, SCHWEIKERT's children, and your children, every bit as good, if not better opportunities than those which we had. I believe there are two fundamental entitlements to birth of Americanism. First, you are entitled to opportunity. We should always strive to make that opportunity equal opportunity. But in a world where if your last name is Clinton or Trump or Obama or Bush, you probably have a better chance of getting into Harvard, we're not there yet. But everyone, everyone is entitled to an opportunity. And everyone within the Jeffersonian Construct of Liberty, that is my freedom extends to the point where yours starts, so long that you don't harm another, you should be free to make decisions for yourself.

Everyone is entitled to an opportunity and everyone within the Jeffersonian construct of liberty that is my freedom extends to the point where yours starts, so long as you don't harm another you should be free to make decisions for yourself has an entitlement to define success for themselves. If you wanna be the world's best bee keeper, go be the world's best bee keeper. If you wanna be a great stay at home dad, by golly be a great stay at home dad. If you'd like to work to cure cancer, please do. If you wanna be a member of this body and try to perpetuate opportunity for our posterity, please do. If you wanna be a member of This body and try to perpetuate your own power or your own legacy, please don't. And so this brings me to the point of why I stand here today, I've been here 6 months not terribly long. Thank god, I've been unable to shake my citizen world view in favor a legislator world view. So as I walk into this chamber as I stand next to these women and men on both sides of the aisle I'm a little humbled. When I walk down the staircase on the edge of the original house chamber that's been worn by time by the footsteps of the likes on Kennedy, and Madison, and Monroe, and Eisenhower and Lincoln, I'm humbled. But I would revert back to the words that elitists observed over 150 years ago, and that is we will thrive until we attempt to begin to bribe the tax payers with their own money. And at some point things become unsustainable and at some point we need to recognize that we are about freedom of individuals to venture and fail and venture and gain and that we are a nation whose government should depend upon people, and not whose people should depend upon government. An hour and a half ago I stood on this very floor and I dropped at the clerks desk, HRS 458, house resolution 458 is a vehicle that would move to discharge past the normal process and procedures house resolution 1436, HR 1436 is a bill that was voted for by every republican member of this body in 2015 which would provide for a repeal of the broken promises that are the affordable care act. Just yesterday, in conference they showed us polling and it showed that the American people trusted republicans more on national defense, border security, jobs in the economy, but were kinda sketchy

on healthcare, right? We can read a poll but I came here to do what I think is right I came here to do what I said I would do, and this plan that I think could reasonably be called the managed healthcare bailout program, the health insurance industry profit enhancement act has failed working Americans and that paradigm under which we have debated it has failed to be an honest one. But if I'm here not to enhance myself, or my legacy and if I'm here to do what I think is right, what I said I would do when I ran for office, then I need to stand up and do what I said I was gonna do when I ran for office, and that was to ensure that the decisions of Americans were left to Americans that we minimize the interference in individuals lives by the government, and that we recognize and ill paraphrase the Mr. Jefferson who was correct when he said the fruits of the working class are safest when the legislators not in session. Hm, I believe it was Roy Rogers who said that the only certain thing in life are death and taxes but death doesn't get worse every time congress meets. We hear about a CBO score that says x million people will lose coverage. Hm. Well the last time I looked this thing was called the affordable care act not the affordable coverage act and even if it was called the affordable coverage act it would be a misnomer because it's not affordable. A story published about 3 months ago indicated that two thirds of Americans couldn't find a 1000 dollars in case of a financial crisis. But deductibles have gone from 1000 to 2000 to 3000 to 4000 to 5000 dollars for the average family of four, and I ask you if your deductible is 5000 dollars in times of crisis do you have healthcare? You have coverage, you have coverage but you don't have healthcare, you're still indigent and it's a broken promise but don't worry there were lots more if you like your plan you can keep your plan turns out that wasn't true. If you like your doctor, you can keep your doctor, turns out that wasn't true. We should see an average decrease of about 2500 dollars per year per policy turns out that wasn't true don't worry these insurers who have supported the plan remember the insurance industry endorsed the affordable care act there doing this out of benevolence folks. I have an article from the New York post that says there's a cost spiral that associated with Obama care with the insurance industry but the cost spiral is upward if you'd have bought 100 dollars worth of united health care the day the ACA passed and sold it the last time I looked you'd have 580 dollars, that's a heck of an investment. The only people making out on this are the big insurers, meanwhile all Americans are perpetually lied to by folks who say those guys don't care, actually we do, we're just not trying to perpetuate our own power by taking from one group and giving to another while bankrupting our nation and robbing our children blind. And so, I've only been here for 6 months and I went to some people very early on and said so how about discharging this bill, and frustrated him and they said well its not time for that and I said okay I wanna be a team player. I'm frustrated and we get to this point, the president's frustrated, the senate's frustrated, I don't give a hoot and hack about the president or the senate or this body, I care about the American people who I serve and they're frustrated. And nobody on the other side of the aisle will talk about a plan that the namesake of a plan President Barack

Obama said, and I quote has serious problems. That Minnesota democrat governor Mark Dayton said bankrupting a state and is unsustainable that President Bill Clinton said is the craziest thing, we have zero suggestions for help, because by gosh we can score political points. Shame on ya, on both sides of the aisle if you're doing this to score political points. We oughta be doing this to make sure that the fundamental birth right of Americanism, opportunity is perpetuated for perpetuity and that it doesn't die in the hands of a group of political class who said well this will get me points at home. People told me not to do that it might not help you, your districts not that safe, I don't rightly care, I'm gonna do the right thing I've never had a job in my life that I wasn't willing to lose if it meant doing the right thing. So what are the goals of this? Rather, rash, they're humble I want the leadership of this chamber to understand that the ranking file members support them, that we got their backs, that we thank them for their best efforts and that we don't wanna quit this fight. Thank you for what you do. Let's keep going and keep that darn promise I got a feelin that if you keep you promise if you're worried about elections, your reward will come when people realize there's somebody in this town that has some integrity so I wanna support leadership, I wanna send a message to the other chamber that were willing to act if they're willing to act and maybe embolden them. I wanna let the president know that we haven't quit on him but most importantly I wanna send a message to the American people that some people in D.C. mean what they say. Woah. There have been dozens of votes for repeal by members who knew that the repeal would never happen because it had to cross the desk of the person for whom the bill was named. Right? It was a theoretical abstract, sure, I support it. Were playing with live ammunition folks lets see who meant what they said come to this desk and if you're watching this at home, contact your member and tell them to come to this desk and sign on to the discharge position HRS 458. Or maybe you didn't mean it, or you did or who knows but let us know. Hm. Dozen of votes for repeal and let me be clear about this too, I'm not sitting here trying to pull the rug out from under people, and the bill that would be discharged by this solution would not immediately end Obamacare, and instead it would give us a two year window, a two year window, and I'll bet you that if we repealed and had a two year window to bait a replacement that we might get some input from people.

I know to a metaphysical certainty that no side has a monopoly on good ideas. I would love to have some input, there will certainly be members who say "well I don't believe the federal government should have a large role." There will be other members that say we should have single payer. Well, right now we are stuck in a broken system because of political gamesmanship. And it burned me when I was on the outside and it burns me on the inside. What are the facts? What are the real facts? The average individual premium according to E Health in May 3rd, 2017 has gone up 39% in the last two years. The average family plan has gone up 49%. That means if you are an individual and your premium was a \$1000 a month its now \$1330 or there roughly a month. I'm doing math on the fly in my head. If you are a family and you are

paying \$500 a month than its \$740ish a month. That's in two years.

The average individual plan is up 147% from 2008. The average family plan is up 177%. Folks, Americans income hasn't increased at that rate. The average is up 25% in the last year and that is according to the Department of Health and Human Services report of October of 2016. That means if you were paying \$2000 a year ago, you are paying \$2500 now. 25% in 1 year. And candidly all the disingenuous arguments on the other side about how many people will die, if we move to a system that allows individuals choices, is not only hollow and disingenuous and beneath the dignity of this body by virtue of their disingenuity but also false. Folks, for the first time in nearly a generation mortality rate rose in 2015. U.S. life expectancy dropped from 2014 to 2015 for the first time since the 1990s. And ironically it dropped more in states that expanded Medicaid.

So, I'm not only disgusted with and sick of such harsh rhetoric, but I think it's not been proven demonstrably false. We talk about who will be kicked off their plan. According to the CBO, 10 million people have lost their employer plans. Those are the plans that if they like they can keep. And roughly 15 million of the people who are now insured, by virtue of an individual mandate, that we have forcefully compelled American citizens to purchase a good or service at the risk of forfeiture of their money or their freedom. We live in a country where you can choose in many places to buy marijuana, you can choose to bungee jump, you can choose to sky dive. Heck, in some places you can choose to visit a prostitute. But you can't choose a healthcare plan that doesn't carry coverage for mental health or for

maternity. You can't do that. That's against the law.

This is about choice. I served in the United States Army as a fire support officer. And when I left the army, I made the egregious error of law school, just kidding. And when I did that, I chose not to have healthcare because as I looked at what I was able to do on a limited amount of money that my family had, and did a cost benefit analysis, and the fact that I was in relatively good shape and young, I determined that my best interests were served by not spending the money. It was a crazy, brazen risk that I think paid off, but it should certainly be in the prevue of decisions Americans are allowed to make. And right now, it's not.

I'm frustrated, but I'm fighting. A lot of people are frustrated, but they are fighting. I want to see our leadership succeed. I want to see this nation be, unequivocally, the greatest experiment in freedom that the earth has ever known. But, if we continue to try and parlay largesse and failed programs into political power, we won't, we won't. And the time to measure things based not on intentions, but results is nigh. In Oregon, they spent hundreds of millions of dollars to create a website for the Obamacare exchange that failed to enroll a single individual—and nobody was fired and nobody went to prison. I was a prosecutor for a long time. And I'll tell you that if you waste or defraud people of one hundred or two hundred or three hundred million dollars, you usually either lose your job or go to prison. But, if you're in politics in Oregon, you're rewarded because by gosh you had great intentions.

Let's judge these things not by their intentions but by their outcomes. Let's not argue about who has coverage but who has access

to affordable care. Let's support revision that drives down premiums and down deductibles. And let's trumpet our victories based on who we actually helped, not who we intended to help. In stand untied with the bulk of my colleagues. I know there are some who said we'd do one thing and now do another. This is an avenue by which we might find out who they are. But I don't for a moment question the individual motives of members. I think they have an opportunity to distinguish themselves by virtue of signing on to this resolution. I ask you again if your watching at home to contact your member if you agree with what we said. And ask them if they'll come to this bar, when we're in session, and sign their name to House Resolution 458 and demonstrate their willing to do the exact same thing now, when it counts, that they did dozens and dozens of times under the previous administration when they knew that they're actions would be met with a veto pen. And I don't do this to score political points. And I don't do this to make my name bigger. I don't do this to because it feels good. I do this because we owe it to the giants who's shoulders we stand upon, to Patrick Henry and Thomas Jefferson and Martin Luther King and Abraham Lincoln and Barbara Johns and John Kennedy and Ronald Reagan, the people who gave us the opportunity to be as successful and great as we are. Don't piddle it away. Don't piddle it away. Be responsible. Be willing to say no when no is the appropriate answer. And do what's right. Mr. Speaker, with that I yield back my time and I'd ask unanimous consent that all members have five legislative days to revise and extend their remarks and include extraneous materials on the topic of this special order.

# Daily Digest

## Senate

### Chamber Action

**Routine Proceedings, pages S4087–S4122**

**Measures Introduced:** Twenty-four bills and six resolutions were introduced, as follows: S. 1592–1615, S.J. Res. 47, S. Res. 225–228, and S. Con. Res. 22.

**Pages S4115–16**

#### Measures Reported:

S. 1603, An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2018. (S. Rept. No. 115–131)

S. 1609, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2018. (S. Rept. No. 115–132)

**Page S4114**

**Message from the President:** Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report relative to the continuation of the national emergency with respect to significant transnational criminal organizations that was established in Executive Order 13581 on July 24, 2011; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–14)

**Page S4110**

**Bernhardt Nomination—Agreement:** Senate resumed consideration of the nomination of David Bernhardt, of Virginia, to be Deputy Secretary of the Interior.

**Pages S4094–S4108**

During consideration of this nomination today, Senate also took the following action:

By 56 yeas to 39 nays (Vote No. 165), Senate agreed to the motion to close further debate on the nomination.

**Page S4098**

A unanimous-consent agreement was reached providing that at approximately 4 p.m., on Monday, July 24, 2017, Senate resume consideration of the nomination, post-cloture; and that the post-cloture time on the nomination expire at 5:30 p.m.

**Page S4121**

**Nomination Confirmed:** Senate confirmed the following nomination:

D812

By 51 yeas to 47 nays (Vote No. EX. 164), John Kenneth Bush, of Kentucky, to be United States Circuit Judge for the Sixth Circuit.

**Pages S4088–94, S4122**

**Nominations Received:** Senate received the following nominations:

Jon M. Huntsman, Jr., of Utah, to be Ambassador to the Russian Federation.

Bart M. Davis, of Idaho, to be United States Attorney for the District of Idaho for the term of four years.

Joshua J. Minkler, of Indiana, to be United States Attorney for the Southern District of Indiana for the term of four years vice Joseph H. Hogsett, resigned.

Routine lists in the Navy.

**Pages S4121–22**

**Messages from the House:**

**Page S4110**

**Measures Referred:**

**Page S4110**

**Executive Communications:**

**Pages S4110–11**

**Petitions and Memorials:**

**Pages S4111–14**

**Executive Reports of Committees:**

**Pages S4114–15**

**Additional Cosponsors:**

**Pages S4116–17**

**Statements on Introduced Bills/Resolutions:**

**Pages S4117–20**

**Additional Statements:**

**Pages S4108–09**

**Amendments Submitted:**

**Page S4120**

**Authorities for Committees to Meet:**

**Pages S4120–21**

**Record Votes:** Two record votes were taken today. (Total—165)

**Pages S4094, S4098**

**Adjournment:** Senate convened at 10 a.m. and adjourned at 5:11 p.m., until 4 p.m. on Monday, July 24, 2017. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S4121.)



## Committee Meetings

(Committees not listed did not meet)

### BUSINESS MEETING

*Committee on Appropriations:* Committee ordered favorably reported the following business items:

An original bill (S. 1609) entitled, “Energy and Water Development Appropriations Act, 2018”; and

An original bill (S. 1603) entitled, “Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2018”.

### BUSINESS MEETING

*Committee on Armed Services:* Committee ordered favorably reported the following business items:

The nominations of General Paul J. Selva, USAF, for reappointment to the grade of general and reappointment to be Vice Chairman of the Joint Chiefs of Staff, David Joel Trachtenberg, of Virginia, to be a Principal Deputy Under Secretary, Owen West, of Connecticut, to be an Assistant Secretary, Ryan McCarthy, of Illinois, to be Under Secretary of the Army, and Charles Douglas Stimson, of Virginia, to be General Counsel of the Department of the Navy, all of the Department of Defense; and

3,878 nominations in the Army, Navy, Air Force, and Marine Corps.

### HOUSING FINANCE REFORM

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded a hearing to examine housing finance reform, focusing on maintaining access for small lenders, after receiving testimony from Brenda Hughes, First Federal Savings, Twin Falls, Idaho, on behalf of the American Bankers Association; Tim Mislansky, Wright-Patt Credit Union, Dayton, Ohio, on behalf of the Credit Union National Association; Jack E. Hopkins, CorTrust Bank, Sioux Falls, South Dakota, on behalf of the Independent Community Bankers of America; Chuck Purvis, Coastal Federal Credit Union, Raleigh, North Carolina, on behalf of the National Association of Federally-Insured Credit Unions; Wes Hunt, Community Mortgage Lenders of America, Gainesville, Georgia; and William Giambrone, Platinum Home Mortgage, Grayslake, Illinois, on behalf of the Community Home Lenders Association.

### FIRSTNET

*Committee on Commerce, Science, and Transportation:* Subcommittee on Communications, Technology, Innovation, and the Internet concluded a hearing to examine an update on FirstNet, after receiving testimony from Mark L. Goldstein, Director, Physical Infrastructure Issues, Government Accountability Office; Curtis Brown, Virginia Deputy Secretary of Home-

land Security and Public Safety, Richmond; Michael Poth, First Responder Network Authority (FirstNet), Reston, Virginia; Chris Sambar, AT&T Inc., Dallas, Texas; and Damon Allen Darsey, University of Mississippi Medical Center Center for Emergency Services, Jackson.

### NOMINATIONS

*Committee on Energy and Natural Resources:* Committee concluded a hearing to examine the nominations of Brenda Burman, of Arizona, to be Commissioner of Reclamation, who was introduced by Senator Flake, and Susan Combs, of Texas, who was introduced by Senator Cornyn, and Douglas W. Domenech, of Virginia, who was introduced by Representative Radewagen, both to be an Assistant Secretary, all of the Department of the Interior, and Paul Dabbar, of New York, to be Under Secretary for Science, David S. Jonas, of Virginia, to be General Counsel, and Mark Wesley Menezes, of Virginia, to be Under Secretary, who was introduced by Senator Cassidy, all of the Department of Energy, after the nominees testified and answered questions in their own behalf.

### AMERICA'S CRUMBLING WATER INFRASTRUCTURE

*Committee on Environment and Public Works:* Subcommittee on Fisheries, Water, and Wildlife concluded a hearing to examine innovative financing and funding, focusing on addressing America's crumbling water infrastructure, after receiving testimony from Andrew Kricun, Camden County Municipal Utilities Authority, Camden, New Jersey, on behalf of the National Association of Clean Water Agencies; Josh Ellis, Metropolitan Planning Council, Chicago, Illinois; and Mike Frazee, Rogers, Arkansas.

### BUSINESS MEETING

*Committee on Finance:* Committee ordered favorably reported the nomination of David J. Kautter, of Virginia, to be an Assistant Secretary of the Treasury.

### NOMINATIONS

*Committee on Foreign Relations:* Committee concluded a hearing to examine the nominations of Kay Bailey Hutchison, of Texas, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador, who was introduced by Senators Cornyn and Cruz, Kelly Knight Craft, of Kentucky, to be Ambassador to Canada, who was introduced by Senator McConnell, Robert Wood Johnson IV, of New York, to be Ambassador to the United Kingdom of Great Britain and Northern Ireland, who was introduced by Senator Corker, Lewis M. Eisenberg, of Florida, to be Ambassador to the Italian Republic, and to serve concurrently and without additional

compensation as Ambassador to the Republic of San Marino, who was introduced by Senator Rubio, and Kathleen Troia McFarland, of New York, to be Ambassador to the Republic of Singapore, who was introduced by former Senator Lieberman, all of the Department of State, after the nominees testified and answered questions in their own behalf.

## BUSINESS MEETING

*Committee on the Judiciary:* Committee ordered favorably reported the nominations of Christopher A. Wray, of Georgia, to be Director of the Federal Bureau of Investigation, Beth Ann Williams, of New Jersey, to be an Assistant Attorney General, John W. Huber, to be United States Attorney for the District of Utah, Justin E. Herdman, to be United States Attorney for the Northern District of Ohio, and John E. Town, to be United States Attorney for the Northern District of Alabama, all of the Department of Justice, and Trevor N. McFadden, of Virginia, to

be United States District Judge for the District of Columbia.

## BUSINESS MEETING

*Committee on Veterans' Affairs:* Committee ordered favorably reported the nominations of Thomas G. Bowman, of Florida, to be Deputy Secretary, Brooks D. Tucker, of Maryland, to be an Assistant Secretary (Congressional and Legislative Affairs), and James Byrne, of Virginia, to be General Counsel, all of the Department of Veterans Affairs, and Michael P. Allen, of Florida, Amanda L. Meredith, of Virginia, and Joseph L. Toth, of Wisconsin, each to be a Judge of the United States Court of Appeals for Veterans Claims.

## INTELLIGENCE

*Select Committee on Intelligence:* Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

# House of Representatives

## Chamber Action

**Public Bills and Resolutions Introduced:** 32 public bills, H.R. 3321–3325; and 10 resolutions, H.J. Res. 111–113; H. Con. Res. 70; and H. Res. 462–467, were introduced. **Pages H6144–46**

**Additional Cosponsors:** **Page H6147**

**Report Filed:** A report was filed today as follows:

H.R. 2370, to authorize Escambia County, Florida, to convey certain property that was formerly part of Santa Rosa Island National Monument and that was conveyed to Escambia County subject to restrictions on use and reconveyance (H. Rept. 115–236). **Page H6144**

**Suspensions:** The House agreed to suspend the rules and pass the following measure:

*Department of Homeland Security Authorization Act of 2017:* H.R. 2825, amended, to amend the Homeland Security Act of 2002 to make certain improvements in the laws administered by the Secretary of Homeland Security, by a  $\frac{2}{3}$  yea-and-nay vote of 386 yeas to 41 nays, Roll No. 403.

**Pages H6047–H6120, H6128**

**King Cove Road Land Exchange Act:** The House passed H.R. 218, to provide for the exchange of Federal land and non-Federal land in the State of Alaska for the construction of a road between King Cove

and Cold Bay, by a yea-and-nay vote of 248 yeas to 179 nays, Roll No. 406. **Pages H6120–28, H6128–31**

Rejected the Garamendi motion to recommit the bill to the Committee on Natural Resources with instructions to report the same back to the House forthwith with an amendment, by voice vote. **Pages H6130–31**

Pursuant to the Rule, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115–27 shall be considered as an original bill for the purpose of amendment under the five-minute rule. **Page H6124**

Agreed to:

Young (AK) amendment (No. 2 printed in part C of H. Rept. 115–235) that amends section 7 to conform the text of H.R. 218 with the Senate text, S. 101. **Pages H6126–27**

Rejected:

Tsongas amendment (No. 1 printed in part C of H. Rept. 115–235) that sought to require mitigation measures, previously adopted in Public Law 111–11, to ensure that impacts to migratory birds, wildlife, and wetlands are minimized (by a recorded vote of 190 yeas to 234 noes, Roll No. 404); and **Pages H6125–26, H6129**

Grijalva amendment (No. 3 printed in part C of H. Rept. 115–235) that sought to prohibit the Act from taking effect until \$20 million in federal funds

given to Alaska for transportation purposes in King Cove is repaid to the Federal Government (by a recorded vote of 167 ayes to 260 noes, Roll No. 405).

**Pages H6127–28, H6129–30**

H. Res. 454, the rule providing for consideration of the bills (H.R. 2910), (H.R. 2883), and (H.R. 218) was agreed to yesterday, July 19th.

**Meeting Hour:** Agreed by unanimous consent that when the House adjourns today, it adjourn to meet at 12 noon on Monday, July 24th for Morning Hour debate.

**Page H6133**

**Quorum Calls—Votes:** Two yea-and-nay votes and two recorded votes developed during the proceedings of today and appear on pages H6128, H6129, H6129–30, and H6131. There were no quorum calls.

**Adjournment:** The House met at 9 a.m. and adjourned at 1:48 p.m.

## Committee Meetings

### EXAMINING BIPARTISAN LEGISLATION TO IMPROVE THE MEDICARE PROGRAM

*Committee on Energy and Commerce:* Subcommittee on Health held a hearing entitled “Examining Bipartisan Legislation to Improve the Medicare Program”. Testimony was heard from public witnesses.

### MONETARY POLICY V. FISCAL POLICY: RISKS TO PRICE STABILITY AND THE ECONOMY

*Committee on Financial Services:* Subcommittee on Monetary Policy and Trade held a hearing entitled “Monetary Policy v. Fiscal Policy: Risks to Price Stability and the Economy”. Testimony was heard from public witnesses.

### GANGS IN OUR COMMUNITIES: DRUGS, HUMAN TRAFFICKING, AND VIOLENCE

*Committee on the Judiciary:* Subcommittee on Crime, Terrorism, Homeland Security, and Investigations held a hearing entitled “Gangs in Our Communities: Drugs, Human Trafficking, and Violence”. Testimony was heard from Kenneth Blanco, Acting Assistant Attorney General, Criminal Division, Depart-

ment of Justice; Chris Marks, Los Angeles County Sheriff's Department; and public witnesses.

### SEEKING INNOVATIVE SOLUTIONS FOR THE FUTURE OF HARDROCK MINING

*Committee on Natural Resources:* Subcommittee on Energy and Mineral Resources held a hearing entitled “Seeking Innovative Solutions for the Future of Hardrock Mining”. Testimony was heard from Bret Parke, Deputy Director, Arizona Department of Environmental Quality; Murray Hitzman, Associate Director for Energy and Minerals, U.S. Geological Survey; and public witnesses.

### 21ST CENTURY MEDICINE: HOW TELEHEALTH CAN HELP RURAL COMMUNITIES

*Committee on Small Business:* Subcommittee on Agriculture, Energy, and Trade; and Subcommittee on Health and Technology held a joint hearing entitled “21st Century Medicine: How Telehealth Can Help Rural Communities”. Testimony was heard from A. Nicole Clowers, Managing Director, Health Care Team, Government Accountability Office; and public witnesses.

## Joint Meetings

No joint committee meetings were held.

### COMMITTEE MEETINGS FOR MONDAY, JULY 24, 2017

*(Committee meetings are open unless otherwise indicated)*

#### Senate

No meetings/hearings scheduled.

#### House

*Committee on Rules,* Full Committee, hearing on H.J. Res. 111, providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Bureau of Consumer Financial Protection relating to “Arbitration Agreements”; and H.R. 3219, the “Department of Defense Appropriations Act, 2018”, 5 p.m., H-313 Capitol.

*Next Meeting of the SENATE*

4 p.m., Monday, July 24

## Senate Chamber

**Program for Monday:** Senate will resume consideration of the nomination of David Bernhardt, of Virginia, to be Deputy Secretary of the Interior, post-cloture, and vote on confirmation of the nomination at 5:30 p.m.

*Next Meeting of the HOUSE OF REPRESENTATIVES*

12 p.m., Monday, July 24

## House Chamber

**Program for Monday:** To be announced.

## Extensions of Remarks, as inserted in this issue

## HOUSE

Barr, Andy, Ky., E1026  
 Burgess, Michael C., Tex., E1025, E1026, E1026, E1027  
 Bustos, Cheri, Ill., E1027  
 Garrett, Thomas A., Jr., Va., E1031  
 Gomez, Jimmy, Calif., E1030  
 Graves, Sam, Mo., E1027, E1028, E1029, E1030, E1030

Keating, William R., Mass., E1029  
 Kelly, Trent, Miss., E1025, E1026, E1027  
 Kilmer, Derek, Wash., E1025  
 Mooney, Alexander X., W.Va., E1025  
 Olson, Pete, Tex., E1028, E1030, E1031  
 Poe, Ted, Tex., E1028  
 Reed, Tom, N.Y., E1030  
 Roe, David P., Tenn., E1026

Sewell, Terri A., Ala., E1027  
 Simpson, Michael K., Idaho, E1029  
 Stefanik, Elise M., N.Y., E1028  
 Tenney, Claudia, N.Y., E1031  
 Thompson, Mike, Calif., E1029  
 Wilson, Joe, S.C., E1030



# Congressional Record

printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through the U.S. Government Publishing Office, at [www.govinfo.gov](http://www.govinfo.gov), free of charge to the user. The information is updated online each day the *Congressional Record* is published. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202-512-1800, or 866-512-1800 (toll-free). E-Mail, [contactcenter@gpo.gov](mailto:contactcenter@gpo.gov). ¶To place an order for any of these products, visit the U.S. Government Online Bookstore at: [bookstore.gpo.gov](http://bookstore.gpo.gov). Mail orders to: Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000, or phone orders to 866-512-1800 (toll-free), 202-512-1800 (D.C. area), or fax to 202-512-2104. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

**POSTMASTER:** Send address changes to the Superintendent of Documents, *Congressional Record*, U.S. Government Publishing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.

The *Congressional Record* (USPS 087-390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are