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## House of Representatives

The House met at noon and was called to order by the Speaker pro tempore (Mr. MEADOWS).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

July 11, 2016.

I hereby appoint the Honorable MARK MEADOWS to act as Speaker pro tempore on this day.

PAUL D. RYAN,

*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2016, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 1:50 p.m.

### GUN VIOLENCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. BEYER) for 5 minutes.

Mr. BEYER. Mr. Speaker, I rise to express my constituents' demand that Congress act to prevent gun violence.

Following yet another devastating shooting, the House has spent more than its share of moments engaged in contemplation. We have had plenty of times to pause and reflect. We have had more than enough moments of silence. The time to be silent has passed. Now it is time to act.

My colleagues and I held a sit-in here on this House floor 3 weeks ago to de-

mand a vote on solutions to gun violence. We were not engaging in some kind of stunt. We were not seeking publicity. We were speaking for the American people who have simply had enough. They have had enough gun violence, they have had enough moments of silence, and they have had enough carnage and devastation.

The Orlando shooting was the latest in a seemingly endless series of horrific mass shootings that have shocked us all, all of which we agree in hindsight were committed by people who should not have had access to a gun. The individual in Orlando had committed horrible acts of violence against his ex-wife. He exhibited such derangement and rage that he frightened classmates and coworkers. He was even investigated as a potential terrorist by the FBI. He was, in nearly every respect, the very last person we would want to be able to have a gun, walk into a gun store and legally purchase an assault weapon, a Glock, and a massive amount of ammunition.

He did not violate any laws in the purchase of these weapons because the laws we have are not good enough. Doing nothing is not rational. It is madness, it is folly, and it is wrong.

Mr. Speaker, the American people expect and deserve real action, not toothless half measures engineered to silence the people trying to solve this problem. Please, no more games and no more inaction. Just give us a vote on real reform.

Last night, in the middle of the night, I found myself wondering why doesn't the Republican leadership let us have the vote on no fly, no buy and on expanded background checks?

After all, House Republicans have 247 votes; House Democrats, only 188; and not every Democrat might even vote for these bills. With the 59-Member majority, the Republican pro-gun position would certainly prevail.

Or would it? How many moderate Republicans in swing districts might ac-

tually vote against their constituents' desires or vote for their constituents' desires?

We cited polls again and again that 85 percent of Americans don't want people on the terrorist watch list to be able to buy guns, and 90 percent of U.S. citizens want to close the background check loopholes.

This is what political scientists call a tough vote. Vote for your constituents and you are in trouble with the NRA. Vote your conscience and you are in big trouble with the Republican leadership. And if you toe the NRA line, the most extreme position, you can be sure your Democratic proponent will let all voters know this fall that you voted with the terrorists.

Yes, a tough vote. Do what is right and moral and sensible and just, and you are in political trouble. Do what PAUL RYAN and the NRA want you to do and you are in political trouble. This is why the Republican leadership will do anything they can to keep from having a House vote on these issues.

But isn't this why we are here? To make the tough votes? To follow our conscience? To do what is right, damn the political consequences? At the very end of our careers, will the poets write verses about the thousands of easy votes we cast?

Neither party has a monopoly on wisdom or truth, but let's have the debate. Let our people argue and persuade and vote and be brave enough to live with the choices we make.

### GUN VIOLENCE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. MAXINE WATERS) for 5 minutes.

Ms. MAXINE WATERS of California. Mr. Speaker, I take the floor today to continue the discussion that we started in this House about gun violence.

Something extraordinary took place here in the House of Representatives.

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.



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We had Members on this side of the aisle, Democrats, who came to the floor and who sat on the floor in the well of the House. That was extraordinary. No one has ever seen this happen before.

Why did this take place? How is it you can get every group in the Democratic Party to basically join in an action that had never taken place before? What am I talking about?

I am talking about the Women's Caucus, the Black Caucus, the Progressive Caucus. I am talking about all of those in our Democratic Party who do not always agree with each other. We work at it, but we have serious and credible disagreements. However, you did not hear any denouncement from any of our Democrats about what we were doing.

Why did we do this, and why did we have basically so much support for what we did?

When I say "support," I am not simply talking about Democrats. I am talking about people who left their homes, their businesses, and their workplaces and joined us outside. They even stayed for hours in the rain to say to us: Thank you for finally giving voice to this problem that we have in this country on gun violence.

The Members of the Democratic Party and those people who were outside basically said: We are sick and tired of the influence that is exerted by the gun lobby.

You have the NRA that owns too many Members of Congress and who can tell them what to do. There are Members who are intimidated by the gun lobby and the NRA. So what they do is they hide behind the Constitution and they will tell you that they are defending their constitutional rights.

None of us, in what we sat in about, talked about taking away anybody's guns. What we said was we have got to make sure that guns are not in the hands of people who should not have them; people who have committed crimes; people who have committed murder; people who have shown that perhaps something is wrong with them psychologically or emotionally. We should not make it easy for these people to have guns.

What should we do about it?

We have two very simple bills, and we begged the Speaker of this House to allow us to take up those bills, to debate those bills, to have them voted up or down.

Well, the Speaker won't do it. The Speaker won't do it because, as it has been described, he, too, is a handmaiden of the gun lobby, along with all of the other Members afraid to come and represent and to deal with the tough issues that confront us.

What were those bills all about?

One is very easy to explain: no fly, no buy.

What does that mean?

It simply means that if you are on a list that says you can't get on an air-

plane because you are dangerous, we know something about you that will not allow us to allow you to get on an airplane where you may commit an action that could endanger the lives of everybody on that plane and others even on the ground, no fly, no buy.

Why should we sell guns to somebody who we have said are too dangerous to fly on the airplane?

That is all we wanted on that bill, was a vote to say: Yeah, that makes good sense. If you cannot fly, you should not be able to buy.

What is wrong with that?

That is very simple.

Why can't they take up that bill? Aren't they concerned about who gets on the airplane?

Yes. But if you are concerned about who gets on the airplane, you should be concerned about who is able to buy a gun.

The other bill is just as clear, just as simple: universal background checks. We need to know who is buying these guns. Somebody will say: Don't we have something about background checks in the law?

Ladies and gentlemen, we are not covering what is on the Internet. We are not covering the fact that these gun shows are selling guns out of the back of their cars. They don't know who the people are. They don't care who they are, and they walk away with guns, and they go out and they kill people with them.

#### GUN VIOLENCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCNERNEY) for 5 minutes.

Mr. MCNERNEY. Mr. Speaker, our Nation has endured a harrowing week, which has affected each and every one of us.

Senseless and tragic violence, mass shootings, and shootings of those who have sworn to protect us have become part of our daily dialogue. We are forced to cope with the loss of family members, friends, our neighbors, and the fracturing of our communities as a result of gun violence in our country.

My district is no different. Stockton, California, endured the Nation's first mass school shooting in 1989. A man opened fire at Cleveland Elementary School, killing 5 children and injuring 30 students and teachers. It was a senseless act of violence that prompted the California State Legislature to ban assault weapons.

This law helped pave the way for a Federal ban on assault weapons. Unfortunately, Congress gave in to pressure from the gun lobby and let the law expire in 2004. Today there are only six other States and the District of Columbia that have such a ban.

This past Saturday, a man gunned down in central Stockton became the city's 25th homicide of 2016. In the U.S., more than 10,000 Americans will likely be killed by gun murders this

year. Another 20,000 lives will likely be lost to suicide. The total number of gun deaths and violent injuries will be close to 100,000. The victims who make these headlines are just as important as the ones that don't.

But there is a brighter side to this story. In my congressional district, as well as in others around the country, there has been a real concerted effort to unite community services, law enforcement, neighborhood leaders, and others to work together to address acts of violence. Although this effort has brought people together and helped focus the community to reduce violence, constant vigilance and peaceful involvement remains needed.

Are there achievable changes to our gun laws within the Constitution that would make a difference?

Absolutely.

Should we, as Congress and the U.S. House of Representatives, work on behalf of our people we represent to take actions?

Yes. Absolutely.

America's poor and minority populations are disproportionately impacted by gun violence. A November 2015 ProPublica article noted that half of American gun death victims are men of color in poor, segregated neighborhoods.

If we really care about our citizens, we should be taking concrete steps to curb gun violence with responsible legislation, such as expanded background checks, a ban on assault weapons, a ban on felons and domestic abusers from owning guns, and gun safety features and safety training.

No one solution will completely solve the problem, but if something like expanding background checks to all gun sales will help keep guns away from dangerous people and save lives, wouldn't it be worth it?

Many Members of this body have heard the call of action from our constituents and took to the House floor in a peaceful, yet meaningful way. We have taken the call to action and joined our constituents at events in our districts. We speak each day, and we will continue to speak about what is needed to change the cycle of violence plaguing our Nation.

It is my hope that just as many folks in our communities strive to reduce all acts of violence that Congress will learn from them. We need a real dialogue about the challenges we face and what it will take to reduce violence in our communities. While such actions might seem difficult or impossible to achieve, we must join together in that pursuit and work toward a peaceful Nation.

Mr. Speaker, not only do we have a responsibility here in Congress, but the citizens and the residents of this country have a responsibility, too. To those contemplating violence, you are hurting yourselves and the people you care about. Nonviolence takes more courage and achieves so much more.

□ 1215

### WE NEED TO CLOSE THE LOOPHOLE

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of California. Mr. Speaker, I rise today with a heavy heart. Our country is grieving. Innocent lives have been lost. Some of those were the brave public servants, public safety servants who were sworn to protect us. Families have been forever changed by the loss of a loved one, and concern and frustration have visited every corner of our country.

As we move forward from last week's tragedies and work together to build a better nation and a brighter future for every citizen, let us remember that, as Members of Congress, each of us has a unique opportunity to effect meaningful change. We have the opportunity to pass legislation that can help put an end to gun violence that claims the lives of more than 30 Americans every day.

We can't continue to stand by and allow this epidemic of gun violence to continue devastating our communities. Whether it is in a movie theater, on a college campus, at an elementary school, in a church, in a nightclub, or on the streets of our cities, far too many innocent lives have been cut short by someone using a gun.

Let me give you some numbers:

3½—the number of years since the tragedy at Sandy Hook Elementary School;

34,000-plus—the number of people killed by someone using a gun since Sandy Hook;

1,196—the number of mass shootings in our country since Sandy Hook;

31—the number of moments of silence observed by this House for victims of gun violence since Sandy Hook;

525—the number of days the House has been in session since Sandy Hook; and, most sadly

Zero—that is the number of times we have voted on gun violence prevention legislation on this floor.

Think about that; 34,000 people killed by someone using a gun, and the lives of their loved ones forever changed.

One of the 34,000 people killed by someone using a gun since the tragedy at Sandy Hook was a 10-year-old girl named Samantha. Her mother, Catherine, was brave enough to share her story last week on the steps of our Capitol. Catherine and her 10-year-old daughter were shot by a man who couldn't pass a background check, but because of a glaring loophole, he was able to buy a gun online without having to pass a background check. He used that gun to shoot Catherine and to kill Samantha.

My bipartisan, pro-Second Amendment bill, H.R. 1217, would close this loophole and require a background check for all commercial gun sales, including those online, at gun shows, and through classified ads.

Background checks are our first line of defense when it comes to stopping dangerous people from getting firearms. We know that they work. Every day, 170 felons are stopped from buying a gun because of a background check, and 50 domestic abusers are stopped from buying a gun because of background checks.

Everyone says they want to keep guns away from dangerous people, but the only way to know if someone is dangerous is to conduct a background check. Without background checks, how do you know if a person buying a gun is a criminal or dangerously mentally ill? If the man who killed Catherine's daughter hadn't been able to easily bypass the background check by going online, Catherine's tragic story may have been different. It is long past time for the Republican leadership in this House to give us a vote on H.R. 1217.

Just as important for the safety and security of our country and fellow Americans is H.R. 1076, bipartisan, pro-Second Amendment legislation to prohibit those on the FBI's terrorist watch list from being able to legally purchase firearms.

This debate isn't a choice between respecting the Second Amendment or reducing gun violence; it is about this Congress doing both.

Mr. Speaker, give us a vote.

### CONGRESS MUST STEP UP AND DO ITS JOB

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. KILDEE) for 5 minutes.

Mr. KILDEE. Mr. Speaker, last week we all woke up to the horrific news of violence in Baton Rouge, in Falcon Heights, and then the terrible events that unfolded in Dallas, where members of their police department were gunned down protecting individuals who were actually standing up to protest. The police officers stood between them and a dangerous person with a dangerous weapon, and many—five members—lost their lives.

This week we mark 1 month since the worst mass shooting in the history of our country. An act of hate, an act of terror that ended 49 lives. That is 49 friends, mothers, fathers, sisters, brothers, sons, and daughters. They left behind communities of people who will never be the same without them.

One of those 49 was Tevin Crosby of Saginaw, Michigan, in my district. Tevin was just 25 years old. He was on a trip visiting family in North Carolina and then went to Florida to see some friends and colleagues. He was a young businessowner, a rising star, according to his friends. An employee at his company told the Saginaw News that Tevin was always smiling, always positive.

This pattern of violence can't be ignored. It demands change. We are better than this. We can do better than this. In this body, in this House of Representatives, we must do better. No one

piece of legislation would prevent every shooting, but if it could prevent one, we should act.

Three weeks ago, I joined my colleagues on the floor of this House as we sat down to stand up and say that we had had enough. We demanded, and continue to demand, a vote on commonsense legislation to prevent gun violence.

When the majority adjourned in the middle of the night and went home, we didn't stop. We took our message to every corner of the country. At home in Michigan, I joined with my congressional delegation, my Democratic colleagues, to meet with our constituents and talk with them about what more we can do in Washington to prevent gun violence.

I heard Michiganders talk about what that sort of violence means in their own neighborhoods. Gun violence happens in mass shootings like we saw in Orlando, but it also occurs every single day across our country. In cities like my hometown of Flint, we see gun violence every single week on our streets, in our neighborhoods.

It is our duty in Congress to keep Americans safe and to work toward decreasing gun violence back home. Our constituents are literally dying because it is too easy for dangerous people to get their hands on a gun, and we have a moral responsibility to act.

I have been inspired by the people back in Michigan. I met with moms and dads, sons and daughters, sisters and brothers, faith leaders, elected officials, law enforcement officials, and community activists. They have all come together, joined their voices, calling for a vote on commonsense legislation to prevent gun violence.

When we go home, people are asking: Why aren't you voting to make sure suspected terrorists and dangerous criminals can't buy a gun? Well, the reason is simple. It is because the Republican majority is held captive by the gun lobby. It is that simple. The fact that they are petrified of a single organization keeps them from acting. We are sick of it, and we are not going to stand for it.

What we are asking for, what we are demanding, is a vote on just two commonsense pieces of legislation that have the support of more than 80 percent of Americans. People in Michigan have made it clear they want Congress to act, and I am sure this is true all across the country: act to prevent suspected terrorists from buying deadly weapons; act to make sure that, if a person purchases a gun, they should have to go through a background check no matter how they purchase that weapon.

We can't just express our grief on the floor of this House and then not act on real, meaningful action to prevent gun violence. We must step up as a Congress and do our job and pass strong, smart legislation that will keep our country safe.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 24 minutes p.m.), the House stood in recess.

□ 1400

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PITTENGER) at 2 p.m.

## PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Merciful God, we give You thanks for giving us another day.

As our Nation continues to mourn the deaths of the past days, send Your spirit of consolation upon us.

Bless the Members of this people's House with wisdom and the courage to address the pressing difficulties of our time. As they continue the work of this assembly, guide them to grow in understanding in attaining solutions to our Nation's needs.

Continue to bless those, as well, charged with protecting and serving our country. They, too, need wisdom and insight into the pressure points of insecurity among our citizens. Lord, have mercy.

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

Amen.

## THE JOURNAL

The SPEAKER pro tempore. 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 pro tempore. Will the gentleman from California (Mr. THOMPSON) come forward and lead the House in the Pledge of Allegiance.

Mr. THOMPSON of California 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.

## THE WALKING VETERAN

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

Mr. HILL. Mr. Speaker, earlier this month, I had the pleasure of meeting Thomas Wayne Hudson. Known on Facebook as The Walking Veteran, Mr. Hudson is walking across the country to raise awareness for the issues facing

veterans as they transition from military life to civilian status.

Mr. Hudson, who is a disabled veteran, started his journey in Las Vegas on May 2, and plans to finish on Veterans Day here in the Nation's Capital.

While walking with him, I quickly became inspired by his dedication to his fellow veterans. Despite returning to civilian life, Mr. Hudson has dedicated his time, energy, and resources to help fellow veterans, and his mission is a testament to the never-ending spirit and selflessness of our Nation's veterans.

Mr. Hudson told me that a big part of the reason for the walk is to catch the attention of our Nation's elected officials. The Walking Veteran deserves our attention and support, and I am pleased to share his story with my colleagues in the House. I encourage all to follow Mr. Hudson's journey.

## CONGRESS MUST ACT

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

Mr. KILDEE. Mr. Speaker, I rise today to join my colleagues in demanding votes on two commonsense, bipartisan pieces of legislation that are overwhelmingly supported by the American people.

First, without a completed background check, we cannot identify criminals, domestic abusers, and other individuals too dangerous to own a gun. Right now, Federal law only requires criminal background checks at federally licensed gun dealers. Criminals can bypass the background check system altogether by going online or to a gun show. H.R. 1217, the bipartisan King-Thompson bill, closes this loophole, requiring background checks for all commercial gun sales regardless of where the sale is made.

Second, if you are too dangerous to fly, you are too dangerous to buy a gun in America. When it is easier for a suspected terrorist to buy a gun than board a plane, something is wrong. H.R. 1076, the bipartisan no fly, no buy legislation, authored in part by Congressman PETER KING, would prevent suspected terrorists from purchasing guns.

Congress must act on these very simple, straightforward, bipartisan bills.

## REMEMBERING MARIAN BERGESON

(Mrs. MIMI WALTERS of California asked and was given permission to address the House for 1 minute.)

Mrs. MIMI WALTERS of California. Mr. Speaker, last Wednesday, Marian Bergeson passed away at the age of 90.

Marian was a true pioneer. She was the first woman to serve in both the California State Assembly and State Senate, and she paved the way for so many women in California to pursue public service. Marian herself was a tireless public servant who advocated

for education, small business, and transportation.

My friend State Senator Pat Bates summed it up when she said: "Few people have influenced Orange County and California politics more effectively than Marian did."

Marian also had a real zest for life. She celebrated her 90th birthday by jumping out of an airplane for the sixth time.

The entire Orange County community joins her husband, Garth, and their three children in mourning, but I hope they will find comfort in knowing her legacy will live on for years to come.

## AN URGENT REQUEST FOR THE LEADERSHIP

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

Mr. THOMPSON of California. Mr. Speaker, I didn't come to the floor with prepared remarks today. I just came with a very urgent request.

I ask that the Republican leadership hold a vote on our commonsense, bipartisan, pro-Second Amendment background check legislation and no fly, no buy legislation. Ninety percent of the American people support it. It is pro-Second Amendment. It is bipartisan. The background check now has 187 co-authors. But more important, most important, it works.

Every day, 170 felons are stopped from buying firearms because of the background check. You don't know if a person who is trying to buy a firearm is a criminal, a domestic abuser, or is dangerously mentally ill unless you do a background check.

Please, Mr. Speaker, please Republican leadership, bring these two bills to the floor. Criminals, domestic abusers, potential terrorists, and the dangerously mentally ill should not be able to legally and easily purchase firearms.

## HONORING REPRESENTATIVE CARL ROGERS ON HIS RETIREMENT

(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, it is my honor today to rise and to make notice of Representative Carl Rogers, State representative from Georgia, who is ending his 22-year career in the State legislature. I want to congratulate him on his retirement. He has served the Gainesville, Hall County area for 22 years. He has served under four Governors, including the last being under his friend, Governor Nathan Deal.

Carl was the epitome of a citizen legislator. He knew his people, and he knew what was best; and sometimes,

whether he was making calls that people understood or even calls that people were critical of, Carl was always the same.

Carl's wife, Linda, has stood by him all these years. They have been married 49 years. Now she is getting him home. For those of us who know Carl, sometimes we think that will be good or bad, but Linda has had Carl for that many years, and she is wonderful.

On one special note, Mr. Speaker, Carl's public service transcends, but it is what the man does in private that means a lot. When I was in Iraq in 2008, separated from my family at Christmas, one night I got a text from my wife. When my family was celebrating Christmas without me, Carl showed up on my front doorstep with Christmas presents for my children.

Carl Rogers, you will be missed sorely in the Georgia Legislature, but I still count you as one of my dearest friends.

#### RECENT TRAGEDIES ARE TIED TOGETHER

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

Mr. LOWENTHAL. Mr. Speaker, Dallas, Texas; Falcon Heights, Minnesota; Baton Rouge, Louisiana—these are not individual incidents occurring in a vacuum outside the orbits of each other. These tragedies are tied together by the threads of anger and fear. They filled me with horror, with sadness, and grief.

I know that we as a nation cannot allow ourselves to grow numb to this. Each of these deaths, each of these innocent lives lost, should cause each of us great sorrow and pain. They should pain us not just for the simple loss of human life, but also for the realization that their deaths—and the more than 90 people who die from gunfire each day in this Nation—are the painful signs that something is profoundly wrong in our society.

Let us begin the healing and let us unite by passing no fly, no buy and universal background checks. As the President has said, "We are better than this."

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions 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.

Record votes on postponed questions will be taken later.

#### U.S. TERRITORIES INVESTOR PROTECTION ACT OF 2016

Mr. HURT of Virginia. Mr. Speaker, I move to suspend the rules and pass the

bill (H.R. 5322) to amend the Investment Company Act of 1940 to terminate an exemption for companies located in Puerto Rico, the Virgin Islands, and any other possession of the United States.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5322

*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 "U.S. Territories Investor Protection Act of 2016".

#### SEC. 2. TERMINATION OF EXEMPTION.

(a) IN GENERAL.—Section 6(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-6(a)) is amended by striking paragraph (1).

(b) EFFECTIVE DATE AND SAFE HARBOR.—

(1) EFFECTIVE DATE.—Except as provided in paragraph (2), the amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) SAFE HARBOR.—With respect to a company that is exempt under section 6(a)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a-6(a)(1)) on the day before the date of the enactment of this Act, the amendment made by subsection (a) shall take effect on the date that is three years after the date of the enactment of this Act.

(3) EXTENSION OF SAFE HARBOR.—The Securities and Exchange Commission, by rule and regulation upon its own motion, or by order upon application, may conditionally or unconditionally, under section 6(c) of the Investment Company Act of 1940 (15 U.S.C. 80a-6(c)), further delay the effective date for a company described in paragraph (2) for a maximum of three years following the initial three-year period if, before the end of the initial three-year period, the Commission determines that such a rule, regulation, motion, or order is necessary or appropriate in the public interest and for the protection of investors.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. HURT) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

#### GENERAL LEAVE

Mr. HURT of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. HURT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5322, the U.S. Territories Investor Protection Act, and thank the gentlewoman from New York (Ms. VELÁZQUEZ) for her leadership on this issue.

This measure would amend the Investment Company Act of 1940 to terminate an exemption for investment companies located in Puerto Rico, the Virgin Islands, and any other possession of the United States. Under cur-

rent law, such companies are exempt from registration under the Investment Company Act if their shares are sold exclusively to residents of the territory in which they are located.

This bill is about leveling the playing field, and it ensures that investment companies in Puerto Rico, Guam, and elsewhere are subject to the same rules as their mainland counterparts. Moreover, when the Investment Company Act was enacted, it was difficult and cost prohibitive for the SEC to travel to, inspect, and provide oversight for these companies. Now modern technologies allow the SEC to seamlessly gather information, and it is time that we update this law.

When this measure was considered during the recent Committee on Financial Services markup, it received unanimous support, passing out of the committee by a vote of 59-0. Mr. Speaker, I ask that my colleagues support this bill.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

The Investment Company Act of 1940 governs investment companies such as mutual funds, closed-end funds, unit investment trusts, and exchange-traded funds. Its purpose is to protect investors in such funds and to provide for impartial oversight of these companies.

Among other things, the 1940 act regulates the type of activities that such companies can undertake and establishes standards for their conduct. In doing so, it describes investment companies' functions and their structure; regulates various transactions among affiliated persons; limits the amount of leverage they can undertake; outlines accounting, recordkeeping, and auditing requirements of funds; and describes how securities may be redeemed and repurchased. These matters sound technical, but they provide fundamental protections for investors in U.S. investment companies.

Due to a historical artifact, however, all funds that are located and organized in and sold only to residents of U.S. territories are exempted from the 1940 act. The reason for such an exemption was that, at the time the act was being considered in 1940, the U.S. territories were deemed to be too distant from Washington, D.C., thus making travel to them cost prohibitive. Obviously, the cost of air travel is no longer cost prohibitive and not a reason to exempt territories from the 1940 act.

As a result of this exemption, investment companies located in U.S. territories can sell products to the residents and not be subject to the oversight, disclosure, and conflict-of-interest requirements that such companies located in the mainland U.S. are subject to.

□ 1415

The outcome is that those located in the U.S. territories have been subject

to investment losses, some resulting from behavior that likely would have been prohibited if the act applied to the island's investment companies.

To address this matter, H.R. 5322, the U.S. Territories Investor Protection Act, applies the 1940 act to currently exempt investment companies that are located, organized in, and sold to residents of these territories.

In order to permit investment companies to comply with the legislation, it provides for a 3-year compliance period with an option at the approval of the SEC for an additional 3 years. This time period balances the need to bring the investor protections of the 1940 act to the territories with enough time for affected entities to fully understand and comply with the 1940 act.

It is important to note that if investment companies need further relief from any specific requirement of the 1940 act, they are able to request such relief through the SEC under existing law.

I want to thank Chairman HENSARLING for working with me throughout the last 9 months in a productive manner. Such cooperation was critical to developing an approach that would apply the act in a manner sensitive to investors and investment companies.

As a result, I believe the framework of this bill, when combined with current statutory mechanisms, will provide a sufficient time period for adjustment and compliance.

I urge Members to support this legislation. This legislation will dramatically benefit investors in Puerto Rico. Those that call Puerto Rico home will now be subject to the same investor protection laws that those on the mainland are subject to. This is not only fair, but it is right, as many Puerto Ricans have lost their life savings in investment products offered only on the island.

When it comes to Puerto Rico, it is important to realize that what we are doing is not creating a new law or imposing a Federal mandate on the island. We are simply closing the loophole that has prevented Puerto Ricans from enjoying the same protections as the rest of Americans.

With the enactment of this bill, the 1940 act will be applied to Puerto Rico and other U.S. territories in the same exact manner it is applied to all 50 States. Investors and consumers in Puerto Rico deserve this, and this bill is long overdue.

Not only will the 1940 act provide Puerto Rico's investors with much-needed safeguards, but the current fiscal crisis on the island is creating budgetary challenges for the local government. Having additional Federal oversight of investment activity is now especially critical for the island's residents.

In closing, I want to thank Chairman HENSARLING again for his cooperation and bringing this important bill forward to the floor. I ask Members to support this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. HURT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to reiterate what Ms. VELÁZQUEZ has said and recognize her hard work on this issue. Clearly, the time is right that we recognize that Puerto Rico, Guam, other territories, and possessions of the United States must be afforded the same protections that the Securities and Exchange Commission provides through the laws of the United States.

I also want to commend our chairman, Chairman HENSARLING, for his leadership on this issue, recognizing that, in this instance and in many instances, he looks for opportunities for us to work together in a bipartisan way.

So I commend this to my colleagues. I certainly want to remind the body that this passed out of committee with a unanimous 59-0 strong bipartisan vote. You can't get any stronger than that. I ask that my colleagues support this measure.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. HURT) that the House suspend the rules and pass the bill, H.R. 5322.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### SUPPORT FOR CAPACITY OF THE INTERNATIONAL MONETARY FUND TO PREVENT MONEY LAUNDERING AND FINANCING OF TERRORISM

Mr. FITZPATRICK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5469) to require the Secretary of the Treasury to direct the United States Executive Director at the International Monetary Fund to support the capacity of the International Monetary Fund to prevent money laundering and financing of terrorism.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5469

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

#### SECTION 1. SUPPORT FOR CAPACITY OF THE INTERNATIONAL MONETARY FUND TO PREVENT MONEY LAUNDERING AND FINANCING OF TERRORISM.

(a) IN GENERAL.—Title XVI of the International Financial Institutions Act (22 U.S.C. 262p—262p-12) is amended by adding at the end the following:

#### “SEC. 1629. SUPPORT FOR CAPACITY OF THE INTERNATIONAL MONETARY FUND TO PREVENT MONEY LAUNDERING AND FINANCING OF TERRORISM.

“The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund to support the use of the administrative budget of

the Fund for technical assistance that strengthens the capacity of Fund members to prevent money laundering and the financing of terrorism.”.

(b) REPORT TO THE CONGRESS.—Within 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall report to the Committee on Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate on—

(1) the activities of the Fund in the most recently completed fiscal year to provide technical assistance that strengthens the capacity of Fund members to prevent money laundering and the financing of terrorism, and the effectiveness of the assistance; and

(2) the efficacy of efforts by the United States to achieve the policy goal described in this section and any further actions that need to be taken to implement this goal.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. FITZPATRICK) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

#### GENERAL LEAVE

Mr. FITZPATRICK. Mr. Speaker, I unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FITZPATRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the IMF provides consultations to improve the economic governance of member countries. Traditional areas of focus have included fiscal administration, monetary policy, and financial statistics. More recently, however, the Fund has had to respond to increased demand for technical assistance devoted to anti-money laundering and countering the finance of terrorism, AML/CFT.

While other international financial institutions also provide such assistance, it is commonly agreed that the IMF's role is preeminent, given its ongoing specialized work with fiscal authorities and other central banks.

The IMF bases its AML/CFT work on the international standards, with its technical assistance including activities such as risk assessments, national AML/CFT strategies, legal and regulatory reforms, and the development of financial intelligence units. These FIUs are particularly important for countries that need to process reports of suspicious transactions that may be related to criminal and terrorism activity.

H.R. 5469 will help the IMF continue and expand these programs by making AML/CFT technical assistance a priority and by reasserting its importance to the U.S. Treasury.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

This commonsense legislation is aimed at expanding the resources the International Monetary Fund can tap in order to provide member countries with technical assistance for anti-money laundering and counterterrorist financing efforts.

Through the IMF's legal department, experts provide assistance to countries that want to put in place effective AML/CFT frameworks in compliance with international standards. Unfortunately, demand is outpacing supply.

Currently, the IMF provides only about \$7 million dollars in AML/CFT technical assistance a year. It is funded almost entirely through volunteer donor trust fund contributions. The U.S. does not contribute to the trust fund. This bill will require the U.S. Executive Director at the IMF to advocate for additional AML/CFT technical assistance financing through the IMF's administrative budget.

The provision of AML/CFT technical assistance should be a top priority, and I think many of us would support a slightly larger transfer of the IMF's annual net profits into the budget to accommodate this important work.

This bill represents an important goal, one that the U.S. should pursue at the IMF, and I urge my colleagues to support this measure.

Mr. Speaker, I yield back the balance of my time.

Mr. FITZPATRICK. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico (Mr. PEARCE), the author of the bill.

Mr. PEARCE. Mr. Speaker, I thank the gentleman for yielding, and I appreciate my colleague for her support on the bill.

The IMF plays a very significant role in global economic stability. Since they work with the world's central banks and financial institutions, it is only appropriate that we would be extending technical assistance to this organization and make it more permanent that they would finance and back up the plans of all countries to combat money laundering and terrorism. That is the simple precept of the bill.

So as we look at the possibilities, the global rise of terrorism is causing instability in every corner of the world. The world should be now standing up saying that we all join hands, we join arms, link arms to fight this global scourge. One of the most important fights is the ability to choke off the financing, to interrupt the financing of the operations.

This will not do completely what we need to do to stop the threats of global terrorism, but it will go a long way. But, more importantly, it will get buy-in from countries right now are reticent to take part. That is one of the essential things. Some nations are allowed to sit on the sidelines, and all we are saying is that should be up to all of us, not one country here, not the countries that are being affected, but the entire world should be standing together.

This is just a commonsense, pragmatic approach to the situation of money laundering and terrorism. Again, it is not a partisan issue. So I appreciate the input of my colleagues on the other side of the aisle.

With that, I recommend that all vote "yes" on H.R. 5469.

Mr. FITZPATRICK. Mr. Speaker, I yield myself such time as I may consume.

I thank my colleague from New Mexico (Mr. PEARCE), for his important work on the anti-financing of terrorism issue. It is a very patriotic effort on his part. It's an important bill. We thank our colleagues across the aisle for their support of the bill as well, and I ask our colleagues as well to support the passage of H.R. 5469.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. FITZPATRICK) that the House suspend the rules and pass the bill, H.R. 5469.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

### NATIONAL STRATEGY FOR COMBATING TERRORIST, UNDERGROUND, AND OTHER ILLICIT FINANCING ACT

Mr. FITZPATRICK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5594) to require the establishment of a national strategy for combating the financing of terrorism and related financial crimes, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5594

*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 "National Strategy for Combating Terrorist, Underground, and Other Illicit Financing Act".

#### SEC. 2. FINDINGS.

The Congress finds the following:

(1) The financing of terrorism and related forms of illicit finance present a direct threat to national security and a threat to global stability.

(2) New terrorist groups or threats can form quickly, and other groups change tactics to adapt, creating a constantly changing terrorist environment, presenting ever-changing risks and challenges to programs to disrupt the financing of terrorism and related forms of illicit finance.

(3) As demonstrated in hearings before the Task Force to Investigate Terrorism Financing, terrorists in some instances have formed symbiotic relationships with, or are taking over, transnational crime syndicates, so that funding for both terrorism and profits from crime flow in the same fashion and often are indistinguishable.

(4) Methods of concealing the movement of illicit funding change quickly in a globalized economy, and rapid technological changes

and financial innovation pose new risks that may be increasingly difficult for governments to stay abreast of without an agile, constantly adjusted strategy to spot, disrupt, and prevent the financing of terrorism and related forms of illicit finance.

(5) A bipartisan requirement to create a national anti-money laundering strategy enacted in 1998 expired in 2007. Given the rapid globalization and rapid technology changes of the financial sector, an updated strategy focused on the financing of terrorism is necessary.

(6) It is important for the Government to have a unified strategy to fight financial crime and to update it annually, both to accommodate new and developing threats and to help Congress develop legislative and funding priorities.

(7) An effective strategy to counter terrorism financing is a critical component of the broader counter terrorism strategy of the United States.

#### SEC. 3. DEVELOPMENT OF NATIONAL STRATEGY.

(a) IN GENERAL.—The President, acting through the Secretary of the Treasury (the "Secretary") shall, in consultation with the Attorney General, the Secretaries of State, Defense, and Homeland Security, the Director of National Intelligence and the appropriate Federal banking agencies, develop a national strategy for combating the financing of terrorism and related forms of illicit finance.

(b) TRANSMITTAL TO CONGRESS.—By June 1 each year following the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a national strategy developed in accordance with subsection (a)

(c) EVALUATION OF EXISTING EFFORTS AND BROADER STRATEGY.—The President shall accompany each strategy submitted under subsection (b) with a report that—

(1) describes the effectiveness of efforts to enforce existing prohibitions against illicit finance;

(2) describes how the United States is addressing the highest levels of risk identified in the National Money Laundering Risk Assessment and the National Terrorist Financing Risk Assessment published by the Department of the Treasury;

(3) evaluates the effectiveness of United States efforts to fight illicit finance at actually preventing, discovering, and countering terrorist financing and other forms of illicit finance (and the effectiveness of those efforts that the United States coordinates with foreign nations); and

(4) describes how the strategy submitted under subsection (b) is integrated into, and supports, the broader counter terrorism strategy of the United States.

(d) SEPARATE PRESENTATION OF CLASSIFIED MATERIAL.—Any part of the national strategy that involves information which is properly classified under criteria established by the President shall be submitted to the Congress separately in a classified annex and, if requested by the chairman or ranking Member of one of the appropriate congressional committees, as a briefing at an appropriate level of security.

#### SEC. 4. CONTENTS.

(a) IN GENERAL.—The strategy described under section 3 shall contain, at a minimum, the following:

(1) THREATS, GOALS, OBJECTIVES, AND PRIORITIES.—A comprehensive, research-based, long-range, quantifiable discussion of threats, goals, objectives, and priorities for disrupting, preventing and reducing the number, dollar value, and effects of illicit finance in the United States and foreign countries that impact the security of the United States.

(2) **COORDINATION.**—A discussion of methods to best coordinate such efforts with international, State, and local officials, law enforcement, regulators, and financial institutions.

(3) **REVIEWS AND PROPOSED CHANGES.**—Reviews of enforcement efforts, relevant regulations and relevant provisions of law and, when appropriate, discussions of proposed changes determined to be appropriate to ensure that the United States pursues coordinated and effective efforts at all levels of government in the fight against illicit finance and with international partners.

(4) **DETECTION AND PROSECUTION INITIATIVES.**—A description of efforts to improve detection and prosecution of illicit finance, including efforts to ensure that—

(A) subject to legal restrictions, all appropriate data collected by the Government that is relevant to the efforts described in this Act be available in a timely fashion to all appropriate Federal departments and agencies and, as appropriate and consistent with section 314 of the USA PATRIOT Act, to financial institutions to assist them in efforts to comply with laws aimed at curbing illicit finance; and

(B) appropriate efforts are undertaken to ensure that Federal departments and agencies charged with reducing and preventing illicit finance make thorough use of publicly available data in furtherance of this effort.

(5) **THE ROLE OF THE PRIVATE FINANCIAL SECTOR IN PREVENTION OF ILLICIT FINANCE.**—A discussion of ways to enhance partnerships between the private financial sector and Federal departments and agencies with regard to the prevention and detection of illicit money laundering finance, including—

(A) efforts to facilitate compliance with laws aimed at stopping such illicit finance while maintaining the effectiveness of such efforts; and

(B) providing incentives to strengthen internal controls and to adopt on an industry-wide basis more effective policies.

(6) **ENHANCEMENT OF INTERGOVERNMENTAL COOPERATION.**—A discussion of ways to combat illicit finance by enhancing—

(A) cooperative efforts between Federal, State, and local officials, including State and local prosecutors and other law enforcement officials;

(B) to the extent possible, cooperative efforts among States and between State and local officials, including State and local regulators, prosecutors, and law enforcement officials; and

(C) cooperative efforts with and between governments of countries and with and between multinational institutions with expertise in fighting illicit finance.

(7) **PROJECT AND BUDGET PRIORITIES.**—A 3-year projection for program and budget priorities and achievable projects for reductions in illicit finance.

(8) **ASSESSMENT OF FUNDING.**—A complete assessment of how the proposed budget described under paragraph (7) is intended to implement the strategy described in this Act and whether the funding levels contained in the proposed budget are sufficient to implement the strategy, including a discussion of the extent to which funding for such efforts is or should be funded from fines, settlements, seizures or forfeitures related to illicit finance.

(9) **TREND ANALYSIS.**—Data regarding trends in illicit finance, with a special focus on the funding of terrorism.

(10) **ENFORCEMENT REPORT.**—A report containing an evaluation of the enforcement of policies to combat illicit finance.

(11) **ENFORCEMENT.**—A discussion of the current policies of the United States to enforce the provisions of the Bank Secrecy Act and related laws regarding the financing of

terrorism and other forms of illicit finance, together with recommendations for improving enforcement.

(12) **TREASURY ATTACHÉS.**—A discussion of the Department of the Treasury attachés, including—

(A) a list of embassies where Department of the Treasury attachés are posted and a discussion of their effectiveness in the fight against illicit finance;

(B) a list of the United States embassies at which a Department of the Treasury attaché is assigned for temporary duty, the length of such assignments, and the reason why such assignments are not considered to be permanent assignments;

(C) how the Department of the Treasury's interests relating to economic and anti-terror finance issues are handled at other embassies, including a discussion of the reporting structure by which such issues are brought to the direct attention of the ambassador; and

(D) the effect of not having more attachés in embassies that are most vulnerable to illicit finance threats and a discussion of whether the Department of the Treasury's economic or anti-illicit finance issues are thought to be under-represented in some embassies or regions.

(13) **ILLICIT FINANCE AND CYBER CRIME.**—A discussion of terrorist financing and other forms of illicit finance that involve cyber attacks, evolving forms of value transfer, including so-called "crypto currencies", and other methods that are computer, telecommunications, or internet-based.

(14) **TECHNOLOGY.**—An analysis of current and developing ways to leverage technology to improve the effectiveness of the fight against the financing of terror and other forms of illicit finance, including the use of "big data" analytics, the merging of publicly sourced data with Bank Secrecy Act data and with other forms of secure Government data to increase such effectiveness, and ways to enhance the role of the private sector in combating illicit finance.

#### SEC. 5. DEFINITIONS.

For purposes of this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term "appropriate congressional committees" means the Committee on Financial Services, Committee on Foreign Affairs, Committee on Armed Services, Committee on Homeland Security, and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs, Committee on Foreign Relations, Committee on Armed Services, Committee on Homeland Security and Governmental Affairs, and the Select Committee on Intelligence of the Senate.

(2) **APPROPRIATE FEDERAL BANKING AGENCIES.**—The term "appropriate Federal banking agencies" has the meaning given that term under section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(3) **BANK SECRECY ACT.**—The term "Bank Secrecy Act" means—

(A) section 21 of the Federal Deposit Insurance Act;

(B) chapter 2 of title I of Public Law 91-508; and

(C) subchapter II of chapter 53 of title 31, United States Code.

(4) **ILLICIT FINANCE.**—The term "illicit finance" means the financing of terrorism, money laundering, and other forms of illicit or underground financing or other illicit finance domestically and internationally, as defined by the President.

(5) **STATE.**—The term "State" means each of the several States, the District of Columbia, and each territory or possession of the United States.

The SPEAKER pro tempore (Mr. COLINS of New York). Pursuant to the rule, the gentleman from Pennsylvania (Mr. FITZPATRICK) and the gentleman from Massachusetts (Mr. LYNCH) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

#### GENERAL LEAVE

Mr. FITZPATRICK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

□ 1430

Mr. FITZPATRICK. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, during my 2-year appointment on the House Financial Services Committee's Task Force to Investigate Terrorism Financing, I joined with Ranking Member STEPHEN LYNCH, Vice Chair ROBERT PITTENGER, and a dedicated, bipartisan body to investigate and evaluate the efforts made by the United States to counter and dismantle the financial networks funding terrorist organizations. During this time, our task force heard repeated testimony that information sharing is not as efficient as it ought to be and that, in some instances, agencies or departments are not coordinating their efforts well enough.

During a hearing held by our task force, Juan Zarate, senior adviser at the Center for Strategic and International Studies, stated that, and this is a quote: "The U.S. Government's approach to its economic vulnerabilities is scattered—with strategies to protect supply chain security, combat transnational organized crime, secure the cyber domain, protect critical infrastructure, and promote U.S. private sector interests abroad to compete with state-owned enterprises . . . the U.S. should craft a deliberate strategy that aligns economic strength with national security interests more explicitly and more completely."

This, Mr. Speaker, is exactly what this bill aims to address. H.R. 5594 requires the President, acting through the Treasury, to develop and publish an annual whole-of-government strategy to combat money laundering and terrorist financing.

Mr. Speaker, I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

I am very pleased to rise, along with my colleagues Chairman MICHAEL FITZPATRICK from Pennsylvania; our vice chair, the gentleman from North Carolina (Mr. PITTENGER); the gentleman from New York (Ms. VELÁZQUEZ); and also the gentlewoman from Arizona (Ms. SINEMA), in support of H.R. 5594, a bill that will build on the administration's commendable efforts to counter the financing of terrorism.



I would note that the proposal before us today, of which I am a cosponsor, also builds off of previous bipartisan legislation, led by the gentlewoman from New York (Ms. VELÁZQUEZ), and former Financial Services Committee Chairman, Spencer Bachus. Together, their legislation, enacted in 1998, called for the creation of a national anti-money laundering strategy and laid the groundwork for the legislation that we present here today.

Thanks to the continued leadership of Representative VELÁZQUEZ and the work of members of the Financial Services Committee's Task Force to Investigate Terrorism Financing, which was created by the full committee chairman, Mr. HENSARLING of Texas, and joined by the gentlewoman from California (Ms. MAXINE WATERS), our government will be required to continue its efforts to stay ahead of the evolving methods that terrorists and other bad actors use to conceal the movement of illicit funds.

Specifically, the national strategy that will be developed as part of this legislation will require a comprehensive assessment of the threats, goals, objectives, and priorities for preventing and disrupting illicit finance, and it will promote efforts to detect and prosecute the financing of terrorism.

Moreover, this legislation includes a requirement to assess the ways in which we can strengthen the role of the private sector, enhance public-private partnerships to disrupt illicit finance, and most effectively enhance intergovernmental coordination.

Our legislation also calls on the administration to assess the adequacy of funding dedicated to meeting anti-money laundering/counterterrorist financing challenges, and assess how best to leverage technology and other data to fight against the financing of terror.

As the Islamic State and other terrorist groups continue to demonstrate their capacity and willingness to export heinous acts of violence to every corner of the globe and inspire attacks here in the United States, the need to have an effective strategy to counter the financing of these activities is now more important than ever.

In closing, I would like to thank House Financial Services Committee Chair JEB HENSARLING and Ranking Member MAXINE WATERS for the creation of the Financial Services Committee's Task Force to Investigate Terrorism Financing.

I would also like to again thank the gentleman from Pennsylvania, Chairman MIKE FITZPATRICK; the gentleman from North Carolina, Vice Chair ROBERT PITTENGER; and the rest of my colleagues on the Financial Services Committee for the enthusiasm and energy with which they have carried out the mandate of the task force. Our work has been a truly bipartisan effort, and I look forward to the opportunity to build on these efforts in the future.

I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. FITZPATRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. HILL), an important and valued member of the task force.

Mr. HILL. I thank the chairman for yielding. I thank Mr. LYNCH for his important legislation, H.R. 5594, which I stand in support of and as a cosponsor of today.

I want to thank Chairman FITZPATRICK and Chairman HENSARLING for the opportunity to serve on this critical task force on terror financing. It is an important but less-discussed part of the war on terror.

This war on terror requires a more nuanced approach to achieve victory than previous U.S. conflicts. It requires the full coordination and collaboration of allied financial, cyber, diplomatic, and military capabilities. And one of the most underreported aspects of winning this war has been infiltrating and cutting off sources of funding for terrorist groups.

Like its occasional intermittent engagement, accompanied by long periods of lack of resolve, lack of clear rules of engagement that would produce victory, occasionally, this administration has not been consistent in pressing for victory in the war on terror finance. But since San Bernardino and Paris, we see the administration aggressively targeting ISIS' funding sources.

Instead of intermittent, we need a coordinated strategy to combat terror finance between all of our government agencies and with our allies to make sure it is the most effective in countering this menace.

The Financial Crimes Enforcement Network, or FinCEN, is our Nation's front line at the Treasury for government-to-government and enhanced government-to-private sector coordination that this national strategy puts in full force.

I was pleased to cosponsor Mr. LYNCH's amendment that was passed in last week's Financial Services appropriations legislation that includes an increase for FinCEN's budget.

I am proud to join my colleague, Mr. FITZPATRICK, and our committee on this important bill to require a national strategy to combat terrorism, underground, and other forms of illicit finance. I urge my colleagues to support this important bill.

Mr. LYNCH. Mr. Speaker, I thank the gentleman from Arkansas, and I yield 3 minutes to the gentlewoman from Arizona (Ms. SINEMA), one of our lead cosponsors on this legislation.

Ms. SINEMA. Mr. Speaker, I thank Chairman FITZPATRICK and Ranking Member LYNCH.

Over the course of the past year, the Task Force to Investigate Terrorism Financing has found that U.S. Government efforts to counter the financing of terrorism lack sufficient coordination and that the United States has no

unified national strategy to guide our counterfinancing efforts.

The Federal Government must change its approach and mindset to counter the financing of terrorism, and this is why Chairman FITZPATRICK and I introduced this bipartisan legislation to direct the Secretary of the Treasury, in coordination with relevant Federal agencies, to establish a whole-of-government strategy to combat the financing of terrorism and related forms of illicit finance.

This strategy must include: a critical assessment of the effectiveness of U.S. efforts to fight terrorist financing; ways to improve coordination with international, State, and local law enforcement and the private sector; and a comprehensive discussion of threats, goals, objectives, and priorities for disrupting and preventing terrorist financing. The strategy should enhance detection, deterrence, prosecution, and ultimately strengthen our broader national security goals.

Our legislation forces the Federal Government to create a whole-of-government strategy to counter terrorism financing that improves the effectiveness of our efforts and better aligns these efforts with our broader national interests.

Terrorism is an undeniable threat to our country's security and global stability. Terrorist networks constantly develop new ways to finance their deadly operations and threaten America.

The Islamic State is one of the world's most violent, dangerous, and well-financed terrorist groups. To keep our country safe, we must be one step ahead of ISIS, cutting off its funding and stopping its efforts.

I thank Chairman FITZPATRICK and Congresswoman VELÁZQUEZ for allowing me to join and work with them on this important legislation.

I thank Chairman HENSARLING and Ranking Member WATERS for establishing this important task force, and I thank Chairman FITZPATRICK and Ranking Member LYNCH for their leadership on the Task Force to Investigate Terrorism Financing.

I look forward to working with my colleagues on both sides of the aisle to keep money out of terrorists' hands and build on our progress to strengthen America's security.

Mr. FITZPATRICK. Mr. Speaker, I yield 2 minutes to the gentlewoman from Missouri (Mrs. WAGNER), a trusted member of the Task Force to Investigate Terrorism Financing.

Mrs. WAGNER. Mr. Speaker, I thank my colleague, Representative FITZPATRICK, the chair of our terrorism task force here, along with Representative LYNCH, Representative SINEMA, and others, for moving forward on this issue and legislation.

I stand today in support, and I am proud to have been a cosponsor of this important legislation that would require the President to develop an all-encompassing government strategy to

combat money laundering and terrorist financing.

The National Strategy for Combating Terrorist, Underground, and Other Illicit Financing Act addresses this important problem by developing a comprehensive strategy that includes many different components and capabilities of our Federal Government and allies.

From my time working on the terrorism finance task force, we have heard testimony from members of various government agencies and from the private sector who play a role in fighting this issue abroad. As a former United States Ambassador who has worked to stop international terrorist financing, it is clear that coordination and communication between these agencies can be improved to block terrorist financing.

ISIS, along with other terrorist groups, continues to find creative and new ways to obtain financing, often-times using our regulated financial system as a means to launder that money. This legislation, H.R. 5594, ensures our government is taking all actions necessary to stop this growing terrorist threat, and I urge its passage.

Mr. LYNCH. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. FITZPATRICK. Mr. Speaker, I yield myself the balance of my time.

In closing, I just want to again thank Chairman HENSARLING and Ranking Member WATERS for entrusting to myself and my colleague, Mr. LYNCH, the important work of investigating terrorism finance, how these terrorist organizations are achieving their resources, what we can do to sort of choke off their financing, which, to terrorism, is sort of like oxygen. Without oxygen, you can't live. Without financing, terrorists can't achieve their goals.

So I want to thank Mr. LYNCH because, during the course of the 2 years we worked together, he worked very closely with me to make sure, in each of the hearings that we had and all the work in putting the bills together, that no politics seeped into this important work, and so we continue to work together.

I also want to thank the staff of the Financial Services Committee, Mr. Joe Pinder, Mr. Chris Matarangas of my staff, and Jackie Cahan of Representative LYNCH's staff, who helped us craft the legislation that is on the floor today. I ask all of my colleagues to support this bill to adopt H.R. 5594.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. FITZPATRICK) that the House suspend the rules and pass the bill, H.R. 5594.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## ANTI-TERRORISM INFORMATION SHARING IS STRENGTH ACT

Mr. FITZPATRICK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5606) to facilitate better information sharing to assist in the fight against the funding of terrorist activities, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5606

*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 "Anti-terrorism Information Sharing Is Strength Act".

### SEC. 2. INFORMATION SHARING.

(a) IN GENERAL.—Section 314 of the USA PATRIOT Act (31 U.S.C. 5311 note) is amended—

(1) in subsection (b)—

(A) by striking "terrorist or money laundering activities" and inserting "terrorist acts, money laundering activities, or a specified unlawful activity (as defined under section 1956(c)(7) of title 18, United States Code)"; and

(B) by striking "activities that may involve terrorist acts or money laundering activities" and inserting "activities that may involve terrorist acts, money laundering activities, or a specified unlawful activity"; and

(2) in subsection (c), by inserting "or a specified unlawful activity (as defined under section 1956(c)(7) of title 18, United States Code)" after "terrorist acts or money laundering activities".

(b) UPDATE TO REGULATIONS.—Section 314(a) of the USA PATRIOT Act (31 U.S.C. 5311 note) is amended by striking "or money laundering activities" each place such term appears and inserting " , money laundering activities, or a specified unlawful activity (as defined under section 1956(c)(7) of title 18, United States Code)".

(c) SENSE OF CONGRESS.—Section 314 of the USA PATRIOT Act (31 U.S.C. 5311 note) is amended by adding at the end the following:

"(e) SENSE OF CONGRESS.—It is the sense of the Congress that, in furtherance of efforts to stop the financing of terror and other forms of illicit financing through increased sharing of information, and consistent with the need to prevent inappropriate dissemination of such information—

"(1) Federal law enforcement agencies and regulators should share information about terrorist activities, money laundering activities, and other specified unlawful activities (as defined under section 1956(c)(7) of title 18, United States Code) to the fullest extent possible and in a timely fashion; and

"(2) financial institutions, including nonbank financial institutions, should share information about such acts and activities with each other to the fullest extent possible and in a timely fashion."

### SEC. 3. DISCLOSURE LIABILITY.

Section 5318(g)(3)(B) of title 31, United States Code, is amended—

(1) in clause (i), by striking "or" at the end;

(2) in clause (ii), by striking the period and inserting " ; or"; and

(3) by adding at the end the following:

"(iii) any duty or requirement of a financial institution or any director, officer, employee, or agent of such institution to demonstrate to any person, as used in such subparagraph, that a disclosure referenced in such subparagraph is made in good faith."

### SEC. 4. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than the end of the 120-day period beginning on the date of the enactment of this Act, the Secretary of the Treasury shall report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate regarding—

(1) the Department of the Treasury's assessment of the risks and benefits of allowing sharing of information, consistent with appropriate privacy protections—

(A) between United States financial institutions and foreign financial institutions;

(B) between United States financial institutions and their foreign subsidiaries; and

(C) between United States subsidiaries of foreign financial institutions and their parent financial institutions; and

(2) whether a financial institution defined under section 5312(a)(2) of title 31, United States Code, that is not required under Treasury regulations on the date of the enactment of this Act to maintain an anti-money laundering program, should be authorized to appropriately share information pursuant to subsection (b) of section 314 of the USA PATRIOT Act, if—

(A) the financial institution voluntarily establishes and maintains such an anti-money laundering program;

(B) such program is subject to examination, and has been examined, by the appropriate regulator; and

(C) the Secretary determines such program to be adequately operating.

(b) SEPARATE PRESENTATION OF CLASSIFIED MATERIAL.—Any part of the report described under subsection (a) that involves information which is properly classified under criteria established by the President shall be submitted to the committees described under subsection (a) separately in a classified annex and, if requested by the chairman or ranking Member of one of such committees, as a briefing at an appropriate level of security.

### SEC. 5. RULEMAKING.

Not later than the end of the 180-day period beginning on the date of the enactment of this Act, the Secretary of the Treasury shall issue regulations to be consistent with the amendments made by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. FITZPATRICK) and the gentleman from Massachusetts (Mr. LYNCH) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

#### GENERAL LEAVE

Mr. FITZPATRICK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FITZPATRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the opaque world of counter-threat finance, information sharing is critical for both the private and also the public sectors.

The PATRIOT Act created a safe harbor provision allowing for limited information sharing to combat money

laundering and terrorist financing. However, this provision has not been widely used, and some recent court decisions have called into question banks' liability for complying with requirements to report suspected money laundering, necessitating minor changes in law to clarify congressional intent.

□ 1445

While subsection 314(b) of the PATRIOT Act encourages government agencies to share appropriate information with banks, and banks to share information with each other, banks have complained that the government does an inadequate job of sharing information that could help banks more easily identify suspicious activities.

Throughout the task force hearings, banks and other experts have stated that more and better information sharing would reduce the compliance burden on banks and make their efforts more effective.

H.R. 5606 aims to enhance safe harbor provisions for information sharing by broadening the range of suspected illegal activities abroad, but requires a study to determine the appropriate level of sharing with information subsidiaries or headquarters of U.S. banking operations, and then requires new rulemaking to clarify congressional intent. This proposed change would ensure that financial institutions file SARs without fear of civil litigation simply for complying with Federal law and would, thus, facilitate the continued flow of critically important suspicious activity reporting.

Mr. Speaker, I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

I would like to just clarify that it was really the task force chairman, the gentleman from the State of Pennsylvania (Mr. FITZPATRICK), who set the tone for the bipartisan work between Members on both sides of the aisle. That has really carried the day and, I think, resulted in some very strong and effective legislation that came as a result of the work that many of the Members on both sides of the aisle here—Mr. PITTENGER especially, and Mr. FITZPATRICK as well, and Members on our side—in dealing with a lot of the governments in the Middle East, some of the financial intelligence units that operate in Lebanon, but also in Jordan, in Turkey, in various countries in Africa, as well as some of the countries that my colleagues visited in South and Central America. So this is a global effort and, like I say, it is a bipartisan effort.

I rise today in support of H.R. 5606, legislation offered by my colleagues, Representatives PITTENGER of North Carolina and Ms. MAXINE WATERS of California, that will enhance and promote the timely sharing of information among financial institutions and government agencies in order to more effectively thwart illicit finance.

In recent years, government officials have repeatedly emphasized the importance of strengthening and clarifying the information sharing provisions under current law. Expert witnesses before our committee have also echoed these sentiments over the course of the Financial Services Committee's Task Force to Investigate Terrorism Financing hearings.

The legislation before us today that I am proud to cosponsor will facilitate more effective information sharing in a number of ways.

First, the legislation provides assurances to financial institutions that they may report suspicious transactions without risking being exposed to civil litigation for simply complying with their obligations under Federal law. Although FinCEN, the Financial Crimes Enforcement Network, which is our FIU in the United States, has already specified that financial institutions have complete protection from civil liability for all reports of suspicious transactions made to appropriate authorities. Some court rulings have cast doubt on the level of certainty a financial institution must have before reporting suspect transactions. H.R. 5606 eliminates this uncertainty in an effort to ensure the continued reporting of suspicious transactions.

Secondly, the bill seeks to enhance cooperation among financial institutions, also regulatory authorities and law enforcement, by expanding the range of counter-illicit financing information shared with financial institutions for the sole purpose of allowing such financial institutions to identify and report specified illicit activity.

Thirdly, H.R. 5606 expands the existing safe harbor for sharing information related to terrorist acts and money laundering to include a broader range of information related to illicit activity that is connected to money laundering and terrorist financing. In doing so, financial institutions and the government can more effectively connect the dots that are involved in mapping illicit financing networks.

Finally, the bill includes a study to assess the appropriate levels of information sharing between U.S. and foreign financial institutions, between U.S. financial institutions and their foreign subsidiaries, and between U.S. subsidiaries of foreign financial institutions and their parent institutions. This cooperation is ultimately necessary.

Given the central role of the U.S. financial system within the global economy and the sheer volume and diversity of transactions that pass through U.S. institutions, it is increasingly clear how essential it is to have a strong, coordinated U.S. Government and private sector response in the fight against terror finance.

H.R. 5606 will help promote the type of enhanced coordination that is needed to stay ahead of illicit behavior through the exploitation of our financial system.

Mr. Speaker, I urge all of our Members on both sides of the aisle to support this legislation.

I reserve the balance of my time.

Mr. FITZPATRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. PITTENGER), the author of the bill.

Mr. PITTENGER. Mr. Speaker, I thank the chairman for yielding, and I thank the gentleman for the leadership he has shown this past year on the issue of terrorist group financing. I would also like to pay recognition and gratitude to Chairman HENSARLING for his leadership on this, and Ranking Member MAXINE WATERS of California for her leadership. Particularly, I would like to make note of the ranking member of our Task Force to Investigate Terrorism Financing, the gentleman from Massachusetts (Mr. LYNCH), and thank the gentleman for his great efforts and work.

Our task force bills on the floor today are the result of a bipartisan, year-long series of hearings that focused on ways to improve and tailor our laws to better address the evolving threats posed by terrorist groups within our financial sector.

My bill, the Anti-Terrorism Information Sharing Is Strength Act, cosponsored with Ms. MAXINE WATERS of California, helps clarify our current illicit financial laws with Mr. LYNCH and provides much-needed technical corrections to ensure that our current laws work as originally intended by Congress. We must work to ensure that private financial institutions are not penalized for working with the Federal Government to combat terrorism financing.

Mr. Speaker, some Members of this body have been spreading some misinformation about our efforts, specifically regarding section 314 of the PATRIOT Act. Section 314 plays a vital role in enabling our law enforcement the ability to share information and intelligence about terrorist financiers with private financial institutions in an effort to put an end to illicit financing. Terrorist organizations, much like criminal enterprises, are becoming more sophisticated in terms of the methods they use to evade American and international laws to combat money laundering and illicit financing.

As the U.S. Government considers initiatives to counter ISIS and other terror organizations, we must include financial components to ensure that these groups do not receive the funding necessary to conduct operations and to further promote fear, extremism, and violence.

Mr. LYNCH. Mr. Speaker, let me again thank Mr. PITTENGER for his great work and also Ms. MAXINE WATERS' tremendous work. I thank Mr. FITZPATRICK again for his leadership.

I yield back the balance of my time.

Mr. FITZPATRICK. Mr. Speaker, I ask all Members to vote in favor of H.R. 5606.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. FITZPATRICK) that the House suspend the rules and pass the bill, H.R. 5606.

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. AMASH. 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.

#### ENHANCING TREASURY'S ANTI-TERROR TOOLS ACT

Mr. FITZPATRICK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5607) to enhance the Department of the Treasury's role in protecting national 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. 5607

*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 "Enhancing Treasury's Anti-Terror Tools Act".

##### SEC. 2. EXAMINING THE DEPARTMENT OF THE TREASURY'S COUNTER-TERROR FINANCING ROLE IN EMBASSIES.

Within 180 days of the enactment of this Act, the Secretary of the Treasury shall issue a report to the Committees on Financial Services and Foreign Affairs of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Foreign Relations of the Senate containing—

(1) a list of the United States embassies in which a full-time Department of the Treasury attaché is stationed;

(2) a list of the United States embassies at which a Department of the Treasury attaché is assigned for temporary duty, the length of such assignments, and the reason why such assignments are not considered to be a permanent assignments;

(3) how the Department of the Treasury's interests relating to anti-terror finance, money laundering, and related illicit finance issues are handled at other embassies, including a discussion of the reporting structure by which such issues are brought to the direct attention of the ambassador;

(4) a description of the role the Department of the Treasury attachés play in advancing America's anti-terrorism financing interests;

(5) a discussion of patterns, trends, or other issues identified by Department of the Treasury attachés in the previous year concerning anti-terror finance, money laundering, and related illicit finance;

(6) recommendations to improve coordination between the Department of the Treasury and foreign financial ministries of efforts to block the financing of terror, money laundering, and related illicit finance; and

(7) a discussion of whether the Department of the Treasury's interests relating to anti-terror finance, money laundering, or related illicit finance issues are thought to be underrepresented in some embassies or regions.

##### SEC. 3. CLARIFYING REQUIREMENTS FOR RECORDKEEPING.

(a) IN GENERAL.—Section 5326 of title 31, United States Code, is amended—

(1) in the heading of such section, by striking "coin and currency";

(2) in subsection (a)—

(A) by striking "subtitle and" and inserting "subtitle or to"; and

(B) in paragraph (1)(A), by striking "United States coins or currency (or such other monetary instruments as the Secretary may describe in such order)" and inserting "funds (as the Secretary may describe in such order)"; and

(3) in subsection (b)—

(A) in paragraph (1)(A), by striking "coins or currency (or monetary instruments)" and inserting "funds"; and

(B) in paragraph (2), by striking "coins or currency (or such other monetary instruments as the Secretary may describe in the regulation or order)" and inserting "funds (as the Secretary may describe in the regulation or order)".

(b) CLERICAL AMENDMENT.—The table of contents for chapter 53 of title 31, United States Code, is amended in the item relating to section 5326 by striking "coin and currency".

##### SEC. 4. STUDY OF BUREAU STATUS.

(a) STUDY.—The Secretary of the Treasury shall carry out a study on the advisability and implications of transforming the Office of Terrorism and Financial Intelligence into a standalone bureau of the Department of the Treasury, and the effects such a move would have on the Department of the Treasury's efforts to stop money laundering, the financing of terror, and related illicit finance.

(b) REPORT.—Within 270 days of the date of the enactment of this Act, the Secretary of the Treasury shall issue a report to the Committee on Financial Services and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Select Committee on Intelligence of the Senate containing all findings and determinations made in carrying out the study required under subsection (a).

##### SEC. 5. IMPROVING ANTI-TERROR FINANCE MONITORING OF FUNDS TRANSFERS.

(a) STUDY.—To improve the Department of the Treasury's ability to better track cross-border fund transfers and identify potential financing of terror or other illicit finance, the Secretary of the Treasury shall carry out a study to assess—

(1) the potential efficacy of requiring banking regulators to establish a pilot program to provide technical assistance to depository institutions and credit unions that wish to provide account services to money services businesses serving individuals in Somalia;

(2) whether such a pilot program could be a model for improving the ability of Americans to legitimately send funds to their loved ones through transparent and easily monitored channels; and

(3) the potential impact of allowing money services businesses to share their State examinations with depository institutions and credit unions, or if another mechanism could be found to allow a similar exchange of information that would give such depository institutions and credit unions a better understanding of whether an individual money services business is adequately meeting its anti-money laundering and counter terror financing obligations to combat money laundering, the financing of terror, or related illicit finance.

(b) REPORT.—Within 270 days of the date of the enactment of this Act, the Secretary of the Treasury shall issue a report to the Committees on Financial Services and Foreign Affairs of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Foreign Relations of the

Senate containing all findings and determinations made in carrying out the study required under subsection (a).

(c) MONEY SERVICES BUSINESS DEFINED.—For purposes of this section, the term "money services business" has the meaning given that term under section 1010.100 of title 31, Code of Federal Regulations.

##### SEC. 6. SENSE OF CONGRESS.

It is the sense of the Congress that the Secretary of the Treasury, acting in the Secretary's own capacity and through the Under Secretary for Terrorism and Financial Crimes, should work with finance ministry counterparts worldwide to spur the development within such ministries of entities similar to the Department of the Treasury's Office of Intelligence and Analysis to more solidly integrate the intelligence community with anti-money laundering and counter-terrorist financing efforts.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. FITZPATRICK) and the gentleman from Massachusetts (Mr. LYNCH) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

##### GENERAL LEAVE

Mr. FITZPATRICK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FITZPATRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Department of the Treasury has done excellent work in its endeavor to curb money laundering and assist Federal law enforcement in its mission to combat terrorism. However, we cannot take its successes for granted.

Throughout the task force, we heard time and time again that organized criminal and terrorist groups are constantly changing; adapting their techniques in an effort to expose and utilize the international financial system and that of the United States. As a result, it is imperative that we continue to improve the tools we use to combat these threats. H.R. 5607 aims to do just that.

This bill enhances a number of tools that the Department of the Treasury uses in its efforts to combat the financing of terror and money laundering, which includes providing a greater emphasis on Treasury attachés stationed in embassies overseas, strengthening the requirements for temporary enhanced reporting, and adding the Secretary of the Treasury as a full-time member of the National Security Council.

Our adversaries are constantly adapting. We must adapt as well. The policies implemented by this bill will prove to strengthen the Treasury's weapons as it continues to carry out its important work.

Mr. Speaker, I reserve the balance of my time.

HOUSE OF REPRESENTATIVES, PERMANENT SELECT COMMITTEE ON INTELLIGENCE,

July 6, 2016.

Hon. JEB HENSARLING,  
*Chairman, Committee on Financial Services,  
House of Representatives, Washington, DC.*

DEAR CHAIRMAN HENSARLING: On June 28, 2016, the Permanent Select Committee on Intelligence (“the Committee”) received a referral for H.R. 5607, “To Enhance the Department of the Treasury’s role in protecting national security, and for other purposes.”

In order to expedite the House’s consideration of this important legislation, the Committee will forego consideration of the measure. This waiver is, however, conditioned on our mutual understanding that it does not diminish or otherwise affect any future jurisdictional claim over the subject matter contained in the bill or any similar legislation.

Please place a copy of this letter and your response acknowledging the Committee’s jurisdictional interest into any committee report on H.R. 5607 and into the Congressional Record during its floor consideration. I would also appreciate your support for the appointment of Committee members to any House-Senate conference on this legislation. Thank you in advance for your cooperation.

Sincerely,

DEVIN NUNES,  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FINANCIAL SERVICES,  
*Washington, DC, July 7, 2016.*

Hon. DEVIN NUNES,  
*Chairman, Permanent Select Committee on Intelligence, Washington, DC.*

DEAR CHAIRMAN NUNES: Thank you for your July 6th letter regarding H.R. 5607, the “Enhancing Treasury’s Anti-Terror Tools Act.”

I am most appreciative of your decision to forego action on H.R. 5607 so that it may move expeditiously to the House floor. I acknowledge that although you are waiving action on the bill, the Permanent Select Committee on Intelligence is in no way waiving its jurisdictional interest in this or similar legislation. In addition, if a conference is necessary on this legislation, I will support any request that your committee be represented therein.

Finally, I shall be pleased to include your letter and this letter in the Congressional Record during floor consideration of H.R. 5607.

Sincerely,

JEB HENSARLING,  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
*Washington, DC, July 7, 2016.*

Hon. JEB HENSARLING,  
*Chairman, Committee on Financial Services,  
Washington, DC.*

DEAR CHAIRMAN HENSARLING: Thank you for consulting with the Committee on Foreign Affairs on H.R. 5607, the Enhancing Treasury’s Anti-Terror Tools Act, and for agreeing to add the Foreign Affairs Committee as a recipient of the reporting required by that bill.

I agree that the Foreign Affairs Committee may be discharged from further action on this bill so that it may proceed expeditiously to the Floor, subject to the understanding that this waiver does not in any way diminish or alter the jurisdiction of the Foreign Affairs Committee, or prejudice its jurisdictional prerogatives on this bill or similar legislation in the future. The Committee also reserves the right to seek an appropriate number of conferees to any House-Senate conference involving this bill, and

would appreciate your support for any such request.

I ask that you place our exchange of letters into the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,

EDWARD R. ROYCE,  
*Chairman.*

COMMITTEE ON FINANCIAL SERVICES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, July 7, 2016.*

Hon. ED ROYCE,  
*Chairman, Committee on Foreign Affairs,  
Washington, DC.*

DEAR CHAIRMAN ROYCE: Thank you for your July 7 letter regarding H.R. 5607, the “Enhancing Treasury’s Anti-Terror Tools Act.”

I am most appreciative of your decision to forego action on H.R. 5607 so that it may move expeditiously to the House floor. I acknowledge that although you are waiving action on the bill, the Committee on Foreign Affairs is in no way waiving its jurisdictional interest in this or similar legislation. In addition, if a conference is necessary on this legislation, I will support any request that your committee be represented therein.

Finally, I shall be pleased to include your letter and this letter in the Congressional Record during floor consideration of H.R. 5607.

Sincerely,

JEB HENSARLING,  
*Chairman.*

COMMITTEE ON WAYS AND MEANS,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, July 8, 2016.*

Hon. JEB HENSARLING,  
*Chairman, Committee on Financial Services,  
Washington, DC*

DEAR CHAIRMAN HENSARLING: I am writing concerning H.R. 5607, the “Enhancing Treasury’s Anti-Terror Tools Act,” on which the Committee on Ways and Means was granted an additional referral.

I appreciate your willingness to work with me on the provisions in my Committee’s jurisdiction. In order to allow H.R. 5607 to move expeditiously to the House floor, I agree to waive formal consideration of this bill. The Committee on Ways and Means takes this action with our mutual understanding that by foregoing consideration on H.R. 5607 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as this bill or similar legislation moves forward. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and asks that you support any such request.

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,

KEVIN BRADY,  
*CHAIRMAN.*

COMMITTEE ON FINANCIAL SERVICES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, July 8, 2016.*

Hon. KEVIN BRADY,  
*Chairman, Committee on Ways and Means,  
Washington, DC.*

DEAR CHAIRMAN BRADY: Thank you for your July 8th letter regarding H.R. 5607, the “Enhancing Treasury’s Anti-Terror Tools Act.”

I am most appreciative of your decision to forego action on H.R. 5607 so that it may move expeditiously to the House floor. I acknowledge that although you are waiving action on the bill, the Committee on Ways and Means is in no way waiving its jurisdictional interest in this or similar legislation. In addition, if a conference is necessary on this legislation, I will support any request that your committee be represented therein.

Finally, I shall be pleased to include your letter and this letter in the Congressional Record during floor consideration of H.R. 5607.

Sincerely,

JEB HENSARLING,  
*Chairman.*

COMMITTEE ON ARMED SERVICES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, July 8, 2016.*

Hon. JEB HENSARLING,  
*Chairman, Committee on Financial Services,  
Washington, DC.*

DEAR MR. CHAIRMAN: I am writing to you concerning the bill H.R. 5607, the Enhancing Treasury’s Anti-Terror Tools Act. This legislation was referred to the Committee on Armed Services as certain provisions in the legislation fall within the Rule X jurisdiction of the Committee on Armed Services.

Because the Committee on Financial Services has agreed to remove Section 8 from the bill relating to the National Security Council, and in the interest of permitting your committee to proceed expeditiously to floor consideration of this important legislation, I am willing to waive this committee’s further consideration of H.R. 5607. I request that you urge the Speaker to name members of this committee to any conference committee which is named to consider this legislation.

Please place this letter into any committee report on H.R. 5607 and into the Congressional Record during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Sincerely,

WILLIAM M. “MAC” THORNBERRY,  
*Chairman.*

COMMITTEE ON FINANCIAL SERVICES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, July 11, 2016.*

Hon. MAC THORNBERRY,  
*Chairman, Committee on Armed Services,  
Washington, DC.*

DEAR CHAIRMAN THORNBERRY: Thank you for your July 11th letter regarding H.R. 5607, the “Enhancing Treasury’s Anti-Terror Tools Act.”

I am most appreciative of your decision to forego action on H.R. 5607 so that it may move expeditiously to the House floor. I acknowledge that although you are waiving action on the bill, the Committee on Armed Services is in no way waiving its jurisdictional interest in this or similar legislation. In addition, if a conference is necessary on this legislation, I will support any request that your committee be represented therein.

Finally, I shall be pleased to include your letter and this letter in the Congressional

Record during floor consideration of H.R. 5607.

Sincerely,

JEB HENSARLING,  
*Chairman.*

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to speak in support of H.R. 5607, entitled, Enhancing Treasury's Anti-Terror Tools Act.

Again, I would like to thank my colleague and the vice chair of our task force, the gentleman from North Carolina (Mr. PITTEMBERG), for his great work on this and for introducing this bill. I am proud to serve as the lead Democratic cosponsor on this most important legislation.

This bill will enhance tools available to the Department of the Treasury in its efforts to combat the financing of terror, money laundering, and related illicit finance.

This legislation is one of a package of bills that reflects the culmination of 11 hearings in the Financial Services Committee's Task Force to Investigate Terrorism Financing, which explored a wide range of vulnerabilities in the global financial system.

Over the course of the task force hearings, Members learned that there are relatively few full-time Treasury attaches at our embassies. At one point I know that members of the task force met with our Treasury attaches in the Middle East, and they are so thin on representation there that several of them have multi-country responsibilities requiring them to hop around and deal with several high-risk locations and countries. So we obviously need to get them some more help. They do a tremendous job. Don't get me wrong. I am extremely pleased and proud of the work that Treasury does, but I think they could use some more resources, and this bill aims at that vulnerability.

Over the course of the task force hearings, Members learned that there are relatively few full-time Treasury attaches at our embassies around the globe to lend their expertise and to help them eliminate terrorism and money laundering vulnerabilities in the global financial system. The bill before us today takes welcome steps to help us better understand how to improve coordination between the Department of the Treasury, foreign financial ministries, and foreign central banks in an effort to block the financing of terror, money laundering, and related illicit finance.

The legislation also addresses gaps that the Treasury Department has identified in its efforts to compel reporting of information on transactions that present elevated anti-money laundering risks, which may not be captured by broad-based anti-money laundering program requirements.

Additionally, the legislation takes steps to address longstanding humanitarian concerns resulting from the private sector's increased unwillingness to serve higher-risk areas like Somalia. With few global banks willing to

keep remittance channels open, diaspora communities here in the U.S. have been left with few safe and legitimate channels to get critical funds to their families back home.

The bill seeks to address this growing concern by directing the Treasury Department to review and report on the viability of creating a pilot program aimed at helping banks and credit unions become more comfortable offering account services to countries that facilitate remittances to high-risk locations.

□ 1500

Finally, the bill would promote the importance of America's international engagement by encouraging the Secretary of the Treasury to work with finance ministries around the world to spur the integration of intelligence authorities with anti-money laundering and counterterrorism finance efforts.

I am extremely pleased with this legislation, and I would like to commend all of my colleagues on the task force for their efforts to help counter the financing available to terrorist groups. Our work on the task force has been a truly bipartisan effort, it has been a pleasure, and I look forward to the opportunities to build on this good work in the future.

I reserve the balance of my time.

Mr. FITZPATRICK. Mr. Speaker, I thank my colleague, Mr. LYNCH, for his hard work on this important bill.

This bill contains seven sections, and each of those sections was the subject of extensive testimony and work in the 11 hearings of the task force over the course of the past 1½ to 2 years.

I yield such time as he may consume to the gentleman from North Carolina (Mr. PITTEMBERG), the author of the bill.

Mr. PITTEMBERG. Mr. Speaker, I thank Chairman FITZPATRICK for yielding and for his leadership. I thank the gentleman from Massachusetts (Mr. LYNCH) for his extraordinary support and skills and knowledge in these areas. It has really been an honor to work with him.

Our proposal seeks to enhance a number of the tools the Treasury Department uses in its efforts to combat the financing of terror, money laundering, and the related illicit finance.

Specifically, our bill helps specify the roles the Treasury Department plays, both domestically and abroad, to assist in the fight against terror finance. Over the past year, our Task Force to Investigate Terrorism Financing has received ample testimony supporting the role of Treasury in our larger strategic efforts to defeat ISIS and other global terrorist networks.

Many individuals are not aware of the substantial role our Treasury Department plays in our embassies abroad. Treasury has several attaches abroad that are used to supplement foreign efforts to enforce financial laws and combat terror financing. This bill is an effort to support Treasury's role in our larger strategic efforts to defeat

terrorist organizations and put an end to their operations.

Mr. Speaker, the longer groups like ISIS remain on the battlefield, the more effective their messaging and recruitment efforts become. Congress must fully support our government's efforts to stop the flow of dollars and resources from funding terror. This bill will allow Treasury to report to Congress on its role in various countries throughout the world and, subsequently, the need to expand that role. It also will provide to Congress its advisability and the implications of turning the Treasury's Office of Terrorism and Financial Intelligence—which includes FinCEN and OFAC—sanctions enforcement unit into a stand-alone bureau, similar to the FBI.

Mr. Speaker, I commit this bill to our body, and I seek the full support in this truly bipartisan effort that we have had on our task force.

Mr. LYNCH. Mr. Speaker, I don't have any further speakers.

I yield back the balance of my time.

Mr. FITZPATRICK. Mr. Speaker, I have no further speakers.

We ask our colleagues to support and adopt H.R. 5607.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. FITZPATRICK) that the House suspend the rules and pass the bill, H.R. 5607, 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. AMASH. 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.

#### INCLUSION OF ALL FUNDS WHEN ISSUING CERTAIN GEOGRAPHIC TARGETING ORDERS

Mr. FITZPATRICK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5602) to amend title 31, United States Code, to authorize the Secretary of the Treasury to include all funds when issuing certain geographic targeting orders, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5602

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

#### SECTION 1. INCLUSION OF ALL FUNDS.

(a) IN GENERAL.—Section 5326 of title 31, United States Code, is amended—

(1) in the heading of such section, by striking “**coin and currency**”;

(2) in subsection (a)—

(A) by striking “subtile and” and inserting “subtile or to”; and

(B) in paragraph (1)(A), by striking “United States coins or currency (or such

other monetary instruments as the Secretary may describe in such order)" and inserting "funds (as the Secretary may describe in such order);"; and

(3) in subsection (b)—

(A) in paragraph (1)(A), by striking "coins or currency (or monetary instruments)" and inserting "funds"; and

(B) in paragraph (2), by striking "coins or currency (or such other monetary instruments as the Secretary may describe in the regulation or order)" and inserting "funds (as the Secretary may describe in the regulation or order)".

(b) CLERICAL AMENDMENT.—The table of contents for chapter 53 of title 31, United States Code, is amended in the item relating to section 5326 by striking "coin and currency".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. FITZPATRICK) and the gentleman from Massachusetts (Mr. LYNCH) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

#### GENERAL LEAVE

Mr. FITZPATRICK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FITZPATRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5602 amends the section of the United States Code that allows the Treasury Secretary to issue "geographical targeting orders," requiring more detailed information to be reported to the Treasury Department regarding certain types of transactions in a specific area for a limited amount of time.

These geographical targeting orders, or GTOs, allow the Treasury to seek more granular detail on a type of activity in a specific area believed to be used for some form of illicit finance. GTOs in the past have been used to identify trade-based money laundering in counterfeit electronics or garments, or to identify repatriation of drug sales proceeds to drug traffickers.

During a February task force hearing, former U.S. intelligence officer and Treasury special agent cited trade-based money laundering as an area of concern when dealing with illicit financing, stating that such techniques are allowing our adversaries to transfer value to one another right under our noses.

Current language allows the Secretary to seek more detailed reporting of coins, currency, or monetary instruments. But Treasury believes that language does not, in some instances, allow for requiring, or compelling the reporting of, information on some sorts of noncash transactions.

As illicit finance increasingly seeks to elude detection in the legal banking system, a slightly broader of what

sorts of transfers of value should be reported would make such GTOs more effective, in Treasury's view.

I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to start by thanking House Financial Services Committee Chairman HENSARLING of Texas and Ranking Member MAXINE WATERS of California for creating the Financial Services Committee's Task Force to Investigate Terrorism Financing, which is a 21-member bipartisan group charged with ensuring that our government is using every tool at its disposal to deprive groups like the Islamic State, Boko Haram, and other terrorist organizations of the funds they rely on to advance their destructive ideology.

I would also like to thank our chairman, the gentleman from Pennsylvania (Mr. FITZPATRICK); our vice chair, the gentleman from North Carolina (Mr. PITTINGER); and the rest of my colleagues on the Financial Services Committee for their work to improve our efforts to halt terrorist financing.

The bill I introduced that is before us today expands the Financial Crimes Enforcement Network's ability to collect information under geographic targeting orders. My colleagues on both sides of the aisle, including Mr. PETER KING of New York, Ms. MAXINE WATERS of California, Mr. MICHAEL FITZPATRICK of Pennsylvania, Mr. GREGORY MEEKS of New York, Mr. STEVE STIVERS of Ohio, Mr. BRUCE POLIQUIN of Maine, Mr. ROBERT PITTINGER of North Carolina, Mr. KEITH ELLISON of Minnesota, Mr. ANDY BARR of Kentucky, Mr. BILL FOSTER of Illinois, Mr. BRAD SHERMAN of California, Mr. FRENCH HILL of Arkansas, and Mr. AL GREEN of Texas, joined me in cosponsoring this important legislation.

During congressional delegations to foreign countries to deal with the central banks in other countries and also financial intelligence units from very difficult locations, we made it a priority to meet with regional financial intelligence units to get updates on efforts to combat terrorist financing. Witnessing the important work of the FIUs around the globe demonstrates the need for the United States to continue to support efforts to develop robust legal, regulatory, and operational frameworks to combat terrorist financing and money laundering.

In line with that, it is crucial that we work to strengthen the Financial Crimes Enforcement Network, FinCEN, the U.S. financial intelligence unit. By sharing financial intelligence with law enforcement, private industry, and its foreign counterparts, FinCEN supports financial crime investigations throughout the world. Terrorists' proven ability to move money through innovative means necessitates continued progress in this critical counterterrorism area.

The smart, brave Americans who serve at FinCEN work tirelessly every day to track and stop the flow of pro-

ceeds of crime and funds that would otherwise be used to aid terrorism in order to safeguard our financial system from evolving money laundering and national security threats.

FinCEN's critical role is evidenced through its recent support to the Paris and Belgium terrorist attack investigations, where FinCEN's expertise assisted in quickly identifying links between those two attacks. FinCEN published 51 intelligence reports related to the Paris attacks and two intelligence reports related to the Brussels attack. Moreover, FinCEN's financial intelligence played an important role in identifying potential Islamic State foreign terrorist fighters.

With increasingly complex and rapidly evolving terrorist networks, we need to ensure that we provide FinCEN with all of the tools and resources it needs to fight evolving terrorist threats.

The geographic targeting order expansion is a new device in the counterterrorism financing toolkit to catch bad actors that are adapting to our countermeasures. If enacted into law, this legislation will allow us to identify wider networks of terrorist financiers and their enablers. We introduced this legislation because the experts at FinCEN told us they need it to stop bad actors.

So on behalf of Representatives PETER KING, MAXINE WATERS, MIKE FITZPATRICK, GREG MEEKS, STEVE STIVERS, BRUCE POLIQUIN, BOB PITTINGER, KEITH ELLISON, ANDY BARR, BILL FOSTER, BRAD SHERMAN, FRENCH HILL, and AL GREEN, I urge my colleagues to support this important legislation.

I yield back the balance of my time.

Mr. FITZPATRICK. Mr. Speaker, I just want to, again, thank my colleague, Mr. LYNCH, for bringing this bill to the task force's attention and for authoring the bill. The bill is smart. It is targeted. It will help the United States Treasury Department do its job of rooting out those who finance terrorism so that we can all remain safe.

With that, I ask my colleagues to support and adopt H.R. 5602.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. FITZPATRICK) that the House suspend the rules and pass the bill, H.R. 5602.

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. AMASH. 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.

#### DHS STOP ASSET AND VEHICLE EXCESS ACT

Mr. PERRY. Mr. Speaker, I move to suspend the rules and pass the bill (HR.

4785) to amend the Homeland Security Act of 2002 to direct the Under Secretary for Management of the Department of Homeland Security to make certain improvements in managing the Department's vehicle fleet, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4785

*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 "DHS Stop Asset and Vehicle Excess Act" or the "DHS SAVE Act".*

**SEC. 2. DHS VEHICLE FLEETS.**

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

(1) in subsection (a)(5), by inserting "vehicle fleets (under subsection (e)), after "equipment,";

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

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

"(c) VEHICLE FLEETS.—

"(1) IN GENERAL.—In carrying out responsibilities regarding vehicle fleets pursuant to subsection (a)(5), the Under Secretary for Management shall be responsible for overseeing and managing vehicle fleets throughout the Department. The Under Secretary shall also be responsible for the following:

"(A) Ensuring that components are in compliance with Federal law, Federal regulations, executive branch guidance, and Department policy (including issuing guidance relating to such) relating to fleet management and use of vehicles from home to work.

"(B) Developing and distributing a standardized vehicle allocation methodology and fleet management plan for components to use to determine optimal fleet size in accordance with paragraph (4).

"(C) Ensuring that components formally document fleet management decisions.

"(D) Approving component fleet management plans, vehicle leases, and vehicle acquisitions.

"(2) COMPONENT RESPONSIBILITIES.—

"(A) IN GENERAL.—Component heads—

"(i) shall—

"(I) comply with Federal law, Federal regulations, executive branch guidance, and Department policy (including guidance relating to such) relating to fleet management and use of vehicles from home to work;

"(II) ensure that data related to fleet management is accurate and reliable;

"(III) use such data to develop a vehicle allocation tool derived by using the standardized vehicle allocation methodology provided by the Under Secretary for Management to determine the optimal fleet size for the next fiscal year and a fleet management plan; and

"(IV) use vehicle allocation methodologies and fleet management plans to develop annual requests for funding to support vehicle fleets pursuant to paragraph (6); and

"(ii) may not, except as provided in subparagraph (B), lease or acquire new vehicles or replace existing vehicles without prior approval from the Under Secretary for Management pursuant to paragraph (5)(B).

"(B) EXCEPTION REGARDING CERTAIN LEASING AND ACQUISITIONS.—If exigent circumstances warrant such, a component head may lease or acquire a new vehicle or replace an existing vehicle without prior approval from the Under Secretary for Management. If under exigent circumstances a component head so leases, acquires, or replaces a vehicle, such component head shall provide to the Under Secretary an explanation of such circumstances.

"(3) ONGOING OVERSIGHT.—

"(A) QUARTERLY MONITORING.—In accordance with paragraph (4), the Under Secretary for Management shall collect, on a quarterly basis, information regarding component vehicle fleets, including information on fleet size, composition, cost, and vehicle utilization.

"(B) AUTOMATED INFORMATION.—The Under Secretary for Management shall seek to achieve a capability to collect, on a quarterly basis, automated information regarding component vehicle fleets, including the number of trips, miles driven, hours and days used, and the associated costs of such mileage for leased vehicles.

"(C) MONITORING.—The Under Secretary for Management shall track and monitor component information provided pursuant to subparagraph (A) and, as appropriate, subparagraph (B), to ensure that component vehicle fleets are the optimal fleet size and cost effective. The Under Secretary shall use such information to inform the annual component fleet analyses referred to in paragraph (4).

"(4) ANNUAL REVIEW OF COMPONENT FLEET ANALYSES.—

"(A) IN GENERAL.—To determine the optimal fleet size and associated resources needed for each fiscal year beginning with fiscal year 2018, component heads shall annually submit to the Under Secretary for Management a vehicle allocation tool and fleet management plan using information described in paragraph (3)(A). Such tools and plans may be submitted in classified form if a component head determines that such is necessary to protect operations or mission requirements.

"(B) VEHICLE ALLOCATION TOOL.—Component heads develop a vehicle allocation tool in accordance with subclause (III) of paragraph (2)(A)(i) that includes an analysis of the following:

"(i) Vehicle utilization data, including the number of trips, miles driven, hours and days used, and the associated costs of such mileage for leased vehicles, in accordance with such paragraph.

"(ii) The role of vehicle fleets in supporting mission requirements for each component.

"(iii) Any other information determined relevant by such component heads.

"(C) FLEET MANAGEMENT PLANS.—Component heads shall use information described in subparagraph (B) to develop a fleet management plan for each such component. Such fleet management plans shall include the following:

"(i) A plan for how each such component may achieve optimal fleet size determined by the vehicle allocation tool required under such subparagraph, including the elimination of excess vehicles in accordance with paragraph (5), if applicable.

"(ii) A cost benefit analysis supporting such plan.

"(iii) A schedule each such component will follow to obtain optimal fleet size.

"(iv) Any other information determined relevant by component heads.

"(D) REVIEW.—The Under Secretary for Management shall review and make a determination on the results of each component's vehicle allocation tool and fleet management plan under this paragraph to ensure each such component's vehicle fleets are the optimal fleet size and that components are in compliance with applicable Federal law, Federal regulations, executive branch guidance, and Department policy pursuant to paragraph (2) relating to fleet management and use of vehicles from home to work. The Under Secretary shall use such tools and plans when reviewing annual component requests for vehicle fleet funding in accordance with paragraph (6).

"(5) GUIDANCE TO DEVELOP FLEET MANAGEMENT PLANS.—The Under Secretary for Management shall provide guidance, pursuant to paragraph (1)(B) on how component heads may achieve optimal fleet size in accordance with paragraph (4), including processes for the following:

"(A) Leasing or acquiring additional vehicles or replacing existing vehicles, if determined necessary.

"(B) Disposing of excess vehicles that the Under Secretary determines should not be reallocated under subparagraph (C).

"(C) Reallocating excess vehicles to other components that may need temporary or long-term use of additional vehicles.

"(6) ANNUAL REVIEW OF VEHICLE FLEET FUNDING REQUESTS.—As part of the annual budget process, the Under Secretary for Management shall review and make determinations regarding annual component requests for funding for vehicle fleets. If component heads have not taken steps in furtherance of achieving optimal fleet size in the prior fiscal year pursuant to paragraphs (4) and (5), the Under Secretary shall provide rescission recommendations to the Committee on Appropriations and the Committee on Homeland Security of the House of Representatives and the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate regarding such component vehicle fleets.

"(7) ACCOUNTABILITY FOR VEHICLE FLEET MANAGEMENT.—

"(A) PROHIBITION ON CERTAIN NEW VEHICLE LEASES AND ACQUISITIONS.—The Under Secretary for Management and component heads may not approve in any fiscal year beginning with fiscal year 2019 a vehicle lease, acquisition, or replacement request if such component heads did not comply in the prior fiscal year with paragraph (4).

"(B) PROHIBITION ON CERTAIN PERFORMANCE COMPENSATION.—No Department official with vehicle fleet management responsibilities may receive annual performance compensation in pay in any fiscal year beginning with fiscal year 2019 if such official did not comply in the prior fiscal year with paragraph (4).

"(C) PROHIBITION ON CERTAIN CAR SERVICES.—Notwithstanding any other provision of law, no senior executive service official of the Department whose office has a vehicle fleet may receive access to a car service in any fiscal year beginning with fiscal year 2019 if such official did not comply in the prior fiscal year with paragraph (4).

"(8) MOTOR POOL.—

"(A) IN GENERAL.—The Under Secretary for Management may determine the feasibility of operating a vehicle motor pool to permit components to share vehicles as necessary to support mission requirements to reduce the number of excess vehicles in the Department.

"(B) REQUIREMENTS.—The determination of feasibility of operating a vehicle motor pool under subparagraph (A) shall—

"(i) include—

"(I) regions in the United States in which multiple components with vehicle fleets are located in proximity to one another, or a significant number of employees with authorization to use vehicles are located; and

"(II) law enforcement vehicles;

"(ii) cover the National Capital Region; and

"(iii) take into account different mission requirements.

"(C) REPORT.—The Secretary shall include in the Department's next annual performance report required under current law the results of the determination under this paragraph.

"(9) DEFINITIONS.—In this subsection:

"(A) COMPONENT HEAD.—The term 'component head' means the head of any component of the Department with a vehicle fleet.

"(B) EXCESS VEHICLE.—The term 'excess vehicle' means any vehicle that is not essential to support mission requirements of a component.

"(C) OPTIMAL FLEET SIZE.—The term 'optimal fleet size' means, with respect to a particular component, the appropriate number of vehicles to support mission requirements of such component.

"(D) VEHICLE FLEET.—The term 'vehicle fleet' means all owned, commercially leased, or Government-leased vehicles of the Department or of



a component of the Department, as the case may be, including vehicles used for law enforcement and other purposes.”

**SEC. 3. GAO REPORT AND INSPECTOR GENERAL REVIEW.**

(a) **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 Homeland Security and Governmental Affairs a report on the following:

(1) The status of efforts at achieving a capability to collect automated information as required under subsection (c)(3) of section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341), as added by section 2 of this Act, and any challenges that remain with respect to achieving the capability to collect, assess, and report vehicle fleet (as such term is defined in subsection (c)(9) of such section 701) data for the purpose of determining vehicle utilization.

(2) The extent to which the Under Secretary for Management has identified and addressed any relevant security concerns, including cybersecurity risks, related to such automation.

(3) The extent to which the Under Secretary collects, assesses, and reports on vehicle fleet event data recorder data.

(b) **INSPECTOR GENERAL REVIEW.**—The Inspector General of the Department of Homeland Security shall—

(1) review implementation of subsection (c)(4) of section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341), as added by section 2 of this Act, for fiscal years 2018 and 2020, and shall provide, upon request, to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate information regarding any such review; and

(2) submit to the committees specified in paragraph (1) a report, not later than six months after completion of the second review required under such paragraph, regarding the effectiveness of such subsection with respect to cost avoidance, savings realized, and component operations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. PERRY) and the gentlewoman from New Jersey (Mrs. WATSON COLEMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. PERRY. Mr. Speaker, I ask unanimous consent that all Members may 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 Pennsylvania?

There was no objection.

Mr. PERRY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4785, the DHS Stop Asset and Vehicle Excess Act, or the DHS SAVE Act, of 2016.

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In October of 2015, the DHS inspector general released a scathing report of the Federal Protective Service's management of its vehicle fleet, a report that reads like a laundry list of poor management decisions. The IG found that the Federal Protective Service had more vehicles than officers, and of-

ficers were authorized to drive from home to work with government-owned vehicles, the bigger problem being that that was where they got the bulk of the mileage on the vehicles—from home to work and back—and not actually on the job. Additionally, the report stated that the FPS was not in compliance with Federal and departmental requirements, which is why I introduced the DHS SAVE Act.

This bill improves the management of DHS' vehicle fleets by authorizing the Under Secretary for Management at the headquarters level to oversee the components' vehicle fleets; it requires the components to evaluate their fleets on an ongoing basis; it includes penalties for the mismanagement of component fleets; and it requires the DHS to identify alternative methods for the management of component fleets. With the second largest civilian vehicle fleet in the Federal Government, the DHS must absolutely have stricter controls in place at the headquarters level in order to rein in rogue components.

I urge all Members to join me in supporting this important bipartisan legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. WATSON COLEMAN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 4785, the DHS Stop Asset and Vehicle Excess Act.

H.R. 4785 seeks to bolster how the Department of Homeland Security acquires, manages, and oversees its fleet of, roughly, 53,000 vehicles.

In 2014, the Department's inspector general found that the DHS did not adequately manage or have the enforcement authority to ensure that the composition of its motor vehicle fleet was right-sized. The inspector general observed that each DHS component managed decisionmaking about its own fleet, thereby making it difficult for the DHS fleet manager to provide adequate oversight and ensure compliance with Federal laws, regulations, policies, and directives.

One major issue that the inspector general identified is that, while the DHS fleet manager had decisionmaking authority regarding vehicle leases, it did not oversee and approve the acquisition of component-owned vehicles. Last year, the inspector general amplified concerns about how the DHS manages its vehicle fleet in a report that was focused on operations with the Federal Protective Service. In a review issued in October of 2015, the inspector general found that, among other things, the DHS was unable to oversee policies related to home-to-work vehicle use by FPS employees and that vehicle acquisition decisions by the FPS leadership were ad hoc.

H.R. 4785 seeks to improve the management of the DHS vehicle fleet by strengthening the oversight and management of the Department's fleet by the Under Secretary for Management

by requiring the Under Secretary to issue a standardized vehicle allocation methodology for use throughout the Department, to oversee vehicle acquisition and lease decisionmaking, and to ensure components compliance with Federal laws and Department policies that relate to fleet management.

The DHS has the second largest civilian vehicle fleet in the Federal Government at an operating cost of about \$462 million. As such, enhancing oversight and management should help the Department to more effectively spend limited taxpayer dollars on what the Department actually needs to carry out its missions.

I would note that H.R. 4785 includes language I authored to ensure that the inspector general's oversight of the DHS' management of its vehicle fleet continues by reviewing the development, use, and submission of vehicle allocation tools and fleet management plans as required. It requires the inspector general to specifically report to Congress on the effectiveness of the submission requirements with respect to cost avoidance, savings realized, and component operations.

As the IG has reported, the DHS' inability to adequately monitor and oversee the Department-wide vehicle fleet limits its ability to detect waste and abuse. Therefore, it is imperative that the DHS continue to work to develop proper processes for fleet management and to ensure that components heads utilize the appropriate procedures to inform efforts at achieving an optimal fleet size.

I commend my colleague from Pennsylvania (Mr. PERRY) for introducing this legislation and for working in a bipartisan fashion to advance it. I urge the passage of H.R. 4785.

Mr. Speaker, I yield back the balance of my time.

Mr. PERRY. Mr. Speaker, I yield myself such time as I may consume.

Anecdotally, it has been some time since we had the hearing on this subject, but, as I recall, the vast majority of these vehicles in the Federal Protective Service were SUVs, including the ones that travel around Washington, D.C. Of those, the vast majority of them had an average of about 15,000 miles on them, and the fleet was generally turned over about 30 percent at a time almost on an annual basis. I just recall what 15,000 miles is to most people in America. That is a new vehicle, and it is an SUV. Do you really need an SUV? I understand it in parts of, maybe, the Midwest or in mountainous terrain or in swampy terrain or something—but, really, in Washington, D.C.? Folks at the FPS had absolutely no issue with the program, which is what prompted me to further this legislation and offer it.

I thank the gentlewoman from New Jersey for her collaborative help and for her willingness to work with me on this and for her support on this.

Once again, I urge my colleagues to support H.R. 4785.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise today in support of H.R. 4785, the Department of Homeland Security Stop Asset and Vehicle Excess (SAVE) Act.

H.R. 4785 will amend the Homeland Security Act of 2002 and direct the Under Secretary of Management for the Department of Homeland Security to oversee and manage vehicle fleets throughout the department.

As a senior member of the House Committee on Homeland Security and a senior member of the Committee on Homeland Security Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies, I believe that authorizing the Under Secretary is important in ensuring that DHS is well-managed.

This bill improves the management of DHS fleets by authorizing the Under Secretary to impose penalties for the mismanagement of fleets and requires the DHS to identify alternative methods for management.

The Under Secretary shall also be responsible for ensuring that components are in compliance with federal law, federal regulations, executive branch guidance, and department policy.

This legislation also requires the DHS Under Secretary to monitor compliance with federal laws and regulations related to the use of government vehicles, develop a methodology to determine optimal fleet size, and approve vehicle leases and acquisitions.

In addition, H.R. 4785 requires DHS agencies to report data on vehicle use quarterly and submit fleet management plans, including cost-benefit analyses, annually to the Under Secretary.

Mr. Speaker, I am pleased that H.R. 4785 includes an amendment I offered during full committee markup that addresses the management of the fleet vehicles used by protective services under the purview of DHS.

The Jackson Lee Amendment requires a GAO report on the status of efforts to achieve capability to collect automated information as required by the bill, and to assess the ability of Under Secretary for Management to identify and address any relevant security concerns regarding vehicles used by protective services.

It is of the utmost importance that DHS have stricter controls in place in order to reign in the cost of fleet management.

H.R. 4785 will provide better management and oversight of the second largest civilian vehicle fleet in the federal government, and thus save millions of taxpayer dollars.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. PERRY) that the House suspend the rules and pass the bill, H.R. 4785, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### QUADRENNIAL HOMELAND SECURITY REVIEW TECHNICAL CORRECTION ACT OF 2016

Mr. PERRY. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 5385) to amend the Homeland Security Act of 2002 to make technical corrections to the requirement that the Secretary of Homeland Security submit quadrennial homeland security reviews, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5385

*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 “Quadrennial Homeland Security Review Technical Correction Act of 2016”.*

#### SEC. 2. TECHNICAL CORRECTIONS TO 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”;*

(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 of this Act, 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 after “paragraph (2)” 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; 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)—*

(i) *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”;* and

(ii) *by striking “conducted” and inserting “required under subsection (a)(1)”;*

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

(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;*

(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 and, upon request, provide to Congress the following documentation regarding the quadrennial homeland security review:

“(A) *Records regarding the consultation carried out the 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 interagency 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 adding at the end the following new subsection:*

“(e) *REVIEW.*—Not later than 90 days after the submission of the report pursuant to 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 review were integrated into the acquisition strategy and expenditure plans for the Department.”.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. PERRY) and the gentleman from New Jersey (Mrs. WATSON COLEMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

#### GENERAL LEAVE

Mr. PERRY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to include any extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PERRY. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 5385, the Quadrennial Homeland Security Review Technical Correction Act of 2016.

Congress mandated through the Implementing Recommendations of the 9/11 Commission Act of 2007 that the Department of Homeland Security conduct a quadrennial homeland security review, or a QHSR, every 4 years. This review is intended to outline the DHS' vision and strategy to effectively implement its mission to protect the homeland. Given the threats we face from radical Islamist terrorists, it is vital that the DHS has a sound strategy to keep the American public safe.

Earlier this year, the Government Accountability Office reported on opportunities for the DHS to improve the QHSR process. The GAO made four recommendations for executive action, and this legislation leverages the GAO's findings to make the QHSR better. Specifically, this legislation requires the DHS to conduct a risk assessment to better inform the QHSR. The bill also mandates that the DHS maintain a paper trail of communications related to the QHSR. This should allow Congress and watchdogs to conduct more effective oversight of the DHS.

I thank the gentlewoman from New Jersey for introducing this legislation.

I absolutely urge all Members to join me in supporting this commonsense legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. WATSON COLEMAN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 5385, the Quadrennial Homeland Security Review Technical Correction Act of 2016. It would require the Department of Homeland Security to improve the quadrennial homeland security review that is conducted every 4 years.

Pursuant to the Implementing Recommendations of the 9/11 Commission, the QHSR should be a unified, strategic framework for homeland security missions and goals. The review was intended to be modeled after the Quadrennial Defense Review that the Pentagon undertakes to review the Defense Department's strategy and priorities. To date, there have been two QHSRs issued by the Department, in 2010 and 2014. While, by all accounts, the 2014 QHSR was an improvement from the first QHSR, the Comptroller General found that the 2014 review fell short in several areas.

I introduced H.R. 5385 to specifically address the Comptroller General's findings about weaknesses with respect to stakeholder engagement, risk analysis, and documentation.

To help improve the quality of future QHSRs, my legislation requires the DHS to utilize and document a risk assessment to help determine homeland security missions and threats. H.R. 5385 also requires more robust stakeholder engagement and better documentation of the factors that inform the review's findings.

H.R. 5385 places a major emphasis on stakeholder engagement by requiring

documentation regarding communications with stakeholders and information on how feedback from stakeholders influences the review. It also seeks to enhance stakeholder engagement by specifying certain key stakeholders to be consulted.

To ensure that the risk assessment undertaken to produce the QHSR is repeatable in future years, H.R. 5385 requires the DHS to retain all information regarding the risk assessment, including data used to generate the risk results and the sources of information to generate the risk assessment.

As our Nation faces an ever-evolving threat, it is imperative that the Department of Homeland Security effectively analyzes and defines future threats facing the country. With the use of a defined, repeatable risk assessment, as required in H.R. 5385, the DHS will be better able to outline specific threats to the homeland and offer tactical strategies for handling these threats.

The DHS will also be able to gain insight from the entire homeland security enterprise and valuable stakeholders through more documented communications. Improving stakeholder engagement is important not only for the quality of the QHSR, but for ensuring buy-in from critical homeland security enterprise partners who operate outside the Department. The improvements provided in H.R. 5385 will make the QHSR the impactful document it was designed to be.

I urge my colleagues to support H.R. 5385, which was approved unanimously by the Committee on Homeland Security.

Mr. Speaker, I yield back the balance of my time.

Mr. PERRY. Mr. Speaker, I yield myself such time as I may consume.

H.R. 5385 is a great move forward in the QHSR. Mrs. WATSON COLEMAN and I believe in transparency and also believe in being on the same page when it comes to security and the safety of our Nation and in making sure that we can follow the metrics that the DHS is using to evaluate that so we can do better in the future. I applaud her for her efforts on this legislation as well as for her ability to get it passed through the committee on a bipartisan basis.

Once again, I urge my colleagues to support H.R. 5385.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON LEE. I rise in support of H.R. 5385, the "Quadrennial Homeland Security Review Technical Correction Act of 2016" and thank my good friend Congresswoman WATSON COLEMAN for her leadership on this important bill.

This bill provides a simple but yet crucial purpose: to improve the quality and timeliness of the review that DHS carries out by including more stakeholder engagement, conducting a regular risk assessment, and maintaining all documents regarding the Quadrennial Review.

In 2007, the Committee on Homeland Security passed Public Law 110-53, the Implementing Recommendations of the 9/11 Commission Act.

Under this Act, the Department of Homeland Security is required to produce every four years a unified, strategic framework for homeland security missions and goals, known as the Quadrennial Homeland Security Review (QHSR).

The goal of the QHSR is to provide a comprehensive assessment and analysis of the threats facing the homeland.

Thus far, the Department has produced two reviews, in 2010 and 2014.

The Government Accountability Office assessed each review extensively and determined that stakeholder engagement and documentation were among the areas for improvement in future QHSRs.

Among the key provisions are more specificity on outreach to stakeholders and requirements for supporting documentation on stakeholder engagement and risk assessments.

In addition, this legislation enhances stakeholder engagement, by further specifying appropriate stakeholders to consult with during the preparation of the QHSR including the Homeland Security Advisory Council, the Homeland Security Science and Technology Advisory Committee, and the Aviation Security Advisory Committee.

Additionally, this bill requires the Department to use a risk assessment when determining the homeland security missions and threats.

When interacting with outside agencies to gather information on sources and strategies, the Department must do so to the extent practical for the Department to gather the information needed.

Finally, the Quadrennial Homeland Security Review Technical Correction Act of 2016 requires DHS to retain all written communications through technology, online communication, in-person discussions and the inter-agency process and all information on how the communications and feedback informed the development of the review.

I urge support of this legislation to ensure that future Quadrennial Homeland Security Reviews provide homeland security decision-makers inside Department of Homeland Security and across the country with the analysis they need to help protect the United States.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. PERRY) that the House suspend the rules and pass the bill, H.R. 5385, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1530

#### AIRPORT PERIMETER AND ACCESS CONTROL SECURITY ACT OF 2016

Mr. PERRY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5056) to modernize and enhance airport perimeter and access control security by requiring updated risk assessments and the development of security strategies, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5056

*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 “Airport Perimeter and Access Control Security Act of 2016”.

**SEC. 2. RISK ASSESSMENTS OF AIRPORT SECURITY.**

(a) IN GENERAL.—The Administrator of the Transportation Security Administration (TSA) shall—

(1) not later than 60 days after the date of the enactment of this Act, update the Transportation Sector Security Risk Assessment (TSSRA) for the aviation sector; and

(2) not later than 90 days after such date—

(A) update with the latest and most currently available intelligence information the Comprehensive Risk Assessment of Perimeter and Access Control Security (in this Act 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

(B) conduct a system-wide assessment of airport access control points and airport perimeter security.

(b) CONTENTS.—The security risk assessments required under subsection (a)(2) shall—

(1) include updates reflected in the TSSRA and Joint Vulnerability Assessment (JVA) findings;

(2) reflect changes to the risk environment relating to airport access control points and airport perimeters;

(3) use security event 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

(4) take into consideration the unique geography of and current best practices used by airports to mitigate potential vulnerabilities.

(c) REPORT.—The Administrator of the Transportation Security Administration shall report 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, relevant Federal departments and agencies, and airport operators on the results of the security risk assessments required under subsection (a).

**SEC. 3. AIRPORT SECURITY STRATEGY DEVELOPMENT.**

(a) IN GENERAL.—Not later than 90 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”).

(b) CONTENTS.—The update to the National Strategy required under subsection (a) shall include—

(1) information from the Risk Assessment of Airport Security; and

(2) information on—

(A) airport security-related activities;

(B) the status of TSA efforts to address the goals and objectives referred to in subsection (a);

(C) finalized outcome-based performance measures and performance levels for each relevant activity and goal and objective under subparagraphs (A) and (B); and

(D) input from airport operators.

(c) UPDATES.—Not later than 90 days after the update is completed under subsection (a), 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.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. PERRY) and the gentleman from Massachusetts (Mr. KEATING) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

**GENERAL LEAVE**

Mr. PERRY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PERRY. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.R. 5056, the Airport Perimeter and Access Control Security Act, sponsored by Congressman BILL KEATING.

In recent months, we have seen attacks at airports and aircraft overseas and, in every instance, the integrity and effectiveness of the airport security infrastructure and the insider threat has been concerning. For this reason, we must scrutinize the security of our Nation’s airports and ensure that the public has confidence that their travels will be safe and secure in this high-threat environment.

Specifically, H.R. 5056 directs the TSA to update its official risk assessment for the aviation sector to reflect the latest available threat intelligence. Moreover, the bill mandates that TSA’s comprehensive risk assessment of perimeter and access control security is more regularly updated and that TSA conducts a sectorwide assessment of airport access control vulnerabilities and mitigation efforts.

All of this information is required for an updated national strategy for airport perimeter and access control security, which TSA has failed to update since 2012, despite multiple access controls and perimeter security breaches at airports across the country.

As this bill demonstrates, we cannot focus solely on the effectiveness of our passenger screening checkpoints while allowing lax security around the airport perimeter and within the sterile areas of airports.

Mr. Speaker, I thank Congressman KEATING for introducing this critical legislation, and I urge my colleagues to support this bipartisan bill.

I reserve the balance of my time.

Mr. KEATING. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of my legislation, H.R. 5056, the Airport Perimeter and Access Control Security Act.

I want to thank the gentleman from Pennsylvania (Mr. PERRY) for his hard work in the Committee on Homeland Security where we are colleagues, as well as his work trying to keep our Na-

tion’s security and our airport security at its highest level.

Mr. Speaker, this bill was a long time coming. Since I was first elected to Congress in 2010, I have worked hard to secure our Nation’s airports.

The last case I had when I was a district attorney before entering Congress was the case of a young 16-year-old who had secreted himself on a commercial airliner penetrating the perimeter of the Charlotte-Douglas International Airport and, undetected, stowed himself away in the wheel well. Tragically, he went from North Carolina, and his body was found in Massachusetts in the district I represented.

As we investigated the cause of that death, we found out what the circumstances were that he had penetrated all the security. In fact, I sent my investigators down from Massachusetts to look at that. Even knowing that this had occurred, there was no record, videowise or otherwise, of what he had done. So even looking backwards, we couldn’t even find out where the security was breached until we made the conclusions at the end of our investigation and looked at the perimeter of that airport and how vulnerable that was.

Since that time, I have demanded information on areas of perimeter and access security in our airports. Frankly, not satisfied with the progress in addressing these security issues, I requested an independent review in 2014 of all airports with a Transportation Security Administration presence.

Released this spring, this independent report by the GAO found that while TSA has made some progress in assessing risks to airport perimeter and access control security, the agency had not taken new or emerging threats into consideration, as well as the unique makeup of individual airports, the points of access at those individual airports, and the unique perimeters surrounding those airports.

Updating the risk to our airports with information that reflects the current threat ensures that the TSA bases its risk management decisions on current information and focuses its limited resources on the highest priority risks to each airport.

Further, GAO found that TSA has not comprehensively assessed the vulnerability of commercial airports systemwide. In fact, from 2009 to 2015, TSA conducted these comprehensive assessments at only 81 of the 437 commercial airports nationwide or 19 percent. And that is cumulatively. Some years, that assessment only occurred in 3 percent of the airports. This legislation will make permanent the recommendations from this independent report.

Specifically, the bill requires TSA to update transportation security sector risk assessments for the entire aviation sector. It requires it to update the

comprehensive risk assessment perimeter access control with the most currently available intelligence. It requires that it conduct a thorough assessment of airport perimeters and access control points, such as the unique geography each individual airport entails. And it determines a future strategy of regular updates.

Further, the bill incorporates the input of major airport operators, which we met with here in D.C. with the Committee on Homeland Security. We heard firsthand their concern of the lack of an individualized security strategy.

A recent report of the Associated Press investigation found that intruders breach airport fences approximately every 10 days. Altogether, there were at least 39 breaches nationwide in 2015, which was also the annual average from 2012 to 2015. TSA's own calculation over a 10-year period ending in 2011 showed 1,300 perimeter breaches in the 450 domestic airports, but that figure does not account for continued perimeter security breaches since 2011, including stowaways, trespassing across tarmacs, scaling of perimeter fences, and driving vehicles through barriers across airport property.

The landscape in which terrorists operate is constantly changing and it is challenging. We have to stay ahead of it. We have to look no further than the recent attacks in Paris, Brussels, and Istanbul to see what the threats are within access points and perimeters of airports. We were lucky here in the U.S. that the individuals that breach these access points and perimeters did not have the same nefarious intentions, but that doesn't mitigate the risk. It doesn't mitigate the fact that these people pose dangerous behavior potentially to our airports, to our employees and, of course, the passengers and travelers who rely on TSA officers and airport operators for their security.

I urge my colleagues to support H.R. 5056.

I reserve the balance of my time.

Mr. PERRY. Mr. Speaker, I have no other speakers, and I reserve the balance of my time.

Mr. KEATING. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, as I said, the attacks on airports currently in Europe show the challenging terrorist attack efforts that are currently a threat here in the United States. This bipartisan legislation will close loopholes in our airport security practices and procedures and bring us closer to ensuring that access control points and perimeters of all design are as secure as possible.

Passage of this bill is an important step in the safety for passengers, pilots, and airport employees as well.

I thank the chairman of the Committee on Homeland Security's Transportation Security Subcommittee, Mr. KATKO; our ranking member, Miss RICE; full committee ranking member, Mr. THOMPSON of Mississippi; Mr. KING;

Mr. RICHMOND; Mr. SWALWELL; and Mrs. TORRES for joining me and supporting this legislation.

I urge my colleagues to support H.R. 5056.

I yield back the balance of my time. Mr. PERRY. Mr. Speaker, I yield myself such time as I may consume.

I thank my colleague from Massachusetts for his well-thought-out, well-placed, and long-overdue legislation. It makes me think of my time serving in the United States military as an airfield commander charged with many things, including the security of the airfield.

Knowing that our adversaries, at any level, whether it is on the civilian side or the military side, continuously probe and look for ways to thwart us in our efforts to maintain our security, ever changing their tactics, techniques, and procedures—you can see from the recent attacks where they figured they could not get their device or their activities onto the plane. They just simply attacked prior to getting on the plane and actually attacking prior to going through security—so it is in that spirit that we know that we must be right every single bit of the time. There is no margin for error, which is why this legislation is so well placed and so timely.

I urge my colleagues to support H.R. 5056.

I yield back the balance of my time. Ms. JACKSON LEE. Mr. Speaker, I rise today in support of H.R. 5056, the Airport Perimeter and Access Control Security Act of 2016, which amends the Homeland Security Act of 2002 to reform programs of the Transportation Security Administration, and streamline transportation security regulations.

As a senior member of the House Homeland Security Committee and the Former Ranking Member of the Subcommittee on Transportation Security, I believe that this bill is of the utmost importance in securing safe airports in our country.

The objective of the bill is to establish a risk-based, intelligence-driven model for the screening of employees at airports based on level of access and employment positions at domestic airports.

The purpose of H.R. 5056 is to modernize and enhance airport perimeter and access control security by requiring updated risk assessments and the development of security strategies.

An important part of keeping our airports safe from attacks is to make sure that the perimeters and the security check points are safeguarded and secure.

TSA has kept American citizens safe by conducting incredibly thorough airport searches.

The same detailed precautions need to be taken for people commuting around and near airport perimeters.

This legislation seeks to bolster perimeter security and access controls at domestic airports by requiring the Transportation Security Administration to update relevant risk assessments and leveraging system-wide incident reporting to analyze trends contributing to the threat environment.

This bill would require the Department of Homeland Security to develop and conduct an

exercise related to the terrorist and foreign fighter threat in order to enhance domestic preparedness for and the collective response to terrorism, promote the dissemination of homeland security information, and test the U.S. security posture.

H.R. 5056 would also test the security posture of the United States and the Secretary of Homeland Security through appropriate offices and components of the Department of Homeland Security.

The Department of Homeland Security should immediately engage the local and state law enforcement agencies to ensure that city and state governments have the funds to increase the utilization of the local law enforcement to provide that added protection.

Mr. Speaker, the state of access controls at domestic airports is in need of direct and thorough scrutiny in order to mitigate perimeter breaches and insider threats to aviation security.

H.R. 5056 ensures that scrutiny will take place.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. PERRY) that the House suspend the rules and pass the bill, H.R. 5056.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### TERRORIST AND FOREIGN FIGHTER TRAVEL EXERCISE ACT OF 2016

Ms. MCSALLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4404) to require an exercise related to terrorist and foreign fighter travel, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4404

*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 "Terrorist and Foreign Fighter Travel Exercise Act of 2016".

#### SEC. 2. EXERCISE ON TERRORIST AND FOREIGN FIGHTER TRAVEL.

(a) IN GENERAL.—In addition to, or as part of exercise programs currently carried out by the Department of Homeland Security, to enhance domestic preparedness for and collective response to terrorism, promote the dissemination of homeland security information, and test the security posture of the United States, the Secretary of Homeland Security, through appropriate offices and components of the Department and in coordination with the relevant Federal departments and agencies, shall, not later than one year after the date of the enactment of this Act, develop and conduct an exercise related to the terrorist and foreign fighter threat.

(b) EXERCISE REQUIREMENTS.—The exercise required under subsection (a) shall include—

(1) a scenario involving—

(A) persons traveling from the United States to join or provide material support or resources to a terrorist organization abroad; and

(B) terrorist infiltration into the United States, including United States citizens and foreign nationals; and

(2) coordination with appropriate Federal departments and agencies, foreign governments, and State, local, tribal, territorial, and private sector stakeholders.

(c) REPORT.—Not later than 60 days after the completion of the exercise required under subsection (a), the Secretary of Homeland Security shall, consistent with the protection of classified information, submit an after-action report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate presenting the initial findings of such exercise, including any identified or potential vulnerabilities in United States defenses and any legislative changes requested in light of the findings. The report shall be submitted in unclassified form, but may include a classified annex.

(d) PROHIBITION ON ADDITIONAL FUNDING.—No additional funds are authorized to be appropriated to carry out this section.

(e) DEFINITION.—In this section, the term “material support or resources” has the meaning given such term in section 2339A of title 18, United States Code.

### SEC. 3. EMERGING THREATS IN THE NATIONAL EXERCISE PROGRAM.

Subparagraph (A) of section 648(b)(2) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748(b)(2)) is amended—

(1) in clause (v), by striking “and” at the end; and

(2) by adding after clause (vi) the following new clause:

“(vii) designed, to the extent practicable, to include exercises addressing emerging terrorist threats, such as scenarios involving United States citizens departing the United States to enlist with or provide material support or resources to terrorist organizations abroad or terrorist infiltration into the United States, including United States citizens and foreign nationals; and”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Arizona (Ms. MCSALLY) and the gentleman from Massachusetts (Mr. KEATING) each will control 20 minutes. The Chair recognizes the gentlewoman from Arizona.

#### GENERAL LEAVE

Ms. MCSALLY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Arizona?

There was no objection.

Ms. MCSALLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4404, the Terrorist and Foreign Fighter Travel Exercise Act. This legislation furthers the efforts that I and several of my colleagues on the House Homeland Security Committee have been engaged in for much of the 114th Congress as members of the bipartisan Task Force on Combating Terrorist and Foreign Fighter Travel.

For 6 months, our task force investigated our security vulnerabilities and the threat posed by ISIS. Our work produced 32 key findings and over 50 recommendations to make Americans safer.

In our findings, the task force found that the growing complexity and

changing nature of the foreign fighter phenomenon may be creating unseen gaps in our defenses. Yet, it has been years since any large-scale stress test has been conducted on U.S. Government protection and prevention programs against terrorist travel.

The last major government exercise on terrorist travel occurred in 2009 when the Federal Emergency Management Agency, or FEMA, conducted an exercise focused on the “aftermath of a notional terrorist event outside of the United States” and how to prevent subsequent efforts by the terrorists to enter the United States and carry out additional attacks. The objective of that exercise was to determine how government agencies at all levels would respond in such an environment. However, the threat environment in 2016 has changed considerably, and relying on information gathered during an exercise that took place 7 years ago is simply unacceptable and puts American lives at risk.

The exercise conducted in 2009 also focused primarily on terrorists attempting to infiltrate the United States from overseas. However, our task force found that officials today should be just as concerned about Americans leaving the country to train overseas with terrorist groups as foreign fighters.

The ability of these hardened fighters to then return to the United States is a legitimate security threat to the homeland. Catching individuals who are looking to join the ranks and train with ISIS and other terrorist organizations prior to their initial departure is equally important, and it should be a goal for law enforcement as well.

□ 1545

As such, H.R. 4404 would require that the Obama administration conduct an exercise to evaluate the Nation’s preparedness against all phases of foreign fighter planning and travel. Carrying out such a test would be beneficial in understanding how partners at all levels of government—and abroad—are currently responding to these scenarios.

The feeble response to ISIS by this administration is irresponsible, and we must take decisive action to defeat this threat that they and other terrorist organizations pose to us.

The findings of the exercise required by this legislation will identify weaknesses at home and abroad that might be exploited by terrorists and foreign fighters, particularly to infiltrate the United States to conduct attacks. These findings will also be provided to Congress and Federal law enforcement and intelligence officials and provide information on how we can best address these weaknesses.

I am pleased that over the last several months, the House has passed numerous pieces of legislation that were products of this bipartisan task force’s work, including some recommendations that are now law. Passage of the

Terrorist and Foreign Fighter Travel Exercise Act today represents continued action by this body to fight against ISIS and ensure we keep Americans safe.

I want to thank Chairman MCCAUL and Ranking Member THOMPSON for establishing the Task Force on Combating Terrorist and Foreign Fighter Travel. I would also like to thank the chairman of the task force, Congressman KATKO, for his leadership and the other Members who served on the task force for their continued dedication to seeing our recommendations through.

I look forward to implementation of many more of the task force’s findings. I urge all Members to join me in supporting this commonsense, bipartisan bill.

Mr. Speaker, I reserve the balance of my time.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,

Washington, DC, March 9, 2016.

Hon. MICHAEL MCCAUL,  
Chairman, Committee on Homeland Security,  
Washington, DC.

DEAR CHAIRMAN MCCAUL: I write concerning H.R. 4404, the “Terrorist and Foreign Fighter Travel Exercise Act of 2016”. This legislation, as amended by the Committee on Homeland Security, 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. 4404, 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 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 Committee report for H.R. 4404, as well as in the Congressional Record dining 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, March 11, 2016.

Hon. BILL SHUSTER,  
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR CHAIRMAN SHUSTER: Thank you for your letter regarding H.R. 4404, the “Terrorist and Foreign Fighter Travel Exercise Act of 2016.” I appreciate your support in bringing this legislation before the House of Representatives, and accordingly, understand that the Committee on Transportation and Infrastructure will forego consideration of the bill.

The Committee on Homeland Security concurs with the mutual understanding that by foregoing consideration 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 a request by the Committee on Transportation and Infrastructure for conferees on those 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.*

Mr. KEATING. I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 4404, the Terrorist and Foreign Fighter Travel Exercise Act, sponsored by the gentlewoman from Arizona (Ms. MCSALLY), a colleague on the Committee on Homeland Security.

Mr. Speaker, the threats our communities face are evolving rapidly, and we need to make sure our communities are prepared to respond. My community knows all too well the benefit exercises have on the ability of first responders to do their jobs safely and effectively.

The year before the Boston Marathon bombings, through the UASI grant, Boston participated in Urban Shield, a 24-hour exercise during which responders were rotated through various training scenarios. More than 1,800 emergency response personnel from over 50 Federal, State, and local agencies participated. The goal of Urban Shield was to assess capabilities achieved through grant investments, improve proficiency at core capabilities, and identify capability gaps.

Prior to that, the city of Boston participated in a Joint Counterterrorism Awareness Workshop, where more than 200 participants from Federal, State, and local governments took part in a 24-hour-long integrated response exercise in which multiple coordinated assaults were simulated, much like the terrorist attacks in India in November of 2008.

Regarding that 2011 exercise, then-Police Commissioner Ed Davis said: "This workshop is like no other terrorism training exercise in which I've participated. The diversity of voices provides for robust and honest discussion about the common challenges we face—and new solutions necessary to address them."

These and other exercises supported by the Urban Areas Security Initiative grant funds are what prepared our first responders to respond so bravely and heroically and effectively to the Boston Marathon bombings.

As we are learning through events in San Bernardino, Orlando, and abroad, the tactics of our adversaries are constantly changing, and we must ensure our first responders have the training they need to address them.

H.R. 4404 requires the DHS Secretary to carry out an exercise related to terrorist and foreign fighter travel. Additionally, the bill ensures that FEMA and FEMA's National Exercise Program includes scenarios designed, to the extent practicable, to include emerging terrorist threats.

To be clear, this language would not require FEMA's National Exercise Program to focus exclusively on terrorist threats but, rather, seeks to ensure that FEMA continues to develop exercises that are responsive to threats as they emerge.

In light of recent events, it is critical that we emphasize preparedness to evolving terrorist threats. I urge my colleagues to support H.R. 4404.

Mr. Speaker, one thing we learned in the aftermath of the Boston Marathon bombings is that training and preparatory exercises contribute to preparedness. The lessons learned from the first responder exercise that occurred in Boston prior to the bombings saved lives.

I urge my colleagues to support H.R. 4404 so that our first responders will continue to benefit from exercises that are responsive to the evolving threat environment.

I thank the gentlewoman from Arizona (Ms. MCSALLY) for her work in this regard. I am proud to be a cosponsor and proud to have the bipartisan effort that we do, as a whole, in the Committee on Homeland Security to try to work hard together to make our country safer.

Mr. Speaker, I yield back the balance of my time.

Ms. MCSALLY. Mr. Speaker, I once again urge my colleagues to support H.R. 4404.

I thank the gentleman from Massachusetts and our other colleagues for their cosponsorship of this.

I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise today in support of H.R. 4404, the Terrorist and Foreign Fighter Travel Exercise Act of 2016, which requires the Department of Homeland Security to develop and conduct an exercise related to the terrorist and foreign fighter threat in order to enhance domestic preparedness for the collective response to terrorism.

As a senior member of the House Committee on Homeland Security and Ranking Member of the Judiciary Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, I understand that threats to homeland security are increasing and being prepared to defeat them is of the utmost importance.

It is estimated that 250 U.S. citizens are among the number of foreign recruits who have traveled to Syria since the beginning of the conflict.

In 2014, the total number of foreign fighters entering Syria was estimated to be 14,000.

This disturbing news coupled with the massive migration of people seeking to flee from war torn Syria now entering Europe by the thousands raises important concerns regarding security.

H.R. 4404 requires the Federal Emergency Management Agency (FEMA) to develop and carry out national exercises to evaluate the nation's preparedness against the threat of foreign fighters and terrorists.

Under this legislation, FEMA would develop and conduct an exercise to test the ability to respond to the threat of persons leaving the United States to provide material or support to terrorist organizations or of foreign fighters attempting to enter the United States.

I have on several prior occasions outlined several areas of particular concern regarding Worldwide Threats and Homeland Security Challenges.

The United States has seen several instances of domestic terrorism at the hands of U.S. citizens within our borders, such as the tragedies in San Bernardino, Orlando, and most recently, Dallas.

In response to these tragedies, it is our duty to address issues surrounding domestic violence at the hands of extremists and the availability of assault weapons.

H.R. 4404 is a positive step in the right direction and I urge its support by all members.

Mr. DEFAZIO. Mr. Speaker, I rise to express concern with a provision of H.R. 4404, the "Terrorist and Foreign Fighter Travel Exercise Act of 2016", as amended.

Although I appreciate the intent of this legislation, I believe section 3 of the bill should be clarified to avoid unintended consequences.

The Federal Emergency Management Agency's (FEMA) National Exercise Program (Program) tests and evaluates the Nation's preparedness goal, systems, plans and strategies for all hazards. The main objective of the Program is to examine and validate core capabilities to perform missions and functions that prevent, protect against, respond to, recover from, and mitigate all hazards. All hazards include terrorist attacks. From the outcome of the exercises, we are able to determine the progress made in reaching the National Preparedness Goal.

I am concerned because H.R. 4404 may be interpreted to mandate that the Program focus on emerging terrorist threats. On its face, the provision mandating that FEMA shall, to the extent practicable, design the Program to include emerging terrorist threats could be interpreted to limit FEMA's ability to design exercises for all hazards, instead requiring a specific scenario for Program exercises. I do not believe that this is Congress' intent and urge FEMA to interpret the bill broadly.

Natural disasters cause devastating impacts to our citizens, communities, and the Nation as a whole. Each year, the Federal Government spends hundreds of millions of dollars (if not billions of dollars) responding to and recovering from weather-related events. The amount that the Federal Government spends on natural disasters is increasing as a percentage of our gross domestic product and as a percentage of the Federal budget.

Being prepared for these events helps the Nation reduce injury, death, and property damage. We need to ensure that the National Exercise Program continues to test our preparedness for natural events.

Similarly, testing our capabilities for emerging terrorist threats is a worthy endeavor. It should and already does occur. I do not believe that the intent of section 3 of the bill is that all Program exercises must include emerging terrorist threats. Rather, the bill provides that our capabilities to handle emerging terrorist threats can and should be tested within the Program. Any other interpretation would undermine the progress that the Nation has made to prepare for all hazards, including natural disasters and terrorist attacks.

In addition, it should be noted that FEMA is already required, at least once every two years, to perform a national level exercise to test and evaluate the Nation's capability to detect, disrupt, and prevent threatened or actual

catastrophic acts of terrorism, or to test and evaluate the readiness of governments to respond to and recover from catastrophic incidents. Both of these requirements can include exercises for emerging terrorist threats.

As this bill moves to the other body, I hope that we can work together to clarify the purpose and intent of section 3 of this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Arizona (Ms. MCSALLY) that the House suspend the rules and pass the bill, H.R. 4404, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### VETERANS' COMPENSATION COLA ACT OF 2016

Mr. ABRAHAM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5588) to increase, effective as of December 1, 2016, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5588

*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 "Veterans' Compensation COLA Act of 2016".

#### SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—Effective on December 1, 2016, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2016, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.

(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—Each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2016, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(d) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively,

consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85-857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

#### SEC. 3. PUBLICATION OF ADJUSTED RATES.

The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in section 2(b), as increased under that section, not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2017.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. ABRAHAM) and the gentleman from California (Mr. TAKANO) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana.

#### GENERAL LEAVE

Mr. ABRAHAM. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and add extraneous materials on H.R. 5588.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. ABRAHAM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am honored to have introduced H.R. 5588, the Veterans' Compensation COLA Act of 2016. This bill would provide a cost-of-living increase for wartime disability compensation, additional compensation for dependents, clothing allowance, dependency and indemnity compensation to surviving spouses, and dependency and indemnity compensation to children paid to our wounded warriors and their families for injuries they suffered while serving in uniform for our Nation.

Many of these veterans are suffering from serious conditions, such as traumatic brain injury, that may make it difficult for them to find gainful employment and provide for their families, and this clean cost-of-living increase will help them keep pace with inflation. Benefits are also paid to the spouses and children of those who have tragically made the ultimate sacrifice in defense of this great Nation.

H.R. 5588 would give veterans and their families the same cost-of-living increase that Social Security recipients receive. The men and women who were disabled as a result of their military service should not have to struggle to put food on the table and pay for housing and other necessities.

Members on both sides of the aisle have historically supported legislation that provides an annual COLA for disabled veterans because we know it is the right thing to do. I urge my colleagues to support H.R. 5588.

Mr. Speaker, I reserve the balance of my time.

Mr. TAKANO. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 5588, the Veterans' Compensation COLA Act of 2016. This bill is our annual veterans cost-of-living adjustment. It would ensure that, beginning on December 1, 2016, our disabled veterans receive the same increases as those receiving Social Security benefits.

Specifically, H.R. 5588 directs the Secretary of Veterans Affairs to increase the rates of basic compensation for disabled veterans and the rates of dependency and indemnity compensation, or DIC, to their survivors and dependents. It also increases other benefits, such as clothing allowance and wartime disability, to keep pace with the rising cost of living.

This bill sends a strong and important message that we are going to honor our commitment to supporting our veterans. This is the least we can do to repay their service.

Mr. Speaker, I reserve the balance of my time.

Mr. ABRAHAM. Mr. Speaker, I thank the gentleman from California (Mr. TAKANO) for his kind words and his support. I have no speakers, so once again, I just encourage all Members to support H.R. 5588.

I yield back the balance of my time.

Mr. TAKANO. Mr. Speaker, I, too, have no additional speakers. I thank the gentleman from Louisiana for his work on this issue. It is a pleasure working with him in committee.

I once again ask all of my colleagues to join me in supporting H.R. 5588 and the Veterans' Compensation COLA Act of 2016.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in support of H.R. 5588, the "Veterans' Compensation COLA Act of 2016," which authorizes for the Department of Veterans Affairs to increase the rates of compensation for veterans.

As the friends, family, co-workers and neighbors to veterans, we have an obligation to ensure that they feel their service to this country is appreciated by their fellow Americans.

These honorable men and women are major contributors to our military presence and many have given their lives to keep our nation safe.

In the State of Texas we have 1,099,141 veterans under the age of 65 and 590,618 who are over the age of 65—there are over 1,689,759 veterans living in our state.

The 18th Congressional District has 20,607 under age 65 and 9,844 veterans over the age of 65.

H.R. 5588 increases the rates of compensation for veterans with service-connected disabilities.

Additionally, the bill provides for an increase in the rates of dependency and indemnity compensation for the survivors of certain disabled veterans and surviving spouses and children.

The increase will be the same percentage as that provided under title II (Old Age, Survivors and Disability Insurance) of the Social Security Act.

Mr. Speaker, I urge all of my colleagues on both sides of the aisle to support this legislation.



The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. ABRAHAM) that the House suspend the rules and pass the bill, H.R. 5588.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### MARCELINO SERNA PORT OF ENTRY

Mr. SAM JOHNSON of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5252) to designate the United States Customs and Border Protection Port of Entry located at 1400 Lower Island Road in Tornillo, Texas, as the "Marcelino Serna Port of Entry."

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5252

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

#### SECTION 1. MARCELINO SERNA PORT OF ENTRY.

(a) DESIGNATION.—The United States Customs and Border Protection Port of Entry located at 1400 Lower Island Road in Tornillo, Texas, shall be known and designated as the "Marcelino Serna Port of Entry".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the port of entry referred to in subsection (a) shall be deemed to be a reference to the "Marcelino Serna Port of Entry".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SAM JOHNSON) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. SAM JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5252, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 5252, to designate the U.S. Customs and Border Protection Port of Entry located at 1400 Lower Island Road in Tornillo, Texas, as the Marcelino Serna Port of Entry.

Private Serna was a brave veteran who selflessly honored his country. He demonstrated courage, bravery, and heroism in battle, risking his life to save his fellow soldiers, and became the most decorated World War I veteran from the State of Texas.

I am honored to stand here today, as a veteran and a fellow Texan, to pay

tribute to this brave American. I congratulate my colleague, Mr. HURD of Texas, for his leadership in introducing this legislation.

Mr. Speaker, I reserve the balance of my time.

□ 1600

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5252.

Private Marcelino Serna was an undocumented Mexican immigrant who became the most decorated soldier from Texas in World War I, and the first Hispanic to be awarded the Distinguished Service Cross, the highest military decoration of the United States Army after the Medal of Honor. By designating this port in his name, his exemplary service to our country is fully recognized.

Mr. Speaker, I yield back the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I urge my colleagues to support this bill to honor this great American.

I yield back the balance of my time.

Mr. HURD of Texas. Mr. Speaker, our nation was founded by and built upon the blood, sweat, and tears of immigrants.

Today, I want to honor one particular immigrant, U.S. Army Private Marcelino Serna, the most decorated World War I Veteran from Texas.

The heroic story of Private Serna, an immigrant from Mexico, began when he volunteered for the U.S. Army during World War I.

After a brief training, Serna was sent overseas to join the Allied Powers in Europe. Upon arrival, it came to light that he was not a U.S. citizen. Serna had the option of withdrawing from the fight. Instead, he decided to stay and fight together with his fellow soldiers.

During his time abroad, Serna's dedication and bravery stood out with acts worthy of a Medal of Honor. While he did not receive the Medal of Honor during his lifetime, he is currently being reviewed to receive it now.

During the war, Serna was injured in a confrontation that left twelve of his companions dead. He continued to fight, chasing those who had attacked them, managing to capture eight German soldiers.

In another confrontation, Serna managed to capture twenty-four enemy soldiers alone. Upon discovering a sniper's position, Serna shot and wounded him. As the soldier fled to his base, Serna decided to follow him. After discovering the base, Serna attacked, killed 26 enemy soldiers, and forced another 24 to surrender.

Without a doubt, these two examples of heroism demonstrated his dedication and commitment to the fight, but there is more to Serna's story.

As he led the prisoners back to the Allied base, some of his fellow soldiers suggested that they should be executed. Serna refused to allow this. Alongside his courage, he possessed a remarkable sense of honor.

For his extraordinary acts of valor, Serna was awarded two Purple Hearts and the Distinguished Service Cross, the second highest military honor after the Medal of Honor.

This bill serves to commend his bravery by renaming the Tornillo Port of Entry in honor of

Pvt. Marcelino Serna, who lived in the area and is buried with full military honors at Fort Bliss National Cemetery in El Paso.

The Tornillo-Marcelino Serna Port of Entry will not only honor this extraordinary man's service to our nation, it will serve as a reminder of the countless Mexican-American immigrants who have fought valiantly to keep our nation safe.

Their contributions and sacrifices will not be ignored or forgotten.

I urge my colleagues to support the legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SAM JOHNSON) that the House suspend the rules and pass the bill, H.R. 5252.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### NATIONAL GEORGE C. MARSHALL MUSEUM AND LIBRARY

Mr. BRAT. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 138) designating the George C. Marshall Museum and George C. Marshall Research Library in Lexington, Virginia, as the National George C. Marshall Museum and Library.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 138

Whereas General George C. Marshall served as Army Chief of Staff during World War II, Special Ambassador to China, Secretary of State, and Secretary of Defense;

Whereas General George C. Marshall was promoted to General of the Army in 1944, one of only five Army five-star generals in the history of the United States;

Whereas General George C. Marshall was awarded the Congressional Gold Medal in 1946 for his military strategy and vital role during World War II;

Whereas General George C. Marshall was awarded the Nobel Peace Prize in 1953 for developing the European economic recovery strategy known as the Marshall Plan;

Whereas the George C. Marshall Foundation was established in 1953 and is devoted to preserving the legacy of General George C. Marshall through educational scholarship programs and facilities;

Whereas the George C. Marshall Foundation opened the George C. Marshall Museum and George C. Marshall Research Library in 1964 in Lexington, Virginia, on the post of the Virginia Military Institute, which is the alma mater of General George C. Marshall;

Whereas the George C. Marshall Museum educates the public about the military and diplomatic contributions of General George C. Marshall through extensive exhibits; and

Whereas the George C. Marshall Research Library maintains the most comprehensive collection of records documenting the life and leadership of General George C. Marshall: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring).* That Congress designates the George C. Marshall Museum and George C. Marshall Research Library in Lexington, Virginia, as the National George C. Marshall Museum and Library.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BRAT) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BRAT).

GENERAL LEAVE

Mr. BRAT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Con. Res. 138.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BRAT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Con. Res. 138, a resolution that designates the George C. Marshall Museum and the George C. Marshall Research Library in Lexington, Virginia, as the National George C. Marshall Museum and Library.

General George C. Marshall was a soldier, a statesman, and a peacemaker. General Marshall served as Army Chief of Staff during World War II, Special Ambassador to China, Secretary of State, and Secretary of Defense. He was promoted to General of the Army in 1944.

He was one of only five individuals in our Nation's history to rise to the rank of a five-star general in the United States Army. He was also awarded the Congressional Gold Medal in 1946 for his military strategy and vital role during World War II. He was awarded the Nobel Peace Prize in 1953 for developing the European economic recovery strategy, known as the Marshall Plan, which was absolutely essential to bringing peace to the European continent.

The George C. Marshall Foundation was created in 1953 to honor the legacy of George C. Marshall and his contributions to our Nation and the world during many of the key events of the 20th century. The Foundation preserves this legacy through educational scholarship programs and facilities.

The George C. Marshall Foundation opened the George C. Marshall Museum and George C. Marshall Research Library in 1964, in Lexington, Virginia, on the post of the Virginia Military Institute, which is the alma mater of General Marshall.

The library provides scholars with a documented record of the life of General Marshall and his public service, and the museum shares his inspiring story with visitors through exhibitions, artifacts, and educational programming.

General Marshall's contributions to our Nation cannot be overstated, and I hope to see this resolution adopted to designate the George C. Marshall Museum and George C. Marshall Research Library, which works so hard to highlight and share these contributions, as the National George C. Marshall Mu-

seum and Library. It is a small, yet fitting, tribute to a man who spent a lifetime faithfully and courageously serving his country.

I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Con. Res. 138, a resolution designating the George C. Marshall Museum and the George C. Marshall Research Library in Lexington as the National George C. Marshall Museum and Library. This concurrent resolution was introduced by my friend and colleague, BOB GOODLATTE, and is cosponsored by the entire Virginia delegation.

General George C. Marshall is a national hero and a distinguished public servant. The George C. Marshall Museum and Library is located in Lexington, Virginia, on the post of the Virginia Military Institute, the alma mater of General Marshall.

General Marshall served our country with distinction as the Army Chief of Staff during World War II, Special Ambassador to China, Secretary of State, president of the American Red Cross, and Secretary of Defense. He is one of only five Army five-star generals in United States history.

After World War II, General Marshall was awarded the Nobel Peace Prize in 1953 for his role in developing the European Recovery Program, which is now widely known as the Marshall Plan. The Marshall Plan contributed to European integration and growth in the aftermath of World War II.

Mr. Speaker, as the holder of the George C. Marshall Papers and with a mission to collect, preserve, and share information regarding the life and career of General Marshall, it is appropriate to designate the George C. Marshall Museum as the National George C. Marshall Museum and Library.

I urge my colleagues to support the concurrent resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BRAT. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I want to thank both gentlemen from Virginia for their support of this legislation.

I rise today to urge passage of H. Con. Res. 138. This resolution would designate the George C. Marshall Museum and the George C. Marshall Research Library in Lexington, Virginia, as the National George C. Marshall Museum and Library.

General George Catlett Marshall dedicated his life to public service, serving honorably in the United States Army as Army Chief of Staff during World War II, Special Ambassador to China, Secretary of State, and Secretary of Defense.

From his allied plan to storm the beaches of Normandy to his European

economic recovery strategy known as the Marshall Plan, his leadership changed the world. The history of the United States and the global community would be a different place if not for the contributions of General Marshall.

At the recommendation of former President Harry Truman, the Marshall Foundation was established in 1953. On May 23, 1964, the Marshall Museum and Library was dedicated on the post of the Virginia Military Institute, General Marshall's alma mater.

For over 50 years, the Marshall Foundation has devoted its mission to educating the public about the important contributions of General Marshall. The museum has five extensive exhibits and houses General Marshall's 1953 Nobel Peace Prize. The research library collects, preserves, and shares the largest collection of documents pertaining to General Marshall's life.

Just this year, the Marshall Foundation reached a huge milestone with the completion of the Papers of George Catlett Marshall. This project began in 1977, with the goal to create a published record of every document that General Marshall produced. The final project consists of seven volumes and includes 4,260 documents spanning over 5,666 pages.

In addition to its extensive research work, the Marshall Foundation provides educational opportunities for college students and future military leaders. The Marshall Undergraduate Scholars Program sends college history students to the Marshall Foundation to conduct primary research in the library's archives.

The Marshall Army ROTC Award Seminar also provides the top ROTC cadet at each college in the United States the opportunity to participate in a national security conference with fellow award recipients and current Army leaders. The Marshall-Arnold Air Force ROTC Award Seminar provides a similar opportunity to top senior cadets at each college with an Air Force ROTC program.

Last year, the Marshall Foundation began the Marshall Legacy Series. This is a 3-year series of exhibits, lectures, and events to showcase General Marshall's contributions during the 20th century and connect those contributions to today's world.

This is just a snapshot of the important work the Marshall Foundation conducts to honor and preserve the legacy of General Marshall. I am honored to have such an important facility in my district, the Sixth Congressional District of Virginia.

General Marshall once said: "Sincerity, integrity, and tolerance are, to my mind, the first requirements of many to a fine, strong character."

I applaud the Marshall Foundation's work in sharing Marshall's vision and character with a new generation of Americans. I urge passage of this resolution to honor one of America's most sincere and distinguished public servants by congressionally designating

the museum and library in Lexington, Virginia, as the National George C. Marshall Museum and Library.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to thank our colleague from Roanoke for his leadership and the entire Virginia delegation for supporting the resolution. I urge support.

Mr. Speaker, I yield back the balance of my time.

Mr. BRAT. Mr. Speaker, I yield myself the balance of my time.

I am pleased we are advancing a bipartisan proposal today, one that means a great deal to the people in my home State of Virginia and to my fellow Members from Virginia here with us today, to designate the George C. Marshall Museum and the George C. Marshall Library as the National George C. Marshall Museum and Library. We do this to honor a great American hero and his enduring legacy. I urge my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BRAT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 138.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### STRENGTHENING TRANSPARENCY IN HIGHER EDUCATION ACT

Mr. MESSER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3178) to simplify and streamline the information regarding institutions of higher education made publicly available by the Secretary of Education, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3178

*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 "Strengthening Transparency in Higher Education Act".

#### SEC. 2. COLLEGE DASHBOARD WEBSITE.

(a) ESTABLISHMENT.—Section 132 of the Higher Education Act of 1965 (20 U.S.C. 1015a) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "first-time,";

(B) in paragraph (3) in the matter preceding subparagraph (A), by striking "first-time,"; and

(C) in paragraph (4), by striking "first-time,";

(2) in subsection (b)—

(A) in paragraph (1), by striking "first-time,"; and

(B) in paragraph (2), by striking "first-time,";

(3) by striking subsections (c) through (g), (j), and (l);

(4) by redesignating subsections (h), (i), and (k) as subsections (c), (d), and (e), respectively; and

(5) by striking subsection (d) (as so redesignated) and inserting the following new subsection:

“(d) CONSUMER INFORMATION.—

“(1) AVAILABILITY OF TITLE IV INSTITUTION INFORMATION.—The Secretary shall develop and make publicly available a website to be known as the ‘College Dashboard website’ in accordance with this section and prominently display on such website, in simple, understandable, and unbiased terms for the most recent academic year for which satisfactory data are available, the following information with respect to each institution of higher education that participates in a program under title IV:

“(A) A link to the website of the institution.

“(B) An identification of the type of institution as one of the following:

“(i) A four-year public institution of higher education.

“(ii) A four-year private, nonprofit institution of higher education.

“(iii) A four-year private, for-profit institution of higher education.

“(iv) A two-year public institution of higher education.

“(v) A two-year private, nonprofit institution of higher education.

“(vi) A two-year private, for-profit institution of higher education.

“(vii) A less than two-year public institution of higher education.

“(viii) A less than two-year private, nonprofit institution of higher education.

“(ix) A less than two-year private, for-profit institution of higher education.

“(C) The number of students enrolled at the institution—

“(i) as undergraduate students; and

“(ii) as graduate students, if applicable.

“(D) The student-faculty ratio.

“(E) The percentage of degree-seeking or certificate-seeking undergraduate students enrolled at the institution who obtain a degree or certificate within—

“(i) 100 percent of the normal time for completion of, or graduation from, the program in which the student is enrolled;

“(ii) 150 percent of the normal time for completion of, or graduation from, the program in which the student is enrolled; and

“(iii) 200 percent of the normal time for completion of, or graduation from, the program in which the student is enrolled.

“(F) The average net price per year for undergraduate students receiving Federal student financial aid under title IV based on an income category selected by the user from a list containing the following income categories:

“(i) \$0 to \$30,000.

“(ii) \$30,001 to \$48,000.

“(iii) \$48,001 to \$75,000.

“(iv) \$75,001 to \$110,000.

“(v) \$110,001 to \$150,000.

“(vi) Over \$150,000.

“(G) A link to the net price calculator for such institution.

“(H) The percentage of undergraduate students who obtained a certificate or degree from the institution who borrowed Federal student loans under title IV, and the average Federal student loan debt incurred by an undergraduate student who obtained a certificate or degree from the institution and borrowed Federal student loans under title IV in the course of obtaining such certificate or degree.

“(I) A link to national and regional data from the Bureau of Labor Statistics on starting salaries in all major occupations.

“(J) A link to the webpage of the institution containing campus safety data with respect to such institution.

“(2) OTHER INFORMATION.—The Secretary shall publish on Internet webpages that are linked to through the College Dashboard website for the most recent academic year for which satisfactory data is available the following information with respect to each institution of higher education that participates in a program under title IV:

“(A) ENROLLMENT.—

“(i) The percentages of male and female undergraduate students enrolled at the institution.

“(ii) The percentages of undergraduate students enrolled at the institution—

“(I) full-time; and

“(II) less than full-time.

“(iii) In the case of an institution other than an institution that provides all courses and programs through distance education, of the undergraduate students enrolled at the institution—

“(I) the percentage of such students who are from the State in which the institution is located;

“(II) the percentage of such students who are from other States; and

“(III) the percentage of such students who are international students.

“(iv) The percentages of undergraduate students enrolled at the institution, disaggregated by—

“(I) race and ethnic background;

“(II) classification as a student with a disability;

“(III) recipients of a Federal Pell Grant;

“(IV) recipients of assistance under a tuition assistance program conducted by the Department of Defense under section 1784a or 2007 of title 10, United States Code, or other authorities available to the Department of Defense or veterans' education benefits (as defined in section 480); and

“(V) recipients of a Federal student loan under title IV.

“(B) COMPLETION.—The information required under paragraph (1)(E), disaggregated by—

“(i) recipients of a Federal Pell Grant;

“(ii) recipients of a loan made under part D of title IV (other than a Federal Direct Unsubsidized Stafford Loan) who did not receive a Federal Pell Grant;

“(iii) individuals who did not receive a Federal Pell Grant or a loan made under part D of title IV (other than a Federal Direct Unsubsidized Stafford Loan);

“(iv) race and ethnic background;

“(v) classification as a student with a disability;

“(vi) recipients of assistance under a tuition assistance program conducted by the Department of Defense under section 1784a or 2007 of title 10, United States Code, or other authorities available to the Department of Defense or veterans' education benefits (as defined in section 480); and

“(vii) male and female.

“(C) COSTS.—

“(i) The cost of attendance for full-time undergraduate students enrolled in the institution who live on campus.

“(ii) The cost of attendance for full-time undergraduate students enrolled in the institution who live off campus.

“(iii) The cost of tuition and fees for full-time undergraduate students enrolled in the institution.

“(iv) The cost of tuition and fees per credit hour or credit hour equivalency for undergraduate students enrolled in the institution less than full time.

“(v) In the case of a public institution of higher education (other than an institution described in clause (vi)) and notwithstanding

subsection (b)(1), the costs described in clauses (i) and (ii) for—

“(I) full-time students enrolled in the institution who are residents of the State in which the institution is located; and

“(II) full-time students enrolled in the institution who are not residents of such State.

“(vi) In the case of a public institution of higher education that offers different tuition rates for students who are residents of a geographic subdivision smaller than a State and students not located in such geographic subdivision and notwithstanding subsection (b)(1), the costs described in clauses (i) and (ii) for—

“(I) full-time students enrolled at the institution who are residents of such geographic subdivision;

“(II) full-time students enrolled at the institution who are residents of the State in which the institution is located but not residents of such geographic subdivision; and

“(III) full-time students enrolled at the institution who are not residents of such State.

“(D) FINANCIAL AID.—

“(i) The average annual grant amount (including Federal, State, and institutional aid) awarded to an undergraduate student enrolled at the institution who receives financial aid.

“(ii) The percentage of undergraduate students enrolled at the institution receiving Federal, State, and institutional grants, student loans, and any other type of student financial assistance known by the institution, provided publicly or through the institution, such as Federal work-study funds.

“(iii) The cohort default rate (as defined in section 435(m)) for such institution.

“(E) FACULTY INFORMATION.—

“(i) The ratio of the number of course sections taught by part-time instructors to the number of course sections taught by full-time faculty, disaggregated by course sections intended primarily for undergraduate students and course sections intended primarily for graduate students.

“(ii) The mean and median years of employment for part-time instructors.

“(3) OTHER DATA MATTERS.—

“(A) COMPLETION DATA.—The Commissioner of Education Statistics shall ensure that the information required under paragraph (1)(E) includes information with respect to all students at an institution, including students other than first-time, full-time students and students who transfer to another institution, in a manner that the Commissioner considers appropriate.

“(B) ADJUSTMENT OF INCOME CATEGORIES.—The Secretary may annually adjust the range of each of the income categories described in paragraph (1)(F) to account for a change in the Consumer Price Index for All Urban Consumers as determined by the Bureau of Labor Statistics if the Secretary determines an adjustment is necessary.

“(4) INSTITUTIONAL COMPARISON.—The Secretary shall include on the College Dashboard website a method for users to easily compare the information required under paragraphs (1) and (2) between institutions.

“(5) UPDATES.—

“(A) DATA.—The Secretary shall update the College Dashboard website not less than annually.

“(B) TECHNOLOGY AND FORMAT.—The Secretary shall regularly assess the format and technology of the College Dashboard website and make any changes or updates that the Secretary considers appropriate.

“(6) CONSUMER TESTING.—

“(A) IN GENERAL.—In developing and maintaining the College Dashboard website, the Secretary, in consultation with appropriate departments and agencies of the Federal

Government, shall conduct consumer testing with appropriate persons, including current and prospective college students, family members of such students, institutions of higher education, and experts, to ensure that the College Dashboard website is usable and easily understandable and provides useful and relevant information to students and families.

“(B) RECOMMENDATIONS FOR CHANGES.—The Secretary shall submit to the authorizing committees any recommendations that the Secretary considers appropriate for changing the information required to be provided on the College Dashboard website under paragraphs (1) and (2) based on the results of the consumer testing conducted under subparagraph (A).

“(7) PROVISION OF APPROPRIATE LINKS TO PROSPECTIVE STUDENTS AFTER SUBMISSION OF FAFSA.—The Secretary shall provide to each student who submits a Free Application for Federal Student Aid described in section 483 a link to the webpage of the College Dashboard website that contains the information required under paragraph (1) for each institution of higher education such student includes on such Application.

“(8) INTERAGENCY COORDINATION.—The Secretary, in consultation with each appropriate head of a department or agency of the Federal Government, shall ensure to the greatest extent practicable that any information related to higher education that is published by such department or agency is consistent with the information published on the College Dashboard website.

“(9) REFERENCES TO COLLEGE NAVIGATOR WEBSITE.—Any reference in this Act to the College Navigator website shall be considered a reference to the College Dashboard website.”

(b) CONFORMING AMENDMENTS.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), as amended by subsection (a) of this section, is further amended—

(1) in section 131(h) (20 U.S.C. 1015(h)), by striking “College Navigator” and inserting “College Dashboard”; and

(2) in section 132(a) (20 U.S.C. 1015a(a)), by striking paragraph (1) and inserting the following new paragraph:

“(1) COLLEGE DASHBOARD WEBSITE.—The term ‘College Dashboard website’ means the College Dashboard website required under subsection (d).”

(c) DEVELOPMENT.—The Secretary of Education shall develop and publish the College Dashboard website required under section 132 of the Higher Education Act of 1965 (20 U.S.C. 1015a), as amended by subsections (a) and (b) of this section, not later than one year after the date of the enactment of this Act.

(d) COLLEGE NAVIGATOR WEBSITE MAINTENANCE.—The Secretary shall maintain the College Navigator website required under section 132 of the Higher Education Act of 1965 (20 U.S.C. 1015a), as in effect the day before the date of the enactment of this Act, in the manner required under the Higher Education Act of 1965, as in effect on such day, until the College Dashboard website referred to in subsection (c) is complete and publicly available on the Internet.

### SEC. 3. NET PRICE CALCULATORS.

Subsection (c) of section 132 of the Higher Education Act of 1965 (20 U.S.C. 1015a), as redesignated by section 2(a)(4) of this Act, is amended—

(1) by redesignating paragraph (4) as paragraph (6); and

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

“(4) MINIMUM REQUIREMENTS FOR NET PRICE CALCULATORS.—Not later than 1 year after the date of the enactment of the Strengthening Transparency in Higher Education

Act, a net price calculator for an institution of higher education shall meet the following requirements:

“(A) The link for the calculator shall—

“(i) be clearly labeled as a net price calculator and prominently, clearly, and conspicuously posted in locations on the website of such institution where information on costs and aid is provided and any other location that the institution considers appropriate; and

“(ii) match in size and font to the other prominent links on the webpage where the link for the calculator is displayed.

“(B) The webpage displaying the results for the calculator shall specify at least the following information:

“(i) The net price (as calculated under subsection (a)(2)) for such institution, which shall be the most visually prominent figure on the results screen.

“(ii) Cost of attendance, including—

“(I) tuition and fees;

“(II) average annual cost of room and board for the institution for a full-time undergraduate student enrolled in the institution;

“(III) average annual cost of books and supplies for a full-time undergraduate student enrolled in the institution; and

“(IV) estimated cost of other expenses (including personal expenses and transportation) for a full-time undergraduate student enrolled in the institution.

“(iii) Estimated total need-based grant aid and merit-based grant aid from Federal, State, and institutional sources that may be available to a full-time undergraduate student.

“(iv) Percentage of the full-time undergraduate students enrolled in the institution that received any type of grant aid described in clause (iii).

“(v) The disclaimer described in paragraph (6).

“(vi) In the case of a calculator that—

“(I) includes questions to estimate the eligibility of a student or prospective student for veterans' education benefits (as defined in section 480) or educational benefits for active duty service members, such benefits are displayed on the results screen in a manner that clearly distinguishes such benefits from the grant aid described in clause (iii); or

“(II) does not include questions to estimate eligibility for the benefits described in subclause (I), the results screen indicates that certain students (or prospective students) may qualify for such benefits and includes a link to information about such benefits.

“(C) The institution shall populate the calculator with data from an academic year that is not more than 2 academic years prior to the most recent academic year.

“(5) PROHIBITION ON USE OF DATA COLLECTED BY THE NET PRICE CALCULATOR.—A net price calculator for an institution of higher education shall—

“(A) clearly indicate which questions are required to be completed for an estimate of the net price from the calculator;

“(B) in the case of a calculator that requests contact information from users, clearly mark such requests as optional and provide for an estimate of the net price from the calculator without requiring users to enter such information; and

“(C) prohibit any personally identifiable information provided by users from being sold or made available to third parties.”

### SEC. 4. FUNDING.

(a) USE OF EXISTING FUNDS.—Of the amount authorized to be appropriated to the Department of Education to maintain the College Navigator website, \$1,000,000 shall be available to carry out this Act and the amendments made by this Act.

(b) NO ADDITIONAL FUNDS AUTHORIZED.—No funds are authorized by this Act to be appropriated to carry out this Act or the amendments made by this Act.

The SPEAKER pro tempore (Mr. RIGELL). Pursuant to the rule, the gentleman from Indiana (Mr. MESSER) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

□ 1615

GENERAL LEAVE

Mr. MESSER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3178.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MESSER. Mr. Speaker, I rise today in strong support of H.R. 3178, the Strengthening Transparency in Higher Education Act, and I yield myself such time as I may consume.

For many Americans, access to higher education is a critical step in achieving the American Dream. However, as young men and women enter into the college selection process, they are too often faced with a complex maze of options, a lack of clear and consistent information, and a complicated and burdensome financial aid system.

Congress made a number of reforms in 2008 to provide students and their families with more information on colleges and universities. Students are now better equipped to make informed decisions about where they choose to pursue a postsecondary education. But, unfortunately, some of these initiatives have only added to confusion faced by students and families as they make their higher education decisions, so more needs to be done.

Too often, information that is available does not take into account the number of current students who enroll in higher education and lacks other important crucial information that may impact the decisions being made by students and their families. That is why Representative FOXX and I, along with many of our colleagues on both sides of the aisle, have introduced this important legislation.

The Strengthening Transparency in Higher Education Act makes significant improvements to the transparency gaps that currently exist within our current higher education system, including completion rates for Pell grant recipients. It will help ensure all available data is straightforward, useful, and relevant for today's students.

By streamlining the maze of information into a consumer-tested College Dashboard, we can provide better information on enrollment, completion rates, and average student loan debt. Students can more easily form side-by-

side comparisons of the colleges and universities that they are considering.

Currently, the Secretary of Education is only required to publish information on first-time students who attend class full-time, ignoring a large part of the current college population. This legislation will ensure available information is better reflective of all students, both traditional and contemporary, and new and prospective students have a clearer picture of all options that are available to them.

The Strengthening Transparency in Higher Education Act takes steps to improve coordination among Federal agencies by requiring the Secretary of Education to work with other departments and agencies to ensure that any information related to higher education that they publish is consistent with the College Dashboard. This will help to avoid duplicative efforts and reduce confusion for students.

With these reforms, we can ensure that students have all the information they need to make the best decisions for their futures. By working together, we can help make the dream of obtaining a college degree a reality for more Americans.

I urge my colleagues to support this bipartisan legislation, and I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3178, the Strengthening Transparency in Higher Education Act, and I want to thank the gentleman from Indiana for joining me today in managing the bill. I want to also thank Ms. FOXX, chair of the Subcommittee on Higher Education and Workforce Training, for her hard work on this bill. I also want to thank our chairman, JOHN KLINE, and ranking member, BOBBY SCOTT, for their leadership.

No matter which side of the aisle we are on, we can all agree that, by helping people get an education, we are benefiting both the individual and the American economy. In today's world, getting an education means more than grade school and high school; it means higher education as well.

H.R. 3178 will help more Americans get a college education, and it does so by helping college students and potential college students and their families get more of the information they need to make the tough financial decision that go along with a college education.

With more than 7,000 colleges and universities nationwide to choose from, the college application process can be quite overwhelming for students and their families. H.R. 3178 helps to bridge the information gap by creating a new online tool for students and families called the College Dashboard, to be managed by the U.S. Department of Education. This Web site will replace the cumbersome College Navigator and compile information submitted by institutions on enrollment, graduation rates, costs, financial aid, and faculty status. The bill will also streamline ex-

isting efforts at the Federal level to reduce confusion, and require better coordination by Federal agencies to avoid duplication.

A bill like H.R. 3178 is particularly important for students in America who come from areas like the one I represent, the Northern Mariana Islands, that are geographically remote. Students from my district cannot hop in the car with their parents and drive around the country looking at colleges. It costs thousands of dollars to fly off island, as we say; and for families who come from some of the poorer areas of our Nation, like the one I represent, those thousands of dollars that would be spent to look at colleges would be better spent paying tuition, buying books, or covering the cost of room and board.

Having more information readily available about the cost of any particular college and the return on investment that graduates of that college can expect is also critically important for students and families who often are investing in a college education for the first time. Making an investment like that for families that have never sent anyone to college is a leap of faith, a huge risk, and if we can help reduce the risk, or give those families a better sense of the value of the financial sacrifices they will have to make to pay for college, then we should do so.

By supplying key information about the colleges online on the College Dashboard, as this measure does, it would help bridge the geographic and socioeconomic gaps that can be a barrier for bright, hardworking, and ambitious students everywhere in America to get a college degree. When we can do that, we are helping these individuals have a more productive, satisfying life, and we are helping our Nation remain productive and competitive in our world economy.

Again, I want to thank Chairwoman FOXX for the opportunity to work with her on this important and meaningful legislation. I urge my colleagues to support H.R. 3178, the Strengthening Transparency in Higher Education Act.

I yield back the balance of my time.

Mr. MESSER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in closing, I want to thank the gentleman from the Northern Mariana Islands for his leadership on this important bill and all my colleagues on both sides of the aisle for their hard work on this bipartisan legislation.

Going through the college decision application process should be an experience students look forward to as they plan the next stage of their lives. The Strengthening Transparency in Higher Education Act makes the reforms necessary to ensure the information available to students is more accessible, relevant, and helpful as they go through that process.

I am pleased with the good work we have been able to do here on Capitol Hill.

I want to thank Chairwoman FOXX for her leadership on this bill as well.

I urge my colleagues to support the legislation.

I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise today in support of H.R. 3178, the “Strengthening Transparency in Higher Education Act,” which streamlines and simplifies information regarding institutions of higher education.

At a time when American innovation and intellectual growth is critical to maintaining our country’s global economic leadership, higher education is an indispensable means of ensuring the next generation can uphold the exceptionally high standards of American innovation.

As the founder and chair of the Children’s Caucus, and a longtime advocate for education opportunities for students at every stage, I know this nation can do better.

In order to ensure tomorrow’s economic, academic, and political leaders are the best our nation has to offer, higher education opportunities must be available and accessible to all.

I support the “Strengthening Transparency in Higher Education Act” because it makes an important contribution in ensuring higher education remains accessible and possible for all students.

In particular, H.R. 3178 simplifies available information on higher education opportunities by developing and making publicly available a website known as the “College Dashboard Website” that will streamline available information about participating institutions in a readily-accessible manner.

The information on this website will include:

(1) A link to the website of the institution, as well as an identification of the type of institution;

(2) Information about the institution including its attendance, student-faculty ratio, and percentage of degree-seeking or certificate-seeking undergraduate students enrolled at the institution who obtain their degree or certificate within a particular time frame;

(3) Financial information including average net price per year and availability of financial aid; and

(4) Data about campus safety, as well as regional and national data regarding starting salaries in all major occupations.

The “College Dashboard Website,” moreover, will include links to more exhaustive data regarding enrollment, completion, costs, financial aid, faculty, and institutional comparison.

Finally, the “College Dashboard Website” will include links that provide net price calculators for participating institutions of higher education.

These resources being made available to the education marketplace will provide important information to students and their families in their search for the best education value possible.

As an effort to simplify the public’s access to institutions of higher education, H.R. 3178 represents a crucial step in bolstering the accessibility of education in America.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. MESSER) that the House suspend the rules and pass the bill, H.R. 3178, as amended.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### HBCU CAPITAL FINANCING IMPROVEMENT ACT

Mr. BYRNE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5530) to amend the Higher Education Act of 1965 to modify certain provisions relating to the capital financing of historically Black colleges and universities, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5530

*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 “HBCU Capital Financing Improvement Act”.*

##### SEC. 2. BOND INSURANCE.

*Section 343 of the Higher Education Act of 1965 (20 U.S.C. 1066b) is amended—*

*(1) by striking “escrow account” each place it appears and inserting “bond insurance fund”; and*

*(2) in subsection (b)—*

*(A) in paragraph (1), by striking “an” and inserting “a”; and*

*(B) in paragraph (8), in the matter preceding subparagraph (A), by striking “an” and inserting “a”.*

##### SEC. 3. STRENGTHENING TECHNICAL ASSISTANCE.

*Paragraph (9) of section 345 of the Higher Education Act of 1965 (20 U.S.C. 1066d) is amended to read as follows:*

*“(9) may, directly or by grant or contract, provide financial counseling and technical assistance to eligible institutions to prepare the institutions to qualify, apply for, and maintain a capital improvement loan, including a loan under this part; and”.*

##### SEC. 4. HBCU CAPITAL FINANCING ADVISORY BOARD.

*Paragraph (2) of section 347(c) of the Higher Education Act of 1965 (20 U.S.C. 1066f(c)) is amended to read as follows:*

*“(2) REPORT.—On an annual basis, the Advisory Board shall prepare and submit to the authorizing committees a report on the status of the historically Black colleges and universities described in paragraph (1)(A). That report shall also include—*

*“(A) an overview of all loans in the capital financing program, including the most recent loans awarded in the fiscal year in which the report is submitted; and*

*“(B) administrative and legislative recommendations, as needed, for addressing the issues related to construction financing facing historically Black colleges and universities.”.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. BYRNE) and the gentleman from North Carolina (Ms. ADAMS) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama.

GENERAL LEAVE

Mr. BYRNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5530.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BYRNE. Mr. Speaker, I rise today in strong support of H.R. 5530, the HBCU Capital Financing Improvement Act, and I yield myself such time as I may consume.

Mr. Speaker, H.R. 5530 is one of a number of bills on the floor today with a common purpose: improving our country’s higher education system—something that has been a priority of mine for a very long time.

As a member of the Alabama State Board of Education and as chancellor of the Alabama Department of Postsecondary Education, I worked to ensure that schools in our State were preparing students to succeed. As a member of the House Education and the Workforce Committee, I have continued that focus and worked to deliver solutions that will provide all students with the quality education they deserve, and that is why I stand here today.

An important part of helping students succeed is making sure schools and institutions have what they need to serve them well. That is exactly what H.R. 5530 will do.

The bill reforms a program known as the HBCU Capital Financing Program. Congress created this program to provide Historically Black Colleges and Universities with low-cost capital they can use to make infrastructure improvements. It acts as a loan guarantee program so that these institutions can finance or refinance repairs, renovations, and construction on their campuses.

The program also includes an advisory board that is intended to inform the Department of Education on the capital needs of HBCUs, how those needs can be met through the program, and how the program can be improved.

H.R. 5530 will improve access to the HBCU Capital Financing Program by helping schools better understand the resources available to them. It will also strengthen the oversight program, reinforcing the duties of its advisory board by requiring it to report annually to Congress on the program’s financial health. These are simple reforms that will help HBCUs better serve their students and ensure taxpayer dollars are being well-spent.

I urge my colleagues to support this bipartisan legislation, and I reserve the balance of my time.

Ms. ADAMS. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Alabama also for serving as co-chair of the bipartisan HBCU Caucus and cosponsoring this bill.

I am here today to encourage all of my colleagues to support the HBCU Capital Financing Improvement Act. This bipartisan legislation seeks to offset inequities faced by Historically Black Colleges and Universities in the private bond market by making improvements to the HBCU Capital Financing Program, a program that provides low-cost capital to finance infrastructure improvements at HBCUs.

This bill also makes technical changes to the program, such as changing the name of an account to more adequately describe the purpose of the fund. The simple change in name may increase participation by public HBCUs which otherwise may have been discouraged from participating.

The HBCU Capital Financing Improvement Act also provides additional support to institutions interested in participating but unable to meet the program's financial requirements. This bill allows the Department of Education to offer financial counseling to interested HBCUs, in addition to the technical assistance already provided by the agency through the program.

The HBCU Capital Financing Program provides integral investments to HBCUs, allowing them to provide students with enhanced learning and living environments, rebuild and restructure historic buildings, and provide jobs in communities.

□ 1630

Without this important program, many HBCUs would be unable to maintain their campuses and make the improvements necessary to serve their student populations. Additionally, this financing program has been an effective tool, and it has exhibited very limited risk to the Federal Government and taxpayers.

I hope these changes will encourage and help more HBCUs take advantage of the capital financing program, and I encourage all of my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BYRNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I hope the public is seeing as they watch this and all our colleagues are learning, all of these higher education bills are moving with bipartisan support. Either you have a Democratic sponsor and a Republican cosponsor or a Republican sponsor and a Democratic cosponsor. As they passed through our committee, they passed unanimously, which just goes to show that there are things that we in this Congress can work on together in a bipartisan fashion to make improvements for the American people.

I hope that we will build on what we are doing today on these very important pieces of higher education legislation not just in our committee, but throughout the Congress because the American people sent us here to work together to get their problems solved and help them improve their lives. I think it is a very important idea we advance in this bill.

Mr. Speaker, I have no further speakers. I am prepared to close, and I reserve the balance of my time.

Ms. ADAMS. Mr. Speaker, I would like to simply close by saying that I want to thank Congressman BYRNE and all the committee for their support of this important legislation and to all of our bipartisan cosponsors as well be-

cause what we have here, this legislation will definitely make improvements to the HBCU capital financing program which ultimately supports our HBCUs.

Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

Mr. BYRNE. Mr. Speaker, in closing, I want to thank Representative ADAMS for her leadership on the issue of HBCUs in general, for her leadership in the bipartisan caucus, and for advancing this particular piece of legislation. I want to thank all of our colleagues that worked with us not just on this legislation, but through the other work of the caucus.

HBCUs are an integral part of our higher education system in America, and I am proud of the work we have done to address the unique challenges they face. I look forward to continuing that work as we advance legislation like the HBCU Capital Financing Improvement Act. By enhancing an existing program, H.R. 5530, will help these institutions make worthwhile investments that will benefit their students and the United States of America for years to come.

Mr. Speaker, I urge my colleagues to support this legislation.

I yield back the balance of my time.  
Ms. JACKSON LEE. I rise in support of H.R. 5530, "HBCU Capital Financing Improvement Act" and thank my good friend Congresswoman ADAMS for her leadership on this important bill.

In particular, this bill strengthens and streamlines capital financing of historically Black colleges and universities, and bolsters the welfare of these institutions by providing financial counseling and technical assistance to qualified schools.

This legislation will help lay the foundation needed to develop critical solutions to meet current and emerging needs, like student retention and improving graduation rates.

As the founder and chair of the Children's Caucus and Member of the Congressional Black Caucus, I am particularly concerned about the events of the last few days and weeks that highlight a national problem that involves the health and well-being of young African American boys and young men.

One important solution must be access to affordable quality education for every person in this nation.

HBCUs graduate far more than their share of African American professionals.

While the 105 HBCUs represent just 3 percent of the nation's institutions of higher learning, they graduate nearly one quarter of African Americans who earn undergraduate degrees.

I am proud that Texas Southern University one of the nation's great HBCU is a constituent in my home city of Houston.

I routinely partner with Texas Southern University to promote education opportunities and collaborate on community projects routinely.

H.R. 5530 will help facilitate my work with Texas Southern University and other HBCUs by expanding the financial opportunities they need.

America's HBCUs have a proud and solid tradition.

Scattered throughout the nation, many of these institutions of higher learning have fostered the academic development of African-Americans for over a century.

Since their inception, HBCUs have furthered the development of African Americans who have become leaders in science, health, government, business, and education, the military, law, and world affairs including:

Booker T. Washington, Founder of Tuskegee Institute

Rev. Dr. Martin Luther King;

Supreme Court Justice Thurgood Marshall;

World renowned opera singer Leontyne Price;

Media mogul Oprah Winfrey;

And Congresswoman Barbara Jordan of Texas

Mr. Speaker, we must continue to provide our strong support to HBCUs so that every citizen can enjoy a future of hope and opportunity.

We commend these great institutions as they build on a foundation of continued success for every college student.

Graduates of HBCUs have made great contributions to our society, and America, and they continue to serve as role models for all Americans.

Most Americans agree that education provides the best chance of preparing today's youth to lead the Nation throughout the next century.

Mr. Speaker, I urge my colleagues to join me in recognizing the importance of National Historically Black Colleges and Universities and help strengthening them by continued funding these critical institutions and ensuring our nation's youth have access to quality education.

The SPEAKER pro tempore. The question on the motion offered by the gentleman from Alabama (Mr. BYRNE) that the House suspend the rules and pass the bill, H.R. 5530, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### EMPOWERING STUDENTS THROUGH ENHANCED FINANCIAL COUNSELING ACT

Mr. GUTHRIE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3179) to amend the loan counseling requirements under the Higher Education Act of 1965, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3179

*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 "Empowering Students Through Enhanced Financial Counseling Act".*

#### SEC. 2. ANNUAL COUNSELING.

*Section 485(l) of the Higher Education Act of 1965 (20 U.S.C. 1092(l)) is amended to read as follows:*

*"(1) ANNUAL FINANCIAL AID COUNSELING.—*

*"(1) ANNUAL DISCLOSURE REQUIRED.—*

“(A) IN GENERAL.—Each eligible institution shall ensure that each individual who receives a Federal Pell Grant or a loan made under part D (other than a Federal Direct Consolidation Loan) receives comprehensive information on the terms and conditions of such Federal Pell Grant or loan and the responsibilities the individual has with respect to such Federal Pell Grant or loan. Such information shall be provided, for each award year for which the individual receives such Federal Pell Grant or loan, in a simple and understandable manner—

“(i) during a counseling session conducted in person;

“(ii) online, with the individual acknowledging receipt of the information; or

“(iii) through the use of the online counseling tool described in subsection (n)(1)(B).

“(B) USE OF INTERACTIVE PROGRAMS.—In the case of institutions not using the online counseling tool described in subsection (n)(1)(B), the Secretary shall require such institutions to carry out the requirements of subparagraph (A) through the use of interactive programs, during an annual counseling session that is in-person or online, that test the individual’s understanding of the terms and conditions of the Federal Pell Grant or loan awarded to the individual, using simple and understandable language and clear formatting.

“(2) ALL INDIVIDUALS.—The information to be provided under paragraph (1)(A) to each individual receiving counseling under this subsection shall include the following:

“(A) An explanation of how the individual may budget for typical educational expenses and a sample budget based on the cost of attendance for the institution.

“(B) An explanation that an individual has a right to annually request a disclosure of information collected by a consumer reporting agency pursuant to section 612(a) of the Fair Credit Reporting Act (15 U.S.C. 1681j(a)).

“(C) Based on the most recent data available from the American Community Survey available from the Department of Commerce, the estimated average income and percentage of employment in the State of domicile of the individual for individuals with—

“(i) a high school diploma or equivalent;

“(ii) some post-secondary education without completion of a degree or certificate; and

“(iii) a bachelor’s degree.

“(D) An introduction to the financial management resources provided by the Financial Literacy and Education Commission.

“(3) STUDENTS RECEIVING FEDERAL PELL GRANTS.—The information to be provided under paragraph (1)(A) to each student receiving a Federal Pell Grant shall include the following:

“(A) An explanation of the terms and conditions of the Federal Pell Grant.

“(B) An explanation of approved educational expenses for which the student may use the Federal Pell Grant.

“(C) An explanation of why the student may have to repay the Federal Pell Grant.

“(D) An explanation of the maximum number of semesters or equivalent for which the student may be eligible to receive a Federal Pell Grant, and a statement of the amount of time remaining for which the student may be eligible to receive a Federal Pell Grant.

“(E) An explanation that if the student transfers to another institution not all of the student’s courses may be acceptable in transfer toward meeting specific degree or program requirements at such institution, but the amount of time remaining for which a student may be eligible to receive a Federal Pell Grant, as provided under subparagraph (D), will not change.

“(F) An explanation of how the student may seek additional financial assistance from the institution’s financial aid office due to a change in the student’s financial circumstances, and the contact information for such office.

“(4) BORROWERS RECEIVING LOANS MADE UNDER PART D (OTHER THAN PARENT PLUS

LOANS).—The information to be provided under paragraph (1)(A) to a borrower of a loan made under part D (other than a Federal Direct PLUS Loan made on behalf of a dependent student) shall include the following:

“(A) To the extent practicable, the effect of accepting the loan to be disbursed on the eligibility of the borrower for other forms of student financial assistance.

“(B) An explanation of the use of the master promissory note.

“(C) An explanation that the borrower is not required to accept the full amount of the loan offered to the borrower.

“(D) An explanation that the borrower should consider accepting any grant, scholarship, or State or Federal work-study jobs for which the borrower is eligible prior to accepting Federal student loans.

“(E) A recommendation to the borrower to exhaust the borrower’s Federal student loan options prior to taking out private education loans, an explanation that Federal student loans typically offer better terms and conditions than private education loans, an explanation of treatment of loans made under part D and private education loans in bankruptcy, and an explanation that if a borrower decides to take out a private education loan—

“(i) the borrower has the ability to select a private educational lender of the borrower’s choice;

“(ii) the proposed private education loan may impact the borrower’s potential eligibility for other financial assistance, including Federal financial assistance under this title; and

“(iii) the borrower has a right—

“(I) to accept the terms of the private education loan within 30 calendar days following the date on which the application for such loan is approved and the borrower receives the required disclosure documents, pursuant to section 128(e) of the Truth in Lending Act (15 U.S.C. 1638(e)); and

“(II) to cancel such loan within 3 business days of the date on which the loan is consummated, pursuant to section 128(e)(7) of such Act (15 U.S.C. 1638(e)(7)).

“(F) An explanation of the approved educational expenses for which the borrower may use a loan made under part D.

“(G) Information on the annual and aggregate loan limits for Federal Direct PLUS Loans and Federal Direct Unsubsidized Stafford Loans.

“(H) Information on how interest accrues and is capitalized during periods when the interest is not paid by either the borrower or the Secretary.

“(I) In the case of a Federal Direct PLUS Loan or a Federal Direct Unsubsidized Stafford Loan, the option of the borrower to pay the interest while the borrower is in school.

“(J) The definition of half-time enrollment at the institution, during regular terms and summer school, if applicable, and the consequences of not maintaining at least half-time enrollment.

“(K) An explanation of the importance of contacting the appropriate offices at the institution of higher education if the borrower withdraws prior to completing the borrower’s program of study so that the institution can provide exit counseling, including information regarding the borrower’s repayment options and loan consolidation.

“(L) For a first-time borrower—

“(i) a statement of the anticipated balance on the loan for which the borrower is receiving counseling under this subsection;

“(ii) based on such anticipated balance, the anticipated monthly payment amount under, at minimum—

“(I) the standard repayment plan; and

“(II) an income-based repayment plan under section 493C, as determined using regionally available data from the Bureau of Labor Statistics of the average starting salary for the occupation in which the borrower has an interest in or intends to be employed; and

“(iii) an estimate of the projected monthly payment amount under each repayment plan described in clause (ii), based on the average cumulative indebtedness at graduation for borrowers of loans made under part D who are in the same program of study as the borrower.

“(M) For a borrower with an outstanding balance of principal or interest due on a loan made under this title—

“(i) a current statement of the amount of such outstanding balance and interest accrued;

“(ii) based on such outstanding balance, the anticipated monthly payment amount under, at minimum, the standard repayment plan and, using regionally available data from the Bureau of Labor Statistics of the average starting salary for the occupation the borrower intends to be employed, an income-based repayment plan under section 493C; and

“(iii) an estimate of the projected monthly payment amount under each repayment plan described in clause (ii), based on—

“(I) the outstanding balance described in clause (i);

“(II) the anticipated outstanding balance on the loan for which the student is receiving counseling under this subsection; and

“(III) a projection for any other loans made under part D that the borrower is reasonably expected to accept during the borrower’s program of study based on at least the expected increase in the cost of attendance of such program.

“(N) The obligation of the borrower to repay the full amount of the loan, regardless of whether the borrower completes or does not complete the program in which the borrower is enrolled within the regular time for program completion.

“(O) The likely consequences of default on the loan, including adverse credit reports, delinquent debt collection procedures under Federal law, and litigation, and a notice of the institution’s most recent cohort default rate (defined in section 435(m)), an explanation of the cohort default rate, the most recent national average cohort default rate, and the most recent national average cohort default rate for the category of institution described in section 435(m)(4) to which the institution belongs.

“(P) Information on the National Student Loan Data System and how the borrower can access the borrower’s records.

“(Q) The contact information for the institution’s financial aid office or other appropriate office at the institution the borrower may contact if the borrower has any questions about the borrower’s rights and responsibilities or the terms and conditions of the loan.

“(5) BORROWERS RECEIVING PARENT PLUS LOANS FOR DEPENDENT STUDENTS.—The information to be provided under paragraph (1)(A) to a borrower of a Federal Direct PLUS Loan made on behalf of a dependent student shall include the following:

“(A) The information described in subparagraphs (A) through (C) and (N) through (Q) of paragraph (4).

“(B) The option of the borrower to pay the interest on the loan while the loan is in deferment.

“(C) For a first-time borrower of such loan—

“(i) a statement of the anticipated balance on the loan for which the borrower is receiving counseling under this subsection;

“(ii) based on such anticipated balance, the anticipated monthly payment amount under the standard repayment plan; and

“(iii) an estimate of the projected monthly payment amount under the standard repayment plan, based on the average cumulative indebtedness of other borrowers of Federal Direct PLUS Loans made on behalf of dependent students who are in the same program of study as the student on whose behalf the borrower borrowed the loan.

“(D) For a borrower with an outstanding balance of principal or interest due on such loan—

“(i) a statement of the amount of such outstanding balance;



“(ii) based on such outstanding balance, the anticipated monthly payment amount under the standard repayment plan; and

“(iii) an estimate of the projected monthly payment amount under the standard repayment plan, based on—

“(I) the outstanding balance described in clause (i);

“(II) the anticipated outstanding balance on the loan for which the borrower is receiving counseling under this subsection; and

“(III) a projection for any other Federal Direct PLUS Loan made on behalf of the dependent student that the borrower is reasonably expected to accept during the program of study of such student based on at least the expected increase in the cost of attendance of such program.

“(E) Debt management strategies that are designed to facilitate the repayment of such indebtedness.

“(F) An explanation that the borrower has the options to prepay each loan, pay each loan on a shorter schedule, and change repayment plans.

“(G) For each Federal Direct PLUS Loan made on behalf of a dependent student for which the borrower is receiving counseling under this subsection, the contact information for the loan servicer of the loan and a link to such servicer’s Website.

“(6) ANNUAL LOAN ACCEPTANCE.—Prior to making the first disbursement of a loan made under part D (other than a Federal Direct Consolidation Loan) to a borrower for an award year, an eligible institution, shall, as part of carrying out the counseling requirements of this subsection for the loan, ensure that after receiving the applicable counseling under paragraphs (2), (4), and (5) for the loan the borrower accepts the loan for such award year by—

“(A) signing the master promissory note for the loan;

“(B) signing and returning to the institution a separate written statement that affirmatively states that the borrower accepts the loan; or

“(C) electronically signing an electronic version of the statement described in subparagraph (B).”.

### SEC. 3. EXIT COUNSELING.

Section 485(b) of the Higher Education Act of 1965 (20 U.S.C. 1092(b)) is amended—

(1) in paragraph (1)(A)—

(A) in the matter preceding clause (i), by striking “through financial aid offices or otherwise” and inserting “through the use of an interactive program, during an exit counseling session that is in-person or online, or through the use of the online counseling tool described in subsection (n)(1)(A)”;

(B) by redesignating clauses (i) through (ix) as clauses (iv) through (xii), respectively;

(C) by inserting before clause (iv), as so redesignated, the following:

“(i) a summary of the outstanding balance of principal and interest due on the loans made to the borrower under part B, D, or E;

“(ii) an explanation of the grace period preceding repayment and the expected date that the borrower will enter repayment;

“(iii) an explanation that the borrower has the option to pay any interest that has accrued while the borrower was in school or that may accrue during the grace period preceding repayment or during an authorized period of deferment or forbearance, prior to the capitalization of the interest;”.

(D) in clause (iv), as so redesignated—

(i) by striking “sample information showing the average” and inserting “information, based on the borrower’s outstanding balance described in clause (i), showing the borrower’s”; and

(ii) by striking “of each plan” and inserting “of at least the standard repayment plan and the income-based repayment plan under section 493C”;

(E) in clause (ix), as so redesignated—

(i) by inserting “decreased credit score,” after “credit reports,”; and

(ii) by inserting “reduced ability to rent or purchase a home or car, potential difficulty in securing employment,” after “Federal law,”;

(F) in clause (x), as so redesignated, by striking “consolidation loan under section 428C or a”;

(G) in clauses (xi) and (xii), as so redesignated, by striking “and” at the end; and

(H) by adding at the end the following:

“(xiii) for each of the borrower’s loans made under part B, D, or E for which the borrower is receiving counseling under this subsection, the contact information for the loan servicer of the loan and a link to such servicer’s Website; and

“(xiv) an explanation that an individual has a right to annually request a disclosure of information collected by a consumer reporting agency pursuant to section 612(a) of the Fair Credit Reporting Act (15 U.S.C. 1681j(a)).”;

(2) in paragraph (1)(B)—

(A) by inserting “online or” before “in writing”; and

(B) by adding before the period at the end the following: “, except that in the case of an institution using the online counseling tool described in subsection (n)(1)(A), the Secretary shall attempt to provide such information to the student in the manner described in subsection (n)(3)(C)”;

(3) in paragraph (2)(C), by inserting “, such as the online counseling tool described in subsection (n)(1)(A),” after “electronic means”.

### SEC. 4. ONLINE COUNSELING TOOLS.

Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is further amended by adding at the end the following:

“(n) ONLINE COUNSELING TOOLS.—

“(1) IN GENERAL.—Beginning not later than 1 year after the date of enactment of the Empowering Students Through Enhanced Financial Counseling Act, the Secretary shall maintain—

“(A) an online counseling tool that provides the exit counseling required under subsection (b) and meets the applicable requirements of this subsection; and

“(B) an online counseling tool that provides the annual counseling required under subsection (l) and meets the applicable requirements of this subsection.

“(2) REQUIREMENTS OF TOOLS.—In maintaining the online counseling tools described in paragraph (1), the Secretary shall ensure that each such tool is—

“(A) consumer tested, in consultation with other relevant Federal agencies, to ensure that the tool is effective in helping individuals understand their rights and obligations with respect to borrowing a loan made under part D or receiving a Federal Pell Grant;

“(B) understandable to students receiving Federal Pell Grants and borrowers of loans made under part D; and

“(C) freely available to all eligible institutions.

“(3) RECORD OF COUNSELING COMPLETION.—The Secretary shall—

“(A) use each online counseling tool described in paragraph (1) to keep a record of which individuals have received counseling using the tool, and notify the applicable institutions of the individual’s completion of such counseling;

“(B) in the case of a borrower who receives annual counseling for a loan made under part D using the tool described in paragraph (1)(B), notify the borrower by when the borrower should accept, in a manner described in subsection (l)(6), the loan for which the borrower has received such counseling; and

“(C) in the case of a borrower described in subsection (b)(1)(B) at an institution that uses the online counseling tool described in paragraph (1)(A) of this subsection, the Secretary shall attempt to provide the information described in subsection (b)(1)(A) to the borrower through such tool.”.

### SEC. 5. LONGITUDINAL STUDY ON THE EFFECTIVENESS OF STUDENT LOAN COUNSELING.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Education, acting through the Director of the Institute of Education Sciences, shall begin conducting a rigorous, longitudinal study of the impact and effectiveness of the student loan counseling—

(1) provided under subsections (b), (l), and (n) of section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092), as amended by this Act; and

(2) provided through such other means as the Secretary of Education may determine.

(b) CONTENTS.—

(1) BORROWER INFORMATION.—The longitudinal study carried out under subsection (a) shall include borrower information, in the aggregate and disaggregated by race, ethnicity, gender, income, and status as an individual with a disability, on—

(A) student persistence;

(B) degree attainment;

(C) program completion;

(D) successful entry into student loan repayment;

(E) cumulative borrowing levels; and

(F) such other factors as the Secretary of Education may determine.

(2) EXCEPTION.—The disaggregation under paragraph (1) shall not be required in a case in which the number of borrowers in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual borrower.

(c) INTERIM REPORTS.—Not later than 18 months after the commencement of the study under subsection (a), and annually thereafter, the Secretary of Education shall evaluate the progress of the study and report any short-term findings to the appropriate committees of Congress.

### SEC. 6. AVAILABILITY OF FUNDS.

(a) USE OF EXISTING FUNDS.—Of the amount authorized to be appropriated for maintaining the Department of Education’s Financial Awareness Counseling Tool, \$2,000,000 shall be available to carry out this Act and the amendments made by this Act.

(b) NO ADDITIONAL FUNDS AUTHORIZED.—No funds are authorized to be appropriated by this Act to carry out this Act or the amendments made by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. GUTHRIE) and the gentleman from Wisconsin (Mr. POCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

#### GENERAL LEAVE

Mr. GUTHRIE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3179.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. GUTHRIE. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.R. 3179, the Empowering Students Through Enhanced Financial Counseling Act.

Mr. Speaker, as a member on the Committee on Education and the Workforce, I was pleased to introduce a bipartisan bill that will help address a number of challenges Americans face

as they pursue their dream of higher education.

As students and families explore all of the available options when trying to choose the right college or university, they face a daunting number of difficult choices, especially when it comes to financing their education.

Deciding how to pay for college is an important decision that could have a lasting impact on a student's finances—long after he or she graduates and enters the workforce. Unfortunately, current policies that are supposed to promote the financial literacy of aid recipients often leave students and their families in the dark.

Here is a troubling statistic: in a survey of current students and recent graduates who are carrying a high level of student loan debt, more than 40 percent couldn't remember ever receiving financial counseling—even though it was required before receiving their first loan.

With college costs on the rise, we need to do more to help students and their families make informed, responsible decisions when it comes to financing a postsecondary education. That is why I, along with Representatives ALLEN and BONAMICI, introduced H.R. 3179.

This bipartisan legislation will provide Americans with the tools they need to better understand their financial aid options and obligations. By improving the timing and frequency of financial counseling, the bill will empower students and parents to make smart decisions about how to pay for their education and avoid unnecessary financial hardship down the road.

The bill will require student and parent borrowers to receive financial counseling before even agreeing to a loan, helping them understand the responsibilities they are taking on before they sign on the dotted line. The bill also enhances the quality of the counseling, ensuring it is tailored to a borrower's unique needs and circumstances.

The same is true for certain students who rely on Pell grants to finance their education. Under this legislation, students who receive a Pell grant but never receive a Federal student loan would also have to receive annual counseling to ensure they are aware of the grant's terms and conditions.

Just as importantly, this bill will bolster exit counseling to help student borrowers understand their responsibilities as they leave school. This legislation will help ensure students understand their options and obligations when they begin their college careers and when they graduate.

While it is important for students and parents to understand their functional obligations, it is important for them to understand their financial options as well. For example, while Federal loans have a number of benefits for borrowers, certain State, nonprofit, and private loans may actually have more beneficial annual percentage

rates, particularly at the graduate and parent levels. An accurate comparison is important because it will allow students and parents to make the decision that is best for them.

Together, these and other reforms in the bill will empower students and their families to make informed, responsible decisions when deciding how to finance their higher education. I urge my colleagues to vote "yes" on this bipartisan legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. POCAN. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 3179, the Empowering Students Through Enhanced Financial Counseling Act, a bill my colleague, Representative BONAMICI, has been a leader on.

A college degree remains one of the best investments a person can make to improve their skills and widen economic opportunities. At the same time, the decision to go to college also represents one of the most expensive decisions families can make. Many students and their families go into this process without the proper information to make this choice. The student debt crisis is, in part, a crisis in financial literacy where students lack knowledge about repayment plans that can help them affordably manage their student debt.

Through legislation passed by Congress and regulations implemented by President Obama, most students taking out loans today can already cap their loan payments at an affordable 10 percent of their discretionary income. Yet students are often unaware of these repayment options.

H.R. 3179 is a critical step in the right direction, filling a financial literacy gap faced by too many student aid recipients. This act provides better upfront, ongoing, and exit counseling information on financial aid and student debt so that students can make more informed choices of how to finance their education and always know how much they will owe.

This legislation also allows borrowers to receive important counseling that private loans are not as generous as Federal loans and are informed of their rights as a consumer when taking out a private loan.

There are many steps which need to be taken to address college affordability, and I am pleased to support this commonsense measure. I appreciate the leadership of my colleague from Kentucky.

Mr. Speaker, I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. KLINE), the chairman of the full committee.

Mr. KLINE. Mr. Speaker, I thank the gentleman for yielding and for his hard work on this and so many other bills in the Education and the Workforce Committee.

Mr. Speaker, today I rise in strong support of this package of legislation.

This bill is one of several bipartisan reforms the House is considering today that will help strengthen higher education and put more Americans on a path to success.

A quality education is crucial to succeeding in today's workforce. Unfortunately, our costly, bureaucratic, and outdated higher education system leaves too many Americans behind.

We all know the tough challenges that exist. College costs continue to rise. A dizzying maze of student aid programs discourages students from pursuing a degree or credential. Complex Federal rules impede innovation and make it harder for students to pursue a degree more quickly and at less cost.

The net result is that it has become harder and harder for Americans to realize the dream of a higher education. Without the skills and knowledge they need to succeed in the workforce, many men and women struggle to find good-paying jobs and earn a living that provides for their families.

Those who are fortunate enough to earn a degree are often saddled with student debt they can't afford and unprepared to start their careers in an increasingly competitive and changing economy.

We have to do better, Mr. Speaker. We have to open more doors to opportunity and help more Americans reach their full potential.

The bipartisan package of higher education reforms we are considering is a positive step toward achieving that goal. Together, these reforms will empower students and their parents to make informed decisions, simplify and improve the student aid process, enhance existing support for institutions serving minority students, and ensure strong accountability for taxpayer dollars.

We have more work to do to strengthen higher education, but today we are making important progress.

I want to thank my Republican and Democratic colleagues for putting their differences aside and working together to help more Americans pursue their dream of a college degree.

Mr. Speaker, I urge Members to support these important proposals.

Mr. POCAN. Mr. Speaker, I don't have any other speakers, and I yield back the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield myself the balance of my time.

In closing, I want to remind my colleagues about the importance of this legislation.

With today's struggling economy and the cost of college rising, it is more important than ever for students and their families to make decisions that will help them succeed, not set them up for failure. That includes decisions on how to pay for college.

The Empowering Students Through Enhanced Financial Counseling Act will provide students and parents with the tools and information they need to make financially responsible decisions every step of the way.

□ 1716

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. RIGELL) at 5 o'clock and 16 minutes p.m.

## SIMPLIFYING THE APPLICATION FOR STUDENT AID ACT

Mr. HECK of Nevada. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5528) to amend the Higher Education Act of 1965 to simplify the FAFSA, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5528

*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 "Simplifying the Application for Student Aid Act".

## SEC. 2. USING DATA FROM SECOND PRECEDING YEAR.

Section 480(a)(1)(B) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(a)(1)(B)) is amended by striking "may" in both places it appears and inserting "shall".

## SEC. 3. CALCULATION OF ANNUAL ADJUSTMENT PERCENTAGE FOR FEDERAL PELL GRANTS.

Section 401(b)(7)(C)(iv)(I) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(7)(C)(iv)(I)) is amended by striking "calendar year" and inserting "fiscal year".

## SEC. 4. FAFSA SIMPLIFICATION.

(a) FAFSA SIMPLIFICATION.—Section 483 of the Higher Education Act of 1965 (20 U.S.C. 1090) is amended—

(1) in subsection (a)(3), by adding at the end the following:

"(I) FORMAT.—Not later than 180 days after the date of the enactment of the Simplifying the Application for Student Aid Act, the Secretary shall make the electronic version of the forms under this paragraph available through a technology tool that can be used on mobile devices. Such technology tool shall, at minimum, enable applicants to—

"(i) save data; and

"(ii) submit their FAFSA to the Secretary through such tool.

"(J) CONSUMER TESTING.—In developing and maintaining the electronic version of the forms under this paragraph and the technology tool for mobile devices under subsection (I), the Secretary shall conduct consumer testing with appropriate persons to ensure the forms and technology tool are designed to be easily usable and understandable by students and families. Such consumer testing shall include—

"(i) current and prospective college students, family members of such students, and other individuals with expertise in student financial assistance application processes;

"(ii) dependent students and independent students meeting the requirements under subsection (b) or (c) of section 479; and

"(iii) dependent students and independent students who do not meet the requirements under subsection (b) or (c) of section 479."; and

(2) by amending subsection (f) to read as follows:

"(f) USE OF INTERNAL REVENUE SERVICE DATA RETRIEVAL TOOL TO POPULATE FAFSA.—

"(1) SIMPLIFICATION EFFORTS.—The Secretary shall—

"(A) make every effort to allow applicants to utilize the current data retrieval tool to transfer data available from the Internal Revenue Service to reduce the amount of original data entry by applicants and strengthen the reliability of data used to calculate expected family contributions, including through the use of technology to—

"(i) allow an applicant to automatically populate the electronic version of the forms under this paragraph with data available from the Internal Revenue Service; and

"(ii) direct an applicant to appropriate questions on such forms based on the applicant's answers to previous questions; and

"(B) allow single taxpayers, married taxpayers filing jointly, and married taxpayers filing separately to utilize the current data retrieval tool to its full capacity.

"(2) USE OF TAX RETURN IN APPLICATION PROCESS.—The Secretary shall continue to examine whether data provided by the Internal Revenue Service can be used to generate an expected family contribution without additional action on the part of the student and taxpayer.

"(3) REPORTS ON FAFSA SIMPLIFICATION EFFORTS.—Not less than once every other year, the Secretary shall report to the authorizing committees on the progress of the simplification efforts under this subsection.

"(4) REPORTS ON FAFSA ACCESS.—Not less than once every 10 years, the Secretary shall report to the authorizing committees on the needs of limited English proficient students using the FAFSA."

(b) FUNDING.—

(1) USE OF EXISTING FUNDS.—Of the amount authorized to be appropriated to the Department of Education to maintain the Free Application for Federal Student Aid, \$3,000,000 shall be available to carry out this Act and the amendments made by this Act.

(2) NO ADDITIONAL FUNDS AUTHORIZED.—No funds are authorized by this Act to be appropriated to carry out this Act or the amendments made by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. HECK) and the gentleman from Wisconsin (Mr. POCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada.

## GENERAL LEAVE

Mr. HECK of Nevada. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include any extraneous material on H.R. 5528.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. HECK of Nevada. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.R. 5528, the Simplifying the Application for Student Aid Act.

Early last year, I held a roundtable on higher education in my district to help better understand the issues facing students, teachers, and higher ed administrators in Nevada. Nearly everyone in attendance raised the issue of the overly complicated student aid process and, specifically, problems with the Free Application for Federal Student Aid, better known as the FAFSA.

Like many aspects of the student aid system, the application for aid can be

This is a bipartisan piece of legislation with my good friends, Mr. ALLEN and Ms. BONAMICI. I am glad to be on the floor with my friend, Mr. POCAN, who I believe has a very big university in his district. He is from Madison. I thank him for doing that.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in support of H.R. 3179, "Empowering Students through Enhanced Financial Counseling Act," which amends the Higher Education Act of 1965 to authorize \$2 million allocated for activities related to student loan counseling.

Financial literacy and consumer awareness is very crucial for all loan borrowers, especially for our youth.

The loan will provide counseling of federal Pell Grant recipients with comprehensive information on the loan terms and conditions, as well as testing these students on their knowledge of this information before accepting the grant.

Students receiving any Federal Loans would be notified of the loan conditions, informing them on the amount, eligibility, exhaustion, and consequences of borrowing the loan.

An important aspect of this procedure includes a requirement for the borrowers to receive the contact information for the institution's financial aid office.

I have college students interning in my office, who have taken out loans for their education and these are the largest sums they have borrowed in their lifetime.

One student did not know that completing the FAFSA would automatically grant her a Federal Stafford Loan, and she did not find out about her loan until she received a job at her institution's financial aid office.

Mr. Speaker, taking this example into account, educated students across the nation are not as familiar with the process and terms of Financial Aid and loans as they should be or as we ought to think they are.

Through H.R. 3179, first-time borrowers will receive statements with interest rates and repayment plan options.

This legislation will educate the individuals seeking an education on how to finance their studies.

This legislation will also create jobs in underserved areas as well.

Mr. Speaker, I urge all of my colleagues on both sides of the aisle to support this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. GUTHRIE) that the House suspend the rules and pass the bill, H.R. 3179, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 45 minutes p.m.), the House stood in recess.

confusing and too complex for many students and families to complete. The FAFSA includes 108 questions, requesting information on everything from the net worth of investments to complicated tax information. Many of these questions rely on data that students do not yet have or are so complicated they deter applicants from even completing the form.

It is critically important that students have the information they need to make timely, informed decisions about higher education; that includes information on what aid might be available to help them pursue a college degree and the responsibilities that come with accepting assistance.

If the current process deters them from even completing the application for aid, how can students possibly get the help they need? That is why, based on the recommendation of higher ed leaders in Nevada, I began working with some of my colleagues on the committee to reform the FAFSA and improve the student aid application process.

The Simplifying the Application for Student Aid Act, which I am proud to sponsor with Representatives ROE of Tennessee, POLIS, and POCAN, is the fruit of that labor and does exactly what the title suggests. It will streamline and improve the application process through a number of commonsense measures, all of which will help students and parents access the financial aid information they need in a timely manner to better understand their higher education payment options.

First, it will allow students to use income tax data from 2 years prior to the date of application. Traditionally, the FAFSA has relied on income tax data from the previous year, but that data is not readily available when students should begin filling out their applications. While the Department of Education currently has the authority to allow students to use prior-prior year data, the Department only recently began taking advantage of this authority, and only after the introduction of the original legislation on this issue.

This bill will ensure students are able to use prior-prior year data in the future, allowing them to complete the FAFSA earlier and receive information about their aid options sooner. It will also provide aid administrators more time to verify the income of applicants, both strengthening the integrity of the Federal Student Aid system and enabling administrators to provide students with accurate aid information as soon as possible.

Additionally, the legislation will require the Department of Education to allow more applicants to easily import their available income data through the IRS, helping them automatically populate answers to many FAFSA questions with information from their tax returns, making it easier on students and parents to accurately complete the form. The bill will also require that FAFSA be available on a

mobile app and require the online and paper versions to be consumer tested. Both of these measures will make the application process easier and more user friendly and will work to ensure that data is protected.

By improving the application for student aid, we can help more students make smart decisions about college and realize that a college degree is within reach.

I urge my colleagues to support this bipartisan legislation.

I reserve the balance of my time.

Mr. POCAN. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 5528, the Simplifying the Application for Student Aid Act.

Last year, Representative DOGGETT of Texas and I led a letter to then-Secretary Duncan regarding the importance of prior-prior year FAFSA.

Allowing students to use prior years' tax data means a student can apply for financial aid at the same time they apply for college. This means that students will get information about financial aid, which will help them make their college choice much earlier. This is especially helpful for first-generation and at-risk college students who need an accurate picture of a college's price tag well in advance in order to make their decision.

In September, I was happy to see President Obama take executive action to allow for the use of prior-prior year tax data for students. The bipartisan bill before us would make this executive action permanent and is an important step toward making college more affordable, ensuring future students are afforded the opportunity to use prior year tax data when filling out the FAFSA form.

Additionally, the Simplifying the Application for Student Aid Act will also direct the Department of Education to develop a mobile app for using FAFSA. This will allow millions of Americans who do not have broadband access but do have Internet connectivity on their phones to have access to an electronic version of FAFSA.

Finally, this bill will also encourage the Department of Education to study how the Department of Education can better reach out to students with limited English language proficiency when filling out the FAFSA. These are commonsense reforms which need to be made in order to streamline the process for students applying to college.

While there is a lot more we can do to tackle college affordability, I am pleased we are moving forward with this important, bipartisan legislation today.

I thank the financial aid office at the University of Wisconsin-Madison for first raising this issue to us, and I also thank the gentleman from Nevada (Mr. HECK) for his leadership on this issue.

I reserve the balance of my time.

Mr. HECK of Nevada. Mr. Speaker, I reserve the balance of my time.

Mr. POCAN. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I rise in support of H.R. 5528, the Simplifying the Application for Student Aid Act, and I encourage my fellow Members to support it as well.

Under this bill, students and parents will be able to apply for financial aid when filling out college applications and will no longer have to wait until they have filed the current year's tax returns in order to complete the Free Application for Federal Student Aid, or FAFSA, form. Prior to this change, some families could not fill out the FAFSA form until they had filled out their taxes in April—or even later, with an extension—and, therefore, many students could not receive financial aid in a timely manner.

In a 2013 report from the National Association of Student Financial Aid Administrators report on using what is called using prior-prior year FAFSA data, they found that the expected family contribution of low-income students does not change much over time and concluded that the potential benefits of using prior-prior year data outweighed the potential cost. So last year, President Obama directed the Department of Education to switch to prior-prior year on the FAFSA form through executive action. Now, this bill will make that change permanent.

Another important provision of the bill will require the Secretary to periodically report to Congress on the needs of limited English-proficient students. To make sure that a college education is within reach for all students, the Department should make the FAFSA form more accessible to students and families with limited English proficiency.

Mr. Speaker, research has unfortunately shown us that too many students fail to attend college simply because of the complexity of the FAFSA form. This simplification will make it possible for them to fill out the form and to achieve their dream of achieving higher education.

We know how important higher education is, and I am pleased that we could come together in a bipartisan fashion to make these important changes.

I urge my colleagues to support this bill.

Mr. HECK of Nevada. Mr. Speaker, I reserve the balance of my time.

Mr. POCAN. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Speaker, I rise today in strong support of H.R. 5528, the Simplifying the Application for Student Aid Act.

I have the great privilege of representing Colorado's major research universities: Colorado State University in Fort Collins, and the University of Colorado flagship campus in Boulder, Colorado. When I speak with financial aid offices and students who receive financial aid at both institutions, one of the first priorities and issues I hear about is how we can allow students to

complete the FAFSA and hear back earlier.

The FAFSA was initially created to help open the doors and make college within reach for more students; but unfortunately, too often, it has grown unwieldy, and students are forced to make decisions about where they go and whether they go to college before even knowing how much aid they are scheduled to receive.

Under this legislation, students will be able to complete the FAFSA several months earlier than they do now—very important. And the bill also links data with the IRS data retrieval tool, so information can populate automatically in the FAFSA form. These changes alone will go a long way toward making the process for completing the FAFSA simpler and easier.

I am proud to have worked with Representatives POCAN, ROE of Tennessee, and HECK of Nevada to have introduced this bill, and I am very excited it is coming before the floor for a vote.

Now, this bill is important. It is a good, bipartisan first step, but it is one of many things that Congress needs to do to improve college access and the completion rate for students.

For example, allowing students to take college courses in high school could significantly reduce the overall price they pay for college. When a student takes dual enrollment courses, they are more likely to attend college and less likely to need remedial courses. We have high schools in my home State and in my district where students graduate high school with an associate's degree at essentially no cost to them, thanks to dual enrollment.

We also need to look at innovative learning models, like competency-based education, which allows students to progress through their degree based on what they know instead of seat time. This model provides a more flexible path to a degree. It could be higher quality, less expensive, and more challenging than a traditional program.

Another key part of reducing the cost of college is confronting the cost of materials. A student in Colorado spends an average of \$1,200 a year on textbooks alone. Open source textbooks, which are openly licensed and free to use, can eliminate that cost.

In order to address these ideas, reforms, and more, we need a comprehensive reauthorization of the Higher Education Act. A reauthorization will take Democrats and Republicans working together, just like we did on this bill, which is an important first step.

I am hopeful that, in the coming months, members of the Education and the Workforce Committee can begin to lay the groundwork for a reauthorization of the HEA that truly helps make college more affordable and meets the changing needs of a global economy.

Mr. POCAN. Mr. Speaker, I yield back the balance of my time.

Mr. HECK of Nevada. Mr. Speaker, I yield myself the balance of my time.

In closing, I thank, again, Representatives ROE of Tennessee, POLIS, and POCAN for their leadership in bringing this commonsense bill to the floor today. I thank all of our colleagues on the Education and the Workforce Committee for their work to strengthen the country's higher education system.

Too many individuals already think the dream of a higher education could never become a reality for them. Too many others are discouraged by a system that is too confusing, too bureaucratic, and too outdated. The Simplifying the Application for Student Aid Act and the other higher education bills on the floor today will deliver important reforms that Americans need. This bill will help students and parents better understand their postsecondary options and empower them to make timely financial decisions about their education.

I urge my colleagues to support this education.

I yield back the balance of my time. Ms. JACKSON LEE. Mr. Speaker, I rise in support of H.R. 5528 the "Simplifying the Application for Student Aid Act" which aims to strengthen, improve, and streamline student aid process.

Access to quality education is a key factor in securing a successful and bright future.

For many students and families, federal financial aid is the only means of making postsecondary education possible.

In times of economic adversity and uncertainty across the United States, the Simplifying the Application for Student Aid Act ensures that students and families are supported in realizing their education goals.

A student's application process starts when he or she submits the Free Application for Federal Student Aid (FAFSA).

Students who wish to enroll in fall classes are encouraged to begin applying for aid in January.

However, the FAFSA relies on income tax data from the previous year that is not readily available at the time students should start filling out their applications.

This flawed process results in significant delays in the submission of FAFSA forms, which leaves financial aid administrators little time to put together aid packages for incoming students.

More importantly, students do not learn in a timely manner what their financial aid packages will ultimately be, which makes it more difficult to plan for the cost of their education.

The current application runs 10 pages long and includes 108 questions on topics such as income, expenses, family size, and assets.

As part of an effort to reauthorize the Higher Education Act, the bipartisan legislation will help students make timely financial decisions about their education.

In addition this bill will allow students to use family income data from two years prior to the date of the FAFSA application.

Establishes a link between the online FAFSA form and income tax data stored by the Internal Revenue Service to automatically input income data into the FAFSA form, reducing the need to manually input information that often prevents low-income students from applying for aid.

And most importantly, strengthens the integrity of federal financial aid by providing institu-

tions more time to verify the income of their students.

As the country continues to work through some of the most difficult economic conditions in a generation, it is imperative that we increase our investment in education.

If we are truly going to compete against emerging nations like China and India, we must continue to invest in our education system.

I am proud to represent Houston, Texas which is home to several prestigious universities and dozens of community and technical colleges.

With such an emphasis on higher education, we have long been working to become a leader in producing workers for the 21st century economy.

This crucial legislation will build on the infrastructure already available in Houston and make higher education more affordable and accessible for everyone.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. HECK) that the House suspend the rules and pass the bill, H.R. 5528, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1730

#### ACCESSING HIGHER EDUCATION OPPORTUNITIES ACT

Mr. HECK of Nevada. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5529) to amend the Higher Education Act of 1965 to authorize additional grant activities for Hispanic-serving institutions, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5529

*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 "Accessing Higher Education Opportunities Act".*

#### SEC. 2. AUTHORIZED GRANT ACTIVITIES.

*Subsection (b) of section 503 of the Higher Education Act of 1965 (20 U.S.C. 1101b(b)) is amended—*

*(1) by redesignating paragraphs (7) through (16) as paragraphs (9) through (18), respectively; and*

*(2) by inserting after paragraph (6) the following:*

*"(7) Student support programs, which may include counseling, mentoring, and other support services, designed to facilitate the successful advancement of students from four-year institutions to postbaccalaureate doctoral degree granting programs that prepare students for health care occupations as such occupations are described in the most recent edition of the Occupational Outlook Handbook published by the Bureau of Labor Statistics.*

*"(8) Developing or expanding access to dual or concurrent enrollment programs and early college high school programs."*

#### SEC. 3. FUNDING.

*(a) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated to carry out part A of title V of the Higher Education Act of 1965 (20 U.S.C. 1101 et seq.), as amended by this Act, \$107,795,000 for fiscal year 2016.*

(b) *ADDITIONAL EXTENSIONS NOT PERMITTED.*—Section 422 of the *General Education Provisions Act (20 U.S.C. 1226a)* shall not apply to further extend the duration of the authority under subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. HECK) and the gentleman from California (Mr. TAKANO) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada.

GENERAL LEAVE

Mr. HECK of Nevada. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5529.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. HECK of Nevada. I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 5529, the Accessing Higher Education Opportunities Act.

Like many States, Nevada has a severe doctor shortage. While the number of patients is steadily increasing, there continues to be too few qualified healthcare providers to meet this growing demand for care. Additionally, according to the National Hispanic Medical Association, despite a continued rise in our country's Hispanic population, the number of physicians that identify as Hispanic is only 5 percent.

In an effort to help close this diversity gap, prepare more culturally competent healthcare providers, and address our Nation's doctor shortage, last year I joined with Congressman Dr. RAUL RUIZ from California to introduce H.R. 2927. That bill allowed Hispanic-Serving Institutions to utilize existing grant funds to create programs that support, encourage, and mentor prospective physicians as they navigate the necessary requirements to be accepted into medical school.

Congress originally created the Developing Hispanic-Serving Institutions program in 1992. This program helps promote education opportunities for Hispanic students and allows the institutions serving them to make improvements that increase the quality of the education they offer.

Today there are more than 400 HSIs across the country, and many other institutions are on the verge of becoming HSIs. In my State of Nevada, the College of Southern Nevada; University of Nevada, Las Vegas; and Nevada State College are among many other schools that either are or are on the verge of becoming an HSI. Additionally, the number of young Hispanic undergraduates enrolled full-time at a 2- or 4-year college has more than tripled in the past 23 years.

It is clear Hispanic students have greater access to education opportunities than they did before the Developing HSIs program was created. Still, as I mentioned before, the Hispanic

population remains underrepresented in various parts of the workforce, particularly in healthcare positions that require a doctoral-level degree.

After meeting with local healthcare and education leaders in Nevada and working with the chairman and other members of the committee to address this issue, I am happy to offer H.R. 5529, as amended, the Accessing Higher Education Opportunities Act, with Congressman HINOJOSA and Dr. RUIZ. H.R. 5529 expands on the bipartisan work of H.R. 2927 by allowing HSIs to use funds to support students to prepare them for healthcare-related doctoral programs.

Additionally, I want to thank Congressman HINOJOSA for joining me and Dr. RUIZ on this bill and adding an important provision that allows HSIs to work with local school districts to start or enhance dual enrollment opportunities in early college programs at high schools. These programs not only help students get into college, but they also enable students to earn college credits earlier in their academic career. As a strong supporter of dual enrollment programs, I want to thank Congressman HINOJOSA for strengthening the bill with this important provision.

Ultimately, this bill will help us address a growing doctor shortage and close the diversity gap among physicians by helping students at HSIs achieve the dream of a higher education. I urge my colleagues to support this bipartisan legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. TAKANO. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 5529, the Accessing Higher Education Opportunities Act. I would like to thank the gentleman from Nevada (Mr. HECK) for bringing this bill forward.

Mr. Speaker, over the last 20 years, we have seen great growth in the number of Hispanic students attending institutions of higher education, particularly Hispanic-Serving Institutions, or HSIs.

In 1990, there were only 135 colleges and universities with a Hispanic population over 25 percent. Today there are more than 400. From 2012 to 2013, nearly 60 percent of Hispanic college students attended an HSI, and these institutions were responsible for graduating 40 percent of all Hispanics in the country. My district is home to two large Hispanic-Serving Institutions: The University of California-Riverside and Riverside City College.

Title V of the Higher Education Act supports critical resources for HSIs like these, improving their ability to promote student success. The bill we are considering today, H.R. 5529, allows title V grant funds to be used to expand access to dual or concurrent enrollment programs offered through HSIs. Dual and concurrent enrollment models, programs that allow high school students to take postsecondary

level courses for credit, can produce a number of benefits for students, particularly those from low-income backgrounds and first-generation college students.

Research shows that these programs increase high school completion, college enrollment, college persistence, and degree attainment. Furthermore, roughly 30 percent of dual and concurrent enrollment programs are career and technical education focused, which offers students the opportunity to earn credit toward a certificate or credential that prepares them for college and career success.

Unfortunately, tuition and classroom material costs remain a barrier to enrollment in these successful models for many low-income students. It is my hope that H.R. 5529 will expand access to these programs at Hispanic-Serving Institutions in my district and across the country. I urge my colleagues to support H.R. 5529.

Mr. Speaker, I reserve the balance of my time.

Mr. HECK of Nevada. Mr. Speaker, I continue to reserve the balance of my time.

Mr. TAKANO. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), who is also the ranking member of the Committee on Education and the Workforce.

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the bill, and I would like to say a few brief words about the package of higher education bills being considered today.

These bills will simplify the financial aid application process; they will help students make well-informed decisions when selecting a college and determining how to finance the education; and they will financially strengthen Historically Black Colleges and Universities. This bill expands access for high school students to dual and concurrent enrollment programs at Hispanic-Serving Institutions. Taken together, this package represents a step in the right direction for students and families.

A college degree remains the surest path out of poverty and into the middle class. Census data shows that earnings increase as the level of education increases. In other words, the more you learn, the more you earn. In addition to increased earnings, individuals with higher levels of education are less likely to be unemployed, less likely to receive public assistance, less likely to work in unskilled jobs with little upward mobility, and less likely to become involved in the criminal justice system.

The ability to attend college for many students is due in large part to the significant investment we have made in higher education through the Higher Education Act of 1965. As President Johnson said when he signed the HEA into law over 50 years ago: "It means that a high school senior, anywhere in this great land of ours, can

apply to any college or any university in any of the 50 States and not be turned away because his family is poor.”

HEA’s goal was, and still is, to provide a pathway to the middle class for millions of working families around the country by making college affordable and accessible to everyone. Unfortunately, the initial promise of HEA has eroded. For far too many of our students, the principles of access and economic opportunity are in jeopardy. The bills considered today take a major step in restoring the original purpose of the Higher Education Act so that no child will be denied access to the opportunities afforded by higher education because his family is poor.

Mr. HECK of Nevada. Mr. Speaker, I reserve the balance of my time.

Mr. TAKANO. Mr. Speaker, I have no additional speakers, and I yield myself the balance of my time.

In closing, I would like to again thank the gentleman from Nevada (Mr. HECK), my friend, for bringing this bill forward. I would like to thank Chairman KLINE, Ranking Member SCOTT, and Mr. HINOJOSA, the ranking member of the Subcommittee on Higher Education and Workforce Training, for their work on this bill.

I urge all of my colleagues to support H.R. 5529.

Mr. Speaker, I yield back the balance of my time.

Mr. HECK of Nevada. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, in closing, I want to underscore the purpose of this legislation. Yes, this bill will help us address a growing doctor shortage, and, yes, it will also help us close the diversity gap among physicians. But the Accessing Higher Education Opportunities Act, like a number of the bills on the floor today, is also about opportunity and helping students realize what they can achieve through higher education. This bipartisan bill will help more students obtain the knowledge and the skills they need to accomplish their goals and succeed in the workforce.

I want to thank both Dr. RUIZ and Representative HINOJOSA for their work in advancing these important reforms and for their continued leadership in helping more Americans pursue the dream of a higher education. I urge my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise today in support of H.R. 5529, the “Accessing Higher Education Opportunities Act,” which amends the Higher Education Act of 1965 to authorize additional grant activities for Hispanic-serving institutions.

At a time when American innovation and intellectual growth fundamentally depend on education, the accessibility of institutions of higher education is a critical concern in the struggle to maintain America’s role at the forefront of global innovation.

As a lifelong advocate of equal education opportunities for all students, I know the im-

portance of making higher education accessible across all demographics, and I know we can do better.

Without an honest effort to even the playing field for all students by ensuring that all students have the opportunity to extend their education as long as they can, America, as a country, stands to lose out on the brightest economic, academic, and political leaders of the future.

To that end, this measure emphasizes the importance of equality of opportunity for all students pursuing higher level education by urging the expansion of grant programs for Hispanic-serving educational institutions.

In particular, this measure amends the Higher Education Act of 1965 to specifically:

Support programs (which may include counseling, mentoring, and other support services) designed to facilitate the successful advancement of students from four-year institutions to post baccalaureate doctoral degree granting programs; and

Develop or expand access to dual or concurrent enrollment programs and early college high school programs.

Without this concrete measure to bolster support for Hispanic-serving institutions, institutions of higher education will fail to fulfill the American promise of equality of opportunity.

In particular, I am proud to represent institutions such as the Lone Star College and the University of Houston Downtown, institutions that will directly benefit from increased efforts to further support Hispanic-serving educational institutions.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. HECK) that the House suspend the rules and pass the bill, H.R. 5529, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### SEPARATION OF POWERS RESTORATION ACT OF 2016

##### GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4768.

The SPEAKER pro tempore (Mr. HECK of Nevada). Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 796 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. 4768.

The Chair appoints the gentleman from Virginia (Mr. RIGELL) to preside over the Committee of the Whole.

□ 1742

##### 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. 4768) to amend title 5, United States Code, with respect to the judicial review of agency interpretations of statutory and regulatory provisions, with Mr. RIGELL 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 Virginia (Mr. GOODLATTE) and the gentleman from Georgia (Mr. JOHNSON) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

The need for the Separation of Powers Restoration Act of 2016 to restore balance in our Federal system is clear. The modern Federal administrative state is an institution unforeseen by the Framers of our Constitution and rapidly mushrooming out of control.

This legislation takes square aim at one of the biggest roots of this problem, the Chevron Doctrine, under which Federal courts regularly defer to regulatory agencies’ self-serving and often politicized interpretations of the statutes they administer. This includes interpretations like those that underlie the EPA’s Clean Power Plan and waters of the United States rules. These are just a few examples of rules consciously designed by regulatory agencies to violate Congress’ intent. They threaten to wipe out the Nation’s key fuel for electric power generation and extend the EPA’s permitting tentacles into every puddle in every American backyard.

This bill also takes on the related Auer doctrine, under which courts defer to agencies’ self-serving interpretations of their own regulations. Auer and Chevron deference work hand in hand to expand the power of Federal bureaucrats to impose whatever decision they want as often as they can, escaping, whenever possible, meaningful checks and balances from the courts.

□ 1745

In perhaps the most famous of the Supreme Court’s earlier decisions, *Marbury v. Madison*, Chief Justice Marshall declared for a unanimous Court that “it is emphatically the province and duty of the Judicial Department to say what the law is.”

Since the Chevron doctrine allows judges to evade interpreting the law, and instead to defer to agencies’ interpretations, one must ask: Is Chevron faithful to *Marbury* and the separation of powers?

In the Administrative Procedure Act of 1946, often called the constitution of administrative law, Congress provided for judicial review of agency action in terms that were plain and direct. It stated that “the reviewing court shall decide all relevant questions of law and interpret constitutional and statutory provisions.”

That standard is consistent with *Marbury* and the separation of powers.

But since Chevron allows judges to escape interpreting statutory provisions themselves, one must ask: Is Chevron unfaithful not only to Marbury and the separation of powers, but also to the Administrative Procedure Act?

These are not just academic questions. They are fundamental questions that go to the heart of how our government works and whether the American people can still control it.

Judicial deference under Chevron weakens the separation of powers, threatening liberty. It bleeds out of the judicial branch power to interpret the law, transfusing that power into the executive branch. And it tempts Congress to let the hardest work of legislating bleed out of Congress and into the executive branch since Congress knows judges will defer to agency interpretations of ambiguities and gaps in statutes Congress did not truly finish.

This leads us down the dangerous slope James Madison warned against in Federalist 47: “The accumulation of all powers, legislative, executive, and judiciary, in the same hands,” that “may justly be pronounced the very definition of tyranny.”

The Separation of Powers Restoration Act of 2016 is timely, bold legislation directed straight at stopping our slide down that dangerous slope. In one fell swoop, it restores the separation of powers by legislatively overturning the Chevron doctrine and the related Auer doctrine.

This is reform we must make reality for the good of the American people. I want to thank Representative RATCLIFFE for his introduction of this important legislation, and I urge my colleagues to support the Separation of Powers Restoration Act.

Mr. Chair, I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Chair, I yield myself such time as I may consume.

Judicial review of final agency action is a hallmark of administrative law and is critical to ensuring that agency action does not harm or adversely affect the public. But as the Supreme Court held in *Chevron USA, Inc. v. Natural Resources Defense Council, Inc.*, reviewing courts may only invalidate an agency action when it violates a constitutional provision or when an agency unreasonably exceeds its statutory authority as clearly expressed by Congress.

For the past 30 years, this seminal decision has required deference to the substantive expertise and political accountability of Federal agencies. As the Court explained in *Chevron*: “Federal judges—who have no constituency—have a duty to respect legitimate policy choices made by those who do. The responsibilities for assessing the wisdom of such policy choices and resolving the struggle between competing views of the public event are not judicial ones: ‘Our Constitution vests such responsibilities in the political branches.’”

H.R. 4768, the Separation of Powers Restoration Act of 2016, would eliminate this longstanding tradition of judicial deference to agencies’ interpretation of statutes and rules by requiring courts to review agency action on a *de novo* basis.

This misguided legislation is not the majority’s first attempt to gum-up the rulemaking process through enhanced judicial review. Since the 112th Congress, a number of deregulatory bills we have considered, such as H.R. 185, the Regulatory Accountability Act, would require generalist courts to supplant the expertise and political accountability of agencies in the rulemaking process with their own judgments.

Compare this approach with other deregulatory bills passed by this Congress that would greatly diminish judicial review of deregulatory actions by dramatically shortening the statute of limitations for judicial review, sometimes to just 45 days.

In other words, the majority wants to have it both ways. When it benefits corporate interests, Republican legislation heightens scrutiny of agency rulemaking, like this act does, threatening to impose years of delay and untold costs on taxpayers. When it benefits the public or our environment, Republican legislation slams the courthouse door shut through sweeping restrictions on the court’s ability to protect public health or the environment.

These proposals are transparently the design of special interest fat cats to minimize their exposure to legal accountability. H.R. 4768 is more of the same. At a minimum, this bill will delay and possibly derail the ability of agencies to safeguard public health and safety.

Without any constraints on judicial review, the bill will also incentivize judicial activism by allowing a reviewing court to substitute its own policy preferences for those of the agency, which Congress has specifically entrusted with rulemaking authority.

In other words, this bill resolves a perceived imbalance between the branches by granting immense authority to the judicial branch so that it may act as a super regulator through judicial fiat.

In a letter opposing this bill, a group of the Nation’s leading administrative law professors underscored this point, arguing that the bill is motivated by policy disagreements, not actual concerns with judicial deference.

I strongly oppose H.R. 4768 and urge my colleagues to do the same.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. RATCLIFFE), the chief sponsor of this legislation and a member of the House Judiciary Committee.

Mr. RATCLIFFE. Mr. Chair, I rise in support of the Separation of Powers Restoration Act of 2016.

I want to thank Chairman GOODLATTE for giving me the opportunity to

lead on this issue. I also want to thank the 113 Members of Congress who believe this bill is important enough to cosponsor it.

It is my sincere hope that all 435 Members of this House will vote in support of this incredibly important bill because every Member of this body took an oath to defend the Constitution and none of us should accept the constitutional erosion and infringement that is having a devastating impact on the very constituents that we all swore to represent.

Mr. Chair, I ran for Congress because I wanted the opportunity to address the big issues of our time, to address the real problems that are hurting all Americans, and the Separation of Powers Restoration Act does exactly that. That bill repeals the so-called Chevron doctrine and, in so doing, will restore the constitutional separation of powers that our Founding Fathers intended.

Named for the Supreme Court’s 1984 decision in *Chevron USA, Inc. v. Natural Resource Defense Council, Inc.*, the Chevron doctrine has, for three decades, required courts to defer to agency interpretations of ambiguous laws. Said more plainly, Mr. Chair, this means that when American citizens and businesses challenge Federal regulators in court, the deck is stacked in favor of the regulators.

Chevron deference is one of the, if not the primary, driving forces behind an outrageous expansion of a regulatory branch that our Founding Fathers never intended and one that is crippling the American economy and the American people.

Unelected bureaucrats now draft regulations with the Chevron doctrine in mind, knowing that it will give them the ability to regulate, sometimes for political gain, beyond the actual scope of the statutes that we pass as the duly elected representatives of the people.

Mr. Chair, by allowing unelected, unaccountable regulators to effectively grade their own papers, we are circumventing the will of the American people.

Under Chevron, Congress can’t prevent agencies from engaging in *de facto* lawmaking and courts are abdicating their constitutional responsibility to interpret laws. My bill will very simply fix this perversion of our Constitution by ensuring that Congress, not agencies, writes the laws; and that courts, not agencies, interpret the laws.

Mr. Chair, it is vitally important to stress that my bill is entirely agnostic to specific policy issues. It doesn’t specifically support or oppose any certain regulatory actions. This bill is simply about defending the Constitution and reestablishing three coequal branches of government. This is not and should not be a partisan issue.

The candid truth, Mr. Chair, is that the Chevron doctrine has been abused by Democrat and Republican administrations alike for three decades. Both have been guilty of abusing the separation of powers for political expedience,



and it is the American people who have been victimized by this. So let's end it. Let's finally fix a problem that plagues all Americans.

Mr. Chair, many of us believe that the American experiment has endured, in large part, because of the wisdom and the thoughtful manner in which our framers crafted our Constitution. I refuse to believe that we can't all at least agree on that. I refuse to believe that restoring three coequal branches of government needs to be controversial.

Today this body has an opportunity to stand up for and with the American people and stand against overreaching bureaucrats that the American people never elected. So, Mr. Chair, when the Constitution is restored, it is the American people who will win.

DEAR MEMBERS OF CONGRESS: We write to express support for the Separation of Powers Act (SOPRA) (H.R. 4768 and S. 2724) which would require courts to check regulatory overreach. As organizations dedicated to a free and open Internet, we believe SOPRA would be especially important in restoring judicial oversight of the FCC—and thus protecting Internet freedom from government overreach.

Two Supreme Court decisions, *Chevron v. NRDC* (1984) and *Auer v. Robbins* (1997), mean that courts generally grant broad deference to administrative agencies in interpreting ambiguous statutes and agency regulations. Only because of *Chevron* deference did two (of three) D.C. Circuit judges recently vote to uphold the FCC's 2015 Open Internet Order.

That decision gave the FCC a blank check to regulate the Internet as it sees fit, even to the point of effectively rewriting the Telecommunications Act of 1996. The Open Internet Order represented a fundamental break from the light-touch, bipartisan approach that had allowed the Internet to flourish for nearly two decades.

Despite the FCC's talk of protecting "net neutrality," the FCC went well beyond that: reclassifying broadband under Title II of the 1934 Communications Act and claiming sweeping power over broadband. Under the panel majority's blind *Chevron* deference to the FCC, it is hard to see how the courts could stop the FCC from extending such outmoded regulations to "edge" companies like Facebook and Google, too. Similarly, while the FCC has promised to "forebear" from certain provisions of Title II, the court's decision suggests that the FCC would get deference in unforbearing—which could result in the full weight of Title II being imposed on the Internet. Or, conversely, a deregulatory-minded FCC could use forbearance to gut not just the Order, but much of the existing regulations.

In short, the majority's view of *Chevron* means Internet regulation will now be a game of political pingpong—with the courts resigned to sitting on the sidelines, watching the ball bounce back and forth. This ongoing uncertainty is particularly damaging to small businesses, who often lack the resources needed to comply with shifting regulatory burdens and litigate against unfavorable regulatory changes.

SOPRA would restore the Judiciary's constitutional role in checking agency overreach and preventing excessive regulations from impeding innovation and economic growth. Specifically, the bill would clarify that the Administrative Procedure Act requires courts to conduct a new review of relevant questions of law when evaluating

agency regulations—rather than simply deferring to the agency's judgment.

Sincerely,

TechFreedom, American Commitment, American Consumer Institute, Americans for Tax Reform, Center for Freedom and Prosperity, Civitas Institute, Competitive Enterprise Institute, Digital Liberty, Free the People, Independent Women's Forum, Institute for Liberty, Less Government, Mississippi Center for Public Policy, National Taxpayers Union, Protect Internet Freedom, Rio Grande Foundation, Taxpayers Protection Alliance, Tech Knowledge.

DEAR MEMBERS OF CONGRESS: On behalf of our organizations and the millions of Americans we represent, we are writing to express our strong support for H.R. 4768 and S. 2724, the Separation of Powers Restoration Act (SOPRA). This law would give courts the clarity they need to interpret powers ambiguously delegated to administrative agencies.

Congress has, from time to time, been unclear as to the extent of powers it delegates to agencies. Consequently, the courts have adopted two doctrines, known as *Chevron* and *Auer* after the cases *Chevron USA Inc. v. NRDC* and *Auer v. Robbins*, which grant great deference to agency interpretations of the ambiguities. *Chevron* represents a general presumption that courts should defer to agency interpretation of statutes, while *Auer* requires that courts defer to agency interpretations of their own regulations.

In *Marbury v. Madison*, Chief Justice John Marshall wrote, "It is emphatically the province and duty of the Judicial Department to say what the law is." In *Chevron v. NRDC*, Justice John Paul Stevens said it was the province of executive branch agencies to say what the law is.

While these doctrines reflect a concern for a lack of expertise in the courts, their effect can be to give bureaucrats the power to make new law. For instance, in *Babbitt v. Sweet Home Chapters of Communities for a Great Oregon*, the Supreme Court used *Chevron* to defer to the Secretary of the Interior when he redefined long-accepted meanings of "taking" wildlife to include unintentional harm to an endangered species, greatly expanding the Secretary's power and control over Americans.

*Auer* provides a perverse incentive for an agency to issue deliberately vague regulations that it can reinterpret as it chooses, avoiding the notice-and-comment requirements of the Administrative Procedure Act for a change in regulation. A recent court decision may even allow the agency effectively to rewrite the statute by reinterpreting a vague term in a regulation that also appears in the statute.

In our view, this combination of delegation and deference represents an unjust expansion of administrative power at the expense of the legislative and judicial powers, contrary to the ideals of the American founding.

SOPRA would amend the Administrative Procedure Act to require courts to conduct a *de novo* (from scratch) review of all relevant questions of law and regulation when they are called into question. This represents a vital step in restoring the courts to their proper role as arbiters of statutory interpretation.

Before *Chevron*, courts relied on agency expertise to guide their decision making, but they did not cede their fundamental responsibility to interpret the meaning of statutes to agencies. SOPRA would restore that discretion.

Millions of Americans are suffering under the weight of burdensome regulation, and often find themselves unable to challenge effectively unjust rules as a result of these ju-

dicial doctrines. SOPRA is one of the ways in which we can lift this oppressive burden from their backs.

Thank you for your consideration, Competitive Enterprise Institute, American Commitment, American Energy Alliance, Americans for Prosperity, Americans for Competitive Enterprise, Americans for Tax Reform, Campaign for Liberty, Frontiers of Freedom, Heritage Action for America, Institute for Liberty, Less Government, National Center for Public Policy Research, National Taxpayers Union, 60 Plus Association, Taxpayers Protection Alliance.

Mr. JOHNSON of Georgia. Mr. Chair, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chair, members of the committee and the House Representatives, I rise in strong opposition to H.R. 4768, the Separation of Powers Restoration Act.

By eliminating judicial deference to agency determinations, the bill would make the already ossified rulemaking process even more time consuming and costly, threatening the ability of Federal regulatory agencies to protect public health and safety. This is true for several reasons.

Ironically, for a bill that purports to restore separation of powers, H.R. 4768 actually raises separation of power concerns. It is ironic, but accurate. Congress makes the laws and agencies implement them while the courts are supposed to interpret the law.

The Supreme Court has long recognized that Congress may constitutionally delegate its authority to agencies through statutes to promulgate rules to implement the law it passes, with democratic accountability stemming from the fact that Congress can always rescind or narrow the scope of that delegation.

We specifically entrust these agencies, not the courts, with broad policymaking authority. Yet, by removing constraints on judicial review of agency action, H.R. 4768 would empower generalist and unelected courts to nullify agency action solely on policy grounds, substituting the administrative record with their own policy preferences.

□ 1800

Such authority would go beyond the traditional bounds of the judicial role, as the Federal courts themselves have thus far recognized through their deference to agencies.

H.R. 4768 would upend the careful and longstanding balance among the three branches of government, all in the name of serving anti-regulatory corporate interests.

In addition, this measure would encourage judicial activism. By eliminating judicial deference, the bill would effectively empower the courts to make public policy from the bench, even though they may lack the specialized expertise and democratic accountability that agencies possess, through delegated authority from and oversight by the American people's elected representatives.

Although the Supreme Court has had numerous opportunities to expand judicial review of rulemaking, thankfully, the Court has rejected this approach in recognition of the fact that generalist courts simply lack the subject-matter expertise of agencies, are politically unaccountable, and should not engage in making substantive determinations from the bench.

It is somewhat ironic that some who have long decried “judicial activism” would now support facilitating a greater role for the judiciary in agency rulemaking.

Finally, H.R. 4768 would result in regulatory paralysis and, thereby, undermine public health and safety.

Regulations are the result of years—very often many years—of careful deliberation and expert analysis. Typically, after an agency first proposes a rulemaking, it must solicit public comment. The agency then analyzes this input and, after further deliberation, promulgates a final rule.

Additionally, for certain rules, agencies must undergo further procedures such as conducting a cost-benefit analysis and a separate analysis of the rule’s potential impact on small businesses. This is a time-consuming process that some believe is already too inflexible.

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According to a new report issued just last month by Pubic Citizen, the time it takes for agencies to issue regulations has grown to unprecedented lengths.

So far this year, for example, economically significant regulations have taken an average of 3.8 years to complete, which is nearly an entire presidential term.

In recognition of the fact that agencies spend years formulating rules and have the specialized substantive expertise to do so, the courts have long applied the rule of judicial deference.

Essentially, this means that the court, in reviewing a rulemaking, will not substitute its policy preferences for that of the agency.

Yet, H.R. 4768 would overturn this longstanding practice and, in its stead, require federal courts to review all agency rulemakings and interpretations of statutes on a *de novo* basis.

In effect, the bill would empower a judge to ignore the determinations of agency experts and to substitute his or her judgment, without regard to the judge’s technical knowledge or understanding of the underlying subject matter.

By eliminating judicial deference, the bill will force agencies to adopt even more detailed factual records and explanations, which would further delay the finalization of what might be critical life-saving regulations.

And, worst of all it will further encourage some well-funded corporate interests to engage in dilatory litigation challenging agency action in order to derail regulations.

As it is, large corporate interests—devoted only to maximizing profits—already have an unfair advantage in their ability to weaken regulatory standards by burying an agency with paperwork demands and litigation.

Rather than giving more opportunities for corporate interests to derail rulemakings, we should be evaluating ways to ensure that the voices of the general public have a greater role in the rulemaking process.

We are talking about regulations that protect the quality of the air we breathe, the water we drink, and the food we consume.

Slowing down the rulemaking process means that rules intended to protect the health and safety of American citizens will take longer to promulgate and become effective, thereby putting us all at possible risk.

Given these concerns and others presented by the bill, I accordingly must oppose H.R. 4768 and I urge my colleagues to vote against this seriously flawed measure.

Mr. GOODLATTE. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I rise today in support of the Separation of Powers Restoration Act, legislation that works to scale back the power of the administration’s regulatory agencies and, instead, returns the interpretation of laws to the courts.

For too long, unelected Federal bureaucrats have been running rampant on our Constitution, taking interpretations of the law further than Congress intended them.

If you would have told me that 90 percent of my time here in Congress would be spent fighting Federal agencies’ overreach, I would have thought you were joking, but that is the truth. It is sad.

Our Founding Fathers never intended for faceless bureaucrats to have this power. The power of lawmaking is in this body.

There are many examples out there as well, not only the coal industry. You know, West Virginia had the tenth best economy in this Nation just 10 years ago. Now it is the worst economy in the Nation.

I have got lots of electric membership corporations in my district and, you know, they spent billions of dollars upgrading their coal-powered plants, but they continue to be harassed by the EPA.

It is time that this agency top-down approach is dealt with. It is not in the best interest of the folks in Georgia, in the 12th District of Georgia, let alone the rest of the country.

It is time to get back to Congress writing the laws and the courts interpreting them, and to dismantle the growing fourth branch of this government. I am proud to support this legislation that gives Federal agencies a reality check.

We wonder why the economy is not growing. Everywhere I go, people say that the biggest restriction on this economy is the regulatory overreach. We must stop this, and that is why I am proud to support the Separation of Powers Restoration Act.

Mr. JOHNSON of Georgia. Mr. Chairman, America is facing so many important issues that need to be addressed that this Congress refuses to address, and so it tenders do-nothing bills like this that are going absolutely nowhere, not going to pass in the Senate, and if it did, it would not be signed by the President. But still this do-nothing Congress persists in acting in this way.

Mr. Chairman, I yield 5 minutes to the gentlewoman from the great State of Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Chairman, let me thank the gentleman from Georgia (Mr. JOHNSON) for his leadership of the subcommittee from which this legislation, I believe, has found its journey. Let me also acknowledge my colleague from Texas.

On the Judiciary Committee, we have the benefit of the counsel of nonlawyers. It is a new phenomenon. When I first came on, we had only lawyers on the committee.

But as a lawyer who remembers sitting in an administrative procedure law class by a seasoned senior professor at the University of Virginia Law School, I remember he was embedded for decades, and managed to make the Administrative Procedure Act interesting. And the one thing I knew, even as a younger law student, the APA, for 70 years—at that time it hadn't reached 70—had served and guided administrative agencies and the affected public in a manner that is flexible enough to accommodate the variety of agencies operating under it, inclusive of changes through time.

So what saddens me as a person who enjoyed many aspects of law school and understands and enjoys the deliberation of issues dealing with the question of law is the complete skewing in spite of my friends who view this as remedy. And I would just like to offer them my thoughts as to why this is not: because the legislation would allow Federal courts reviewing an agency action to conduct a de novo review of all relevant questions of law without deferring to the legal interpretation of the agency.

Now, let me be very clear. I am a student of the three branches of government. I appreciate my colleagues—in this instance, Republicans—concern about the sanctity of the three branches of government as evidenced by the Constitution. But in that structure, we developed agencies to have expertise; not to not be challenged, but to have expertise. And I want those listening to understand that I respect that expertise, but I respect the challenge.

But what this particular legislation is doing is that de novo, my friends, of course, is starting from scratch. So that means a regulation by the Department of Homeland Security—I am on the Homeland Security Committee, this agency created after 9/11. And in the backdrop of what we have faced, the heinous acts of Dallas, 5 fallen officers, 12 persons shot—now, we can't claim this recent incident. Allow me to offer my sympathy to those in Michigan, two bailiffs, and I don't know how many others may be shot and killed.

But we know that we are in a different framework of dealing with security in this country. Some of these are a regulatory scheme through the Homeland Security Department, Transportation Security Administra-

tion. And to take that expertise on behalf of the American people and, as they say, throw the baby out with the bathwater, say to the courts that do not have a discernible expertise—our judges are quite skilled, but they are not the experts in every aspect of how this government runs.

Members of Congress have to brief themselves to be able to assess what is going on in the government, and we have that responsibility. But you are asking the courts now to undo every regulation and become the expert on Federal lands, public lands, on Environmental Protection Agency issues, on Health and Human Services issues, on issues dealing with homeland security, on issues dealing with education.

This is untenable, Mr. Chairman. This will not work. And I just want to cite to you from a number of groups that have come together. The Coalition for Sensible Safeguards says: "Congress should be looking for ways to strengthen our country's regulatory system by identifying gaps and instituting new safeguards for the public. Unfortunately, this legislation does the opposite by ensuring more delays."

Let me clarify their language, because I will go a little further. I would be willing to look at filling the holes.

The CHAIR. The time of the gentlewoman has expired.

Mr. JOHNSON of Georgia. Mr. Chairman, I yield an additional 2 minutes to the gentlewoman from Texas.

Ms. JACKSON LEE. I would be willing to look at discussing this further by looking at what are the holes, where do we think we are not being effective on behalf of the American people. That is reasonable legislation and legislative discourse, if you will.

But I can't look at something that tells me that I have got to take something involving the Children's Health Insurance Program or the 1191 waiver that deals with Medicaid, and I have got to untangle it, go into a court because someone challenged it, and I have got people waiting in line for healthcare relief and hospitals that are looking for payment on uncompensated care, and I have got a court that has to now ramp up. And individual courts don't have the vastness of research that agencies have to be experts on health care and to be experts on a variety of issues that are so very important to us.

I would hope that we can send this legislation back. I hope that we could look—what are we trying to fix?

I think the three branches of government are very clear. We legislate, the executive has its powers, and there are agencies. But the citizens have a right to seek a review of a regulatory structure or a regulation. They have judicial review.

Section 702 of the APA, in its current form, subjects agency rulemaking to judicial review for any person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a

relevant statute. Courts in particular retain an important role in determining whether an agency is permissible, arbitrary, or capricious.

Mr. Chairman, that is within the context of what this Administrative Procedure Act does. It has been effective for 70 years plus. And what we are doing is—we are not detangling. We are tangling, and we are blocking the good government work that these agencies do to help the American people be safe in water, in the environment, in public lands, in security.

I ask my colleagues, let's go back to the drawing board before we move forward on this legislation.

Mr. Chair, I stand in opposition to H.R. 4768, the Separation of Powers Restoration Act of 2016, a bill to address purported constitutional and statutory deficiencies in the judicial review of agency rulemaking.

I am opposed to H.R. 4768 because this bill is unfortunately deeply flawed and harmful to our nation's fundamental and well-established federal rulemaking process.

Specifically, H.R. 4768 would abruptly shift the scope and authority of judicial review of agency actions away from federal agencies by amending Section 706 of the Administrative Procedures Act (APA) to "require that courts decide all relevant questions of law, including all questions of interpretation of constitutional, statutory, and regulatory provisions, on a de novo basis without deference to the agency that promulgated the final rule".

Effectively, H.R. 4768 would abolish judicial deference to agencies' statutory interpretations in federal rulemaking and create harmful and costly burdens to the administrative process.

Enacted in 1946, the APA establishes the minimum rulemaking and formal adjudication requirements for all administrative agencies.

And for the past 70 years the APA has served and guided administrative agencies and the affected public in a manner that is flexible enough to accommodate the variety of agencies operating under it inclusive of changes through time.

In addition to the APA, numerous other procedural and analytical requirements have been imposed on the rulemaking process by Congress and various presidents.

Generally, agencies' development of new rules is an extensive process that is fully vetted with appropriate avenues for judicial relief where necessary.

Namely, Section 702 of the APA in its current form subjects agency rulemaking to judicial review for "any person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute."

Courts in particular retain an important role in determining whether an agency action is permissible, arbitrary, or capricious.

And while, the APA requires reviewing courts to decide all relevant questions of law, interpret statutes, and determine the meaning of agency action, it is well-established that courts "must give substantial deference to an agency's interpretation of its own regulations."

Indeed, the Supreme Court has routinely observed that the scope of judicial review is narrow and a court is not to substitute its judgment for that of the agency.

Rather, it is well-settled that courts must give considerable weight to an agency's construction of a statute it administers.

Such deference was established as bedrock administrative law in the 1984 Supreme Court case *Chevron v. Natural Resources Defense Council*, now known as the *Chevron* deference.

*Chevron* deference has been upheld by hundreds of federal courts since and has been endorsed by both conservative and liberal Supreme Court justices and federal court judges.

H.R. 4768 would override the *Chevron* doctrine enabling courts to ignore administrative records and expertise and to substitute their own inexperienced views and limited information.

Such a measure would radically transform the judicial review practice and make the rule-making process more costly and time-consuming by forcing agencies to adopt more detailed factual records and explanations, effectively imposing more procedural requirements on agency rulemaking.

This cumulative burden would have the effect of further ossifying the rulemaking process or dissuading agencies from undertaking rulemakings altogether.

H.R. 4768 marks an unprecedented and dangerous move away from traditional judicial deference towards a system of that would enhance powers for corporate lobbyists and weaken protections for consumers and working families.

Congressional consideration for an enhanced judicial review standard or a legislative override of judicial deference is not one we are unfamiliar with—but it is a matter we have long ago rejected along with our nation's leading administrative law scholars and experts.

H.R. 4768 is an unnecessary and misguided bill that would burden the rulemaking process and not simplify it.

For these reasons, I am opposed to H.R. 4768.

Mr. GOODLATTE. Mr. Chairman, I believe that this side has the right to close, and I have one speaker remaining, so we are prepared to close whenever the gentleman from Georgia is ready.

I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Chairman, I yield to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Chairman, I include in the RECORD the Statement of Administration Policy, the President's veto threat on this bill, and also a letter from the Coalition for Sensible Safeguards.

#### STATEMENT OF ADMINISTRATION POLICY

H.R. 4768—SEPARATION OF POWERS RESTORATION ACT OF 2016—(REP. RATCLIFFE, R-TX, AND 113 COSPONSORS)

The Administration strongly opposes House passage of H.R. 4768, the Separation of Powers Restoration Act of 2016, because it would unnecessarily overrule decades of Supreme Court precedent, it is not in the public interest, and it would add needless complexity and delay to judicial review of regulatory actions. This legislation would allow Federal courts reviewing an agency action to conduct de novo review of all relevant questions of law without deferring to the legal interpretation of the agency. Both Federal statutes and case law provide Federal courts with the appropriate tools to review regulatory actions and afford appropriate deference to the expertise of the agencies that promulgated the rules and regulations under review.

If the President were presented with H.R. 4768, his senior advisors would recommend he veto the bill.

Re: Mark-up on Separation of Powers Restoration Act (H.R. 4768)

Hon. ROBERT GOODLATTE,  
*Chairman, Judiciary Committee,*  
*Washington, DC.*

Hon. JOHN CONYERS,  
*Ranking Member, Judiciary Committee,*  
*Washington, DC.*

DEAR REPRESENTATIVES: The Coalition for Sensible Safeguards (CSS), which includes more than 150 diverse labor, consumer, public health, food safety, financial reform, faith, environmental and scientific integrity groups representing millions of Americans, urges members of this committee to oppose the Separation of Powers Restoration Act (H.R. 4768).

Congress should be looking for ways to strengthen our country's regulatory system by identifying gaps and instituting new safeguards for the public. Unfortunately, this legislation does the opposite by ensuring even more delays in new public health, safety, and financial security protections for the public.

The legislation will make our system of regulatory safeguards weaker by allowing for judicial activism at the expense of agency expertise and congressional authority, thereby resulting in unpredictable outcomes and regulatory uncertainty for all stakeholders. If passed, this legislation would rob the American people of many critical upgrades to public protections, especially those that ensure clean air and water, safe food and consumer products, safe workplaces, and a stable, prosperous economy.

This radical legislation would reverse a fundamental and well-settled legal principle that has long successfully guided our regulatory system. It would abolish judicial deference to agencies' statutory interpretations in rulemaking by requiring a court to decide all relevant questions of law de novo, including all questions concerning the interpretation of constitutional, statutory, and regulatory provisions of final agency actions. Such deference was established as bedrock administrative law by the Supreme Court in the 1984 case *Chevron v. Natural Resources Defense Council* and came to be referred to as *Chevron* deference. *Chevron* deference has been upheld by hundreds of federal courts since and has been endorsed by both conservative and liberal Supreme Court justices and federal court judges.

In practice, abolishing *Chevron* deference will make the current problems in our country's broken regulatory process much worse in several ways. H.R. 4768 will lead to even more regulatory delays, particularly for those "economically significant" or "major" new rules that provide the greatest benefits to the public's health, safety, and financial security. The examples of regulatory paralysis are ubiquitous and impossible to ignore.

In the energy sector, offshore drilling safety measures to address the cause of the BP oil spill in the Gulf, new safety standards to prevent oil train derailments and explosions, and new energy efficiency standards to benefit consumers all took far too long to finalize and benefit the public.

In the food safety sector, implementation of the Food Safety Modernization Act was finally completed last week, despite agencies missing every statutory deadline and numerous tainted food scandals in the interim.

In the banking sector, a significant portion of the Dodd-Frank Wall Street Reform Act has yet to be finalized, or in some cases, even proposed, despite the law's enactment almost six years ago.

The delays in new protections for the public are systemic, touching virtually every agency and regulatory sector. A recent study by a conservative think tank found that fed-

eral agencies have only been able to meet half of the rulemaking deadlines Congress has set out for them over the last twenty years.

There is substantial academic literature and expert consensus that intrusive judicial scrutiny of agency rulemaking is one of the main drivers of regulatory paralysis. Thus, increasing litigation risk for agency rules, which is exactly what this bill would accomplish by spawning hundreds of new lawsuits per year, will mean many more missed congressional deadlines and a regulatory process this is unable to act efficiently and effectively in protecting the public as Congress requires. This further "chilling" of rulemaking will certainly benefit Big Business lobbyists and lawyers who will further pressure regulators to carve out loopholes, weaken safety standards, or otherwise obstruct new rulemakings with the greatly enhanced threat of a lawsuit waiting in the wings.

Additionally, eliminating judicial deference to agency rulemaking would be tantamount to ringing the dinner bell for judicial activism by empowering reviewing courts to substitute their policy preferences for those of the agency. One of the primary policy rationales for *Chevron* deference is that agencies have considerable and superior expertise in the regulatory sectors they oversee as compared to generalist judges. Thus, H.R. 4768 would make it easier for the courts to overturn an agency's highly technical, resource-intensive, and science-based rulemakings without the expertise needed to make such determinations.

Further, judicial activism would impact Congressional authority, curtailing it rather than enhancing it, an irony given the name of the bill. The de novo review of the scope and nature of Congressional grants of authority to agencies will invite courts to create law, ignore congressional intent, or both. Again, the bill will allow judges to simply replace congressional intent with the judges' own construction of the statute or policy preferences with respect to congressional objectives.

Perhaps the most telling critique of attempts to replace *Chevron* deference with de novo review comes from former Justice Antonin Scalia, an aggressively vocal supporter of *Chevron* deference during his career and an indication of just how broad and mainstream the support is for maintaining such deference. Writing for the majority in *City of Arlington v. F.C.C.*, Justice Scalia argued that requiring that "every agency rule must be subjected to a de novo judicial determination" without any standards to guide this review would result in an "open-ended hunt for congressional intent," rendering "the binding effect of agency rules unpredictable and destroy the whole stabilizing purpose of *Chevron*. The excessive agency power that the dissent fears would be replaced by chaos."

H.R. 4768 marks an unprecedented and dangerous move away from traditional judicial deference towards a system of enhanced powers for Big Business lobbyists and weakened protections for consumers and working families. CSS urges members of the committee to reject the Separation of Powers Restoration Act, (H.R. 4768).

Sincerely,

ROBERT WEISSMAN,  
*President, Public Citizen, Chair,*  
*Coalition for Sensible Safeguards.*

□ 1815

Mr. JOHNSON of Georgia. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I thank my friend from Georgia.

Members of the House, I am not alone in opposing H.R. 4768. In recognition of the many serious concerns presented by it, the Coalition for Sensible Safeguards, an alliance of more than 150—150—consumer, labor, research, faith, and other public interest groups, strongly opposes this legislation. These are, in effect, the good guys: Public Citizen, the AFL–CIO, the Service Employees International Union, the United Steelworkers, the Center for Progressive Reform, the Consumers Union, the Consumer Federation of America, the Natural Resources Defense Council, the Sierra Club, and many, many more.

In addition, leading administrative law scholars also oppose H.R. 4768 because it will further delay the rule-making process and because it presents separation of powers concerns.

Like me, these organizations and scholars know that this bill will weaken the regulatory system by supplanting agency expertise and congressional authority with judicial activism.

In closing, I urge my colleagues to join me in opposing H.R. 4768, a bill that, without a doubt, would undermine public health and safety and undermine our regulatory safety net.

Mr. Chairman, I thank Mr. JOHNSON for the great job he has done here on the floor and ask him to close this debate.

Mr. JOHNSON of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in sum, it is indeed ironic that the so-called Separation of Powers Restoration Act actually raises separation of powers concerns by yielding legislative power over to the judicial branch. This is, in part, why there are so many alliances of labor organizations, consumer organizations, environmental action organizations, and others that strongly oppose this legislation.

I include in the RECORD a July 11, 2016, letter from Consumers Union opposing this legislation, along with a letter from the Natural Resources Defense Council opposing this legislation.

CONSUMERS UNION,

July 11, 2016.

DEAR REPRESENTATIVE: Consumers Union, the policy and advocacy division of Consumer Reports, urges you to oppose H.R. 4768 when it comes to the floor. Although titled the “Separation of Powers Restoration Act,” we are concerned that the bill would have the opposite effect, upending the well-developed constitutional balance between the legislative, executive, and judicial branches. The bill could severely impair effective and well-considered regulatory agency enforcement of critical safety, health, environmental, and market protections on which consumers depend.

Courts giving appropriate deference to reasonable agency interpretations of their statutes, as reflected in *Chevron U.S.A., Inc., v. NRDC*, 467 U.S. 837 (1984), is a well-settled approach to promote both sound and efficient agency enforcement and effective judicial review. This approach has legal roots going back decades, even to the earliest days of our nation.

The courts have full judicial power to review agency legal interpretations. The Chev-

ron doctrine embodies a judicial recognition, based on experience, that courts do not need to exercise this judicial power *de novo* on each and every question of law that comes before them. The courts are in no way precluded from doing so when that is warranted. The agency must give a reasoned explanation for its judgment, but Chevron says the court should not simply substitute its judgment for the agency’s.

The Chevron doctrine recognizes that, as a general matter, an agency that deals with a statute day in and day out, year in and year out—applying the dedicated efforts and sustained attention of agency personnel with specialized subject matter expertise in all relevant disciplines, and with input from stakeholders and members of the public, received and considered in open rulemakings—develops valuable insight into the law it is entrusted with administering. Chevron recognizes that this insight generally warrants the respect and deference of the reviewing courts of general jurisdiction, which have no such resources, dedicated personnel, specialized expertise, or sustained attention over time.

Again, in situations where the court has sufficient basis to conclude that deference is not warranted, it has full authority to not defer. Likewise, if Congress determines that the agency has acted in a manner inconsistent with congressional intent—or if Congress decides to clarify or even change its intent in light of some agency action—Congress can amend the statute and provide a clearer directive. But Congress cannot realistically be expected to clearly address in advance every conceivable contingency that may arise in the administration and enforcement of the statutes it enacts. The agencies that are specifically tasked with administering and enforcing those statutes are in the best position to ensure that the law functions effectively. Indeed, that has traditionally been regarded as their foremost responsibility—to help the President take care that the laws be faithfully executed.

In *City of Arlington, Tex. v. F.C.C.*, 133 S. Ct. 1863, 1874 (2013), the Supreme Court starkly described the alternative to Chevron: “Thirteen Courts of Appeals applying a totality-of-the-circumstances test would render the binding effect of agency rules unpredictable and destroy the whole stabilizing purpose of Chevron. The excessive agency power that the dissent fears would be replaced by chaos.”

In addition to injecting this unpredictability into every agency decision, and increasing the complexity of every rule-making, the change proposed by this legislation would add needless new burdens to our already overworked courts, impeding their important work as well.

In sum, this legislation is unnecessary, could do severe damage to the proper functioning of our government, and could severely weaken a wide range of fundamental protections on which consumers rely.

For these reasons, we urge you to oppose this bill.

Respectfully,

GEORGE P. SLOVER,  
Senior Policy Counsel,  
Consumers Union.

NRDC.

DEAR REPRESENTATIVE: H.R. 4768, the so-called “Separation of Powers Restoration Act of 2016,” is a deeply flawed and harmful bill that should not become law. The more appropriate title should be instead “The More Judicial Activism Act.” The legislation overthrows a longstanding and well-founded framework for legislation and judicial review—and establishes a framework that would give huge new power to unelected

judges to nullify policies of the Executive Branch and the Congress alike.

For decades, Congress has written our laws, and the President has executed them, on a very straightforward platform: When Congress writes a statute in unmistakable terms, reflecting a clear policy intent, executive branch agencies are bound to follow those terms and that intent exactly. When Congress legislates in flexible or ambiguous terms, it does so knowing that it has not addressed every contingency, and it is delegating some measure of decision making to executive agencies. At any time, Congress can always have the last word; whenever Congress agrees that an agency erred, it can adopt new legislation to set things back on course. This common-sense framework allows the political branches to fashion fair and effective laws that keep functioning in a changing world where no Congress can address every contingency in advance or make every detailed decision that has to be made in real time.

This framework is sometimes called the Chevron doctrine after the famous 1984 Supreme Court case at which H.R. 4768 takes aim. But the framework actually goes back many decades farther—indeed to the foundations of our republic. The Supreme Court and lower federal courts have long understood that while they must hold government action to the law, it isn’t the job of unelected judges to substitute their policy judgments for those of the political branches—whether Congress or the President.

H.R. 4768 would throw our country’s sacred tradition of judicial restraint to the winds. It would permit unelected judges to substitute their own policy preferences, and to overrule scientists, economists, engineers and other experts based on their own inexperienced and limited views and information.

Empowering judges to make their decisions “*de novo*,” without regard to experts and without regard to the leaders of either political branch, is the very definition of judicial activism. This should be anathema to conservatives and liberals alike.

Justice Scalia has spoken eloquently on the consequences of ignoring Chevron. In the case *City of Arlington, Tex. v. FCC*, he described a world where all the courts of appeals undertake *de novo* reviews of agency interpretations of statutes in a judicial search for congressional intent or what judges consider more “reasonable.” Ruling for the majority Justice Scalia wrote:

“Rather, the dissent proposes that even when general rulemaking authority is clear, every agency rule must be subjected to a *de novo* judicial determination of whether the *particular issue* was committed to agency discretion. It offers no standards at all to guide this open-ended hunt for congressional intent (that is to say, for evidence of congressional intent more specific than the conferral of general rulemaking authority). It would simply punt that question back to the Court of Appeals, presumably for application of some sort of totality-of-the-circumstances test—which is really, of course, not a test at all but an invitation to make an *ad hoc* judgment regarding congressional intent. Thirteen Courts of Appeals applying a totality-of-the-circumstances test would render the binding effect of agency rules unpredictable and destroy the whole stabilizing purpose of Chevron. The excessive agency power that the dissent fears would be replaced by chaos.”

*City of Arlington, Tex. v. F.C.C.*, 133 S. Ct. 1863, 1874 (2013) (emphases in original).

The bill envisions allowing a single federal district judge, or a panel of three appellate judges, to simply set aside the product of years of federal rulemaking following rounds of public notices, proposals, stakeholder engagement, public hearings and public comments, and final decisions based on detailed

records and explanations, all conducted by agency officials with subject matter expertise that courts lack in the sciences, medicine, engineering, statistics, accounting, economics and financial markets, and the full gamut of professional disciplines.

Because the policy preferences of individual judges will matter more than ever, litigants will spend even more time and effort forum shopping for their favorite judges. On top of these ills, de novo judicial review of vast administrative records would further slow the wheels of the American legal system, to the detriment of every business or individual trying to get justice from our crowded and overworked courts.

What is most surprising is to see support for this bill from traditional opponents of judicial activism. Some supporters appear to favor the bill because they hope to undo burdens on businesses. In doing so, they are willing to sacrifice food safety; clean air and water; worker protections; safeguards against discrimination; and even the stability and security of our banks and financial institutions.

It should be noted, however, that the bill would also allow unelected judges to overrule the decisions of future conservative administrations. It is worth remembering that NRDC was the losing party in the Chevron decision. If this bill had then been law, the Reagan administration's effort to streamline pollution controls for new factories would likely have been overturned, not upheld as it was by the Supreme Court.

Our Constitution puts elected officials in charge to give political accountability. Turning over the authority to unelected and non-expert judges should not be an option. We urge all members to oppose H.R. 4768.

Mr. JOHNSON of Georgia. Lastly, I would point out that there is a strongly worded veto threat by the President about this legislation should it ever find its way to the Senate and to the President's desk. The President points out that this legislation is not in the public interest and that it would add needless complexity and delay to the judicial review of regulatory actions. For those reasons, among other things, he has issued a veto threat.

So this is a piece of legislation that is a messaging piece. My friends on the other side of the aisle know that it is not going anywhere, but it is promoting their message, which is deregulation. Despite all of the regulation and legislation needed to address pertinent issues that the American people are demanding action on right now—the Zika virus, Puerto Rico, gun violence, and gun reform legislation—there are so many other things that we could and should be working on, but instead we are enthralled here with these messaging bills that are not going anywhere.

Mr. Chairman, I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

The list of organizations that stand up for separation of powers, that stand up for liberty, and that stand up for common sense is long.

It includes the American Farm Bureau Federation, TechFreedom, the American Consumer Institute, Americans for Tax Reform, the Center for

Freedom and Prosperity, Competitive Enterprise Institute, Digital Liberty, Free the People, the Independent Women's Forum, Institute for Liberty, the Mississippi Center for Public Policy, the National Taxpayers Union, Protect Internet Freedom, the Taxpayers Protection Alliance, and Tech Knowledge, just to name some.

Mr. Chairman, this legislation is very important. It will pass this House with a strong vote. It needs to be taken up by the United States Senate. It needs to be signed into law by the President of the United States, but it will also be heard across the street at the United States Supreme Court, where I know there are Justices who know that the Chevron doctrine needs to be reconsidered because it is an abandonment of the responsibility and the power of the judicial branch of our government to cede this kind of power and this kind of authority to the bureaucracy. It is wrong; it needs to be overturned; and I urge my colleagues to vote to do so tonight.

Mr. Chairman, I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to. Accordingly, the Committee rose; and the Speaker pro tempore (Mr. RATCLIFFE) having assumed the chair, Mr. RIGELL, 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. 4768) to amend title 5, United States Code, with respect to the judicial review of agency interpretations of statutory and regulatory provisions, had come to no resolution thereon.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 6 o'clock and 23 minutes p.m.), the House stood in recess.

□ 1831

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. RIGELL) at 6 o'clock and 31 minutes p.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 5602, by the yeas and nays;

H.R. 5607, by the yeas and nays;

H.R. 5606, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### INCLUSION OF ALL FUNDS WHEN ISSUING CERTAIN GEOGRAPHIC TARGETING ORDERS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5602) to amend title 31, United States Code, to authorize the Secretary of the Treasury to include all funds when issuing certain geographic targeting orders, and for other purposes, 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 Pennsylvania (Mr. FITZPATRICK) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 356, nays 47, not voting 30, as follows:

[Roll No. 401]

YEAS—356

Adams	Courtney	Hartzler
Aderholt	Cramer	Heck (NV)
Aguilar	Crawford	Heck (WA)
Allen	Crenshaw	Hensarling
Amodei	Cuellar	Herrera Beutler
Ashford	Culberson	Higgins
Babin	Cummings	Hill
Barletta	Curbelo (FL)	Himes
Barr	Davis (CA)	Holding
Barton	Davis, Rodney	Honda
Bass	DeFazio	Hoyer
Becerra	DeGette	Hudson
Benishek	Delaney	Huffman
Bera	DeLauro	Hultgren
Beyer	DelBene	Hunter
Bilirakis	Denham	Hurd (TX)
Bishop (GA)	Dent	Hurt (VA)
Bishop (MI)	DeSantis	Israel
Bishop (UT)	DeSaulnier	Issa
Black	Deuth	Jackson Lee
Blackburn	Diaz-Balart	Jeffries
Blumenauer	Dingell	Jenkins (KS)
Bonamici	Doggett	Jenkins (WV)
Bost	Dold	Johnson (GA)
Boustany	Donovan	Johnson (OH)
Brady (PA)	Doyle, Michael	Johnson, E. B.
Brady (TX)	F.	Johnson, Sam
Brooks (IN)	Duckworth	Jolly
Brown (FL)	Duffy	Joyce
Brownley (CA)	Edwards	Kaptur
Buchanan	Ellison	Katko
Buck	Ellmers (NC)	Keating
Bucshon	Emmer (MN)	Kelly (IL)
Bustos	Engel	Kelly (PA)
Butterfield	Eshoo	Kennedy
Byrne	Esty	Kildee
Calvert	Farr	Kilmer
Capps	Fitzpatrick	Kind
Capuano	Fleischmann	King (IA)
Cárdenas	Flores	Kinzinger (IL)
Carney	Forbes	Kirkpatrick
Carson (IN)	Fortenberry	Kline
Carter (TX)	Foster	Knight
Cartwright	Frankel (FL)	Kuster
Castor (FL)	Franks (AZ)	LaHood
Castro (TX)	Frelinghuysen	LaMalfa
Chabot	Gabbard	Lance
Chaffetz	Gallego	Langevin
Chu, Judy	Garamendi	Larsen (WA)
Ciциlline	Gibbs	Larson (CT)
Clark (MA)	Gibson	Latta
Clay	Goodlatte	Lawrence
Cleaver	Govdy	Lee
Clyburn	Graham	Levin
Coffman	Granger	Lewis
Cohen	Graves (GA)	Lieu, Ted
Cole	Graves (LA)	LoBiondo
Collins (GA)	Graves (MO)	Loebsack
Collins (NY)	Grayson	Lofgren
Comstock	Green, Al	Long
Conaway	Green, Gene	Loudermilk
Connolly	Grijalva	Love
Conyers	Guthrie	Lowenthal
Cook	Hahn	Lowe
Cooper	Hanna	Lucas
Costa	Hardy	Luetkemeyer
Costello (PA)	Harper	

Lujan Grisham (NM)  
 Luján, Ben Ray (NM)  
 Lynch  
 MacArthur  
 Maloney, Sean  
 Matsui  
 McCarthy  
 McCaul  
 McCollum  
 McDermott  
 McGovern  
 McHenry  
 McKinley  
 McNerney  
 McSally  
 Meehan  
 Meeks  
 Meng  
 Messer  
 Mica  
 Moolenaar  
 Mooney (WV)  
 Moore  
 Moulton  
 Mullin  
 Murphy (FL)  
 Murphy (PA)  
 Nadler  
 Napolitano  
 Neugebauer  
 Newhouse  
 Noem  
 Norcross  
 Nugent  
 Nunes  
 O'Rourke  
 Olson  
 Palazzo  
 Pallone  
 Pascrell  
 Paulsen  
 Payne  
 Pelosi  
 Perlmutter  
 Peters  
 Pingree  
 Pittenger  
 Pitts  
 Pocan  
 Poliquin  
 Price (NC)  
 Price, Tom

**NAYS—47**

Abraham  
 Amash  
 Blum  
 Brat  
 Bridenstine  
 Burgess  
 Clawson (FL)  
 Davidson  
 DesJarlais  
 Duncan (SC)  
 Duncan (TN)  
 Farenthold  
 Fleming  
 Garrett  
 Gohmert  
 Gosar

**NOT VOTING—30**

Beatty  
 Boyle, Brendan F.  
 Brooks (AL)  
 Carter (GA)  
 Clarke (NY)  
 Crowley  
 Davis, Danny  
 Fincher  
 Foxx  
 Fudge

□ 1853

Messrs. LAMBORN, FARENTHOLD, BRIDENSTINE, ABRAHAM, YOHO, HUIZENGA of Michigan, POLIS, PALMER, JODY B. HICE of Georgia, and WESTERMAN changed their vote from “yea” to “nay.”

Mr. CLAY, Ms. PELOSI and SEWELL of Alabama changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CARTER of Georgia. Mr. Speaker, on rollcall No. 401, I was unavoidably detained. Had I been present, I would have voted “yes.”

**ENHANCING TREASURY'S ANTI-TERROR TOOLS ACT**

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5607) to enhance the Department of the Treasury's role in protecting national 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 Pennsylvania (Mr. FITZPATRICK) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 362, nays 45, not voting 26, as follows:

[Roll No. 402]

**YEAS—362**

Abraham  
 Adams  
 Aderholt  
 Aguilar  
 Allen  
 Amodei  
 Ashford  
 Barletta  
 Barr  
 Barton  
 Bass  
 Beatty  
 Becerra  
 Benishek  
 Cooper  
 Bera  
 Beyer  
 Bilirakis  
 Bishop (GA)  
 Bishop (MI)  
 Sanford  
 Black  
 Blackburn  
 Blumenauer  
 Bonamici  
 Bost  
 Boustany  
 Brady (PA)  
 Brady (TX)  
 Brooks (IN)  
 Brown (FL)  
 Brownley (CA)  
 Buchanan  
 Buck  
 Bucshon  
 Bustos  
 Butterfield  
 DeSantis  
 DeSaulnier  
 Calvert  
 Capps  
 Capuano  
 Cárdenas  
 Carney  
 Carson (IN)  
 Carter (GA)  
 Carter (TX)  
 Cartwright  
 Castor (FL)  
 Castro (TX)  
 Chabot  
 Chaffetz  
 Chu, Judy  
 Cicilline  
 Clark (MA)

Jeffries  
 Jenkins (KS)  
 Jenkins (WV)  
 Johnson (GA)  
 Johnson (OH)  
 Johnson, E. B.  
 Johnson, Sam  
 Jolly  
 Joyce  
 Kaptur  
 Katko  
 Keating  
 Kelly (IL)  
 Kelly (PA)  
 Kennedy  
 Kildee  
 Kilmer  
 Kind  
 King (IA)  
 Kinzinger (IL)  
 Kirkpatrick  
 Kline  
 Knight  
 Kuster  
 LaHood  
 LaMalfa  
 Lamborn  
 Lance  
 Langevin  
 Larsen (WA)  
 Larson (CT)  
 Latta  
 Lawrence  
 Lee  
 Levin  
 Lewis  
 Lieu, Ted  
 LoBiondo  
 Loeback  
 Long  
 Loudermilk  
 Love  
 Lowenthal  
 Lowey  
 Lucas  
 Luetkemeyer  
 Lujan Grisham (NM)  
 Luján, Ben Ray (NM)  
 Lynch  
 MacArthur  
 Maloney, Sean  
 Matsui  
 McCarthy  
 McCaul  
 McCollum  
 McDermott  
 McGovern  
 McHenry  
 McKinley  
 McNerney  
 McSally  
 Meehan  
 Meeks  
 Meng  
 Messer  
 Mica  
 Moolenaar  
 Mooney (WV)

**NAYS—45**

Amash  
 Babin  
 Blum  
 Brat  
 Bridenstine  
 Burgess  
 Clawson (FL)  
 DesJarlais  
 Duncan (SC)  
 Duncan (TN)  
 Farenthold  
 Fleming  
 Garrett  
 Gohmert  
 Gosar

**NOT VOTING—26**

Boyle, Brendan F.  
 Brooks (AL)  
 Clarke (NY)  
 Davis, Danny  
 Fincher  
 Foxx  
 Fudge  
 Gutiérrez  
 Hastings

Scott, David  
 Serrano  
 Sessions  
 Sewell (AL)  
 Sherman  
 Shimkus  
 Shuster  
 Simpson  
 Sinema  
 Slaughter  
 Smith (MO)  
 Smith (NE)  
 Smith (NJ)  
 Smith (TX)  
 Smith (WA)  
 Speier  
 Stefanik  
 Stewart  
 Stivers  
 Swalwell (CA)  
 Takano  
 Thompson (CA)  
 Thompson (MS)  
 Thompson (PA)  
 Thornberry  
 Tiberi  
 Tipton  
 Titus  
 Tonko  
 Torres  
 Trott  
 Turner  
 Upton  
 Valadao  
 Van Hollen  
 Vargas  
 Veasey  
 Vela  
 Velázquez  
 Vislosky  
 Wagner  
 Walberg  
 Walden  
 Walker  
 Walorski  
 Walters, Mimi  
 Walz  
 Wasserman  
 Schultz  
 Waters, Maxine  
 Watson Coleman  
 Webster (FL)  
 Welch  
 Wenstrup  
 Westerman  
 Westmoreland  
 Whitfield  
 Williams  
 Wilson (FL)  
 Wilson (SC)  
 Womack  
 Woodall  
 Yarmuth  
 Yoder  
 Young (AK)  
 Young (IA)  
 Young (IN)  
 Zeldin

Mulvaney  
 Pearce  
 Perry  
 Polis  
 Posey  
 Ribble  
 Rohrabacher  
 Russell  
 Salmon  
 Sanford  
 Sensenbrenner  
 Weber (TX)  
 Wittman  
 Yoho  
 Zinke

Miller (MI)  
 Nolan  
 Peterson  
 Poe (TX)  
 Pompeo  
 Stutzman  
 Takai  
 Tsongas

□ 1901

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.

#### ANTI-TERRORISM INFORMATION SHARING IS STRENGTH ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5606) to facilitate better information sharing to assist in the fight against the funding of terrorist activities, and for other purposes, 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 Pennsylvania (Mr. FITZPATRICK) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 229, nays 177, not voting 27, as follows:

[Roll No. 403]  
YEAS—229

Adams	Duckworth	Latta
Aderholt	Duffy	LoBiondo
Aguilar	Ellison	Loeb
Amodei	Ellmers (NC)	Long
Ashford	Engel	Lowe
Barletta	Fitzpatrick	Lucas
Barr	Fleischmann	Luetkemeyer
Bass	Forbes	Lujan Grisham
Beatty	Fortenberry	(NM)
Benishkeh	Foster	Lujan, Ben Ray
Bera	Frankel (FL)	(NM)
Bilirakis	Franks (AZ)	Lynch
Bishop (GA)	Frelinghuysen	MacArthur
Bishop (MI)	Garamendi	Maloney, Sean
Blackburn	Goodlatte	McCarthy
Boustany	Graham	McCaul
Brady (PA)	Granger	McHenry
Brady (TX)	Graves (MO)	McKinley
Brooks (IN)	Green, Al	McNerney
Brownley (CA)	Hanna	McSally
Buchanan	Hardy	Meehan
Bucshon	Hartzler	Meeks
Bustos	Heck (NV)	Messer
Butterfield	Hensarling	Moolenaar
Byrne	Herrera Beutler	Mullin
Calvert	Higgins	Murphy (FL)
Carney	Hill	Murphy (PA)
Carson (IN)	Holding	Napolitano
Carter (TX)	Hoyer	Neugebauer
Castor (FL)	Hudson	Newhouse
Castro (TX)	Huizenga (MI)	Noem
Chabot	Hultgren	Norcross
Clay	Hurd (TX)	Nunes
Cleaver	Hurt (VA)	Olson
Clyburn	Israel	Palmer
Coffman	Jenkins (KS)	Pascarella
Cole	Jenkins (WV)	Paulsen
Collins (NY)	Johnson (OH)	Payne
Comstock	Johnson, Sam	Pelosi
Cook	Jolly	Peters
Cooper	Joyce	Pittenger
Costa	Kaptur	Pitts
Costello (PA)	Katko	Poliquin
Crawford	Keating	Price (NC)
Crenshaw	Kelly (IL)	Quigley
Cueellar	Kelly (PA)	Ratchiff
Culberson	Kind	Reed
Curbelo (FL)	King (IA)	Reichert
Davis (CA)	Kinzinger (IL)	Renacci
Davis, Rodney	Kirkpatrick	Rice (NY)
Delaney	Kline	Richmond
Denham	Knight	Rigell
Dent	Kuster	Roby
DeSantis	LaHood	Roe (TN)
Diaz-Balart	LaMalfa	Rogers (AL)
Dold	Lance	Rogers (KY)
Donovan	Langevin	Rooney (FL)

Ros-Lehtinen	Shimkus	Vela
Roskam	Shuster	Wagner
Ross	Simpson	Walberg
Rothfus	Sinema	Walker
Rouzer	Smith (NE)	Walorski
Roybal-Allard	Smith (NJ)	Walters, Mimi
Royce	Smith (TX)	Wasserman
Ruiz	Stefanik	Schultz
Ruppersberger	Stivers	Waters, Maxine
Rush	Thompson (CA)	Welch
Ryan (OH)	Thompson (PA)	Westerman
Sánchez, Linda	Thornberry	Whitfield
T	Tiberi	Williams
Scalise	Torres	Wilson (FL)
Schiff	Trott	Wilson (SC)
Schrader	Turner	Womack
Schweikert	Upton	Young (AK)
Scott, David	Valadao	Young (IA)
Sessions	Van Hollen	Young (IN)
Sewell (AL)	Vargas	Zeldin
Sherman	Veasey	

NAYS—177

Abraham	Garrett	Moore
Allen	Gibbs	Moulton
Amash	Gibson	Mulvaney
Babin	Gohmert	Nadler
Barton	Gosar	Neal
Becerra	Gowdy	Nugent
Beyer	Graves (GA)	O'Rourke
Black	Graves (LA)	Palazzo
Blum	Grayson	Pallone
Blumenauer	Green, Gene	Pearce
Bonamici	Griffith	Perlmutter
Bost	Grijalva	Perry
Brat	Grothman	Pingree
Bridenstine	Guinta	Pocan
Brown (FL)	Guthrie	Polis
Buck	Hahn	Posey
Burgess	Harper	Price, Tom
Capps	Harris	Rangel
Capuano	Heck (WA)	Ribble
Cárdenas	Hice, Jody B.	Rice (SC)
Carter (GA)	Himes	Rohrabacher
Cartwright	Honda	Rokita
Chaffetz	Huelskamp	Russell
Chu, Judy	Huffman	Salmon
Ciçilline	Hunter	Sanchez, Loretta
Clark (MA)	Issa	Sanford
Clawson (FL)	Jackson Lee	Sarbanes
Cohen	Jeffries	Schakowsky
Collins (GA)	Johnson (GA)	Scott (VA)
Conaway	Johnson, E. B.	Scott, Austin
Connolly	Jones	Sensenbrenner
Conyers	Jordan	Serrano
Courtney	Kelly (MS)	Slaughter
Cramer	Kennedy	Smith (MO)
Crowley	Kildee	Smith (WA)
Cummings	Kilmer	Speier
Davidson	Labrador	Stewart
DeFazio	Lamborn	Swalwell (CA)
DeGette	Larsen (WA)	Takano
DeLauro	Larson (CT)	Thompson (MS)
DeBene	Lawrence	Tipton
DesSaulnier	Lee	Titus
Deutch	Levin	Tonko
Dingell	Lewis	Velázquez
Doggett	Lieu, Ted	Visclosky
Doyle, Michael	Lofgren	Walden
F	Loudermilk	Walz
Duncan (SC)	Love	Watson Coleman
Duncan (TN)	Lowenthal	Weber (TX)
Edwards	Lummis	Webster (FL)
Emmer (MN)	Massie	Wenstrup
Eshoo	Matsui	Westmoreland
Esty	McClintock	Wittman
Farenthold	McCollum	Woodall
Farr	McDermott	Yarmuth
Fleming	McGovern	Yoder
Flores	Meadows	Yoho
Gabbard	Meng	Zinke
Gallego	Mica	
	Mooney (WV)	

NOT VOTING—27

Bishop (UT)	Hastings	Miller (FL)
Boyle, Brendan	Hinojosa	Miller (MI)
F	King (NY)	Nolan
Brooks (AL)	Lipinski	Peterson
Clarke (NY)	Maloney	Poe (TX)
Davis, Danny	Carolyn	Pompeo
Fincher	Marchant	Sires
Foxx	Marino	Stutzman
Fudge	McMorris	Takai
Gutiérrez	Rodgers	Tsongas

□ 1908

Mr. CONAWAY changed his vote from "yea" to "nay."

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

#### PERSONAL EXPLANATION

Mr. MILLER of Florida. Mr. Speaker, due to being unavoidably detained, I missed the following rollcall Votes: Nos. 401, 402, and 403.

If present, I would have voted: Rollcall Vote No. 401—On Motion to Suspend the Rules and Pass H.R. 5602, "nay". Rollcall Vote No. 402—On Motion to Suspend the Rules and Pass, as Amended, H.R. 5607, "nay" and rollcall Vote No. 403—On Motion to Suspend the Rules and Pass H.R. 5606, "nay."

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LOUDERMILK). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on additional motions 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.

Any record votes on postponed questions will be taken later.

#### FAA EXTENSION, SAFETY, AND SECURITY ACT OF 2016

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 818) providing for the concurrence by the House in the Senate amendments to H.R. 636, with amendments.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 818

*Resolved*, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill, H.R. 636, with the Senate amendments thereto, and to have concurred in the Senate amendments with the following amendments:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

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

(a) SHORT TITLE.—This Act may be cited as the "FAA Extension, Safety, and Security Act of 2016".

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

Sec. 1. Short title; table of contents.  
Sec. 2. Appropriate committees of Congress defined.

#### TITLE I—FAA EXTENSION

##### Subtitle A—Airport and Airway Programs

Sec. 1101. Extension of airport improvement program.  
Sec. 1102. Extension of expiring authorities.  
Sec. 1103. Federal Aviation Administration operations.  
Sec. 1104. Air navigation facilities and equipment.  
Sec. 1105. Research, engineering, and development.  
Sec. 1106. Funding for aviation programs.  
Sec. 1107. Essential air service.

##### Subtitle B—Revenue Provisions

Sec. 1201. Expenditure authority from Airport and Airway Trust Fund.



Sec. 1202. Extension of taxes funding Airport and Airway Trust Fund.

**TITLE II—AVIATION SAFETY CRITICAL REFORMS**

**Subtitle A—Safety**

Sec. 2101. Pilot records database deadline.  
 Sec. 2102. Cockpit automation management.  
 Sec. 2103. Enhanced mental health screening for pilots.  
 Sec. 2104. Laser pointer incidents.  
 Sec. 2105. Crash-resistant fuel systems.  
 Sec. 2106. Hiring of air traffic controllers.  
 Sec. 2107. Training policies regarding assistance for persons with disabilities.  
 Sec. 2108. Air travel accessibility.  
 Sec. 2109. Additional certification resources.  
 Sec. 2110. Tower marking.  
 Sec. 2111. Aviation cybersecurity.  
 Sec. 2112. Repair stations located outside United States.  
 Sec. 2113. Enhanced training for flight attendants.

**Subtitle B—UAS Safety**

Sec. 2201. Definitions.  
 Sec. 2202. Identification standards.  
 Sec. 2203. Safety statements.  
 Sec. 2204. Facilitating interagency cooperation for unmanned aircraft authorization in support of firefighting operations and utility restoration.  
 Sec. 2205. Interference with wildfire suppression, law enforcement, or emergency response effort by operation of unmanned aircraft.  
 Sec. 2206. Pilot project for airport safety and airspace hazard mitigation.  
 Sec. 2207. Emergency exemption process.  
 Sec. 2208. Unmanned aircraft systems traffic management.  
 Sec. 2209. Applications for designation.  
 Sec. 2210. Operations associated with critical infrastructure.  
 Sec. 2211. Unmanned aircraft systems research and development roadmap.  
 Sec. 2212. Unmanned aircraft systems-manned aircraft collision research.  
 Sec. 2213. Probabilistic metrics research and development study.

**Subtitle C—Time Sensitive Aviation Reforms**

Sec. 2301. Small airport relief for safety projects.  
 Sec. 2302. Use of revenues at previously associated airport.  
 Sec. 2303. Working group on improving air service to small communities.  
 Sec. 2304. Computation of basic annuity for certain air traffic controllers.  
 Sec. 2305. Refunds for delayed baggage.  
 Sec. 2306. Contract weather observers.  
 Sec. 2307. Medical certification of certain small aircraft pilots.  
 Sec. 2308. Tarmac delays.  
 Sec. 2309. Family seating.

**TITLE III—AVIATION SECURITY**

Sec. 3001. Short title.  
 Sec. 3002. Definitions.

**Subtitle A—TSA PreCheck Expansion**

Sec. 3101. PreCheck program authorization.  
 Sec. 3102. PreCheck program enrollment expansion.  
 Subtitle B—Securing Aviation From Foreign Entry Points and Guarding Airports Through Enhanced Security  
 Sec. 3201. Last point of departure airport security assessment.  
 Sec. 3202. Security coordination enhancement plan.  
 Sec. 3203. Workforce assessment.  
 Sec. 3204. Donation of screening equipment to protect the United States.

Sec. 3205. National cargo security program.  
 Sec. 3206. International training and capacity development.

**Subtitle C—Checkpoint Optimization and Efficiency**

Sec. 3301. Sense of Congress.  
 Sec. 3302. Enhanced staffing allocation model.  
 Sec. 3303. Effective utilization of staffing resources.  
 Sec. 3304. TSA staffing and resource allocation.  
 Sec. 3305. Aviation security stakeholders defined.  
 Sec. 3306. Rule of construction.

**Subtitle D—Aviation Security Enhancement and Oversight**

Sec. 3401. Definitions.  
 Sec. 3402. Threat assessment.  
 Sec. 3403. Oversight.  
 Sec. 3404. Credentials.  
 Sec. 3405. Vetting.  
 Sec. 3406. Metrics.  
 Sec. 3407. Inspections and assessments.  
 Sec. 3408. Covert testing.  
 Sec. 3409. Security directives.  
 Sec. 3410. Implementation report.  
 Sec. 3411. Miscellaneous amendments.

**Subtitle E—Checkpoints of the Future**

Sec. 3501. Checkpoints of the future.  
 Sec. 3502. Pilot program for increased efficiency and security at Category X airports.  
 Sec. 3503. Pilot program for the development and testing of prototypes for airport security systems.  
 Sec. 3504. Report required.  
 Sec. 3505. Funding.  
 Sec. 3506. Acceptance and provision of resources by the Transportation Security Administration.

**Subtitle F—Miscellaneous Provisions**

Sec. 3601. Visible deterrent.  
 Sec. 3602. Law enforcement training for mass casualty and active shooter incidents.  
 Sec. 3603. Assistance to airports and surface transportation systems.

**SEC. 2. APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**

In this Act, unless expressly provided otherwise, the term “appropriate committees of Congress” means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

**TITLE I—FAA EXTENSION**

**Subtitle A—Airport and Airway Programs**

**SEC. 1101. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 48103(a) of title 49, United States Code, is amended by striking “fiscal years 2012 through 2015” and all that follows through the period at the end and inserting “fiscal years 2012 through 2017.”

(b) **PROJECT GRANT AUTHORITY.**—Section 47104(c) of title 49, United States Code, is amended in the matter preceding paragraph (1) by striking “July 15, 2016,” and inserting “September 30, 2017.”

**SEC. 1102. EXTENSION OF EXPIRING AUTHORITIES.**

(a) Section 47107(r)(3) of title 49, United States Code, is amended by striking “July 16, 2016” and inserting “October 1, 2017.”

(b) Section 47115(j) of title 49, United States Code, is amended by striking “fiscal years 2012 through 2015” and all that follows through “July 15, 2016,” and inserting “fiscal years 2012 through 2017.”

(c) Section 47124(b)(3)(E) of title 49, United States Code, is amended by striking “fiscal years 2012 through 2015” and all that follows

through “July 15, 2016,” and inserting “fiscal years 2012 through 2017.”

(d) Section 47141(f) of title 49, United States Code, is amended by striking “July 15, 2016” and inserting “September 30, 2017.”

(e) Section 41743(e)(2) of title 49, United States Code, is amended by striking “2015” and inserting “2017.”

(f) Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (117 Stat. 2518) is amended by striking “fiscal years 2012 through 2015” and all that follows through “July 15, 2016,” and inserting “fiscal years 2012 through 2017.”

(g) Section 409(d) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 41731 note) is amended by striking “July 15, 2016” and inserting “September 30, 2017.”

(h) Section 140(c)(1) of the FAA Modernization and Reform Act of 2012 (126 Stat. 28) is amended—

(1) by striking “fiscal years 2013 through 2016,” and inserting “fiscal years 2013 through 2017,”; and

(2) by inserting before the period at the end the following: “or an extension of this Act”.

(i) Section 332(c)(1) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) is amended by striking “5 years after the date of enactment of this Act” and inserting “on September 30, 2019.”

(j) Section 411(h) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 42301 prec. note) is amended by striking “July 15, 2016” and inserting “September 30, 2017.”

(k) Section 822(k) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 47141 note) is amended by striking “July 15, 2016” and inserting “September 30, 2017.”

**SEC. 1103. FEDERAL AVIATION ADMINISTRATION OPERATIONS.**

Section 106(k) of title 49, United States Code, is amended—

(1) by striking paragraph (1)(E) and inserting the following:

“(E) \$9,909,724,000 for each of fiscal years 2016 and 2017.”; and

(2) in paragraph (3) by striking “fiscal years 2012 through 2015” and all that follows through “July 15, 2016,” and inserting “fiscal years 2012 through 2017.”

**SEC. 1104. AIR NAVIGATION FACILITIES AND EQUIPMENT.**

Section 48101(a)(5) of title 49, United States Code, is amended to read as follows:

“(5) \$2,855,000,000 for each of fiscal years 2016 and 2017.”

**SEC. 1105. RESEARCH, ENGINEERING, AND DEVELOPMENT.**

Section 48102(a)(9) of title 49, United States Code, is amended to read as follows:

“(9) \$166,000,000 for each of fiscal years 2016 and 2017.”

**SEC. 1106. FUNDING FOR AVIATION PROGRAMS.**

(a) **IN GENERAL.**—Section 48114 of title 49, United States Code, is amended—

(1) in subsection (a)(2) by striking “fiscal year 2016,” and inserting “fiscal year 2017,”; and

(2) in subsection (c)(2) by striking “fiscal year 2016” and inserting “fiscal year 2017.”

(b) **COMPLIANCE WITH AVIATION FUNDING REQUIREMENT.**—The budget authority authorized in this title, including the amendments made by this title, shall be deemed to satisfy the requirements of subsections (a)(1)(B) and (a)(2) of section 48114 of title 49, United States Code, for each of fiscal years 2016 and 2017.

**SEC. 1107. ESSENTIAL AIR SERVICE.**

Section 41742(a)(2) of title 49, United States Code, is amended by striking “fiscal year 2014,” and all that follows through “July 15, 2016,” and inserting “fiscal year 2014, \$93,000,000 for fiscal year 2015, and \$175,000,000 for each of fiscal years 2016 and 2017.”

**Subtitle B—Revenue Provisions****SEC. 1201. EXPENDITURE AUTHORITY FROM AIRPORT AND AIRWAY TRUST FUND.**

(a) IN GENERAL.—Section 9502(d)(1) of the Internal Revenue Code of 1986 is amended—

(1) in the matter preceding subparagraph (A), by striking “July 16, 2016” and inserting “October 1, 2017”; and

(2) in subparagraph (A), by striking the semicolon at the end and inserting “or the FAA Extension, Safety, and Security Act of 2016”.

(b) CONFORMING AMENDMENT.—Section 9502(e)(2) of such Code is amended by striking “July 16, 2016” and inserting “October 1, 2017”.

**SEC. 1202. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.**

(a) FUEL TAXES.—Section 4081(d)(2)(B) of the Internal Revenue Code of 1986 is amended by striking “July 15, 2016” and inserting “September 30, 2017”.

(b) TICKET TAXES.—

(1) PERSONS.—Section 4261(k)(1)(A)(ii) of such Code is amended by striking “July 15, 2016” and inserting “September 30, 2017”.

(2) PROPERTY.—Section 4271(d)(1)(A)(ii) of such Code is amended by striking “July 15, 2016” and inserting “September 30, 2017”.

(c) FRACTIONAL OWNERSHIP PROGRAMS.—

(1) TREATMENT AS NONCOMMERCIAL AVIATION.—Section 4083(b) of such Code is amended by striking “July 16, 2016” and inserting “October 1, 2017”.

(2) EXEMPTION FROM TICKET TAXES.—Section 4261(j) of such Code is amended by striking “July 15, 2016” and inserting “September 30, 2017”.

**TITLE II—AVIATION SAFETY CRITICAL REFORMS****Subtitle A—Safety****SEC. 2101. PILOT RECORDS DATABASE DEADLINE.**

Section 44703(i)(2) of title 49, United States Code, is amended by striking “The Administrator shall establish” and inserting “Not later than April 30, 2017, the Administrator shall establish and make available for use”.

**SEC. 2102. COCKPIT AUTOMATION MANAGEMENT.**

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) develop a process to verify that air carrier training programs incorporate measures to train pilots on—

(A) monitoring automation systems; and

(B) controlling the flightpath of aircraft without autopilot or autoflight systems engaged;

(2) develop metrics or measurable tasks that air carriers can use to evaluate pilot monitoring proficiency;

(3) issue guidance to aviation safety inspectors responsible for oversight of the operations of air carriers on tracking and assessing pilots’ proficiency in manual flight; and

(4) issue guidance to air carriers and inspectors regarding standards for compliance with the requirements for enhanced pilot training contained in the final rule published in the Federal Register on November 12, 2013 (78 Fed. Reg. 67800).

**SEC. 2103. ENHANCED MENTAL HEALTH SCREENING FOR PILOTS.**

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall consider the recommendations of the Pilot Fitness Aviation Rulemaking Committee in determining whether to implement, as part of a comprehensive medical certification process for pilots with a first- or second-class airman medical certificate, additional screening for mental health conditions, including depression and suicidal thoughts or tendencies, and assess treatments that would

address any risk associated with such conditions.

**SEC. 2104. LASER POINTER INCIDENTS.**

(a) IN GENERAL.—Beginning 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in coordination with appropriate Federal law enforcement agencies, shall provide quarterly updates to the appropriate committees of Congress regarding—

(1) the number of incidents involving the beam from a laser pointer (as defined in section 39A of title 18, United States Code) being aimed at, or in the flight path of, an aircraft in the airspace jurisdiction of the United States;

(2) the number of civil or criminal enforcement actions taken by the Federal Aviation Administration, the Department of Transportation, or another Federal agency with regard to the incidents described in paragraph (1), including the amount of the civil or criminal penalties imposed on violators;

(3) the resolution of any incidents described in paragraph (1) that did not result in a civil or criminal enforcement action; and

(4) any actions the Department of Transportation or another Federal agency has taken on its own, or in conjunction with other Federal agencies or local law enforcement agencies, to deter the type of activity described in paragraph (1).

(b) CIVIL PENALTIES.—The Administrator shall revise the maximum civil penalty that may be imposed on an individual who aims the beam of a laser pointer at an aircraft in the airspace jurisdiction of the United States, or at the flight path of such an aircraft, to be \$25,000.

**SEC. 2105. CRASH-RESISTANT FUEL SYSTEMS.**

Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall evaluate and update, as necessary, standards for crash-resistant fuel systems for civilian rotorcraft.

**SEC. 2106. HIRING OF AIR TRAFFIC CONTROLLERS.**

(a) IN GENERAL.—Section 44506 of title 49, United States Code, is amended by adding at the end the following:

“(f) HIRING OF CERTAIN AIR TRAFFIC CONTROL SPECIALISTS.—

“(1) CONSIDERATION OF APPLICANTS.—

“(A) ENSURING SELECTION OF MOST QUALIFIED APPLICANTS.—In appointing individuals to the position of air traffic controller, the Administrator shall give preferential consideration to qualified individuals maintaining 52 consecutive weeks of air traffic control experience involving the full-time active separation of air traffic after receipt of an air traffic certification or air traffic control facility rating within 5 years of application while serving at—

“(i) a Federal Aviation Administration air traffic control facility;

“(ii) a civilian or military air traffic control facility of the Department of Defense; or

“(iii) a tower operating under contract with the Federal Aviation Administration under section 47124.

“(B) CONSIDERATION OF ADDITIONAL APPLICANTS.—

“(i) IN GENERAL.—After giving preferential consideration to applicants under subparagraph (A), the Administrator shall consider additional applicants for the position of air traffic controller by referring an approximately equal number of individuals for appointment among the 2 applicant pools described in this subparagraph. The number of individuals referred for consideration from each group shall not differ by more than 10 percent.

“(ii) POOL 1.—Pool 1 applicants are individuals who—

“(I) have successfully completed air traffic controller training and graduated from an institution participating in the Collegiate Training Initiative program maintained under subsection (c)(1) and who have received from the institution—

“(aa) an appropriate recommendation; or

“(bb) an endorsement certifying that the individual would have met the requirements in effect as of December 31, 2013, for an appropriate recommendation;

“(II) are eligible for a veterans recruitment appointment pursuant to section 4214 of title 38 and provide a Certificate of Release or Discharge from Active Duty within 120 days of the announcement closing;

“(III) are eligible veterans (as defined in section 4211 of title 38) maintaining aviation experience obtained in the course of the individual’s military experience; or

“(IV) are preference eligible veterans (as defined in section 2108 of title 5).

“(iii) POOL 2.—Pool 2 applicants are individuals who apply under a vacancy announcement recruiting from all United States citizens.

“(2) USE OF BIOGRAPHICAL ASSESSMENTS.—

“(A) BIOGRAPHICAL ASSESSMENTS.—The Administrator shall not use any biographical assessment when hiring under paragraph (1)(A) or paragraph (1)(B)(ii).

“(B) RECONSIDERATION OF APPLICANTS DISQUALIFIED ON BASIS OF BIOGRAPHICAL ASSESSMENTS.—

“(i) IN GENERAL.—If an individual described in paragraph (1)(A) or paragraph (1)(B)(ii), who applied for the position of air traffic controller with the Administration in response to Vacancy Announcement FAA-AMC-14-ALLSRCE-33537 (issued on February 10, 2014), was disqualified from the position as the result of a biographical assessment, the Administrator shall provide the applicant an opportunity to reapply for the position as soon as practicable under the revised hiring practices.

“(ii) WAIVER OF AGE RESTRICTION.—The Administrator shall waive any maximum age restriction for the position of air traffic controller with the Administration that would otherwise disqualify an individual from the position if the individual—

“(I) is reapplying for the position pursuant to clause (i) on or before December 31, 2017; and

“(II) met the maximum age requirement on the date of the individual’s previous application for the position during the interim hiring process.

“(3) MAXIMUM ENTRY AGE FOR EXPERIENCED CONTROLLERS.—Notwithstanding section 3307 of title 5, the maximum limit of age for an original appointment to a position as an air traffic controller shall be 35 years of age for those maintaining 52 weeks of air traffic control experience involving the full-time active separation of air traffic after receipt of an air traffic certification or air traffic control facility rating in a civilian or military air traffic control facility.”.

(b) NOTIFICATION OF VACANCIES.—The Administrator of the Federal Aviation Administration shall consider directly notifying secondary schools and institutions of higher learning, including Historically Black Colleges and Universities, Hispanic-serving institutions, Minority Institutions, and Tribal Colleges and Universities, of a vacancy announcement under section 44506(f)(1)(B)(iii) of title 49, United States Code.

**SEC. 2107. TRAINING POLICIES REGARDING ASSISTANCE FOR PERSONS WITH DISABILITIES.**

(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report assessing required air carrier personnel and contractor

training programs regarding the assistance of persons with disabilities, including—

(1) variations in training programs between air carriers;

(2) instances since 2005 where the Department of Transportation has requested that an air carrier take corrective action following a review of the air carrier's training programs; and

(3) actions taken by air carriers following requests described in paragraph (2).

(b) **BEST PRACTICES.**—After the date the report is submitted under subsection (a), the Secretary of Transportation, based on the findings of the report, shall develop, make publicly available, and appropriately disseminate to air carriers such best practices as the Secretary considers necessary to improve the reviewed training programs.

**SEC. 2108. AIR TRAVEL ACCESSIBILITY.**

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue the supplemental notice of proposed rulemaking referenced in the Secretary's Report on Significant Rulemakings, dated June 15, 2015, and assigned Regulation Identification Number 2105-AE12.

**SEC. 2109. ADDITIONAL CERTIFICATION RESOURCES.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law, and subject to the requirements of subsection (b), the Administrator of the FAA may enter into a reimbursable agreement with an applicant or certificate-holder for the reasonable travel and per diem expenses of the FAA associated with official travel to expedite the acceptance or validation by a foreign authority of an FAA certificate or design approval or the acceptance or validation by the FAA of a foreign authority certificate or design approval.

(b) **CONDITIONS.**—The Administrator may enter into an agreement under subsection (a) only if—

(1) the travel covered under the agreement is deemed necessary, by both the Administrator and the applicant or certificate-holder, to expedite the acceptance or validation of the relevant certificate or approval;

(2) the travel is conducted at the request of the applicant or certificate-holder;

(3) travel plans and expenses are approved by the applicant or certificate-holder prior to travel; and

(4) the agreement requires payment in advance of FAA services and is consistent with the processes under section 106(l)(6) of title 49, United States Code.

(c) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on—

(1) the number of occasions on which the Administrator entered into reimbursable agreements under this section;

(2) the number of occasions on which the Administrator declined a request by an applicant or certificate-holder to enter into a reimbursable agreement under this section;

(3) the amount of reimbursements collected in accordance with agreements under this section; and

(4) the extent to which reimbursable agreements under this section assisted in reducing the amount of time necessary for validations of certificates and design approvals.

(d) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **APPLICANT.**—The term “applicant” means a person that has—

(A) applied to a foreign authority for the acceptance or validation of an FAA certificate or design approval; or

(B) applied to the FAA for the acceptance or validation of a foreign authority certificate or design approval.

(2) **CERTIFICATE-HOLDER.**—The term “certificate-holder” means a person that holds a certificate issued by the Administrator under part 21 of title 14, Code of Federal Regulations.

(3) **FAA.**—The term “FAA” means the Federal Aviation Administration.

**SEC. 2110. TOWER MARKING.**

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations to require the marking of covered towers.

(b) **MARKING REQUIRED.**—The regulations under subsection (a) shall require that a covered tower be clearly marked in a manner that is consistent with applicable guidance under the Federal Aviation Administration Advisory Circular issued December 4, 2015 (AC 70/7460-1L), or other relevant safety guidance, as determined by the Administrator.

(c) **APPLICATION.**—The regulations issued under subsection (a) shall ensure that—

(1) all covered towers constructed on or after the date on which such regulations take effect are marked in accordance with subsection (b); and

(2) a covered tower constructed before the date on which such regulations take effect is marked in accordance with subsection (b) not later than 1 year after such effective date.

(d) **DEFINITIONS.**—

(1) **IN GENERAL.**—In this section, the following definitions apply:

(A) **COVERED TOWER.**—

(i) **IN GENERAL.**—The term “covered tower” means a structure that—

(I) is self-standing or supported by guy wires and ground anchors;

(II) is 10 feet or less in diameter at the above-ground base, excluding concrete footing;

(III) at the highest point of the structure is at least 50 feet above ground level;

(IV) at the highest point of the structure is not more than 200 feet above ground level;

(V) has accessory facilities on which an antenna, sensor, camera, meteorological instrument, or other equipment is mounted; and

(VI) is located—

(aa) outside the boundaries of an incorporated city or town; or

(bb) on land that is—

(AA) undeveloped; or

(BB) used for agricultural purposes.

(ii) **EXCLUSIONS.**—The term “covered tower” does not include any structure that—

(I) is adjacent to a house, barn, electric utility station, or other building;

(II) is within the curtilage of a farmstead;

(III) supports electric utility transmission or distribution lines;

(IV) is a wind-powered electrical generator with a rotor blade radius that exceeds 6 feet; or

(V) is a street light erected or maintained by a Federal, State, local, or tribal entity.

(B) **UNDEVELOPED.**—The term “undeveloped” means a defined geographic area where the Administrator determines low-flying aircraft are operated on a routine basis, such as low-lying forested areas with predominant tree cover under 200 feet and pasture and range land.

(2) **OTHER DEFINITIONS.**—The Administrator shall define such other terms as may be necessary to carry out this section.

(e) **DATABASE.**—The Administrator shall—

(1) develop a database that contains the location and height of each covered tower;

(2) keep the database current to the extent practicable;

(3) ensure that any proprietary information in the database is protected from disclosure in accordance with law; and

(4) ensure that, by virtue of accessing the database, users agree and acknowledge that information in the database—

(A) may only be used for aviation safety purposes; and

(B) may not be disclosed for purposes other than aviation safety, regardless of whether or not the information is marked or labeled as proprietary or with a similar designation.

**SEC. 2111. AVIATION CYBERSECURITY.**

(a) **COMPREHENSIVE AND STRATEGIC AVIATION FRAMEWORK.**—

(1) **IN GENERAL.**—Not later than 240 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall facilitate and support the development of a comprehensive and strategic framework of principles and policies to reduce cybersecurity risks to the national airspace system, civil aviation, and agency information systems using a total systems approach that takes into consideration the interactions and interdependence of different components of aircraft systems and the national airspace system.

(2) **SCOPE.**—In carrying out paragraph (1), the Administrator shall—

(A) identify and address the cybersecurity risks associated with—

(i) the modernization of the national airspace system;

(ii) the automation of aircraft, equipment, and technology; and

(iii) aircraft systems, including by—

(I) directing the Aircraft Systems Information Security Protection Working Group—

(aa) to assess cybersecurity risks to aircraft systems;

(bb) to review the extent to which existing rulemaking, policy, and guidance to promote safety also promote aircraft systems information security protection; and

(cc) to provide appropriate recommendations to the Administrator if separate or additional rulemaking, policy, or guidance is needed to address cybersecurity risks to aircraft systems; and

(II) identifying and addressing—

(aa) cybersecurity risks associated with in-flight entertainment systems; and

(bb) whether in-flight entertainment systems can and should be isolated and separate, such as through an air gap, under existing rulemaking, policy, and guidance;

(B) clarify cybersecurity roles and responsibilities of offices and employees of the Federal Aviation Administration, as the roles and responsibilities relate to cybersecurity at the Federal Aviation Administration;

(C) identify and implement objectives and actions to reduce cybersecurity risks to air traffic control information systems, including actions to improve implementation of information security standards, such as those of the National Institute of Standards and Technology;

(D) support voluntary efforts by industry, RTCA, Inc., and other standards-setting organizations to develop and identify consensus standards and best practices relating to guidance on aviation systems information security protection, consistent, to the extent appropriate, with the cybersecurity risk management activities described in section 2(e) of the National Institute of Standards and Technology Act (15 U.S.C. 272(e));

(E) establish guidelines for the voluntary exchange of information between and among aviation stakeholders pertaining to aviation-related cybersecurity incidents, threats, and vulnerabilities;

(F) identify short- and long-term objectives and actions that can be taken in response to cybersecurity risks to the national airspace system; and

(G) identify research and development activities to inform actions in response to cybersecurity risks.

(3) IMPLEMENTATION REQUIREMENTS.—In carrying out the activities under this subsection, the Administrator shall—

(A) coordinate with aviation stakeholders, including, at a minimum, representatives of industry, airlines, manufacturers, airports, RTCA, Inc., and unions;

(B) consult with the heads of relevant agencies and with international regulatory authorities;

(C) if determined appropriate, convene an expert panel or working group to identify and address cybersecurity risks; and

(D) evaluate, on a periodic basis, the effectiveness of the principles established under this subsection.

(b) UPDATE ON CYBERSECURITY IMPLEMENTATION PROGRESS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall provide to the appropriate committees of Congress an update on progress made toward the implementation of this section.

(c) CYBERSECURITY THREAT MODEL.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the Director of the National Institute of Standards and Technology, shall implement the open recommendation issued in 2015 by the Government Accountability Office to assess and research the potential cost and timetable of developing and maintaining an agencywide threat model, which shall be updated regularly, to strengthen the cybersecurity of agency systems across the Federal Aviation Administration. The Administrator shall brief the Committee on Science, Space, and Technology and 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, results, and composition of the threat model.

(d) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY INFORMATION SECURITY STANDARDS.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, after consultation with the Director of the National Institute of Standards and Technology, shall transmit to the Committee on Science, Space, and Technology 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—

(1) a cybersecurity standards plan to improve implementation of the National Institute of Standards and Technology's latest revisions to information security guidance for Federal Aviation Administration information and Federal Aviation Administration information systems within set timeframes; and

(2) an explanation of why any such revisions are not incorporated in the plan or are not incorporated within set timeframes.

(e) CYBERSECURITY RESEARCH AND DEVELOPMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with other agencies as appropriate, shall establish a cybersecurity research and development plan for the national airspace system, including—

(1) any proposal for research and development cooperation with international partners;

(2) an evaluation and determination of research and development needs to determine any cybersecurity risks of cabin communications and cabin information technology systems on board in the passenger domain; and

(3) objectives, proposed tasks, milestones, and a 5-year budgetary profile.

#### SEC. 2112. REPAIR STATIONS LOCATED OUTSIDE UNITED STATES.

(a) RISK-BASED OVERSIGHT.—Section 44733 of title 49, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g);

(2) by inserting after subsection (e) the following:

“(f) RISK-BASED OVERSIGHT.—

“(1) IN GENERAL.—Not later than 90 days after the date of enactment of the FAA Extension, Safety, and Security Act of 2016, the Administrator shall take measures to ensure that the safety assessment system established under subsection (a)—

“(A) places particular consideration on inspections of part 145 repair stations located outside the United States that conduct scheduled heavy maintenance work on part 121 air carrier aircraft; and

“(B) accounts for the frequency and seriousness of any corrective actions that part 121 air carriers must implement to aircraft following such work at such repair stations.

“(2) INTERNATIONAL AGREEMENTS.—The Administrator shall take the measures required under paragraph (1)—

“(A) in accordance with United States obligations under applicable international agreements; and

“(B) in a manner consistent with the applicable laws of the country in which a repair station is located.

“(3) ACCESS TO DATA.—The Administrator may access and review such information or data in the possession of a part 121 air carrier as the Administrator may require in carrying out paragraph (1)(B).”;

(3) in subsection (g) (as so redesignated)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(B) by inserting before paragraph (2) (as so redesignated) the following:

“(1) HEAVY MAINTENANCE WORK.—The term ‘heavy maintenance work’ means a C-check, a D-check, or equivalent maintenance operation with respect to the airframe of a transport-category aircraft.”.

(b) ALCOHOL AND CONTROLLED SUBSTANCES TESTING.—The Administrator of the Federal Aviation Administration shall ensure that—

(1) not later than 90 days after the date of enactment of this Act, a notice of proposed rulemaking required pursuant to section 44733(d)(2) is published in the Federal Register; and

(2) not later than 1 year after the date on which the notice of proposed rulemaking is published in the Federal Register, the rulemaking is finalized.

(c) BACKGROUND INVESTIGATIONS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall ensure that each employee of a repair station certificated under part 145 of title 14, Code of Federal Regulations, who performs a safety-sensitive function on an air carrier aircraft has undergone a pre-employment background investigation sufficient to determine whether the individual presents a threat to aviation safety, in a manner that is—

(1) determined acceptable by the Administrator;

(2) consistent with the applicable laws of the country in which the repair station is located; and

(3) consistent with the United States obligations under international agreements.

#### SEC. 2113. ENHANCED TRAINING FOR FLIGHT ATTENDANTS.

Section 44734(a) of title 49, United States Code, 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”;

(3) by adding at the end the following:

“(4) recognizing and responding to potential human trafficking victims.”.

#### Subtitle B—UAS Safety

##### SEC. 2201. DEFINITIONS.

(a) DEFINITIONS APPLIED.—In this subtitle, the terms “unmanned aircraft”, “unmanned aircraft system”, and “small unmanned aircraft” have the meanings given those terms in section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note), as amended by this Act.

(b) FAA MODERNIZATION AND REFORM ACT.—Section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) is amended—

(1) in paragraph (6) by inserting “, including everything that is on board or otherwise attached to the aircraft” after “55 pounds”; and

(2) by striking paragraph (7) and inserting the following:

“(7) TEST RANGE.—

“(A) IN GENERAL.—The term ‘test range’ means a defined geographic area where research and development are conducted as authorized by the Administrator of the Federal Aviation Administration.

“(B) INCLUSIONS.—The term ‘test range’ includes any of the 6 test ranges established by the Administrator of the Federal Aviation Administration under section 332(c), as in effect on the day before the date of enactment of this subparagraph, and any public entity authorized by the Federal Aviation Administration as an unmanned aircraft system flight test center before January 1, 2009.”.

##### SEC. 2202. IDENTIFICATION STANDARDS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration, in consultation with the Secretary of Transportation, the President of RTCA, Inc., and the Director of the National Institute of Standards and Technology, shall convene industry stakeholders to facilitate the development of consensus standards for remotely identifying operators and owners of unmanned aircraft systems and associated unmanned aircraft.

(b) CONSIDERATIONS.—As part of any standards developed under subsection (a), the Administrator shall ensure the consideration of—

(1) requirements for remote identification of unmanned aircraft systems;

(2) appropriate requirements for different classifications of unmanned aircraft systems operations, including public and civil; and

(3) the feasibility of the development and operation of a publicly accessible online database of unmanned aircraft and the operators thereof, and any criteria for exclusion from the database.

(c) DEADLINE.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on any standards developed under subsection (a).

(d) GUIDANCE.—Not later than 1 year after the date on which the Administrator submits the report under subsection (c), the Administrator shall issue regulations or guidance, as appropriate, based on any standards developed under subsection (a).

##### SEC. 2203. SAFETY STATEMENTS.

(a) REQUIRED INFORMATION.—Beginning on the date that is 1 year after the date of publication of the guidance under subsection (b)(1), a manufacturer of a small unmanned aircraft shall make available to the owner at the time of delivery of the small unmanned aircraft the safety statement described in subsection (b)(2).

(b) SAFETY STATEMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue guidance for implementing this section.

(2) REQUIREMENTS.—A safety statement required under subsection (a) shall include—

(A) information about, and sources of, laws and regulations applicable to small unmanned aircraft;

(B) recommendations for using small unmanned aircraft in a manner that promotes the safety of persons and property;

(C) the date that the safety statement was created or last modified; and

(D) language approved by the Administrator regarding the following:

(i) A person may operate the small unmanned aircraft as a model aircraft (as defined in section 336 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note)) or otherwise in accordance with Federal Aviation Administration authorization or regulation, including requirements for the completion of any applicable airman test.

(ii) The definition of a model aircraft under section 336 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).

(iii) The requirements regarding the operation of a model aircraft under section 336 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).

(iv) The Administrator may pursue enforcement action against a person operating model aircraft who endangers the safety of the national airspace system.

(c) CIVIL PENALTY.—A person who violates subsection (a) shall be liable for each violation to the United States Government for a civil penalty described in section 46301(a) of title 49, United States Code.

**SEC. 2204. FACILITATING INTERAGENCY COOPERATION FOR UNMANNED AIRCRAFT AUTHORIZATION IN SUPPORT OF FIREFIGHTING OPERATIONS AND UTILITY RESTORATION.**

(a) FIREFIGHTING OPERATIONS.—The Administrator of the Federal Aviation Administration shall enter into agreements with the Secretary of the Interior and the Secretary of Agriculture, as necessary, to continue the expeditious authorization of safe unmanned aircraft system operations in support of firefighting operations consistent with the requirements of section 334(c) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).

(b) UTILITY RESTORATION.—The Administrator shall enter into agreements with the Secretary of Energy and with such other agencies or parties, including the Federal Emergency Management Agency, as are necessary to facilitate the expeditious authorization of safe unmanned aircraft system operations in support of service restoration efforts of utilities.

(c) DEFINITION OF UTILITY.—In this section, the term “utility” shall at a minimum include the definition in section 3(4) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602(4)).

**SEC. 2205. INTERFERENCE WITH WILDFIRE SUPPRESSION, LAW ENFORCEMENT, OR EMERGENCY RESPONSE EFFORT BY OPERATION OF UNMANNED AIRCRAFT.**

(a) IN GENERAL.—Chapter 463 of title 49, United States Code, is amended by adding at the end the following:

**“§46320. Interference with wildfire suppression, law enforcement, or emergency response effort by operation of unmanned aircraft**

“(a) IN GENERAL.—Except as provided in subsection (b), an individual who operates an unmanned aircraft and in so doing knowingly or recklessly interferes with a wildfire suppression, law enforcement, or emergency response effort is liable to the United States Government for a civil penalty of not more than \$20,000.

“(b) EXCEPTIONS.—This section does not apply to the operation of an unmanned aircraft conducted by a unit or agency of the United States Government or of a State,

tribal, or local government (including any individual conducting such operation pursuant to a contract or other agreement entered into with the unit or agency) for the purpose of protecting the public safety and welfare, including firefighting, law enforcement, or emergency response.

“(c) COMPROMISE AND SETOFF.—

“(1) COMPROMISE.—The United States Government may compromise the amount of a civil penalty imposed under this section.

“(2) SETOFF.—The United States Government may deduct the amount of a civil penalty imposed or compromised under this section from the amounts the Government owes the person liable for the penalty.

“(d) DEFINITIONS.—In this section, the following definitions apply:

“(1) WILDFIRE.—The term ‘wildfire’ has the meaning given that term in section 2 of the Emergency Wildfire Suppression Act (42 U.S.C. 1856m).

“(2) WILDFIRE SUPPRESSION.—The term ‘wildfire suppression’ means an effort to contain, extinguish, or suppress a wildfire.”

(b) FAA TO IMPOSE CIVIL PENALTY.—Section 46301(d)(2) of title 49, United States Code, is amended by inserting “section 46320,” after “section 46319.”

(c) CLERICAL AMENDMENT.—The analysis for chapter 463 of title 49, United States Code, is amended by adding at the end the following:

“46320. Interference with wildfire suppression, law enforcement, or emergency response effort by operation of unmanned aircraft.”

**SEC. 2206. PILOT PROJECT FOR AIRPORT SAFETY AND AIRSPACE HAZARD MITIGATION.**

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall establish a pilot program for airspace hazard mitigation at airports and other critical infrastructure using unmanned aircraft detection systems.

(b) CONSULTATION.—In carrying out the pilot program under subsection (a), the Administrator shall work with the Secretary of Defense, the Secretary of Homeland Security, and the heads of other relevant Federal departments and agencies for the purpose of ensuring that technologies that are developed, tested, or deployed by those departments and agencies to mitigate threats posed by errant or hostile unmanned aircraft system operations do not adversely impact or interfere with safe airport operations, navigation, air traffic services, or the safe and efficient operation of the national airspace system.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Airport and Airway Trust Fund to carry out this section \$6,000,000, to remain available until expended.

(d) AUTHORITY.—After the pilot program established under subsection (a) ceases to be effective pursuant to subsection (g), the Administrator may use unmanned aircraft detection systems to detect and mitigate the unauthorized operation of an unmanned aircraft that poses a risk to aviation safety.

(e) REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the results of the pilot program established under subsection (a).

(2) CONTENTS.—The report required under paragraph (1) shall include the following:

(A) The number of unauthorized unmanned aircraft operations detected, together with a description of such operations.

(B) The number of instances in which unauthorized unmanned aircraft were miti-

gated, together with a description of such instances.

(C) The number of enforcement cases brought by the Federal Aviation Administration for unauthorized operation of unmanned aircraft detected through the pilot program, together with a description of such cases.

(D) The number of any technical failures in the pilot program, together with a description of such failures.

(E) Recommendations for safety and operational standards for unmanned aircraft detection systems.

(F) The feasibility of deployment of the systems at other airports.

(3) FORMAT.—To the extent practicable, the report prepared under paragraph (1) shall be submitted in a classified format. If appropriate, the report may include an unclassified summary.

(f) SUNSET.—The pilot program established under subsection (a) shall cease to be effective on the earlier of—

(1) the date that is 18 months after the date of enactment of this Act; and

(2) the date of the submission of the report under subsection (e).

**SEC. 2207. EMERGENCY EXEMPTION PROCESS.**

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall publish guidance for applications for, and procedures for the processing of, on an emergency basis, exemptions or certificates of authorization or waiver for the use of unmanned aircraft systems by civil or public operators in response to a catastrophe, disaster, or other emergency to facilitate emergency response operations, such as firefighting, search and rescue, and utility and infrastructure restoration efforts. In processing such applications, the Administrator shall give priority to applications for public unmanned aircraft systems engaged in emergency response activities.

(b) REQUIREMENTS.—In providing guidance under subsection (a), the Administrator shall—

(1) make explicit any safety requirements that must be met for the consideration of applications that include requests for beyond visual line of sight or nighttime operations, or the suspension of otherwise applicable operating restrictions, consistent with public interest and safety; and

(2) explicitly state the procedures for coordinating with an incident commander, if any, to ensure operations granted under procedures developed under subsection (a) do not interfere with other emergency response efforts.

(c) REVIEW.—In processing applications on an emergency basis for exemptions or certificates of authorization or waiver for unmanned aircraft systems operations in response to a catastrophe, disaster, or other emergency, the Administrator shall act on such applications as expeditiously as practicable and without requiring public notice and comment.

**SEC. 2208. UNMANNED AIRCRAFT SYSTEMS TRAFFIC MANAGEMENT.**

(a) RESEARCH PLAN FOR UTM DEVELOPMENT AND DEPLOYMENT.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration (in this section referred to as the “Administrator”), in coordination with the Administrator of the National Aeronautics and Space Administration, shall continue development of a research plan for unmanned aircraft systems traffic management (in this section referred to as “UTM”) development and deployment.

(2) REQUIREMENTS.—In developing the research plan, the Administrator shall—

(A) identify research outcomes sought; and

(B) ensure the plan is consistent with existing regulatory and operational frameworks, and considers potential future regulatory and operational frameworks, for unmanned aircraft systems in the national airspace system.

(3) **ASSESSMENT.**—The research plan shall include an assessment of the interoperability of a UTM system with existing and potential future air traffic management systems and processes.

(4) **DEADLINES.**—The Administrator shall—

(A) initiate development of the research plan not later than 60 days after the date of enactment of this Act; and

(B) not later than 180 days after the date of enactment of this Act—

(i) complete the research plan;

(ii) submit the research plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives; and

(iii) publish the research plan on the Internet Web site of the Federal Aviation Administration.

(b) **PILOT PROGRAM.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of submission of the research plan under subsection (a)(4)(B), the Administrator, in coordination with the Administrator of the National Aeronautics and Space Administration, the Drone Advisory Committee, the research advisory committee established by section 44508(a) of title 49, United States Code, and representatives of the unmanned aircraft industry, shall establish a UTM system pilot program.

(2) **SUNSET.**—Not later than 2 years after the date of establishment of the pilot program, the Administrator shall conclude the pilot program.

(c) **UPDATES.**—Not later than 180 days after the date of establishment of the pilot program, and every 180 days thereafter until the date of conclusion of the pilot program, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives an update on the status and progress of the pilot program.

**SEC. 2209. APPLICATIONS FOR DESIGNATION.**

(a) **APPLICATIONS FOR DESIGNATION.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall establish a process to allow applicants to petition the Administrator of the Federal Aviation Administration to prohibit or restrict the operation of an unmanned aircraft in close proximity to a fixed site facility.

(b) **REVIEW PROCESS.**—

(1) **APPLICATION PROCEDURES.**—

(A) **IN GENERAL.**—The Administrator shall establish the procedures for the application for designation under subsection (a).

(B) **REQUIREMENTS.**—The procedures shall allow operators or proprietors of fixed site facilities to apply for designation individually or collectively.

(C) **CONSIDERATIONS.**—Only the following may be considered fixed site facilities:

(i) Critical infrastructure, such as energy production, transmission, and distribution facilities and equipment.

(ii) Oil refineries and chemical facilities.

(iii) Amusement parks.

(iv) Other locations that warrant such restrictions.

(2) **DETERMINATION.**—

(A) **IN GENERAL.**—The Secretary shall provide for a determination under the review

process established under subsection (a) not later than 90 days after the date of application, unless the applicant is provided with written notice describing the reason for the delay.

(B) **AFFIRMATIVE DESIGNATIONS.**—An affirmative designation shall outline—

(i) the boundaries for unmanned aircraft operation near the fixed site facility; and

(ii) such other limitations that the Administrator determines may be appropriate.

(C) **CONSIDERATIONS.**—In making a determination whether to grant or deny an application for a designation, the Administrator may consider—

(i) aviation safety;

(ii) protection of persons and property on the ground;

(iii) national security; or

(iv) homeland security.

(D) **OPPORTUNITY FOR RESUBMISSION.**—If an application is denied, and the applicant can reasonably address the reason for the denial, the Administrator may allow the applicant to reapply for designation.

(c) **PUBLIC INFORMATION.**—Designations under subsection (a) shall be published by the Federal Aviation Administration on a publicly accessible website.

(d) **SAVINGS CLAUSE.**—Nothing in this section may be construed as prohibiting the Administrator from authorizing operation of an aircraft, including an unmanned aircraft system, over, under, or within a specified distance from that fixed site facility designated under subsection (b).

**SEC. 2210. OPERATIONS ASSOCIATED WITH CRITICAL INFRASTRUCTURE.**

(a) **IN GENERAL.**—Any application process established under section 333 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) shall allow for a person to apply to the Administrator of the Federal Aviation Administration to operate an unmanned aircraft system, for purposes of conducting an activity described in subsection (b)—

(1) beyond the visual line of sight of the individual operating the unmanned aircraft system; and

(2) during the day or at night.

(b) **ACTIVITIES DESCRIBED.**—The activities described in this subsection are—

(1) activities for which manned aircraft may be used to comply with Federal, State, or local laws, including—

(A) activities to ensure compliance with Federal or State regulatory, permit, or other requirements, including to conduct surveys associated with applications for permits for new pipeline or pipeline systems construction or maintenance or rehabilitation of existing pipelines or pipeline systems; and

(B) activities relating to ensuring compliance with—

(i) parts 192 and 195 of title 49, Code of Federal Regulations; and

(ii) the requirements of any Federal, State, or local governmental or regulatory body, or industry best practice, pertaining to the construction, ownership, operation, maintenance, repair, or replacement of covered facilities;

(2) activities to inspect, repair, construct, maintain, or protect covered facilities, including for the purpose of responding to a pipeline, pipeline system, or electric energy infrastructure incident; and

(3) activities in response to or in preparation for a natural disaster, manmade disaster, severe weather event, or other incident beyond the control of the applicant that may cause material damage to a covered facility.

(c) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **COVERED FACILITY.**—The term “covered facility” means—

(A) a pipeline or pipeline system;

(B) an electric energy generation, transmission, or distribution facility (including a renewable electric energy facility);

(C) an oil or gas production, refining, or processing facility; or

(D) any other critical infrastructure facility.

(2) **CRITICAL INFRASTRUCTURE.**—The term “critical infrastructure” has the meaning given that term in section 2339D of title 18, United States Code.

(d) **DEADLINES.**—

(1) **CERTIFICATION TO CONGRESS.**—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a certification that a process has been established to facilitate applications for unmanned aircraft systems operations described in this section.

(2) **FAILURE TO MEET CERTIFICATION DEADLINE.**—If the Administrator cannot provide a certification under paragraph (1), the Administrator, not later than 180 days after the deadline specified in paragraph (1), shall update the process under section 333 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) to facilitate applications for unmanned aircraft systems operations described in this section.

(e) **EXEMPTIONS.**—In addition to the operations described in this section, the Administrator may authorize, exempt, or otherwise allow other unmanned aircraft systems operations under section 333 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) that are conducted beyond the visual line of sight of the individual operating the unmanned aircraft system or during the day or at night.

**SEC. 2211. UNMANNED AIRCRAFT SYSTEMS RESEARCH AND DEVELOPMENT ROADMAP.**

Section 332(a)(5) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note) is amended—

(1) by inserting “, in coordination with the Administrator of the National Aeronautics and Space Administration (NASA) and relevant stakeholders, including those in industry and academia,” after “update”; and

(2) by inserting after “annually,” the following: “The roadmap shall include, at a minimum—

“(A) cost estimates, planned schedules, and performance benchmarks, including specific tasks, milestones, and timelines, for unmanned aircraft systems integration into the national airspace system, including an identification of—

“(i) the role of the unmanned aircraft systems test ranges established under subsection (c) and the Unmanned Aircraft Systems Center of Excellence;

“(ii) performance objectives for unmanned aircraft systems that operate in the national airspace system; and

“(iii) research and development priorities for tools that could assist air traffic controllers as unmanned aircraft systems are integrated into the national airspace system, as appropriate;

“(B) a description of how the Administration plans to use research and development, including research and development conducted through NASA’s Unmanned Aircraft Systems Traffic Management initiatives, to accommodate, integrate, and provide for the evolution of unmanned aircraft systems in the national airspace system;

“(C) an assessment of critical performance abilities necessary to integrate unmanned aircraft systems into the national airspace system, and how these performance abilities can be demonstrated; and

“(D) an update on the advancement of technologies needed to integrate unmanned

aircraft systems into the national airspace system, including decisionmaking by adaptive systems, such as sense-and-avoid capabilities and cyber physical systems security.”

**SEC. 2212. UNMANNED AIRCRAFT SYSTEMS-MANNED AIRCRAFT COLLISION RESEARCH.**

(a) RESEARCH.—The Administrator of the Federal Aviation Administration (in this section referred to as the “Administrator”), in continuation of ongoing work, shall coordinate with the Administrator of the National Aeronautics and Space Administration to develop a program to conduct comprehensive testing or modeling of unmanned aircraft systems colliding with various sized aircraft in various operational settings, as considered appropriate by the Administrator, including—

(1) collisions between unmanned aircraft systems of various sizes, traveling at various speeds, and jet aircraft of various sizes, traveling at various speeds;

(2) collisions between unmanned aircraft systems of various sizes, traveling at various speeds, and propeller-driven aircraft of various sizes, traveling at various speeds;

(3) collisions between unmanned aircraft systems of various sizes, traveling at various speeds, and rotorcraft of various sizes, traveling at various speeds; and

(4) collisions between unmanned aircraft systems and various parts of the aforementioned aircraft, including—

- (A) windshields;
- (B) noses;
- (C) engines;
- (D) radomes;
- (E) propellers; and
- (F) wings.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to the Committee on Science, Space, and Technology 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 summarizing the costs and results of research under this section.

**SEC. 2213. PROBABILISTIC METRICS RESEARCH AND DEVELOPMENT STUDY.**

(a) STUDY.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Academies to study the potential use of probabilistic assessments of risks by the Administration to streamline the integration of unmanned aircraft systems into the national airspace system, including any research and development necessary.

(b) COMPLETION DATE.—Not later than 1 year after the date of enactment of this Act, the Administrator shall provide the results of the study to the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

**Subtitle C—Time Sensitive Aviation Reforms**

**SEC. 2301. SMALL AIRPORT RELIEF FOR SAFETY PROJECTS.**

Section 47114(c)(1)(F) of title 49, United States Code, is amended to read as follows:

“(F) SPECIAL RULE FOR FISCAL YEAR 2017.—Notwithstanding subparagraph (A), the Secretary shall apportion to a sponsor of an airport under that subparagraph for fiscal year 2017 an amount based on the number of passenger boardings at the airport during calendar year 2012 if the airport—

“(i) had 10,000 or more passenger boardings during calendar year 2012;

“(ii) had fewer than 10,000 passenger boardings during the calendar year used to calculate the apportionment for fiscal year 2017 under subparagraph (A); and

“(iii) had scheduled air service at any point during the calendar year used to calculate the apportionment for fiscal year 2017 under subparagraph (A).”

**SEC. 2302. USE OF REVENUES AT PREVIOUSLY ASSOCIATED AIRPORT.**

Section 40117 of title 49, United States Code, is amended by adding at the end the following:

“(n) USE OF REVENUES AT PREVIOUSLY ASSOCIATED AIRPORT.—Notwithstanding the requirements relating to airport control under subsection (b)(1), the Secretary may authorize use of a passenger facility charge under subsection (b) to finance an eligible airport-related project if—

“(1) the eligible agency seeking to impose the new charge controls an airport where a \$2.00 passenger facility charge became effective on January 1, 2013; and

“(2) the location of the project to be financed by the new charge is at an airport that was under the control of the same eligible agency that had controlled the airport described in paragraph (1).”

**SEC. 2303. WORKING GROUP ON IMPROVING AIR SERVICE TO SMALL COMMUNITIES.**

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Transportation shall establish a working group—

(1) to identify obstacles to attracting and maintaining air transportation service to and from small communities; and

(2) to develop recommendations for maintaining and improving air transportation service to and from small communities.

(b) OUTREACH.—In carrying out subsection (a), the working group shall consult with—

(1) interested Governors;

(2) representatives of State and local agencies, and other officials and groups, representing rural States and other rural areas;

(3) other representatives of relevant State and local agencies; and

(4) members of the public with experience in aviation safety, pilot training, economic development, and related issues.

(c) CONSIDERATIONS.—In carrying out subsection (a), the working group shall—

(1) consider whether funding for, and the terms of, current or potential new programs are sufficient to help ensure continuation of or improvement to air transportation service to small communities, including the essential air service program and the small community air service development program;

(2) identify initiatives to help support pilot training and aviation safety to maintain air transportation service to small communities;

(3) consider whether Federal funding for airports serving small communities, including airports that have lost air transportation services or had decreased enplanements in recent years, is adequate to ensure that small communities have access to quality, affordable air transportation service;

(4) identify innovative State or local efforts that have established public-private partnerships that are successful in attracting and retaining air transportation service in small communities; and

(5) consider such other issues as the Secretary considers appropriate.

(d) COMPOSITION.—

(1) IN GENERAL.—The working group shall be facilitated through the Secretary or the Secretary’s designee.

(2) MEMBERSHIP.—Members of the working group shall be appointed by the Secretary and shall include representatives of—

(A) State and local government, including State and local aviation officials;

(B) State Governors;

(C) aviation safety experts;

(D) economic development officials; and

(E) the traveling public from small communities.

(e) REPORT AND RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report, including—

(1) a summary of the views expressed by the participants in the outreach under subsection (b);

(2) a description of the working group’s findings, including the identification of any areas of general consensus among the non-Federal participants in the outreach under subsection (b); and

(3) any recommendations for legislative or regulatory action that would assist in maintaining and improving air transportation service to and from small communities.

**SEC. 2304. COMPUTATION OF BASIC ANNUITY FOR CERTAIN AIR TRAFFIC CONTROLLERS.**

(a) IN GENERAL.—Section 8415(f) of title 5, United States Code, is amended to read as follows:

“(f) The annuity of an air traffic controller or former air traffic controller retiring under section 8412(a) is computed under subsection (a), except that if the individual has at least 5 years of service in any combination as—

“(1) an air traffic controller as defined by section 2109(1)(A)(i);

“(2) a first level supervisor of an air traffic controller as defined by section 2109(1)(A)(i); or

“(3) a second level supervisor of an air traffic controller as defined by section 2109(1)(A)(i);

so much of the annuity as is computed with respect to such type of service shall be computed by multiplying 1 7/10 percent of the individual’s average pay by the years of such service.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be deemed to be effective on December 12, 2003.

(c) PROCEDURES REQUIRED.—The Director of the Office of Personnel Management shall establish such procedures as are necessary to provide for—

(1) notification to each annuitant affected by the amendments made by this section;

(2) recalculation of the benefits of affected annuitants;

(3) an adjustment to applicable monthly benefit amounts pursuant to such recalculation, to begin as soon as is practicable; and

(4) a lump-sum payment to each affected annuitant equal to the additional total benefit amount that such annuitant would have received had the amendment made by subsection (a) been in effect on December 12, 2003.

**SEC. 2305. REFUNDS FOR DELAYED BAGGAGE.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue final regulations to require an air carrier or foreign air carrier to promptly provide to a passenger an automated refund for any ancillary fees paid by the passenger for checked baggage if—

(1) the air carrier or foreign air carrier fails to deliver the checked baggage to the passenger—

(A) not later than 12 hours after the arrival of a domestic flight; or

(B) not later than 15 hours after the arrival of an international flight; and

(2) the passenger has notified the air carrier or foreign air carrier of the lost or delayed checked baggage.

(b) EXCEPTION.—If, as part of the rulemaking, the Secretary makes a determination on the record that a requirement under

subsection (a) is not feasible and would adversely affect consumers in certain cases, the Secretary may modify 1 or both of the deadlines specified in subsection (a)(1) for such cases, except that—

(1) the deadline relating to a domestic flight may not exceed 18 hours after the arrival of the domestic flight; and

(2) the deadline relating to an international flight may not exceed 30 hours after the arrival of the international flight.

**SEC. 2306. CONTRACT WEATHER OBSERVERS.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to the appropriate committees of Congress a report, which includes public and stakeholder input—

(1) examining the safety risks, hazard effects, and efficiency and operational effects for airports, airlines, and other stakeholders that could result from a loss of contract weather observer service at the 57 airports targeted for the loss of the service;

(2) detailing how the Federal Aviation Administration will accurately report rapidly changing severe weather conditions at the airports, including thunderstorms, lightning, fog, visibility, smoke, dust, haze, cloud layers and ceilings, ice pellets, and freezing rain or drizzle, without contract weather observers;

(3) indicating how airports can comply with applicable Federal Aviation Administration orders governing weather observations given the current documented limitations of automated surface observing systems; and

(4) identifying the process through which the Federal Aviation Administration analyzed the safety hazards associated with the elimination of the contract weather observer program.

(b) CONTINUED USE OF CONTRACT WEATHER OBSERVERS.—The Administrator may not discontinue the contract weather observer program at any airport until October 1, 2017.

**SEC. 2307. MEDICAL CERTIFICATION OF CERTAIN SMALL AIRCRAFT PILOTS.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue or revise regulations to ensure that an individual may operate as pilot in command of a covered aircraft if—

(1) the individual possesses a valid driver's license issued by a State, territory, or possession of the United States and complies with all medical requirements or restrictions associated with that license;

(2) the individual holds a medical certificate issued by the Federal Aviation Administration on the date of enactment of this Act, held such a certificate at any point during the 10-year period preceding such date of enactment, or obtains such a certificate after such date of enactment;

(3) the most recent medical certificate issued by the Federal Aviation Administration to the individual—

(A) indicates whether the certificate is first, second, or third class;

(B) may include authorization for special issuance;

(C) may be expired;

(D) cannot have been revoked or suspended; and

(E) cannot have been withdrawn;

(4) the most recent application for airman medical certification submitted to the Federal Aviation Administration by the individual cannot have been completed and denied;

(5) the individual has completed a medical education course described in subsection (c) during the 24 calendar months before acting as pilot in command of a covered aircraft

and demonstrates proof of completion of the course;

(6) the individual, when serving as a pilot in command, is under the care and treatment of a physician if the individual has been diagnosed with any medical condition that may impact the ability of the individual to fly;

(7) the individual has received a comprehensive medical examination from a State-licensed physician during the previous 48 months and—

(A) prior to the examination, the individual—

(i) completed the individual's section of the checklist described in subsection (b); and

(ii) provided the completed checklist to the physician performing the examination; and

(B) the physician conducted the comprehensive medical examination in accordance with the checklist described in subsection (b), checking each item specified during the examination and addressing, as medically appropriate, every medical condition listed, and any medications the individual is taking; and

(8) the individual is operating in accordance with the following conditions:

(A) The covered aircraft is carrying not more than 5 passengers.

(B) The individual is operating the covered aircraft under visual flight rules or instrument flight rules.

(C) The flight, including each portion of that flight, is not carried out—

(i) for compensation or hire, including that no passenger or property on the flight is being carried for compensation or hire;

(ii) at an altitude that is more than 18,000 feet above mean sea level;

(iii) outside the United States, unless authorized by the country in which the flight is conducted; or

(iv) at an indicated air speed exceeding 250 knots.

(b) COMPREHENSIVE MEDICAL EXAMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall develop a checklist for an individual to complete and provide to the physician performing the comprehensive medical examination required in subsection (a)(7).

(2) REQUIREMENTS.—The checklist shall contain—

(A) a section, for the individual to complete that contains—

(i) boxes 3 through 13 and boxes 16 through 19 of the Federal Aviation Administration Form 8500-8 (3-99); and

(ii) a signature line for the individual to affirm that—

(I) the answers provided by the individual on that checklist, including the individual's answers regarding medical history, are true and complete;

(II) the individual understands that he or she is prohibited under Federal Aviation Administration regulations from acting as pilot in command, or any other capacity as a required flight crew member, if he or she knows or has reason to know of any medical deficiency or medically disqualifying condition that would make the individual unable to operate the aircraft in a safe manner; and

(III) the individual is aware of the regulations pertaining to the prohibition on operations during medical deficiency and has no medically disqualifying conditions in accordance with applicable law;

(B) a section with instructions for the individual to provide the completed checklist to the physician performing the comprehensive medical examination required in subsection (a)(7); and

(C) a section, for the physician to complete, that instructs the physician—

(i) to perform a clinical examination of—

(I) head, face, neck, and scalp;

(II) nose, sinuses, mouth, and throat;

(III) ears, general (internal and external canals), and eardrums (perforation);

(IV) eyes (general), ophthalmoscopic, pupils (equality and reaction), and ocular motility (associated parallel movement, nystagmus);

(V) lungs and chest (not including breast examination);

(VI) heart (precordial activity, rhythm, sounds, and murmurs);

(VII) vascular system (pulse, amplitude, and character, and arms, legs, and others);

(VIII) abdomen and viscera (including hernia);

(IX) anus (not including digital examination);

(X) skin;

(XI) G-U system (not including pelvic examination);

(XII) upper and lower extremities (strength and range of motion);

(XIII) spine and other musculoskeletal;

(XIV) identifying body marks, scars, and tattoos (size and location);

(XV) lymphatics;

(XVI) neurologic (tendon reflexes, equilibrium, senses, cranial nerves, and coordination, etc.);

(XVII) psychiatric (appearance, behavior, mood, communication, and memory);

(XVIII) general systemic;

(XIX) hearing;

(XX) vision (distant, near, and intermediate vision, field of vision, color vision, and ocular alignment);

(XXI) blood pressure and pulse; and

(XXII) anything else the physician, in his or her medical judgment, considers necessary;

(ii) to exercise medical discretion to address, as medically appropriate, any medical conditions identified, and to exercise medical discretion in determining whether any medical tests are warranted as part of the comprehensive medical examination;

(iii) to discuss all drugs the individual reports taking (prescription and nonprescription) and their potential to interfere with the safe operation of an aircraft or motor vehicle;

(iv) to sign the checklist, stating: "I certify that I discussed all items on this checklist with the individual during my examination, discussed any medications the individual is taking that could interfere with their ability to safely operate an aircraft or motor vehicle, and performed an examination that included all of the items on this checklist. I certify that I am not aware of any medical condition that, as presently treated, could interfere with the individual's ability to safely operate an aircraft."; and

(v) to provide the date the comprehensive medical examination was completed, and the physician's full name, address, telephone number, and State medical license number.

(3) LOGBOOK.—The completed checklist shall be retained in the individual's logbook and made available on request.

(c) MEDICAL EDUCATION COURSE REQUIREMENTS.—The medical education course described in this subsection shall—

(1) be available on the Internet free of charge;

(2) be developed and periodically updated in coordination with representatives of relevant nonprofit and not-for-profit general aviation stakeholder groups;

(3) educate pilots on conducting medical self-assessments;

(4) advise pilots on identifying warning signs of potential serious medical conditions;

(5) identify risk mitigation strategies for medical conditions;



(6) increase awareness of the impacts of potentially impairing over-the-counter and prescription drug medications;

(7) encourage regular medical examinations and consultations with primary care physicians;

(8) inform pilots of the regulations pertaining to the prohibition on operations during medical deficiency and medically disqualifying conditions;

(9) provide the checklist developed by the Federal Aviation Administration in accordance with subsection (b); and

(10) upon successful completion of the course, electronically provide to the individual and transmit to the Federal Aviation Administration—

(A) a certification of completion of the medical education course, which shall be printed and retained in the individual's logbook and made available upon request, and shall contain the individual's name, address, and airman certificate number;

(B) subject to subsection (d), a release authorizing the National Driver Register through a designated State Department of Motor Vehicles to furnish to the Federal Aviation Administration information pertaining to the individual's driving record;

(C) a certification by the individual that the individual is under the care and treatment of a physician if the individual has been diagnosed with any medical condition that may impact the ability of the individual to fly, as required under subsection (a)(6);

(D) a form that includes—

(i) the name, address, telephone number, and airman certificate number of the individual;

(ii) the name, address, telephone number, and State medical license number of the physician performing the comprehensive medical examination required in subsection (a)(7);

(iii) the date of the comprehensive medical examination required in subsection (a)(7); and

(iv) a certification by the individual that the checklist described in subsection (b) was followed and signed by the physician in the comprehensive medical examination required in subsection (a)(7); and

(E) a statement, which shall be printed, and signed by the individual certifying that the individual understands the existing prohibition on operations during medical deficiency by stating: "I understand that I cannot act as pilot in command, or any other capacity as a required flight crew member, if I know or have reason to know of any medical condition that would make me unable to operate the aircraft in a safe manner."

(d) NATIONAL DRIVER REGISTER.—The authorization under subsection (c)(10)(B) shall be an authorization for a single access to the information contained in the National Driver Register.

(e) SPECIAL ISSUANCE PROCESS.—

(1) IN GENERAL.—An individual who has qualified for the third-class medical certificate exemption under subsection (a) and is seeking to serve as a pilot in command of a covered aircraft shall be required to have completed the process for obtaining an Authorization for Special Issuance of a Medical Certificate for each of the following:

(A) A mental health disorder, limited to an established medical history or clinical diagnosis of—

(i) personality disorder that is severe enough to have repeatedly manifested itself by overt acts;

(ii) psychosis, defined as a case in which an individual—

(I) has manifested delusions, hallucinations, grossly bizarre or disorganized behavior, or other commonly accepted symptoms of psychosis; or

(II) may reasonably be expected to manifest delusions, hallucinations, grossly bizarre or disorganized behavior, or other commonly accepted symptoms of psychosis;

(iii) bipolar disorder; or

(iv) substance dependence within the previous 2 years, as defined in section 67.307(a)(4) of title 14, Code of Federal Regulations.

(B) A neurological disorder, limited to an established medical history or clinical diagnosis of any of the following:

(i) Epilepsy.

(ii) Disturbance of consciousness without satisfactory medical explanation of the cause.

(iii) A transient loss of control of nervous system functions without satisfactory medical explanation of the cause.

(C) A cardiovascular condition, limited to a one-time special issuance for each diagnosis of the following:

(i) Myocardial infarction.

(ii) Coronary heart disease that has required treatment.

(iii) Cardiac valve replacement.

(iv) Heart replacement.

(2) SPECIAL RULE FOR CARDIOVASCULAR CONDITIONS.—In the case of an individual with a cardiovascular condition, the process for obtaining an Authorization for Special Issuance of a Medical Certificate shall be satisfied with the successful completion of an appropriate clinical evaluation without a mandatory wait period.

(3) SPECIAL RULE FOR MENTAL HEALTH CONDITIONS.—

(A) IN GENERAL.—In the case of an individual with a clinically diagnosed mental health condition, the third-class medical certificate exemption under subsection (a) shall not apply if—

(i) in the judgment of the individual's State-licensed medical specialist, the condition—

(I) renders the individual unable to safely perform the duties or exercise the airman privileges described in subsection (a)(8); or

(II) may reasonably be expected to make the individual unable to perform the duties or exercise the privileges described in subsection (a)(8); or

(ii) the individual's driver's license is revoked by the issuing agency as a result of a clinically diagnosed mental health condition.

(B) CERTIFICATION.—Subject to subparagraph (A), an individual clinically diagnosed with a mental health condition shall certify every 2 years, in conjunction with the certification under subsection (c)(10)(C), that the individual is under the care of a State-licensed medical specialist for that mental health condition.

(4) SPECIAL RULE FOR NEUROLOGICAL CONDITIONS.—

(A) IN GENERAL.—In the case of an individual with a clinically diagnosed neurological condition, the third-class medical certificate exemption under subsection (a) shall not apply if—

(i) in the judgment of the individual's State-licensed medical specialist, the condition—

(I) renders the individual unable to safely perform the duties or exercise the airman privileges described in subsection (a)(8); or

(II) may reasonably be expected to make the individual unable to perform the duties or exercise the privileges described in subsection (a)(8); or

(ii) the individual's driver's license is revoked by the issuing agency as a result of a clinically diagnosed neurological condition.

(B) CERTIFICATION.—Subject to subparagraph (A), an individual clinically diagnosed with a neurological condition shall certify every 2 years, in conjunction with the cer-

tification under subsection (c)(10)(C), that the individual is under the care of a State-licensed medical specialist for that neurological condition.

(f) IDENTIFICATION OF ADDITIONAL MEDICAL CONDITIONS FOR CACI PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall review and identify additional medical conditions that could be added to the program known as the Conditions AMEs Can Issue (CACI) program.

(2) CONSULTATIONS.—In carrying out paragraph (1), the Administrator shall consult with aviation, medical, and union stakeholders.

(3) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report listing the medical conditions that have been added to the CACI program under paragraph (1).

(g) EXPEDITED AUTHORIZATION FOR SPECIAL ISSUANCE OF A MEDICAL CERTIFICATE.—

(1) IN GENERAL.—The Administrator shall implement procedures to expedite the process for obtaining an Authorization for Special Issuance of a Medical Certificate under section 67.401 of title 14, Code of Federal Regulations.

(2) CONSULTATIONS.—In carrying out paragraph (1), the Administrator shall consult with aviation, medical, and union stakeholders.

(3) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report describing how the procedures implemented under paragraph (1) will streamline the process for obtaining an Authorization for Special Issuance of a Medical Certificate and reduce the amount of time needed to review and decide special issuance cases.

(h) REPORT REQUIRED.—Not later than 5 years after the date of enactment of this Act, the Administrator, in coordination with the National Transportation Safety Board, shall submit to the appropriate committees of Congress a report that describes the effect of the regulations issued or revised under subsection (a) and includes statistics with respect to changes in small aircraft activity and safety incidents.

(i) PROHIBITION ON ENFORCEMENT ACTIONS.—Beginning on the date that is 1 year after the date of enactment of this Act, the Administrator may not take an enforcement action for not holding a valid third-class medical certificate against a pilot of a covered aircraft for a flight if the pilot and the flight meet, through a good faith effort, the applicable requirements under subsection (a), except paragraph (5) of that subsection, unless the Administrator has published final regulations in the Federal Register under that subsection.

(j) COVERED AIRCRAFT DEFINED.—In this section, the term "covered aircraft" means an aircraft that—

(1) is authorized under Federal law to carry not more than 6 occupants; and

(2) has a maximum certificated takeoff weight of not more than 6,000 pounds.

(k) OPERATIONS COVERED.—The provisions and requirements covered in this section do not apply to pilots who elect to operate under the medical requirements under subsection (b) or subsection (c) of section 61.23 of title 14, Code of Federal Regulations.

(l) AUTHORITY TO REQUIRE ADDITIONAL INFORMATION.—

(1) IN GENERAL.—If the Administrator receives credible or urgent information, including from the National Driver Register or the Administrator's Safety Hotline, that reflects on an individual's ability to safely operate a covered aircraft under the third-class

medical certificate exemption in subsection (a), the Administrator may require the individual to provide additional information or history so that the Administrator may determine whether the individual is safe to continue operating a covered aircraft.

(2) USE OF INFORMATION.—The Administrator may use credible or urgent information received under paragraph (1) to request an individual to provide additional information or to take actions under section 44709(b) of title 49, United States Code.

#### SEC. 2308. TARMAC DELAYS.

(a) DEPLANING FOLLOWING EXCESSIVE TARMAC DELAY.—Section 42301(b)(3) of title 49, United States Code, is amended—

(1) by redesignating subparagraph (C) as subparagraph (D);

(2) by inserting after subparagraph (B) the following:

“(C) In providing the option described in subparagraph (A), the air carrier shall begin to return the aircraft to a suitable disembarkation point—

“(i) in the case of a flight in interstate air transportation, not later than 3 hours after the main aircraft door is closed in preparation for departure; and

“(ii) in the case of a flight in foreign air transportation, not later than 4 hours after the main aircraft door is closed in preparation for departure.”; and

(3) in subparagraph (D) (as redesignated by paragraph (1) of this subsection) by striking “subparagraphs (A) and (B)” and inserting “subparagraphs (A), (B), and (C)”.

(b) EXCESSIVE TARMAC DELAY DEFINED.—Section 42301(i)(4) of title 49, United States Code, is amended to read as follows:

“(4) EXCESSIVE TARMAC DELAY.—The term ‘excessive tarmac delay’ means a tarmac delay of more than—

“(A) 3 hours for a flight in interstate air transportation; or

“(B) 4 hours for a flight in foreign air transportation.”.

(c) REGULATIONS.—Not later than 90 days after the date of enactment of this section, the Secretary of Transportation shall issue regulations and take other actions necessary to carry out the amendments made by this section.

#### SEC. 2309. FAMILY SEATING.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall review and, if appropriate, establish a policy directing all air carriers providing scheduled passenger interstate or intrastate air transportation to establish policies that enable a child, who is age 13 or under on the date an applicable flight is scheduled to occur, to be seated in a seat adjacent to the seat of an accompanying family member over the age of 13, to the maximum extent practicable and at no additional cost, except when assignment to an adjacent seat would require an upgrade to another cabin class or a seat with extra legroom or seat pitch for which additional payment is normally required.

(b) EFFECT ON AIRLINE BOARDING AND SEATING POLICIES.—When considering any new policy under this section, the Secretary shall consider the traditional seating and boarding policies of air carriers providing scheduled passenger interstate or intrastate air transportation and whether those policies generally allow families to sit together.

(c) STATUTORY CONSTRUCTION.—Notwithstanding the requirement in subsection (a), nothing in this section may be construed to allow the Secretary to impose a significant change in the overall seating or boarding policy of an air carrier providing scheduled passenger interstate or intrastate air transportation that has an open or flexible seating policy in place that generally allows ad-

acent family seating as described in subsection (a).

### TITLE III—AVIATION SECURITY

#### SEC. 3001. SHORT TITLE.

This title may be cited as the “Aviation Security Act of 2016”.

#### SEC. 3002. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Transportation Security Administration.

(2) DEPARTMENT.—The term “Department” means the Department of Homeland Security.

(3) PRECHECK PROGRAM.—The term “PreCheck Program” means the trusted traveler program implemented by the Transportation Security Administration under section 109(a)(3) of the Aviation and Transportation Security Act (Public Law 107-71; 49 U.S.C. 114 note).

(4) TSA.—The term “TSA” means the Transportation Security Administration.

#### Subtitle A—TSA PreCheck Expansion

##### SEC. 3101. PRECHECK PROGRAM AUTHORIZATION.

The Administrator shall continue to administer the PreCheck Program.

##### SEC. 3102. PRECHECK PROGRAM ENROLLMENT EXPANSION.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall publish PreCheck Program enrollment standards that add multiple private sector application capabilities for the PreCheck Program to increase the public’s enrollment access to the program, including standards that allow the use of secure technologies, including online enrollment, kiosks, tablets, or staffed laptop stations at which individuals can apply for entry into the program.

(b) REQUIREMENTS.—Upon publication of the PreCheck Program enrollment standards under subsection (a), the Administrator shall—

(1) coordinate with interested parties—

(A) to deploy TSA-approved ready-to-market private sector solutions that meet the PreCheck Program enrollment standards under such subsection;

(B) to make available additional PreCheck Program enrollment capabilities; and

(C) to offer secure online and mobile enrollment opportunities;

(2) partner with the private sector to collect biographic and biometric identification information via kiosks, mobile devices, or other mobile enrollment platforms to increase enrollment flexibility and minimize the amount of travel to enrollment centers for applicants;

(3) ensure that any information, including biographic information, is collected in a manner that—

(A) is comparable with the appropriate and applicable standards developed by the National Institute of Standards and Technology; and

(B) protects privacy and data security, including that any personally identifiable information is collected, retained, used, and shared in a manner consistent with section 552a of title 5, United States Code (commonly known as “Privacy Act of 1974”), and with agency regulations;

(4) ensure that the enrollment process is streamlined and flexible to allow an individual to provide additional information to complete enrollment and verify identity;

(5) ensure that any enrollment expansion using a private sector risk assessment instead of a fingerprint-based criminal history records check is evaluated and certified by the Secretary of Homeland Security, and verified by the Government Accountability

Office or a federally funded research and development center after award to be equivalent to a fingerprint-based criminal history records check conducted through the Federal Bureau of Investigation with respect to the effectiveness of identifying individuals who are not qualified to participate in the PreCheck Program due to disqualifying criminal history; and

(6) ensure that the Secretary has certified that reasonable procedures are in place with regard to the accuracy, relevancy, and proper utilization of information employed in private sector risk assessments.

(c) MARKETING OF PRECHECK PROGRAM.—Upon publication of PreCheck Program enrollment standards under subsection (a), the Administrator shall—

(1) in accordance with such standards, develop and implement—

(A) a continual process, including an associated timeframe, for approving private sector marketing of the PreCheck Program; and

(B) a long-term strategy for partnering with the private sector to encourage enrollment in such program;

(2) submit to Congress, at the end of each fiscal year, a report on any PreCheck Program application fees collected in excess of the costs of administering the program, including to assess the feasibility of the program, for such fiscal year, and recommendations for using such fees to support marketing of the program.

(d) IDENTITY VERIFICATION ENHANCEMENT.—Not later than 120 days after the date of enactment of this Act, the Administrator shall—

(1) coordinate with the heads of appropriate components of the Department to leverage Department-held data and technologies to verify the citizenship of individuals enrolling in the PreCheck Program;

(2) partner with the private sector to use biometrics and authentication standards, such as relevant standards developed by the National Institute of Standards and Technology, to facilitate enrollment in the program; and

(3) consider leveraging the existing resources and abilities of airports to conduct fingerprint and background checks to expedite identity verification.

(e) PRECHECK PROGRAM LANES OPERATION.—The Administrator shall—

(1) ensure that PreCheck Program screening lanes are open and available during peak and high-volume travel times at appropriate airports to individuals enrolled in the PreCheck Program; and

(2) make every practicable effort to provide expedited screening at standard screening lanes during times when PreCheck Program screening lanes are closed to individuals enrolled in the program in order to maintain operational efficiency.

(f) VETTING FOR PRECHECK PROGRAM PARTICIPANTS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall initiate an assessment to identify any security vulnerabilities in the vetting process for the PreCheck Program, including determining whether subjecting PreCheck Program participants to recurrent fingerprint-based criminal history records checks, in addition to recurrent checks against the terrorist watchlist, could be done in a cost-effective manner to strengthen the security of the PreCheck Program.

#### Subtitle B—Securing Aviation From Foreign Entry Points and Guarding Airports Through Enhanced Security

##### SEC. 3201. LAST POINT OF DEPARTURE AIRPORT SECURITY ASSESSMENT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall conduct a comprehensive security risk assessment of all last point

of departure airports with nonstop flights to the United States.

(b) **CONTENTS.**—The security risk assessment required under subsection (a) shall include consideration of the following:

(1) The level of coordination and cooperation between the TSA and the foreign government of the country in which the last point of departure airport with nonstop flights to the United States is located.

(2) The intelligence and threat mitigation capabilities of the country in which such airport is located.

(3) The number of known or suspected terrorists annually transiting through such airport.

(4) The degree to which the foreign government of the country in which such airport is located mandates, encourages, or prohibits the collection, analysis, and sharing of passenger name records.

(5) The passenger security screening practices, capabilities, and capacity of such airport.

(6) The security vetting undergone by aviation workers at such airport.

(7) The access controls utilized by such airport to limit to authorized personnel access to secure and sterile areas of such airports.

**SEC. 3202. SECURITY COORDINATION ENHANCEMENT PLAN.**

(a) **IN GENERAL.**—Not later than 240 days after the date of enactment of this Act, the Administrator shall submit to Congress and the Government Accountability Office a plan—

(1) to enhance and bolster security collaboration, coordination, and information sharing relating to securing international-inbound aviation between the United States and domestic and foreign partners, including U.S. Customs and Border Protection, foreign government entities, passenger air carriers, cargo air carriers, and United States Government entities, in order to enhance security capabilities at foreign airports, including airports that may not have nonstop flights to the United States but are nonetheless determined by the Administrator to be high risk; and

(2) that includes an assessment of the ability of the TSA to enter into a mutual agreement with a foreign government entity that permits TSA representatives to conduct without prior notice inspections of foreign airports.

(b) **GAO REVIEW.**—Not later than 180 days after the submission of the plan required under subsection (a), the Comptroller General of the United States shall review the efforts, capabilities, and effectiveness of the TSA to enhance security capabilities at foreign airports and determine if the implementation of such efforts and capabilities effectively secures international-inbound aviation.

**SEC. 3203. WORKFORCE ASSESSMENT.**

Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to Congress a comprehensive workforce assessment of all TSA personnel within the Office of Global Strategies of the TSA or whose primary professional duties contribute to the TSA's global efforts to secure transportation security, including a review of whether such personnel are assigned in a risk-based, intelligence-driven manner.

**SEC. 3204. DONATION OF SCREENING EQUIPMENT TO PROTECT THE UNITED STATES.**

(a) **IN GENERAL.**—The Administrator is authorized to donate security screening equipment to a foreign last point of departure airport operator if such equipment can be reasonably expected to mitigate a specific vulnerability to the security of the United States or United States citizens.

(b) **REPORT.**—Not later than 30 days before any donation of security screening equip-

ment pursuant to subsection (a), the Administrator shall provide 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 detailed written explanation of the following:

(1) The specific vulnerability to the United States or United States citizens that will be mitigated by such donation.

(2) An explanation as to why the recipient of such donation is unable or unwilling to purchase security screening equipment to mitigate such vulnerability.

(3) An evacuation plan for sensitive technologies in case of emergency or instability in the country to which such donation is being made.

(4) How the Administrator will ensure the security screening equipment that is being donated is used and maintained over the course of its life by the recipient.

(5) The total dollar value of such donation.

**SEC. 3205. NATIONAL CARGO SECURITY PROGRAM.**

(a) **IN GENERAL.**—The Administrator may evaluate foreign countries' air cargo security programs to determine whether such programs provide a level of security commensurate with the level of security required by United States air cargo security programs.

(b) **APPROVAL AND RECOGNITION.**—

(1) **IN GENERAL.**—If the Administrator determines that a foreign country's air cargo security program evaluated under subsection (a) provides a level of security commensurate with the level of security required by United States air cargo security programs, the Administrator shall approve and officially recognize such foreign country's air cargo security program.

(2) **EFFECT OF APPROVAL AND RECOGNITION.**—If the Administrator approves and officially recognizes pursuant to paragraph (1) a foreign country's air cargo security program, an aircraft transporting cargo that is departing such foreign country shall not be required to adhere to United States air cargo security programs that would otherwise be applicable.

(c) **REVOCATION AND SUSPENSION.**—

(1) **IN GENERAL.**—If the Administrator determines at any time that a foreign country's air cargo security program approved and officially recognized under subsection (b) no longer provides a level of security commensurate with the level of security required by United States air cargo security programs, the Administrator may revoke or temporarily suspend such approval and official recognition until such time as the Administrator determines that such foreign country's cargo security programs provide a level of security commensurate with the level of security required by such United States air cargo security programs.

(2) **NOTIFICATION.**—If the Administrator revokes or suspends pursuant to paragraph (1) a foreign country's air cargo security program, 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 30 days after such revocation or suspension.

(d) **APPLICATION.**—This section shall apply irrespective of whether cargo is transported on an aircraft of an air carrier, a foreign air carrier, a cargo carrier, or a foreign cargo carrier.

**SEC. 3206. INTERNATIONAL TRAINING AND CAPACITY DEVELOPMENT.**

(a) **IN GENERAL.**—The Administrator shall establish an international training and capacity development program to train the appropriate authorities of foreign governments in air transportation security.

(b) **CONTENTS OF TRAINING.**—If the Administrator determines that a foreign government would benefit from training and capacity development assistance pursuant to subsection (a), the Administrator may provide to the appropriate authorities of such foreign government technical assistance and training programs to strengthen aviation security in managerial, operational, and technical areas, including—

- (1) active shooter scenarios;
- (2) incident response;
- (3) use of canines;
- (4) mitigation of insider threats;
- (5) perimeter security;
- (6) operation and maintenance of security screening technology; and
- (7) recurrent related training and exercises.

**Subtitle C—Checkpoint Optimization and Efficiency**

**SEC. 3301. SENSE OF CONGRESS.**

It is the sense of Congress that airport checkpoint wait times should not take priority over the security of the aviation system of the United States.

**SEC. 3302. ENHANCED STAFFING ALLOCATION MODEL.**

(a) **IN GENERAL.**—Not later than 30 days after the date of the enactment of this Act, the Administrator shall complete an assessment of the TSA's staffing allocation model to determine the necessary staffing positions at all airports in the United States at which the TSA operates passenger checkpoints.

(b) **APPROPRIATE STAFFING.**—The staffing allocation model described in subsection (a) shall be based on necessary staffing levels to maintain minimal passenger wait times and maximum security effectiveness.

(c) **ADDITIONAL RESOURCES.**—In assessing necessary staffing for minimal passenger wait times and maximum security effectiveness referred to in subsection (b), the Administrator shall include the use of canine explosives detection teams and technology to assist screeners conducting security checks.

(d) **TRANSPARENCY.**—The Administrator shall share with aviation security stakeholders the staffing allocation model described in subsection (a), as appropriate.

(e) **EXCHANGE OF INFORMATION.**—The Administrator shall require each Federal Security Director to engage on a regular basis with the appropriate aviation security stakeholders to exchange information regarding airport operations, including security operations.

(f) **GAO REVIEW.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall review the staffing allocation model described in subsection (a) and 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 of such review.

**SEC. 3303. EFFECTIVE UTILIZATION OF STAFFING RESOURCES.**

(a) **IN GENERAL.**—To the greatest extent practicable, the Administrator shall direct that Transportation Security Officers with appropriate certifications and training are assigned to passenger and baggage security screening functions and that other TSA personnel who may not have certification and training to screen passengers or baggage are utilized for tasks not directly related to security screening, including restocking bins and providing instructions and support to passengers in security lines.

(b) **ASSESSMENT AND REASSIGNMENT.**—The Administrator shall conduct an assessment of headquarters personnel and reassign appropriate personnel to assist with airport security screening activities on a permanent or temporary basis, as appropriate.

**SEC. 3304. TSA STAFFING AND RESOURCE ALLOCATION.**

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Administrator shall take the following actions:

(1) Utilize the TSA's Behavior Detection Officers for passenger and baggage security screening, including the verification of traveler documents, particularly at designated PreCheck Program lanes to ensure that such lanes are operational for use and maximum efficiency.

(2) Make every practicable effort to grant additional flexibility and authority to Federal Security Directors in matters related to checkpoint and checked baggage staffing allocation and employee overtime in furtherance of maintaining minimal passenger wait times and maximum security effectiveness.

(3) Disseminate to aviation security stakeholders and appropriate TSA personnel a list of checkpoint optimization best practices.

(4) Request the Aviation Security Advisory Committee (established pursuant to section 44946 of title 49, United States Code) provide recommendations on best practices for checkpoint security operations optimization.

(b) STAFFING ADVISORY COORDINATION.—Not later than 30 days after the date of the enactment of this Act, the Administrator shall—

(1) direct each Federal Security Director to coordinate local representatives of aviation security stakeholders to establish a staffing advisory working group at each airport at which the TSA oversees or performs passenger security screening to provide recommendations to the Administrator on Transportation Security Officer staffing numbers, for each such airport; and

(2) certify to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that such staffing advisory working groups have been established.

(c) REPORTING.—Not later than 60 days after the date of the enactment of this Act, the Administrator shall—

(1) report to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate regarding how the TSA's Passenger Screening Canine assets may be deployed and utilized for maximum efficiency to mitigate risk and optimize checkpoint operations; and

(2) 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 status of the TSA's Credential Authentication Technology Assessment program and how deployment of such program might optimize checkpoint operations.

**SEC. 3305. AVIATION SECURITY STAKEHOLDERS DEFINED.**

For purposes of this subtitle, the term "aviation security stakeholders" shall mean, at a minimum, air carriers, airport operators, and labor organizations representing Transportation Security Officers or, where applicable, contract screeners.

**SEC. 3306. RULE OF CONSTRUCTION.**

Nothing in this subtitle may be construed as authorizing or directing the Administrator to prioritize reducing wait times over security effectiveness.

**Subtitle D—Aviation Security Enhancement and Oversight****SEC. 3401. DEFINITIONS.**

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Homeland Security of the House of Representatives;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Commerce, Science, and Transportation of the Senate.

(2) ASAC.—The term "ASAC" means the Aviation Security Advisory Committee established under section 44946 of title 49, United States Code.

(3) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(4) SIDA.—The term "SIDA" means the Secure Identification Display Area as such term is defined in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulation to such section.

**SEC. 3402. THREAT ASSESSMENT.**

(a) INSIDER THREATS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall conduct or update an assessment to determine the level of risk posed to the domestic air transportation system by individuals with unescorted access to a secure area of an airport (as such term is defined in section 44903(j)(2)(H)) in light of recent international terrorist activity.

(2) CONSIDERATIONS.—In conducting or updating the assessment under paragraph (1), the Administrator shall consider—

(A) domestic intelligence;

(B) international intelligence;

(C) the vulnerabilities associated with unescorted access authority granted to domestic airport operators and air carriers, and their workers;

(D) the vulnerabilities associated with unescorted access authority granted to foreign airport operators and air carriers, and their workers;

(E) the processes and practices designed to mitigate the vulnerabilities associated with unescorted access privileges granted to airport operators and air carriers, and their workers;

(F) the recent security breaches at domestic and foreign airports; and

(G) the recent security improvements at domestic airports, including the implementation of recommendations made by relevant advisory committees, including the ASAC.

(b) REPORTS.—The Administrator shall submit to the appropriate congressional committees—

(1) a report on the results of the assessment under subsection (a), including any recommendations for improving aviation security;

(2) a report on the implementation status of any recommendations made by the ASAC; and

(3) regular updates about the insider threat environment as new information becomes available or as needed.

**SEC. 3403. OVERSIGHT.**

(a) ENHANCED REQUIREMENTS.—

(1) IN GENERAL.—Subject to public notice and comment, and in consultation with airport operators, the Administrator shall update the rules on access controls issued by the Secretary under chapter 449 of title 49, United States Code.

(2) CONSIDERATIONS.—As part of the update under paragraph (1), the Administrator shall consider—

(A) increased fines and advanced oversight for airport operators that report missing more than five percent of credentials for unescorted access to any SIDA of an airport;

(B) best practices for Category X airport operators that report missing more than three percent of credentials for unescorted access to any SIDA of an airport;

(C) additional audits and status checks for airport operators that report missing more than three percent of credentials for unescorted access to any SIDA of an airport;

(D) review and analysis of the prior five years of audits for airport operators that re-

port missing more than three percent of credentials for unescorted access to any SIDA of an airport;

(E) increased fines and direct enforcement requirements for both airport workers and their employers that fail to report within 24 hours an employment termination or a missing credential for unescorted access to any SIDA of an airport; and

(F) a method for termination by the employer of any airport worker who fails to report in a timely manner missing credentials for unescorted access to any SIDA of an airport.

(b) TEMPORARY CREDENTIALS.—The Administrator may encourage the issuance by airports and aircraft operators of free, one-time, 24-hour temporary credentials for workers who have reported, in a timely manner, their credentials missing, but not permanently lost, stolen, or destroyed, until replacement of credentials under section 1542.211 of title 49 Code of Federal Regulations is necessary.

(c) NOTIFICATION AND REPORT TO CONGRESS.—The Administrator shall—

(1) notify the appropriate congressional committees each time an airport operator reports that more than three percent of credentials for unescorted access to any SIDA at a Category X airport are missing, or more than five percent of credentials to access any SIDA at any other airport are missing; and

(2) submit to the appropriate congressional committees an annual report on the number of violations and fines related to unescorted access to the SIDA of an airport collected in the preceding fiscal year.

**SEC. 3404. CREDENTIALS.**

(a) LAWFUL STATUS.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall issue to airport operators guidance regarding placement of an expiration date on each airport credential issued to a non-United States citizen that is not longer than the period of time during which such non-United States citizen is lawfully authorized to work in the United States.

(b) REVIEW OF PROCEDURES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall—

(A) issue guidance for transportation security inspectors to annually review the procedures of airport operators and air carriers for applicants seeking unescorted access to any SIDA of an airport; and

(B) make available to airport operators and air carriers information on identifying suspicious or fraudulent identification materials.

(2) INCLUSIONS.—The guidance issued pursuant to paragraph (1) shall require a comprehensive review of background checks and employment authorization documents issued by United States Citizenship and Immigration Services during the course of a review of procedures under such paragraph.

**SEC. 3405. VETTING.**

(a) ELIGIBILITY REQUIREMENTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and subject to public notice and comment, the Administrator shall revise the regulations issued under section 44936 of title 49, United States Code, in accordance with this section and current knowledge of insider threats and intelligence under section 3502, to enhance the eligibility requirements and disqualifying criminal offenses for individuals seeking or having unescorted access to any SIDA of an airport.

(2) DISQUALIFYING CRIMINAL OFFENSES.—In revising the regulations under paragraph (1), the Administrator shall consider adding to the list of disqualifying criminal offenses

and criteria the offenses and criteria listed in section 122.183(a)(4) of title 19, Code of Federal Regulations and section 1572.103 of title 49, Code of Federal Regulations.

(3) **WAIVER PROCESS FOR DENIED CREDENTIALS.**—Notwithstanding section 44936(b) of title 49, United States Code, in revising the regulations under paragraph (1) of this subsection, the Administrator shall—

(A) ensure there exists or is developed a waiver process for approving the issuance of credentials for unescorted access to any SIDA of an airport for an individual found to be otherwise ineligible for such credentials; and

(B) consider, as appropriate and practicable—

(i) the circumstances of any disqualifying act or offense, restitution made by the individual, Federal and State mitigation remedies, and other factors from which it may be concluded that the individual does not pose a terrorism risk or a risk to aviation security warranting denial of the credential; and

(ii) the elements of the appeals and waiver process established under section 70105(c) of title 46, United States Code.

(4) **LOOK BACK.**—In revising the regulations under paragraph (1), the Administrator shall propose that an individual be disqualified if the individual was convicted, or found not guilty by reason of insanity, of a disqualifying criminal offense within 15 years before the date of an individual's application, or if the individual was incarcerated for such crime and released from incarceration within five years before the date of the individual's application.

(5) **CERTIFICATIONS.**—The Administrator shall require an airport or aircraft operator, as applicable, to certify for each individual who receives unescorted access to any SIDA of an airport that—

(A) a specific need exists for providing the individual with unescorted access authority; and

(B) the individual has certified to the airport or aircraft operator that the individual understands the requirements for possessing a SIDA badge.

(6) **REPORT TO CONGRESS.**—Not later than 90 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate congressional committees a report on the status of the revision to the regulations issued under section 44936 of title 49, United States Code, in accordance with this section.

(7) **RULE OF CONSTRUCTION.**—Nothing in this subsection may be construed to affect existing aviation worker vetting fees imposed by the TSA.

(b) **RECURRENT VETTING.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Administrator and the Director of the Federal Bureau of Investigation shall fully implement the Rap Back service for recurrent vetting of eligible TSA-regulated populations of individuals with unescorted access to any SIDA of an airport.

(2) **REQUIREMENTS.**—As part of the requirement in paragraph (1), the Administrator shall ensure that—

(A) any status notifications the TSA receives through the Rap Back service about criminal offenses be limited to only disqualifying criminal offenses in accordance with the regulations promulgated by the TSA under section 44903 of title 49, United States Code, or other Federal law; and

(B) any information received by the Administration through the Rap Back service is provided directly and immediately to the relevant airport and aircraft operators.

(3) **REPORT TO CONGRESS.**—Not later than 30 days after implementation of the Rap Back

service described in paragraph (1), the Administrator shall submit to the appropriate congressional committees a report on the such implementation.

(c) **ACCESS TO TERRORISM-RELATED DATA.**—Not later than 30 days after the date of the enactment of this Act, the Administrator and the Director of National Intelligence shall coordinate to ensure that the Administrator is authorized to receive automated, real-time access to additional Terrorist Identities Datamart Environment (TIDE) data and any other terrorism-related category codes to improve the effectiveness of the TSA's credential vetting program for individuals who are seeking or have unescorted access to any SIDA of an airport.

(d) **ACCESS TO E-VERIFY AND SAVE PROGRAMS.**—Not later than 90 days after the date of the enactment of this Act, the Secretary shall authorize each airport operator to have direct access to the E-Verify program and the Systematic Alien Verification for Entitlements (SAVE) automated system to determine the eligibility of individuals seeking unescorted access to any SIDA of an airport.

**SEC. 3406. METRICS.**

(a) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Administrator shall develop and implement performance metrics to measure the effectiveness of security for the SIDAs of airports.

(b) **CONSIDERATIONS.**—In developing the performance metrics under subsection (a), the Administrator may consider—

(1) adherence to access point procedures;

(2) proper use of credentials;

(3) differences in access point requirements between airport workers performing functions on the airside of an airport and airport workers performing functions in other areas of an airport;

(4) differences in access point characteristics and requirements at airports; and

(5) any additional factors the Administrator considers necessary to measure performance.

**SEC. 3407. INSPECTIONS AND ASSESSMENTS.**

(a) **MODEL AND BEST PRACTICES.**—Not later than 180 days after the date of the enactment of this Act, the Administrator, in consultation with the ASAC, shall develop a model and best practices for unescorted access security that—

(1) use intelligence, scientific algorithms, and risk-based factors;

(2) ensure integrity, accountability, and control;

(3) subject airport workers to random physical security inspections conducted by TSA representatives in accordance with this section;

(4) appropriately manage the number of SIDA access points to improve supervision of and reduce unauthorized access to SIDAs; and

(5) include validation of identification materials, such as with biometrics.

(b) **INSPECTIONS.**—Consistent with a risk-based security approach, the Administrator shall expand the use of transportation security officers and inspectors to conduct enhanced, random and unpredictable, data-driven, and operationally dynamic physical inspections of airport workers in each SIDA of an airport and at each SIDA access point to—

(1) verify the credentials of such airport workers;

(2) determine whether such airport workers possess prohibited items, except for those items that may be necessary for the performance of such airport workers' duties, as appropriate, in any SIDA of an airport; and

(3) verify whether such airport workers are following appropriate procedures to access any SIDA of an airport.

(c) **SCREENING REVIEW.**—

(1) **IN GENERAL.**—The Administrator shall conduct a review of airports that have implemented additional airport worker screening or perimeter security to improve airport security, including—

(A) comprehensive airport worker screening at access points to secure areas;

(B) comprehensive perimeter screening, including vehicles;

(C) enhanced fencing or perimeter sensors; and

(D) any additional airport worker screening or perimeter security measures the Administrator identifies.

(2) **BEST PRACTICES.**—After completing the review under paragraph (1), the Administrator shall—

(A) identify best practices for additional access control and airport worker security at airports; and

(B) disseminate to airport operators the best practices identified under subparagraph (A).

(3) **PILOT PROGRAM.**—The Administrator may conduct a pilot program at one or more airports to test and validate best practices for comprehensive airport worker screening or perimeter security under paragraph (2).

**SEC. 3408. COVERT TESTING.**

(a) **IN GENERAL.**—The Administrator shall increase the use of red-team, covert testing of access controls to any secure areas of an airport.

(b) **ADDITIONAL COVERT TESTING.**—The Inspector General of the Department of Homeland Security shall conduct red-team, covert testing of airport access controls to the SIDAs of airports.

(c) **REPORTS TO CONGRESS.**—

(1) **ADMINISTRATOR REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate congressional committees a report on the progress to expand the use of inspections and of red-team, covert testing under subsection (a).

(2) **INSPECTOR GENERAL REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to the appropriate congressional committees a report on the effectiveness of airport access controls to the SIDAs of airports based on red-team, covert testing under subsection (b).

**SEC. 3409. SECURITY DIRECTIVES.**

(a) **REVIEW.**—Not later than 180 days after the date of the enactment of this Act and annually thereafter, the Administrator, in consultation with the appropriate regulated entities, shall conduct a comprehensive review of every current security directive addressed to any regulated entity to—

(1) determine whether each such security directive continues to be relevant;

(2) determine whether such security directives should be streamlined or consolidated to most efficiently maximize risk reduction; and

(3) update, consolidate, or revoke any security directive as necessary.

(b) **NOTICE.**—For each security directive that the Administrator issues, the Administrator shall submit to the appropriate congressional committees notice of—

(1) the extent to which each such security directive responds to a specific threat, security threat assessment, or emergency situation against civil aviation; and

(2) when it is anticipated that each such security directive will expire.

**SEC. 3410. IMPLEMENTATION REPORT.**

Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) assess the progress made by the TSA and the effect on aviation security of implementing the requirements under sections 3402 through 3409 of this subtitle; and

(2) report to the appropriate congressional committees on the results of the assessment under paragraph (1), including any recommendations.

**SEC. 3411. MISCELLANEOUS AMENDMENTS.**

(a) **ASAC TERMS OF OFFICE.**—Subparagraph (A) of section 44946(c)(2) of title 49, United States Code, is amended to read as follows:

“(A) **TERMS.**—The term of each member of the Advisory Committee shall be two years, but a member may continue to serve until a successor is appointed. A member of the Advisory Committee may be reappointed.”

(b) **FEEDBACK.**—Paragraph (5) of section 44946(b) of title 49, United States Code, is amended by striking “paragraph (4)” and inserting “paragraph (2) or (4)”.

**Subtitle E—Checkpoints of the Future**

**SEC. 3501. CHECKPOINTS OF THE FUTURE.**

(a) **IN GENERAL.**—The Administrator, in accordance with chapter 449 of title 49, United States Code, shall request the Aviation Security Advisory Committee (established pursuant to section 44946 of such title) to develop recommendations for more efficient and effective passenger screening processes.

(b) **CONSIDERATIONS.**—In making recommendations to improve existing passenger screening processes, the Aviation Security Advisory Committee shall consider—

- (1) the configuration of a checkpoint;
- (2) technology innovation;
- (3) ways to address any vulnerabilities identified in audits of checkpoint operations;
- (4) ways to prevent security breaches at airports at which Federal security screening is provided;
- (5) best practices in aviation security;
- (6) recommendations from airports and aircraft operators, and any relevant advisory committees; and
- (7) “curb to curb” processes and procedures.

(c) **REPORT.**—Not later than one year after the date of enactment of this Act, the Administrator 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 on the results of the Aviation Security Advisory Committee review under this section, including any recommendations for improving passenger screening processes.

**SEC. 3502. PILOT PROGRAM FOR INCREASED EFFICIENCY AND SECURITY AT CATEGORY X AIRPORTS.**

(a) **IN GENERAL.**—The Administrator shall establish a pilot program at at least three and not more than six airports to reconfigure and install security systems that increase efficiency and reduce vulnerabilities in airport terminals, particularly at airports that have large open areas at which screening is conducted.

(b) **SELECTION OF AIRPORTS.**—In selecting airports for the pilot program established under subsection (a), the Administrator shall—

- (1) select airports from among airports classified by the TSA as Category X airports and that are able to begin the reconfiguration and installation of security systems expeditiously; and
- (2) give priority to an airport that—
  - (A) submits a proposal that seeks Federal funding for reconfiguration of such airport's security systems;
  - (B) has the space needed to reduce vulnerabilities and reconfigure existing security systems; and
  - (C) is able to enter into a cost-sharing arrangement with the TSA under which such

airport will provided funding towards the cost of such pilot program.

**SEC. 3503. PILOT PROGRAM FOR THE DEVELOPMENT AND TESTING OF PROTOTYPES FOR AIRPORT SECURITY SYSTEMS.**

(a) **IN GENERAL.**—The Administrator shall establish a pilot program at three airports to develop and test prototypes of screening security systems and security checkpoint configurations that are intended to expedite the movement of passengers by deploying a range of technologies, including passive and active systems, new types of security baggage and personal screening systems, and new systems to review and address passenger and baggage anomalies.

(b) **SELECTION OF AIRPORTS.**—In selecting airports for the pilot program established under subsection (a), the Administrator shall—

- (1) select airports from among airports classified by the TSA as Category X airports that are able to begin the reconfiguration and installation of security systems expeditiously;
- (2) consider detection capabilities; and
- (3) give priority to an airport that—

(A) submits a proposal that seeks Federal funding to test prototypes for new airport security systems;

(B) has the space needed to reduce vulnerabilities and reconfigure existing security systems; and

(C) is able to enter into a cost-sharing arrangement with the TSA under which such airport will provided funding towards the cost of such pilot program.

**SEC. 3504. REPORT REQUIRED.**

Not later than 90 days after the date of the enactment of this Act, the Administrator 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 and a report on the pilot programs established under sections 3502 and 3503 of this subtitle.

**SEC. 3505. FUNDING.**

The Administrator shall carry out the pilot programs established under sections 3502 and 3503 of this subtitle using amounts—

(1) appropriated to the TSA before the date of the enactment of this Act and available for obligation as of such date of enactment; and

(2) amounts obtained as reimbursements from airports under such pilot programs.

**SEC. 3506. ACCEPTANCE AND PROVISION OF RESOURCES BY THE TRANSPORTATION SECURITY ADMINISTRATION.**

The Administrator, in carrying out the functions of the pilot programs established under sections 3502 and 3503 of this subtitle, may accept services, supplies, equipment, personnel, or facilities, without reimbursement, from any other public or private entity.

**Subtitle F—Miscellaneous Provisions**

**SEC. 3601. VISIBLE DETERRENT.**

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)—
  - (A) in paragraph (3), by striking “and” at the end;
  - (B) in paragraph (4), by striking the period at the end and inserting “; and”; and
  - (C) by adding at the end the following new paragraph:
 

“(5) shall require, as appropriate based on risk, in the case of a VIPR team deployed to an airport, that the VIPR team conduct operations—

“(A) in the sterile area and any other areas to which only individuals issued security credentials have unescorted access; and

“(B) in nonsterile areas.”; and

(2) in subsection (b), by striking “such sums as necessary for fiscal years 2007 through 2011” and inserting “such sums as necessary, including funds to develop not more than 60 VIPR teams, for fiscal years 2016 through 2018”.

**SEC. 3602. LAW ENFORCEMENT TRAINING FOR MASS CASUALTY AND ACTIVE SHOOTER INCIDENTS.**

Paragraph (2) of section 2006(a) of the Homeland Security Act of 2002 (6 U.S.C. 607(a)) is amended—

(1) by redesignating subparagraphs (E) through (I) as subparagraphs (F) through (J), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph:

“(E) training exercises to enhance preparedness for and response to mass casualty and active shooter incidents and security events at public locations, including airports and mass transit systems;”.

**SEC. 3603. ASSISTANCE TO AIRPORTS AND SURFACE TRANSPORTATION SYSTEMS.**

Subsection (a) of section 2008 of the Homeland Security Act of 2002 (6 U.S.C. 609) is amended—

(1) by redesignating paragraphs (9) through (13) as paragraphs (10) through (14), respectively; and

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

“(9) enhancing the security and preparedness of secure and nonsecure areas of eligible airports and surface transportation systems;”.

In lieu of the amendment of the Senate to the title of the bill, amend the title so as to read: “To amend title 49, United States Code, to extend authorizations for the airport improvement program, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Oregon (Mr. DEFAZIO) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

**GENERAL LEAVE**

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include any extraneous material on H. Res. 818.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 818, the FAA Extension, Safety, and Security Act of 2016.

First and foremost, this is a bipartisan, bicameral, long-term extension of the Federal Aviation Administration's authorities and funding through the end of fiscal year 2017.

This extension provides stability to our aviation system over the next 14 months while Congress refocuses on a full FAA reauthorization. Without this extension, the FAA programs will face a shutdown next week, thousands of FAA employees could be furloughed, airport projects across the country will come to a halt, and about \$40 million a day in aviation trust fund revenue will

go uncollected. That is funding for air traffic control, airport development, and other safety and modernization programs that will never be recovered.

This extension also includes limited, but critical and time-sensitive provisions to improve aviation safety and security. Some of the provisions address safety critical issues raised by aviation tragedies, including the Germanwings, Asiana, and Colgan Air accidents.

Other safety critical issues addressed include protecting low-flying GA pilots from unmarked towers, reevaluating crash standards for helicopter fuel systems, improving the air traffic control hiring process and ensuring the FAA better addresses chronic controller shortages, and training flight attendants to recognize and respond to human trafficking.

Given the growing demand for drones and the ongoing need to address their safe operation, this legislation includes provisions to manage the safe integration of drones.

In response to safety concerns related to potential cybersecurity risks, the extension requires the FAA to develop a comprehensive cybersecurity plan. In addition to critical safety needs, this extension also addresses the security of our aviation system.

As the recent bombings in Brussels and Istanbul have reminded us, aviation remains a prominent target for terrorists.

The House already passed almost a dozen bills this Congress related to transportation security, and this extension includes much of that language.

Again, this is a bipartisan, bicameral extension with limited, but critical and time-sensitive safety and security reforms.

I thank Ranking Member DEFAZIO for his partnership in negotiations with the Senate. I also thank Chairman THUNE and Ranking Member NELSON of the Senate Committee on Commerce, Science, and Transportation for their help in drafting this extension.

□ 1915

I want to thank Chairman MCCAUL and Ranking Member THOMPSON of the Committee on Homeland Security for their efforts in putting together a robust security title.

I also want to thank Committee on Ways and Means Chairman BRADY and Ranking Member LEVIN; Committee on Science, Space, and Technology Chairman SMITH and Ranking Member JOHN-SON for their work on this resolution.

In addition, the gentleman from New Jersey (Mr. LOBIONDO), the chairman of the subcommittee, and the gentleman from Washington (Mr. LARSEN), the ranking member of the subcommittee, added critical and important provisions into this extension.

Passage of this extension will provide more than a year's worth of certainty and stability to the FAA, the aviation community, and the flying public. Dur-

ing this time, we will continue to develop a long-term FAA bill.

Mr. Speaker, I urge all my colleagues to support H.R. 818.

I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

This gives us 14½ months of certainty for critical programs with the FAA. It is a bipartisan product. I would rather than we had been doing a long-term authorization, more substantial policy, but this is an acceptable resolution.

The safety title gives the FAA authority to more rigorously go after people who use laser pointers, idiots who use laser pointers, potentially causing catastrophic accidents and high damage; to go after people who are interfering in stopping firefighting efforts with drones; shore up cybersecurity for safety critical aviation infrastructure.

The FAA, something I have been pursuing for years, will step up its oversight of overseas aircraft repair and overhaul facilities, where more and more work is being done, where they do not live up to U.S. standards. Some of the people at the FAA had come up with a brilliant new idea which was disqualifying people eminently qualified and already working as air traffic controllers from becoming air traffic controllers. We fix that problem. We balance the need for integration of drones with the need to protect the general public and the national airspace and a number of other critical provisions.

With that, I recommend my colleagues support the legislation.

I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. LOBIONDO), the chairman of the Subcommittee on Aviation.

Mr. LOBIONDO. Mr. Speaker, I would like to thank Chairman SHUSTER, Mr. DEFAZIO, Mr. LARSEN, and the other committees responsible for this very important legislation which I strongly support.

In my district in New Jersey, I have the privilege of representing approximately 4,000 FAA employees and contractors who work at the FAA's premier flagship technical center. Their extraordinary energy and dedication ensures American aviation continues to move forward. Without them, American leadership in aviation would suffer, and we cannot afford to send them home because Congress failed to do our work and pass an authorization bill.

A lapse in authorization would result in the halting of certification and registration of new aircraft and disruption of our aerospace industry. It would needlessly jeopardize good-paying jobs and cause pain to hardworking Americans. This long-term extension averts these self-inflicted injuries. It also makes safety-critical reforms while capitalizing on the momentum of FAA's long-delayed small UAS rule.

The resolution moves the ball forward for advancing UAS applications while ensuring they do not pose a threat to aviation, critical infrastructure, or the general public. It also gives the UAS test sites established under the 2012 FAA bill—one of which operates in my district—the certainty and stability they will need to conduct critical research and development on UAS integration.

Mr. Speaker, this long-term extension promotes a stable aviation system, improves aviation security, and strengthens aviation security. It also has strong safety measures. I urge all of my colleagues to support this well-thought-out measure.

Mr. DEFAZIO. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. THOMPSON).

Mr. THOMPSON of Mississippi. I thank the gentleman for yielding.

Mr. Speaker, while I commend Mr. DEFAZIO and his colleagues for negotiating language to enhance aviation safety, I must rise in opposition to this legislation.

My problem with the resolution stems from a potential job-killing provision inserted in the homeland security portion of the package. Understandably, after the airport attacks in Brussels and, more recently, Istanbul, there is interest in strengthening aviation security.

Section 3405 directs TSA to update regulations for eligibility, including disqualifying offenses, for SIDA airport credentials, which airport workers need to perform their jobs. There is no evidence that this additional scrutiny would strengthen aviation security. What we do know for sure is that the changes would unjustifiably put workers at risk of losing their jobs. As such, it should come as no surprise that the International Association of Machinists, the Communication Workers of America, and the Transportation Workers Union have come out in strong opposition to this resolution.

That measure, H.R. 3102, also was approved by voice vote in the House this past October. The language before us today goes several steps further than H.R. 3102, unjustifiably lengthening the well-litigated 10-year look-back period from 10 to 15 years. The men and women who will be subject to this arbitrary change have as strong, if not more, of an interest as you or me in preventing terrorism in airports. They deserve better than living in fear that they will be able to lose their jobs in the name of homeland security.

Mr. SHUSTER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SMITH), the chairman of the Committee on Science, Space, and Technology.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the Committee on Transportation and Infrastructure, for yielding me time.

As Congress continues working toward a multiyear authorization for the

Federal Aviation Administration, the FAA Extension, Safety, and Security Act of 2016 will ensure that safety and security research and development activities are authorized.

Pursuant to rule X, the House Committee on Science, Space, and Technology has legislative jurisdiction over “civil aviation research and development,” regardless of the funding account from which the research and development is appropriated.

Earlier this year, the House Committee on Science, Space, and Technology marked up and passed out of committee a 3-year civil aviation research and development authorization for the FAA, the Flight R&D Act. This important legislation was introduced by Representative STEPHEN KNIGHT.

Many provisions from the Flight R&D Act are now in the 2016 FAA extension we are considering tonight, and I very much appreciate Chairman SHUSTER’s including them. These provisions include the development of a cybersecurity research and development plan, a study on metrics to streamline the integration of unmanned aircraft systems into the national airspace, a research plan for unmanned aircraft systems traffic management, and the establishment of an unmanned and manned aircraft collision research program. These are important, pressing Committee on Science, Space, and Technology R&D provisions that will increase public safety and private commerce.

I look forward to working to include the remainder of the Flight R&D Act provisions in a larger FAA bill next year. I encourage my colleagues to support Chairman SHUSTER’s resolution.

Mr. DEFAZIO. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. I thank Mr. DEFAZIO.

Mr. Speaker, on July 3 last year, a Flight for Life air ambulance helicopter took off in Frisco, Colorado. Just seconds later, the helicopter crashed in a parking lot next to the helipad and burst into flames. The post-crash fire contributed to the death of the pilot, Patrick Mahany, and severely burned the two flight nurses, Dave Repsher and Matthew Bowe. Dave Repsher is still hospitalized today after suffering burns on more than 90 percent of his body.

The U.S. military required changes to helicopter fuel systems over 50 years ago. The FAA underwent a rulemaking in 1994 concerning crash-resistant fuel system standards, but 22 years later we still do not require newly manufactured helicopters to meet these safety standards. The 1994 rulemaking required all newly certified helicopter designs to incorporate crash-resistant fuel systems, but helicopter designs are certified once and then can be manufactured for years. So new helicopters like the AS350, which crashed in Frisco and was only 1 year old, are being built to an unsafe standard.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DEFAZIO. Mr. Speaker, I yield an additional 30 seconds to the gentleman.

Mr. PERLMUTTER. Mr. Speaker, this resolution today includes section 2105, requiring the administrator of the FAA to evaluate and update these safety standards. I want to thank Chairman SHUSTER and Ranking Member DEFAZIO for working with me on this issue. Together, we can work with the FAA and industry to update these critical safety standards and make sure newly manufactured helicopters include crash-resistant fuel systems.

Mr. SHUSTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Indiana (Mr. ROKITA).

Mr. ROKITA. Mr. Speaker, I would like to thank the chairman for yielding time to speak today on this legislation. I also want to thank the chairman of the Committee on Transportation and Infrastructure for his excellent leadership that he has shown this Congress and previous Congresses. It has been an absolute pleasure to serve on a committee that has accomplished so much.

Today I want to speak briefly on an important provision of this reauthorization. As an airman myself, I have always stood up for the rights of general aviation pilots. Section 2307 in this legislation, which is based on my bill, the General Aviation Pilot Protection Act, will make operating a private aircraft easier and more common sense for private pilots.

Currently, pilots must get an unnecessary, outdated medical examination from a government-approved physician as often as once a year. Section 2307 would change that requirement so that a pilot can simply visit his family physician once every 4 years. Although this doesn’t go as far as is ultimately needed to get rid of 20th century red tape while maintaining safety in the 21st century, it is real progress for aviators.

This change is strongly supported by the Aircraft Owners and Pilots Association, of which I am a proud member, and has a strong bipartisan list of cosponsors. I thank, again, Chairman SHUSTER and Ranking Member DEFAZIO for their continued leadership on this and other aviation issues. I urge Members and all of us to support this legislation, including the bipartisan House General Aviation Caucus.

Mr. DEFAZIO. I yield 1½ minutes to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Speaker, although I am glad the House of Representatives is taking a step in the right direction by reauthorizing the FAA for a few months, I am frustrated that we are not going as far as we could to protect lives that could be easily saved.

On July 3, 2015, just over a year ago, there was a Flight for Life crash in Frisco, Colorado, in my district. The pilot died, and one person on board is still recovering from major burns. The

death was caused not because of speed or pilot error, but simply because the fuel system didn’t have a crash-resistant system that is already mandated in military helicopters.

Representative PERLMUTTER and I have introduced the Helicopter Fuel System Safety Act, and that would require the FAA to install crash-resistant fuel systems in newly manufactured helicopters by December 31, 2016. I am glad this reauthorization language moves the FAA in that direction, but I hope that we can move forward quickly to save lives and fix this.

I was also disappointed I wasn’t allowed to offer several other amendments, including one which would have given local airports more flexibility in limiting flights, something of great concern for my district around flight noise for constituents near Longmont. I don’t know how many of you live near airports that have continuous flights with older planes, but I hear from my constituents often on this, and I wanted the opportunity to do something about it to make sure that they can enjoy their sleep and their peace and quiet of their neighborhoods. I hope to work with the FAA, the ranking member and chairman to give communities and airports the flexibility they need to have quiet skies in the future.

Mr. SHUSTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. CURBELO).

Mr. CURBELO of Florida. I thank the chairman for yielding. I appreciate his work on this legislation, and the ranking member, Mr. DEFAZIO, as well. I really appreciate the way that they have worked collaboratively on this.

Mr. Speaker, this FAA reauthorization works to ensure that our aviation system remains well equipped, secure, and safe for passengers and pilots alike. It provides vital enhancements to the U.S. aviation system by strengthening security, expanding TSA PreCheck, and requiring the FAA to give Congress quarterly reports on the number of civil or criminal disturbances that occur at airports.

I am proud to say that this measure also includes my bill, H.R. 5292, the Air Traffic Controller Hiring Improvement Act. This legislation, which has over 243 bipartisan cosponsors in the House, will reform for the better the way we hire our air traffic controllers. It will improve the ATC system by exempting College Training Initiative graduates and military veterans from the controversial biographical questionnaire while still allowing the general public to apply to serve as controllers. H.R. 5292 also ensures the FAA directly notifies schools, such as Historically Black Colleges and Hispanic-Serving Institutions, when ATC vacancy announcements are made.

□ 1930

This bill is certainly a step in the right direction; although, I believe, Mr. Speaker, we have a long way to go to



modernize the FAA and bring America's ATO, or air traffic operation, into the 21st century. I certainly look forward to working with the chairman and my colleagues to make that a reality.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. KNIGHT).

Mr. KNIGHT. Mr. Speaker, I appreciate the chairman's and ranking member's work on this.

Mr. Speaker, I rise today in support of the FAA Extension, Safety, and Security Act of 2016.

The aeronautics research carried out by the Federal Aviation Administration is vital to our Nation's prosperity. This is why earlier this year I introduced the FLIGHT R&D Act to authorize FAA's civil aviation research and development authorization activities.

The FAA Extension, Safety, and Security Act of 2016 includes many important research and development provisions. Specifically, the bill incorporates provisions from the FLIGHT R&D Act that pertain to unmanned aircraft systems and cybersecurity. But it is only a stopgap measure.

We as a nation must ensure our civil aeronautics research and development activities are fully authorized. I look forward to working with my colleagues in both the House and Senate on completing a multiyear FAA authorization that will incorporate provisions of the FLIGHT R&D Act that are not in today's extension.

I encourage my colleagues to support this bill.

Mr. DEFAZIO. Mr. Speaker, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself the balance of my time.

Again, I want to thank Mr. DEFAZIO for working with us and with the Senate on this. I want to thank not only his staff for their hard work and long hours, but the staff on the majority side. They put in a lot of hours and a lot of late nights to make sure we have gotten to this point. So I want to thank them very, very much for their work.

Finally, I want to thank two gentlemen who worked extremely hard and were tenacious in making sure we included third-class medical in this extension; that is, the voice of general aviation in the House, SAM GRAVES, who was, to say the least, relentless, as well as Senator INHOFE. Both worked extremely hard to make sure that third-class medical is in this, and that is extremely important to the GA community and the private pilots to make sure that we had that in here. So we are pleased it is in here.

Again, I want to thank both Congressman SAM GRAVES from Missouri and Senator INHOFE for their hard work and their diligence. Again, let me thank the staff on both sides for their work, and I urge all my colleagues to support H. Res. 818.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and agree to the resolution, H. Res. 818.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY IMPROVEMENT ACT OF 2016

Mr. MOOLENAAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5639) to update the National Institute of Standards and Technology Act, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5639

*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 "National Institute of Standards and Technology Improvement Act of 2016".

#### SEC. 2. STANDARDS AND CONFORMITY ASSESSMENT.

Section 2 of the National Institute of Standards and Technology Act (15 U.S.C. 272) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "authorized to take" and inserting "authorized to serve as the President's principal adviser on standards policy pertaining to the Nation's technological competitiveness and innovation ability and to take";

(B) in paragraph (3), by striking "compare standards" and all that follows through "Federal Government" and inserting "facilitate standards-related information sharing and cooperation between Federal agencies"; and

(C) in paragraph (13), by striking "Federal, State, and local" and all that follows through "private sector" and inserting "technical standards activities and conformity assessment activities of Federal, State, and local governments with private sector"; and

(2) in subsection (c)—

(A) in paragraph (22), by striking "and" after the semicolon;

(B) by redesignating paragraph (23) as paragraph (25); and

(C) by inserting after paragraph (22) the following:

"(23) participate in and support scientific and technical conferences;

"(24) perform pre-competitive measurement science and technology research in partnership with institutions of higher education and industry to promote United States industrial competitiveness; and".

#### SEC. 3. VISITING COMMITTEE ON ADVANCED TECHNOLOGY.

Section 10 of the National Institute of Standards and Technology Act (15 U.S.C. 278) is amended—

(1) in subsection (a)—

(A) by striking "15 members" and inserting "not fewer than 11 members";

(B) by striking "at least 10" and inserting "at least two-thirds"; and

(C) by adding at the end the following: "The Committee may consult with the National Research Council in making recommendations regarding general policy for the Institute."; and

(2) in subsection (h)(1), by striking "including the Program established under section 28,".

#### SEC. 4. POLICE AND SECURITY AUTHORITY.

Section 15 of the National Institute of Standards and Technology Act (15 U.S.C. 278e) is amended—

(1) by striking "of the Government; and" and inserting "of the Government."; and

(2) by striking "United States Code." and inserting "United States Code; and (i) the protection of Institute buildings and other plant facilities, equipment, and property, and of employees, associates, visitors, or other persons located therein or associated therewith, notwithstanding any other provision of law.".

#### SEC. 5. EDUCATION AND OUTREACH.

The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended by striking sections 18, 19, and 19A and inserting the following:

#### "SEC. 18. EDUCATION AND OUTREACH.

"(a) IN GENERAL.—The Director may support, promote, and coordinate activities and efforts to enhance public awareness and understanding of measurement sciences, standards, and technology by the general public, industry, government, and academia in support of the Institute's mission.

"(b) RESEARCH FELLOWSHIPS.—

"(1) IN GENERAL.—The Director may award research fellowships and other forms of financial and logistical assistance, including direct stipend awards, to—

"(A) students at institutions of higher education within the United States who show promise as present or future contributors to the mission of the Institute; and

"(B) United States citizens for research and technical activities of the Institute.

"(2) SELECTION.—The Director shall select persons to receive such fellowships and assistance on the basis of ability and of the relevance of the proposed work to the mission and programs of the Institute.

"(3) DEFINITION.—For the purposes of this subsection, financial and logistical assistance includes, notwithstanding section 1345 of title 31, United States Code, or any contrary provision of law, temporary housing and local transportation to and from the Institute facilities.

"(c) POST-DOCTORAL FELLOWSHIP PROGRAM.—The Director shall establish and conduct a post-doctoral fellowship program, subject to the availability of appropriations, that shall include not fewer than 20 fellows per fiscal year. In evaluating applications for fellowships under this subsection, the Director shall give consideration to the goal of promoting the participation of underrepresented students in research areas supported by the Institute."

#### SEC. 6. PROGRAMMATIC PLANNING REPORT.

Section 23(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278i(d)) is amended by adding at the end the following: "The 3-year programmatic planning document shall also describe how the Director is addressing recommendations from the Visiting Committee on Advanced Technology established under section 10."

#### SEC. 7. ASSESSMENTS BY THE NATIONAL RESEARCH COUNCIL.

(a) NATIONAL ACADEMY OF SCIENCES REVIEW.—Not later than 6 months after the date of enactment of this Act, the Director of the National Institute of Standards and Technology shall enter into a contract with the National Academy of Sciences to conduct a single, comprehensive review of the

Institute's laboratory programs. The review shall—

(1) assess the technical merits and scientific caliber of the research conducted at the laboratories;

(2) examine the strengths and weaknesses of the 2010 laboratory reorganization on the Institute's ability to fulfill its mission;

(3) evaluate how crosscutting research and development activities are planned, coordinated, and executed across the laboratories; and

(4) assess how the laboratories are engaging industry, including the incorporation of industry need, into the research goals and objectives of the Institute.

(b) **ADDITIONAL ASSESSMENTS.**—Section 24 of the National Institute of Standards and Technology Act (15 U.S.C. 278j) is amended to read as follows:

**“SEC. 24. ASSESSMENTS BY THE NATIONAL RESEARCH COUNCIL.**

“(a) **IN GENERAL.**—The Institute shall contract with the National Research Council to perform and report on assessments of the technical quality and impact of the work conducted at Institute laboratories.

“(b) **SCHEDULE.**—Two laboratories shall be assessed under subsection (a) each year, and each laboratory shall be assessed at least once every 3 years.

“(c) **SUMMARY REPORT.**—Beginning in the year after the first assessment is conducted under subsection (a), and once every 2 years thereafter, the Institute shall contract with the National Research Council to prepare a report that summarizes the findings common across the individual assessment reports.

“(d) **ADDITIONAL ASSESSMENTS.**—The Institute, at the discretion of the Director, also may contract with the National Research Council to conduct additional assessments of Institute programs and projects that involve collaboration across the Institute laboratories and centers and assessments of selected scientific and technical topics.

“(e) **CONSULTATION WITH VISITING COMMITTEE ON ADVANCED TECHNOLOGY.**—The National Research Council may consult with the Visiting Committee on Advanced Technology established under section 10 in performing the assessments under this section.

“(f) **REPORTS.**—Not later than 30 days after the completion of each assessment, the Institute shall transmit the report on such assessment to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.”

**SEC. 8. HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP.**

Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) is amended to read as follows:

**“SEC. 25. HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP.**

“(a) **ESTABLISHMENT AND PURPOSE.**—

“(1) **IN GENERAL.**—The Secretary, through the Director and, if appropriate, through other officials, shall provide assistance for the creation and support of manufacturing extension centers, to be known as the ‘Hollings Manufacturing Extension Centers’, for the transfer of manufacturing technology and best business practices (in this Act referred to as the ‘Centers’). The program under this section shall be known as the ‘Hollings Manufacturing Extension Partnership’.

“(2) **AFFILIATIONS.**—Such Centers shall be affiliated with any United States-based public or nonprofit institution or organization, or group thereof, that applies for and is awarded financial assistance under this section.

“(3) **OBJECTIVE.**—The objective of the Centers is to enhance competitiveness, produc-

tivity, and technological performance in United States manufacturing through—

“(A) the transfer of manufacturing technology and techniques developed at the Institute to Centers and, through them, to manufacturing companies throughout the United States;

“(B) the participation of individuals from industry, institutions of higher education, State governments, other Federal agencies, and, when appropriate, the Institute in cooperative technology transfer activities;

“(C) efforts to make new manufacturing technology and processes usable by United States-based small- and medium-sized companies;

“(D) the active dissemination of scientific, engineering, technical, and management information about manufacturing to industrial firms, including small- and medium-sized manufacturing companies;

“(E) the utilization, when appropriate, of the expertise and capability that exists in Federal laboratories other than the Institute;

“(F) the provision to community colleges and area career and technical education schools of information about the job skills needed in small- and medium-sized manufacturing businesses in the regions they serve; and

“(G) promoting and expanding certification systems offered through industry, associations, and local colleges, when appropriate.

“(b) **ACTIVITIES.**—The activities of the Centers shall include—

“(1) the establishment of automated manufacturing systems and other advanced production technologies, based on Institute-supported research, for the purpose of demonstrations and technology transfer;

“(2) the active transfer and dissemination of research findings and Center expertise to a wide range of companies and enterprises, particularly small- and medium-sized manufacturers; and

“(3) the facilitation of collaborations and partnerships between small- and medium-sized manufacturing companies and community colleges and area career and technical education schools to help such colleges and schools better understand the specific needs of manufacturers and to help manufacturers better understand the skill sets that students learn in the programs offered by such colleges and schools.

“(c) **OPERATIONS.**—

“(1) **FINANCIAL SUPPORT.**—The Secretary may provide financial support to any Center created under subsection (a). The Secretary may not provide to a Center more than 50 percent of the capital and annual operating and maintenance funds required to create and maintain such Center.

“(2) **REGULATIONS.**—The Secretary shall implement, review, and update the sections of the Code of Federal Regulations related to this section at least once every 3 years.

“(3) **APPLICATION.**—

“(A) **IN GENERAL.**—Any nonprofit institution, or consortium thereof, or State or local government, may submit to the Secretary an application for financial support under this section, in accordance with the procedures established by the Secretary.

“(B) **COST SHARING.**—In order to receive assistance under this section, an applicant for financial assistance under subparagraph (A) shall provide adequate assurances that non-Federal assets obtained from the applicant and the applicant's partnering organizations will be used as a funding source to meet not less than 50 percent of the costs incurred. For purposes of the preceding sentence, the costs incurred means the costs incurred in connection with the activities undertaken to improve the competitiveness, management,

productivity, and technological performance of small- and medium-sized manufacturing companies.

“(C) **AGREEMENTS WITH OTHER ENTITIES.**—In meeting the 50 percent requirement, it is anticipated that a Center will enter into agreements with other entities such as private industry, institutions of higher education, and State governments to accomplish programmatic objectives and access new and existing resources that will further the impact of the Federal investment made on behalf of small- and medium-sized manufacturing companies.

“(D) **LEGAL RIGHTS.**—Each applicant under subparagraph (A) shall also submit a proposal for the allocation of the legal rights associated with any invention which may result from the proposed Center's activities.

“(4) **MERIT REVIEW.**—The Secretary shall subject each such application to merit review. In making a decision whether to approve such application and provide financial support under this section, the Secretary shall consider, at a minimum, the following:

“(A) The merits of the application, particularly those portions of the application regarding technology transfer, training and education, and adaptation of manufacturing technologies to the needs of particular industrial sectors.

“(B) The quality of service to be provided.

“(C) Geographical diversity and extent of service area.

“(D) The percentage of funding and amount of in-kind commitment from other sources.

“(5) **EVALUATION.**—

“(A) **IN GENERAL.**—Each Center that receives financial assistance under this section shall be evaluated during its third year of operation by an evaluation panel appointed by the Secretary.

“(B) **COMPOSITION.**—Each such evaluation panel shall be composed of private experts, none of whom shall be connected with the involved Center, and Federal officials.

“(C) **CHAIR.**—An official of the Institute shall chair the panel.

“(D) **PERFORMANCE MEASUREMENT.**—Each evaluation panel shall measure the involved Center's performance against the objectives specified in this section.

“(E) **POSITIVE EVALUATION.**—If the evaluation is positive, the Secretary may provide continued funding through the sixth year.

“(F) **PROBATION.**—The Secretary shall not provide funding unless the Center has received a positive evaluation. A Center that has not received a positive evaluation by the evaluation panel shall be notified by the panel of the deficiencies in its performance and shall be placed on probation for 1 year, after which time the panel shall reevaluate the Center. If the Center has not addressed the deficiencies identified by the panel, or shown a significant improvement in its performance, the Director shall conduct a new competition to select an operator for the Center or may close the Center.

“(G) **ADDITIONAL FINANCIAL SUPPORT.**—After the sixth year, a Center may receive additional financial support under this section if it has received a positive evaluation through an independent review, under procedures established by the Institute.

“(H) **EIGHT-YEAR REVIEW.**—A Center shall undergo an independent review in the eighth year of operation. Each evaluation panel shall measure the Center's performance against the objectives specified in this section. A Center that has not received a positive evaluation as a result of an independent review shall be notified by the Program of the deficiencies in its performance and shall be placed on probation for 1 year, after which

time the Program shall reevaluate the Center. If the Center has not addressed the deficiencies identified by the review, or shown a significant improvement in its performance, the Director shall conduct a new competition to select an operator for the Center or may close the Center.

“(I) RECOMPETITION.—If a recipient of a Center award has received financial assistance for 10 consecutive years, the Director shall conduct a new competition to select an operator for the Center consistent with the plan required in this Act. Incumbent Center operators in good standing shall be eligible to compete for the new award.

“(J) REPORTS.—

“(i) PLAN.—Not later than 180 days after the date of enactment of the National Institute of Standards and Technology Improvement Act of 2016, the Director shall transmit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan as to how the Institute will conduct reviews, assessments, and reapplication competitions under this paragraph.

“(ii) INDEPENDENT ASSESSMENT.—The Director shall contract with an independent organization to perform an assessment of the implementation of the reapplication competition process under this paragraph within 3 years after the transmittal of the report under clause (i). The organization conducting the assessment under this clause may consult with the MEP Advisory Board.

“(iii) COMPARISON OF CENTERS.—Not later than 2 years after the date of enactment of the National Institute of Standards and Technology Improvement Act of 2016, the Director shall transmit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report providing information on the first and second years of operations for centers operating from new competitions or recompetition as compared to longstanding centers. The report shall provide detail on the engagement in services provided by Centers and the characteristics of services provided, including volume and type of services, so that the Committees can evaluate whether the cost-sharing ratio has an effect on the services provided at Centers.

“(6) PATENT RIGHTS.—The provisions of chapter 18 of title 35, United States Code, shall apply, to the extent not inconsistent with this section, to the promotion of technology from research by Centers under this section except for contracts for such specific technology extension or transfer services as may be specified by statute or by the Director.

“(7) PROTECTION OF CENTER CLIENT CONFIDENTIAL INFORMATION.—Section 552 of title 5, United States Code, shall apply to the following information obtained by the Federal Government on a confidential basis in connection with the activities of any participant involved in the Hollings Manufacturing Extension Partnership:

“(A) Information on the business operation of any participant in a Hollings Manufacturing Extension Partnership program or of a client of a Center.

“(B) Trade secrets possessed by any client of a Center.

“(8) ADVISORY BOARDS.—Each Center’s advisory boards shall institute a conflict of interest policy, approved by the Director, that ensures the Board represents local small- and medium-sized manufacturers in the Center’s region. Board Members may not serve as a vendor or provide services to the Center, nor may they serve on more than one Center’s oversight board simultaneously.

“(d) ACCEPTANCE OF FUNDS.—

“(1) IN GENERAL.—In addition to such sums as may be appropriated to the Secretary and Director to operate the Hollings Manufacturing Extension Partnership, the Secretary and Director also may accept funds from other Federal departments and agencies and, under section 2(c)(7), from the private sector, to be available to the extent provided by appropriations Acts, for the purpose of strengthening United States manufacturing.

“(2) ALLOCATION OF FUNDS.—

“(A) FUNDS ACCEPTED FROM OTHER FEDERAL DEPARTMENTS OR AGENCIES.—The Director shall determine whether funds accepted from other Federal departments or agencies shall be counted in the calculation of the Federal share of capital and annual operating and maintenance costs under subsection (c).

“(B) FUNDS ACCEPTED FROM THE PRIVATE SECTOR.—Funds accepted from the private sector under section 2(c)(7), if allocated to a Center, may not be considered in the calculation of the Federal share under subsection (c) of this section.

“(e) MEP ADVISORY BOARD.—

“(1) ESTABLISHMENT.—There is established within the Institute a Manufacturing Extension Partnership Advisory Board (in this subsection referred to as the ‘MEP Advisory Board’).

“(2) MEMBERSHIP.—

“(A) IN GENERAL.—The MEP Advisory Board shall consist of not fewer than 10 members broadly representative of stakeholders, to be appointed by the Director. At least two members shall be employed by or on an advisory board for the Centers, at least one member shall represent a community college, and at least five other members shall be from United States small businesses in the manufacturing sector. No member shall be an employee of the Federal Government.

“(B) TERM.—Except as provided in subparagraph (C) or (D), the term of office of each member of the MEP Advisory Board shall be 3 years.

“(C) VACANCIES.—Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

“(D) SERVING CONSECUTIVE TERMS.—Any person who has completed two consecutive full terms of service on the MEP Advisory Board shall thereafter be ineligible for appointment during the 1-year period following the expiration of the second such term.

“(3) MEETINGS.—The MEP Advisory Board shall meet not less than two times annually and shall provide to the Director—

“(A) advice on Hollings Manufacturing Extension Partnership programs, plans, and policies;

“(B) assessments of the soundness of Hollings Manufacturing Extension Partnership plans and strategies; and

“(C) assessments of current performance against Hollings Manufacturing Extension Partnership program plans.

“(4) FEDERAL ADVISORY COMMITTEE ACT APPLICABILITY.—

“(A) IN GENERAL.—In discharging its duties under this subsection, the MEP Advisory Board shall function solely in an advisory capacity, in accordance with the Federal Advisory Committee Act.

“(B) EXCEPTION.—Section 14 of the Federal Advisory Committee Act shall not apply to the MEP Advisory Board.

“(5) REPORT.—The MEP Advisory Board shall transmit an annual report to the Secretary for transmittal to Congress within 30 days after the submission to Congress of the President’s annual budget request in each year. Such report shall address the status of the program established pursuant to this section and comment on the relevant sec-

tions of the programmatic planning document and updates thereto transmitted to Congress by the Director under subsections (c) and (d) of section 23.

“(f) COMPETITIVE GRANT PROGRAM.—

“(1) ESTABLISHMENT.—The Director shall establish, within the Hollings Manufacturing Extension Partnership, under this section and section 26, a program of competitive awards among participants described in paragraph (2) for the purposes described in paragraph (3).

“(2) PARTICIPANTS.—Participants receiving awards under this subsection shall be the Centers, or a consortium of such Centers.

“(3) PURPOSE.—The purpose of the program under this subsection is to add capabilities to the Hollings Manufacturing Extension Partnership, including the development of projects to solve new or emerging manufacturing problems as determined by the Director, in consultation with the Director of the Hollings Manufacturing Extension Partnership program, the MEP Advisory Board, and small- and medium-sized manufacturers. One or more themes for the competition may be identified, which may vary from year to year, depending on the needs of manufacturers and the success of previous competitions. Centers may be reimbursed for costs incurred under the program.

“(4) APPLICATIONS.—Applications for awards under this subsection shall be submitted in such manner, at such time, and containing such information as the Director shall require, in consultation with the MEP Advisory Board.

“(5) SELECTION.—Awards under this subsection shall be peer reviewed and competitively awarded. The Director shall endeavor to have broad geographic diversity among selected proposals. The Director shall select proposals to receive awards that will—

“(A) improve the competitiveness of industries in the region in which the Center or Centers are located;

“(B) create jobs or train newly hired employees; and

“(C) promote the transfer and commercialization of research and technology from institutions of higher education, national laboratories, and nonprofit research institutes.

“(6) PROGRAM CONTRIBUTION.—Recipients of awards under this subsection shall not be required to provide a matching contribution.

“(7) GLOBAL MARKETPLACE PROJECTS.—In making awards under this subsection, the Director, in consultation with the MEP Advisory Board and the Secretary, may take into consideration whether an application has significant potential for enhancing the competitiveness of small- and medium-sized United States manufacturers in the global marketplace.

“(8) DURATION.—Awards under this subsection shall last no longer than 3 years.

“(g) EVALUATION OF OBSTACLES UNIQUE TO SMALL MANUFACTURERS.—The Director shall—

“(1) evaluate obstacles that are unique to small manufacturers that prevent such manufacturers from effectively competing in the global market;

“(2) implement a comprehensive plan to train the Centers to address such obstacles; and

“(3) facilitate improved communication between the Centers to assist such manufacturers in implementing appropriate, targeted solutions to such obstacles.

“(h) DEFINITIONS.—In this section—

“(1) the term ‘area career and technical education school’ has the meaning given such term in section 3 of the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (20 U.S.C. 2302); and

“(2) the term ‘community college’ means an institution of higher education (as defined under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) at which the highest degree that is predominately awarded to students is an associate’s degree.”.

#### SEC. 9. ELIMINATION OF OBSOLETE REPORTS.

Section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) is amended—

- (1) by striking subsection (g); and
- (2) in subsection (k)—
  - (A) in paragraph (3), by inserting “and” after the semicolon at the end;
  - (B) in paragraph (4)(B), by striking “; and” at the end and inserting a period; and
  - (C) by striking paragraph (5).

#### SEC. 10. MODIFICATIONS TO GRANTS AND COOPERATIVE AGREEMENTS.

Section 8(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3706(a)) is amended by striking “The total amount of any such grant or cooperative agreement may not exceed 75 percent of the total cost of the program.”.

#### SEC. 11. INFORMATION SYSTEMS STANDARDS CONSULTATION.

Notwithstanding any other provision of law, the National Institute of Standards and Technology shall not consult with the Department of Defense and the National Security Agency in contravention of section 20(c)(1) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3(c)(1)).

#### SEC. 12. UNITED STATES-ISRAELI COOPERATION.

It is the Sense of Congress that—

- (1) partnerships that facilitate basic scientific research between the United States and Israel advance technology development, innovation, and commercialization leading to growth in various sectors, including manufacturing, and creating benefits for both nations;
- (2) joint research and development agreements carried out through government organizations like the National Institute of Standards and Technology support these efforts;
- (3) partnerships between the United States and Israel that further the basic scientific enterprise should be encouraged; and
- (4) the National Institute of Standards and Technology should continue to facilitate scientific collaborations between Israel and United States technical agencies working in measurement science and standardization.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. MOOLENAAR) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. MOOLENAAR. 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. 5639, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MOOLENAAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank Chairman SMITH, the Science, Space, and Technology Committee, and House leadership for their help in bringing this legislation to the floor.

The National Institute of Standards and Technology, or NIST, Improvement Act of 2016 authorizes NIST to carry out its mission to promote U.S. innovation and industrial competitiveness by advancing measurement science and technology.

NIST was founded in 1901, and it is recognized as an authority of measurements and standards around the world. It is a vital partner for America’s technology and advanced industries that employ millions of hardworking Americans with good-paying jobs.

The legislation before us today requires independent reviews of NIST laboratory programs, makes changes to its educational and outreach efforts, and improves its industrial technical services.

The improvements to industrial technical services, in particular, will assist thousands of small manufacturers, including those in Michigan’s Fourth District, with the expertise and advice they need when investing in new technologies crucial to the competitiveness of Michigan companies and their workers.

Before yielding the floor, I also want to call my colleagues’ attention to NIST police and security issues in the NIST Campus Security Act, which will be brought up later today.

Since last year, serious security incidents at NIST have raised concerns about the safety and security of its facilities. These lapses endanger thousands of NIST employees, visiting scientists, and the hundreds of thousands of people who live near NIST campuses. The Science, Space, and Technology Committee has held a number of hearings about these incidents and has passed the NIST Campus Security Act, which will be considered by the full House in a few minutes. This is a first step toward ensuring adequate physical security at NIST campuses, with more work still to be done.

But returning to the legislation before us now, I urge my colleagues to support this reauthorization of NIST. NIST is the official timekeeper of the U.S. Government. It maintains measures and standards for the additives in our gasoline and helps us to develop a smarter, more secure electric grid.

NIST conducts research that enhances our Nation’s technology, our economic security, and our quality of life.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 5639, the National Institute of Standards and Technology Improvement Act of 2016.

This bill was developed in a bipartisan manner and contains important provisions supporting NIST’s key role in increasing the productivity of small- and medium-sized manufacturers, in training early career scientists and promoting U.S. innovation across all sectors of our economy.

NIST’s core mission is to promote U.S. innovation and industrial competitiveness by advancing measurement science, standards, and technology. Measurement science and standards ensure that technologies and products we rely on daily in our homes, our workplace, and in every mode of transportation are safe, effective, and reliable. U.S. leadership and standards development also help U.S. businesses thrive in the ever-growing global market.

In pursuit of its mission, NIST partners with the private sector and with other government agencies in precompetitive research and technology development in countless areas of national interest. This little-known agency plays a critical role, and in many cases a leadership role, in cybersecurity, forensic science, engineering biology, disaster resilience, advanced manufacturing, and advanced communications, just to name a few.

In the area of cybersecurity, NIST led the development of the widely praised Framework for Improving Critical Infrastructure Cybersecurity and leads the National Initiative for Cybersecurity Education. The Framework is a voluntary guidance to help public and private owners of critical infrastructure organizations better manage their cybersecurity risk.

In forensic science, NIST does important measurement science and facilitates standards development for forensic evidence. This week, I will be reintroducing my Forensic Science and Standards Act because the justice system must be just and fair for all, including the wrongfully accused.

NIST is also at the forefront of engineering biology, an emerging technology. Last year, I introduced the Engineering Biology Research and Development Act of 2015 with my Science Committee colleague, Mr. SENSENBRENNER. This would establish a framework for greater coordination of Federal investments in engineering biology research and ensure U.S. leadership in applications of this research to energy, manufacturing, agriculture, and health.

H.R. 5639 supports NIST’s strong partnerships with the private sector, other government agencies, and universities to develop and apply the technology, measurements, and standards needed for new and improved products and services. The bill includes measures to ensure that NIST labs are best organized to meet the agency’s mission needs, that Federal agencies cooperate and share information on standards as needed, that NIST helps train and attract our Nation’s best and brightest measurement scientists, and that even our Nation’s smallest manufacturers have access to NIST resources and expertise.

While I am supporting this bill, I do want to make a point about the importance of authorizing funds for all of these activities I have just described. As an authorizing committee, the

Science, Space, and Technology Committee should make an informed recommendation for funding the agency's critical work and the human and physical infrastructure that supports that work.

NIST's aging infrastructure is crumbling and creating safety issues. NIST struggles to compete with the private sector in attracting top, new technical talent. Congress continually expands the responsibilities and authorities of this important agency. If we want the agency to be successful, we must be willing to fund it.

I support this bill today for what it does to encourage NIST's public and private collaborative efforts; however, I look forward to providing funding recommendations in the near future for all of the important work that NIST does to promote innovation and maintain U.S. competitiveness.

I want to thank Representative MOOLENAAR for introducing this bill and Chairman SMITH for moving it to the floor.

Mr. Speaker, I reserve the balance of my time.

Mr. MOOLENAAR. Mr. Speaker, I thank the gentlewoman from Texas, the ranking member, for her support and leadership on this legislation.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. SMITH), chairman of the Committee on Science, Space, and Technology.

Mr. SMITH of Texas. First of all, I want to thank the gentleman from Michigan (Mr. MOOLENAAR), the vice chairman of the Research and Technology Subcommittee, for introducing this important piece of legislation.

I am pleased to cosponsor H.R. 5639, the National Institute of Standards and Technology Improvement Act of 2016, to authorize the policy and programs of this leading Department of Commerce technology agency.

The National Institute of Standards and Technology, or NIST, supports scientific and technical research and services that are critical to American innovation and industrial competitiveness.

NIST helps maintain industrial and technical standards, manages cybersecurity guidelines for Federal agencies, and promotes U.S. innovation and international competitiveness that enhances economic security and improves our quality of life.

In 2007, Congress passed and President Bush signed into law the first COMPETES Act, which implemented President Bush's major domestic research policy priority, the American Competitiveness Initiative.

The centerpiece of the American Competitiveness Initiative was the prioritization of basic research in the physical sciences and engineering. Physical sciences research develops and advances fundamental knowledge and foundational technologies that are used by scientists in nearly every other field.

The American Competitiveness Initiative calls for strengthening Federal

investments in these areas by reallocating existing Federal resources to the three major innovation-enabling basic research agencies: the National Science Foundation, the Department of Energy's Office of Science and its national labs, and NIST's core lab research and facilities, which is the subject of the bill before us tonight.

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H.R. 5639 authorizes NIST's programs that contribute directly to U.S. economic competitiveness, including NIST laboratory programs, education and research initiatives for young scientists, and industrial technical services.

Again, I want to thank Science Committee colleague, Vice Chairman MOOLENAAR, for his efforts, and I again urge my colleagues to support this bill.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. MOOLENAAR. Mr. Speaker, I would encourage our colleagues to support this legislation.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WEBER of Texas). The question is on the motion offered by the gentleman from Michigan (Mr. MOOLENAAR) that the House suspend the rules and pass the bill, H.R. 5639, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY CAMPUS SECURITY ACT

Mr. LOUDERMILK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5636) to increase the effectiveness of and accountability for maintaining the physical security of NIST facilities and the safety of the NIST workforce.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5636

*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 "National Institute of Standards and Technology Campus Security Act".

#### SEC. 2. NIST CAMPUS SECURITY.

(a) SUPERVISORY AUTHORITY.—The Department of Commerce Office of Security shall directly manage the law enforcement and security programs of the National Institute of Standards and Technology through an assigned Director of Security for the National Institute of Standards and Technology. This subsection shall be carried out without increasing the number of full time equivalent employees of the Department of Commerce, including the National Institute of Standards and Technology.

(b) REPORTS.—Such Director of Security shall provide an activities and security report on a quarterly basis for the first year after the date of enactment of this Act, and on an annual basis thereafter, to the Under

Secretary for Standards and Technology and to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(c) COMPTROLLER GENERAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report to the Secretary of Commerce, and to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation in the Senate, that—

(1) evaluates the costs and performance of the National Institute of Standards and Technology Police Services Group;

(2) compares the total costs of that Police Services Group with the estimated cost of private police contractors to perform the same work;

(3) examines any potential concerns with private police contractors performing the duties of the Police Services Group;

(4) makes recommendations, based on the findings under paragraphs (2) and (3), for how the National Institute of Standards and Technology should spend its money on security without diminishing the security on its campuses;

(5) proposes oversight and direction that the Police Services Group or outside security contractors need to ensure physical security at National Institute of Standards and Technology campuses;

(6) establishes the percentage of National Institute of Standards and Technology personnel, including the Police Services Group and outside security contractors, that follow security policies, processes, and procedures applicable to their responsibilities;

(7) determines the number of known security breaches and other similar incidents at National Institute of Standards and Technology campuses involving National Institute of Standards and Technology personnel and external parties from fiscal year 2012 to the date of the completion of this report, and their impact and resolution; and

(8) analyzes management, operational, and other challenges encountered in the course of protecting National Institute of Standards and Technology facilities and the extent to which such challenges impact security, and includes assessment of the National Institute of Standards and Technology's attempts to mitigate those challenges.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. LOUDERMILK) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. LOUDERMILK. 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. 5636, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LOUDERMILK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5636, the National Institute of Standards and Technology Campus Security Act. I would like to thank Chairman SMITH for his hard work in bringing

this bill through the House Science, Space, and Technology Committee.

I chair the Oversight Subcommittee of the House Science, Space, and Technology Committee, and my subcommittee has been involved in the investigation of security issues at the National Institute of Standards and Technology over the past year.

Not only did a now-former NIST police officer cause an explosion on the Gaithersburg campus while attempting to manufacture methamphetamine, there was also an alarming incident that took place on the NIST campus in Boulder, Colorado.

In April, an individual with no identification, who was not an employee of NIST, was found in a building on the campus. The incident required a summons to county firefighters because of concerns that the individual may have been exposed to chlorine gas stored in the building's "clean" room. He was eventually transported to the local hospital, and the incident is currently part of an ongoing criminal investigation.

There are quite a few reasons why this situation is so concerning to me.

First, how does a non-NIST employee get on a campus, into a secure building, and then into a room where potentially dangerous, hazardous, or poisonous chemicals may be present.

Most importantly, how did all this take place without NIST police or security knowledge? And what is the extent of damage that an individual could have caused by having access to that building and room?

For a Federal agency that received a notice of violation by the Nuclear Regulatory Commission just 1 year ago for failing to—and I quote—"keep records showing the receipt, inventory, acquisition, transfer, and disposal of all special nuclear materials in its possession," this is extremely concerning.

In the National Regulatory Commission's investigation, they discovered "radioactive material and sources that were not included" in the NIST inventory. While this raises additional accountability issues and concerns, it also emphasizes the need for adequate and effective security at NIST campuses.

Having held numerous managerial and executive positions in the private and public sector, I know how important accountability is to the success and future of an organization. It is inexcusable that an important government agency like NIST is lagging behind in accountability, especially when it comes to the security and protection of its campuses and its employees.

This legislation is an important example of how congressional oversight works. Being able to "check on and check the Executive" allows Congress to step in when an agency is lacking in efficiency and effectiveness to ensure adequate measures are taken and taxpayer dollars are protected.

This bill directs the Department of Commerce Office of Security to get in-

involved in the law enforcement and security programs at NIST. The bill also requires the Government Accountability Office to produce an analysis on the performance and efficiency of NIST security in its current state, make recommendations on how to improve security on NIST campuses, and look into the possibility of privatizing the NIST police force.

This legislation takes an important step to protect the safety and security of those who work at, visit, and live in the vicinity of NIST campuses. We must take action to ensure accountability and effective security in one of our Nation's oldest physical science laboratories.

I urge my colleagues to support this important piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

There have been two high-profile security incidents at the National Institute of Standards and Technology, NIST, facilities in the past year: one on the Gaithersburg campus and the other in Boulder, Colorado.

These incidents have raised legitimate oversight questions that the Science, Space, and Technology Committee has pursued through both hearings and a year-long investigation.

This bill, I take it, is meant to kick the investigation over to GAO since our own efforts, which were focused more on "gotcha" questions than substance, yielded little.

Unfortunately, what this bill does not account for is that the security incidents also prompted the Director of NIST to take seriously the need to improve security policies, procedures, and management of the two NIST campuses.

Last December, the Director, Dr. Willie May, convened an ad hoc panel of security experts to make recommendations accordingly. The experts made a number of significant recommendations on all aspects of NIST security. By mid April, the NIST Director had developed an action plan to immediately implement many of those recommendations while initiating more in-depth studies of other recommendations. These are very positive steps on the part of the agency and should not be overlooked or, worse, undetermined.

Science Committee minority staff have received copies of both the recommendations and the action plan because they asked for it. I wonder if the majority also thought to ask for these documents before drafting this bill without any expert input.

We certainly agree with the majority that the GAO may have an important role in the process of strengthening security at NIST. However, any such GAO review should take into account ongoing reform at NIST as well as the expert opinion of GAO itself.

Majority and minority staff alike received an e-mail from GAO experts the

night before the committee markup expressing concern about the nature of some of the questions being asked of them in this legislation. Neither their feedback nor NIST's own feedback was incorporated during the committee markup. The bill was rushed through the committee and now is being rushed to the floor.

I am also quite puzzled as to the need for this bill since the chairman already sent a joint request to GAO, along with the chairman of the Senate Committee on Commerce, Science, and Transportation, for a similarly scoped review of NIST security. GAO confirmed that review is already in their work queue.

At best, this is an exercise in duplication, and we always talk about saving money. At worst, it is the wasting of valuable expertise of the GAO on an ill-conceived and ill-timed report.

This bill may lead to an inefficient use of taxpayers dollars, but, at the end of the day, it will not do any other harm. I have faith in the GAO to make lemonade out of lemons. For that reason, I am not opposing moving forward today.

However, I do call on my colleagues on the Science, Space, and Technology Committee to take more seriously our oversight responsibility and our responsibility to the taxpayer by taking into consideration expert input and relevant activities at the agency in question before rushing a sloppy bill to the floor just for a press release.

Mr. Speaker, I reserve the balance of my time.

Mr. LOUDERMILK. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. SMITH), the chairman of the Science, Space and Technology Committee.

Mr. SMITH of Texas. Mr. Speaker, first of all, I want to thank the gentleman from Georgia (Mr. LOUDERMILK), who is the chairman of the Oversight Subcommittee, for his significant oversight work on this issue and for introducing the result of that work, this bill, H.R. 5636.

I am pleased to cosponsor the National Institute of Standards and Technology Campus Security Act to help improve the safety and security of NIST facilities and their surrounding areas.

Last July, a senior officer with the NIST Police Services Group attempted illegal production of meth at one of the laboratories located at NIST's Gaithersburg, Maryland, campus. The officer, who was previously the acting chief of police at the Gaithersburg campus, amazingly caused an explosion that burned his face and arm and blew out the lab windows.

It is shocking that a Federal agency didn't know that a meth lab was being run on its property right under its nose, and, without the explosion, it might never have been discovered. The meth lab explosion and subsequent investigation have raised serious concerns about the safety and security of the entire NIST operation.

Further, information obtained during the Science, Space, and Technology Committee's investigation of the meth lab appears to show a pattern of waste, fraud, abuse and misconduct by the NIST Police Services Group.

For example, according to a recent Department of Commerce Inspector General's report, the very officer who caused the explosion on NIST's campus had committed time and attendance fraud by claiming that he worked many hours when he did not.

So how do we know that this is not happening throughout the Police Services Group at NIST?

These unfortunate examples undermine and jeopardize NIST's mission to promote U.S. innovation and industrial competitiveness, which enhances economic security and improves our quality of life.

This legislation is an important step forward to analyze the work of NIST's Police Services Group and outside contractors to ensure that they are adequately securing both NIST campuses to protect NIST employees, contractors, visitors, and surrounding communities from any potential hazards.

This legislation and a thorough review, evaluation, and report by the U.S. Government Accountability Office will provide further recommendations and options to ensure a safe and secure NIST in the future.

Again, I want to thank Chairman LOUDERMILK for his work on this matter, and I urge my colleagues to support the bill.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. LOUDERMILK. Mr. Speaker, I urge my colleagues to join us in this bipartisan effort to ensure the safety and security of many—not just employees, but citizens and visitors to this important facility, and I urge them to support this bill.

I yield back the balance of my time. The SPEAKER pro tempore (Mr. MOOLENAAR). The question is on the motion offered by the gentleman from Georgia (Mr. LOUDERMILK) that the House suspend the rules and pass the bill, H.R. 5636.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 2000

#### ELECTRICITY STORAGE INNOVATION ACT

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5640) to provide for the establishment at the Department of Energy of an Electricity Storage Basic Research Initiative, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5640

*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 "Electricity Storage Innovation Act".

#### SEC. 2. ELECTRICITY STORAGE BASIC RESEARCH INITIATIVE.

(a) AMENDMENT.—Section 975 of the Energy Policy Act of 2005 (42 U.S.C. 16315) is amended to read as follows:

##### "SEC. 975. ELECTRICITY STORAGE BASIC RESEARCH INITIATIVE.

"(a) INITIATIVE.—

"(1) IN GENERAL.—The Secretary shall carry out a research initiative, to be known as the Electricity Storage Basic Research Initiative, to expand theoretical and fundamental knowledge to control, store, and convert electrical energy to chemical energy and the inverse. This initiative shall support scientific inquiry into the practical understanding of chemical and physical processes that occur within systems involving crystalline and amorphous solids, polymers, and organic and aqueous liquids.

"(2) LEVERAGING.—The Secretary shall leverage expertise and resources from the Basic Energy Sciences Program, Advanced Scientific Computing Research Program, and Biological and Environmental Research Program within the Office of Science, and the Office of Energy Efficiency and Renewable Energy, as provided under subsections (b), (c), and (d).

"(3) TEAMS.—The Secretary shall organize activities under the Electricity Storage Basic Research Initiative to include multidisciplinary teams leveraging expertise from the National Laboratories, universities, and the private sector to the extent practicable. These multidisciplinary teams shall pursue aggressive, milestone-driven basic research goals. The Secretary shall provide sufficient resources for those teams to achieve those goals over a period of time to be determined by the Secretary.

"(4) ADDITIONAL ACTIVITIES.—The Secretary is authorized to organize additional activities under this subsection through Energy Frontier Research Centers, Energy Innovation Hubs, or other organizational structures.

"(b) MULTIVALENT SYSTEMS.—

"(1) IN GENERAL.—The Secretary shall, as part of the Electricity Storage Basic Research Initiative, carry out a program to support research needed to bridge scientific barriers and discover knowledge relevant to multivalent ion materials in electric energy storage systems. In carrying out activities under this subsection, the Director of the Office of Basic Energy Sciences shall investigate electrochemical properties and the dynamics of materials, including charge transfer phenomena and mass transport in materials. The Assistant Secretary for Energy Efficiency and Renewable Energy shall support translational research, development, and validation of physical concepts developed under this subsection.

"(2) STANDARD OF REVIEW.—The Secretary shall review the program activities under this subsection to determine the achievement of technical milestones.

"(3) AUTHORIZATION OF APPROPRIATIONS.—

"(A) AUTHORIZATION.—Subject to subsection (e), there are authorized for carrying out activities under this subsection for each of fiscal years 2017 through 2020—

"(i) \$50,000,000 from funds within the Basic Energy Sciences Program account; and

"(ii) \$25,000,000 from funds within the Energy Efficiency and Renewable Energy account.

"(B) PROHIBITION.—No funds authorized under this subsection may be obligated or expended for commercial application of energy technology.

"(C) ELECTROCHEMISTRY MODELING AND SIMULATION.—

"(1) IN GENERAL.—The Secretary shall, as part of the Electricity Storage Basic Research Initiative, carry out a program to support research to model and simulate organic electrolytes, including their static and dynamic electrochemical behavior and phenomena at the molecular and atomic level in monovalent and multivalent systems. In carrying out activities under this subsection, the Director of the Office of Basic Energy Sciences shall, in coordination with the Associate Director of Advanced Scientific Computing Research, support the development of high performance computational tools through a joint development process to maximize the effectiveness of current and projected high performance computing systems. The Assistant Secretary for Energy Efficiency and Renewable Energy shall support translational research, development, and validation of physical concepts developed under this subsection.

"(2) STANDARD OF REVIEW.—The Secretary shall review the program activities under this subsection to determine the achievement of technical milestones.

"(3) AUTHORIZATION OF APPROPRIATIONS.—

"(A) AUTHORIZATION.—Subject to subsection (e), there are authorized for carrying out activities under this subsection for each of fiscal years 2017 through 2020—

"(i) \$30,000,000 from funds within the Basic Energy Sciences Program and Advanced Scientific Computing Research Program accounts; and

"(ii) \$15,000,000 from funds within the Energy Efficiency and Renewable Energy account.

"(B) PROHIBITION.—No funds authorized under this subsection may be obligated or expended for commercial application of energy technology.

"(d) MESOSCALE ELECTROCHEMISTRY.—

"(1) IN GENERAL.—The Secretary shall, as part of the Electricity Storage Basic Research Initiative, carry out a program to support research needed to reveal electrochemistry in confined mesoscale spaces, including scientific discoveries relevant to bio-electrochemistry and electrochemical energy conversion and storage in confined spaces and the dynamics of these phenomena. In carrying out activities under this subsection, the Director of the Office of Basic Energy Sciences and the Associate Director of Biological and Environmental Research shall investigate phenomena of mesoscale electrochemical confinement for the purpose of replicating and controlling new electrochemical behavior. The Assistant Secretary for Energy Efficiency and Renewable Energy shall support translational research, development, and validation of physical concepts developed under this subsection.

"(2) STANDARD OF REVIEW.—The Secretary shall review the program activities under this subsection to determine the achievement of technical milestones.

"(3) AUTHORIZATION OF APPROPRIATIONS.—

"(A) AUTHORIZATION.—Subject to subsection (e), there are authorized for carrying out activities under this subsection for each of fiscal years 2017 through 2020—

"(i) \$20,000,000 from funds within the Basic Energy Sciences Program and the Biological and Environmental Research Program accounts; and

"(ii) \$10,000,000 from funds within the Energy Efficiency and Renewable Energy account.

"(B) PROHIBITION.—No funds authorized under this subsection may be obligated or expended for commercial application of energy technology.

"(e) FUNDING.—No additional funds are authorized to be appropriated under this section. This section shall be carried out using funds otherwise authorized by law."

(b) TABLE OF CONTENTS AMENDMENT.—The item relating to section 975 in the table of contents of such Act is amended to read as follows:

“Sec. 975. Electricity Storage Basic Research Initiative.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. 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. 5640, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill, H.R. 5640, the Electricity Storage Innovation Act, which is part of the majority leader's Innovation Initiative in this House. The legislation will prioritize basic energy research and innovation and provides important statutory authority and direction for the Department of Energy's groundbreaking basic research in electricity storage.

Electricity storage is one of the next frontiers in our energy future. Innovations leading to advanced, next generation batteries could help bring affordable electricity and renewable energy to the market without costly subsidies or mandates. By investing in the basic scientific research that will lead to advanced battery technology, we can enable utilities to store and deliver power produced elsewhere on demand. This will allow us to take advantage of energy from all of our diverse national resources across the country.

As the Nation's lead Federal agency for basic research in the physical sciences, the Department of Energy's Office of Science is the ideal leader for this fundamental scientific research. The DOE, national labs, and our universities have the resources and capacity to pursue the science necessary to understand and develop advanced electricity storage systems.

H.R. 5640 authorizes the Secretary of Energy to carry out a basic research initiative of advanced chemical and material science focusing on multivalent systems, mesoscale electrochemistry, and high-performance computational modeling and simulation.

This legislation also provides the necessary statutory direction and accountability for translational research in electricity storage, bridging the gap between fundamental science and private sector innovation.

H.R. 5640 focuses the Office of Energy Efficiency and Renewable Energy on early stage research that will not be

undertaken by the private sector. H.R. 5640 also outlines the Federal Government's role in research and development by prohibiting the use of this program's funds for the commercial application of energy technology.

The transformative breakthroughs in energy science achieved by researchers at our national labs will empower the private sector to develop innovative electricity storage technologies. The private sector is best suited to bring new battery technology to the commercial energy market.

By directing DOE to conduct this research using existing funds in the Office of Science and the EERE, this legislation ensures responsible use of limited tax dollars for basic research. In short, there is no new or additional spending in this bill.

Scientific research, like the work authorized in this Electricity Storage Innovation Act, requires a long-term commitment. While this groundbreaking science will eventually support the development of new, advanced energy technology by the private sector, Congress must ensure limited Federal dollars are spent wisely and efficiently. Federal research and development can build a foundation for the next major scientific breakthrough. As we shape the future of the Department of Energy, we must prioritize basic energy science and research that only the Federal Government has the resources and mission to pursue.

I want to thank my colleagues on the Science, Space, and Technology Committee for their bipartisan support of this important basic research initiative. I encourage all of my House colleagues to support this legislation tonight.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

I welcome the opportunity to do everything we can to advance research in electricity storage. Advanced battery technologies can improve the stability of our electric grid and greatly enhance our ability to efficiently use the wide range of clean energy resources that our country is lucky enough to have at our disposal.

This area of research could go a long way to addressing one of the most critical issues of our time: climate change. I appreciate the chairman's enthusiasm for moving as quickly as possible to combat this serious threat. However, I think we could have taken at least a little more time to make sure that we are doing this the right way before rushing this to the floor. Minority committee staff only saw early draft language of this bill a few weeks ago, and last Tuesday, the Department of Energy raised some significant concerns with the current bill.

Of particular concern is the bill's attempt to limit the initiative that it authorizes to basic research activities. As

we heard from every single witness at a hearing that the Science, Space, and Technology Committee held on this topic just a month ago, as well as from DOE, there is no clear boundary that divides basic and applied research. It is not realistic, and certainly goes against our general understanding of the scientific discovery and innovation, to try to confine the activities of our top researchers in this way. Moreover, this cuts against OMB's definition of the difference between basic and applied research, which actually depends on what these researchers had in mind when they were making their discoveries.

DOE noted that the activities ascribed in this bill would easily be considered applied research. So language attempting to restrict the initiative authorized in this bill to basic research activities could create an inherent conflict in its implementation. Mr. TAKANO offered an amendment in the committee to address the problem in our markup last week, but, unfortunately, it fell on deaf ears in the majority and was rejected. I do not believe that the issues the Department has raised are insurmountable, but I still believe that there was little reason to take this approach when there was ample opportunity to do this in a more bipartisan way.

That said, I do not oppose passage of this bill today in the hope that we can turn it into something we can all support in partnership with our friends in the Senate.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. WEBER), who is the chairman of the Energy Subcommittee.

Mr. WEBER of Texas. Mr. Speaker, I rise today in support of H.R. 5640, the Electricity Storage Innovation Act. This legislation directs the Department of Energy to focus on basic research that provides the foundation for technology breakthroughs in battery storage technology.

In the field of electricity storage research, there is a lot of excitement about more efficient batteries that could operate for longer durations under decreased charge times, but not enough people are asking about how we could design a battery system that moves more electrons at the atomic level—a key aspect to drastically increasing the efficiency or power in a battery. This transformational approach, known as multivalent ion intercalation, will use the foundational study of electrochemistry to build a better battery from the ground up.

Mr. Speaker, in Congress, we must take the long-term view. We must be patient. We must make smart investments in research that can lead to the next big discovery. H.R. 5640 authorizes the fundamental chemistry and materials research that can lead to advanced electricity storage technology and allows us to gain new knowledge



that could provide benefits across the economy. Pardon the pun, but that is our charge.

DOE must prioritize basic research over grants for technology that is ready for commercial deployment. When the government steps in to push today's technology in the energy market, it competes, Mr. Speaker, against private investors and uses limited taxpayer resources to do so. But when the government supports basic research and development, everyone has the opportunity to access that fundamental knowledge that can lead to the development of future energy technologies.

Mr. Speaker, I want to thank Chairman SMITH for introducing this important legislation to prioritize fundamental science research. I urge my colleagues to support this innovative, fiscally responsible legislation. You know I am right.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5640 authorizes innovative basic research that will lead to the next generation of electricity storage technology. By harnessing the expertise of our Nation's national labs and universities, we can lay the fundamental scientific groundwork for the private sector's development of new, transformative advanced batteries in the future.

I especially want to thank my colleagues on the Science, Space, and Technology Committee who have cosponsored H.R. 5640. They include DAN LIPINSKI, STEVE KNIGHT, RANDY NEUGEBAUER, BILL POSEY, RANDY HULTGREN, RANDY WEBER, JOHN MOOLENAAR, and BRIAN BABIN.

I also want to thank the dozens of researchers and stakeholders who provided feedback as we developed this legislation.

I want to reiterate that H.R. 5640 authorizes no new Federal spending.

Mr. Speaker, I urge the adoption of this commonsense, bipartisan legislation, which is part of Majority Leader MCCARTHY's Innovation Initiative.

Finally, Mr. Speaker, tonight we are considering four Science, Space, and Technology Committee bills, and I want to thank the staff members involved. They include, Chris Wydler, Molly Fromm, John Horton, Cliff Shannon, Sarah Jorgenson, Aaron Weston, Emily Domenech, and Ashley Smith, whose birthday is today.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in strong support of H.R. 5640, the "Electricity Storage Innovation Act," which is designed to expand knowledge to control, store, and convert electrical energy into chemical energy.

Energy is crucial to innovation and economic competitiveness in the global economy.

As a former long-time member of the House Science Committee, I am well-aware of the

challenges posed by electricity generation and storage.

At present, there is no ability to store electricity generated by our nation's power grid.

H.R. 5640 requires that the Electricity Storage Basic Research Initiative include research specific to multivalent ion materials in electric energy storage systems and electrochemistry modeling.

My preference for research legislation is to allow the science to lead and not place legislative mandates on what to research.

The legislation encourages multilateral and multidisciplinary research efforts between National Laboratories, universities, and the private sector to achieve milestones in advancing and modernizing electricity storage innovation.

H.R. 5640 specifically designates two subsections for innovation: (1) Electrochemistry Modeling and Simulation, and (2) Mesoscale Electrochemistry.

I strongly support the \$150 million in funding to expand theoretical and fundamental knowledge to control, store, and convert electrical energy into chemical energy.

Through this funding, innovation and scientific milestones can be made to bring America to the cutting edge of technological advancement.

H.R. 5640 is an important step in developing the technology needed to remain competitive in the global market of alternative energy.

I urge my colleagues to join me in supporting H.R. 5640.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 5640, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### SOLAR FUELS INNOVATION ACT

Mr. KNIGHT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5638) to provide for the establishment at the Department of Energy of a Solar Fuels Basic Research Initiative, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5638

*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 "Solar Fuels Innovation Act".

#### SEC. 2. SOLAR FUELS BASIC RESEARCH INITIATIVE.

(a) AMENDMENT.—Section 973 of the Energy Policy Act of 2005 (42 U.S.C. 16313) is amended to read as follows:

#### "SEC. 973. SOLAR FUELS BASIC RESEARCH INITIATIVE.

"(a) INITIATIVE.—

"(1) IN GENERAL.—The Secretary shall carry out a research initiative, to be known as the Solar Fuels Basic Research Initiative, to expand theoretical and fundamental knowledge of photochemistry, electrochemistry, biochemistry, and materials science useful for the practical development

of experimental systems to convert solar energy to chemical energy.

"(2) LEVERAGING.—The Secretary shall leverage expertise and resources from the Basic Energy Sciences Program and Biological and Environmental Research Program within the Office of Science, and the Office of Energy Efficiency and Renewable Energy, as provided under subsections (b) and (c).

"(3) TEAMS.—The Secretary shall organize activities under the Solar Fuels Basic Research Initiative to include multidisciplinary teams leveraging expertise from the National Laboratories, universities, and the private sector to the extent practicable. These multidisciplinary teams shall pursue aggressive, milestone-driven basic research goals. The Secretary shall provide sufficient resources for those teams to achieve those goals over a period of time to be determined by the Secretary.

"(4) ADDITIONAL ACTIVITIES.—The Secretary is authorized to organize additional activities under this subsection through Energy Frontier Research Centers, Energy Innovation Hubs, or other organizational structures.

"(b) ARTIFICIAL PHOTOSYNTHESIS.—

"(1) IN GENERAL.—The Secretary shall, as part of the Solar Fuels Basic Research Initiative, carry out a program to support research needed to bridge scientific barriers and discover knowledge relevant to artificial photosynthetic systems. In carrying out activities under this subsection, the Director of the Office of Basic Energy Sciences shall support basic research to pursue distinct lines of scientific inquiry, including photoinduced production of hydrogen and oxygen from water, and the sustainable photoinduced reduction of carbon dioxide to fuel products including hydrocarbons, alcohols, carbon monoxide, and natural gas. The Assistant Secretary for Energy Efficiency and Renewable Energy shall support translational research, development, and validation of physical concepts developed under this subsection.

"(2) STANDARD OF REVIEW.—The Secretary shall review the program activities under this subsection to determine the achievement of technical milestones.

"(3) AUTHORIZATION OF APPROPRIATIONS.—

"(A) AUTHORIZATION.—Subject to subsection (d), there are authorized for carrying out activities under this subsection for each of fiscal years 2017 through 2020—

"(i) \$50,000,000 from funds within the Basic Energy Sciences Program account; and

"(ii) \$25,000,000 from funds within the Energy Efficiency and Renewable Energy account.

"(B) PROHIBITION.—No funds authorized under this subsection may be obligated or expended for commercial application of energy technology.

"(c) BIOCHEMISTRY, REPLICATION OF NATURAL PHOTOSYNTHESIS, AND RELATED PROCESSES.—

"(1) IN GENERAL.—The Secretary shall, as part of the Solar Fuels Basic Research Initiative, carry out a program to support research needed to replicate natural photosynthetic processes by use of artificial photosynthetic components and materials. In carrying out activities under this subsection, the Director of the Office of Basic Energy Sciences shall support basic research to expand fundamental knowledge to replicate natural synthesis processes, including the photoinduced reduction of dinitrogen to ammonia, absorption of carbon dioxide from ambient air, molecular-based charge separation and storage, photoinitiated electron transfer, and catalysis in biological or biomimetic systems. The Associate Director of Biological and Environmental Research shall

support systems biology and genomics approaches to understand genetic and physiological pathways connected to photosynthetic mechanisms. The Assistant Secretary for Energy Efficiency and Renewable Energy shall support translational research, development, and validation of physical concepts developed under this subsection.

“(2) STANDARD OF REVIEW.—The Secretary shall review the program activities under this subsection to determine the achievement of technical milestones.

“(3) AUTHORIZATION OF APPROPRIATIONS.—

“(A) AUTHORIZATION.—Subject to subsection (d), there are authorized for carrying out activities under this subsection for each of fiscal years 2017 through 2020—

“(i) \$50,000,000 from funds within the Basic Energy Sciences Program and Biological and Environmental Research Program accounts; and

“(ii) \$25,000,000 from funds within the Energy Efficiency and Renewable Energy account.

“(B) PROHIBITION.—No funds authorized under this subsection may be obligated or expended for commercial application of energy technology.

“(d) FUNDING.—No additional funds are authorized to be appropriated under this section. This section shall be carried out using funds otherwise authorized by law.”

(b) TABLE OF CONTENTS AMENDMENT.—The item relating to section 973 in the table of contents of such Act is amended to read as follows:

“Sec. 973. Solar Fuels Basic Research Initiative.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. KNIGHT) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. KNIGHT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 5638, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. KNIGHT. Mr. Speaker, I yield myself such time as I may consume.

Today it is my honor and privilege to bring H.R. 5638, the Solar Fuels Innovation Act, to the House of Representatives with several of my colleagues.

This bill, the first solar R&D bill to be considered on the House floor this Congress, will advance the policies of the America COMPETES Act that passed the House last year and establish a basic research initiative and groundbreaking solar fuels.

The solar fuel process, also known as artificial photosynthesis, harnesses energy from sunlight to create a range of chemical fuels. Basic research in artificial photosynthesis and related research could lead to a solar fuels system that consolidates solar power and energy storage into a cohesive process and fundamentally change the way we extract energy from our natural resources. This would be a game changer for our country.

Scientists up and down the coast of California are undertaking this re-

search, from universities in southern California to Lawrence Berkeley National Laboratory in the bay area. Research authorized in this legislation could solve this key scientific challenge and open the door for American entrepreneurs to develop the next generation of solar technology.

The Solar Fuels Innovation Act will also enable universities and the DOE labs to train the next generation of scientists through a multidisciplinary approach, bringing together students in chemistry, physics, and materials science.

This legislation provides a framework for more coordination between basic research and early-stage translational research in solar fuels.

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H.R. 5638 refocuses the Office of Energy Efficiency and Renewable Energy on the early-stage research where the Federal Government can have the most significant impact.

H.R. 5638 reaffirms the Federal Government's key role in research and development.

This legislation is also fiscally responsible. By directing DOE to conduct this research using existing funds in the Office of Science and EERE, this legislation ensures the responsible use of limited tax dollars for the kind of research only the Federal Government has the tools to undertake.

Today, we hear a lot of enthusiasm for solar power. But far too often, we focus on today's technology, not the fundamentally new approach to renewable energy that is possible with this early-stage research.

In Congress, it is our responsibility to take the long-term view and be patient, making smart investments in research that can lead to the next big discovery.

DOE must focus on the kind of groundbreaking R&D that can lead to disruptive technology. Solar fuels could someday change the way we think about solar power.

I would like to thank my colleagues who joined me in introducing this bill and the many research institutions that offered letters of support.

I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

I support doing all we can to advance research in solar fuels. These technologies aim to produce fuels like hydrogen and hydrocarbons from a combination of sunlight, water, and carbon dioxide, and do this far more efficiently than nature's photosynthetic process. If we can figure out a way to make these technologies cost competitive, solar fuels have the potential to make a major contribution to reducing our dependence on oil and other traditional fossil fuels.

But as with the Electricity Storage Innovation Act, I believe we could have taken a little more time to do this in the right way. Last week, the Depart-

ment of Energy raised many of the same concerns with this bill that it had with the last one, including its attempt to arbitrarily legislate a bright line between “basic” and “applied” research when this is neither realistic nor helpful.

Further, I would note that there is absolutely nothing wrong with Federal support for so-called applied research. Indeed, my colleagues on the other side of the aisle have had no issue with supporting what would typically be called applied research and development when it dealt with nuclear technologies, oil and gas drilling technologies, or other fossil fuel technologies. Clean power technologies should be treated no differently.

That said, I do not oppose the passage of this bill today in the hope that we can turn it into something we can all support in partnership with our friends in the Senate.

I reserve the balance of my time.

Mr. KNIGHT. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SMITH), the chairman of the full committee.

Mr. SMITH of Texas. Mr. Speaker, I first want to thank the gentleman from California, Energy Subcommittee Vice Chairman KNIGHT, for yielding me time on H.R. 5638, the Solar Fuels Innovation Act.

This legislation provides necessary statutory authority and direction to the Department of Energy's groundbreaking solar fuels research program. I appreciate Vice Chairman Knight developing and introducing this legislation, which is the product of the Science, Space, and Technology Committee's hearings, oversight, and stakeholder outreach.

Research to create fuels from the Sun, also known as artificial photosynthesis and photosynthesis replication, relies heavily on the study of advanced chemistry and materials science. By prioritizing these areas of fundamental physical science, researchers at our national labs and universities across the country can develop processes that take energy from sunlight and create a range of chemical fuels. This basic research could provide the scientific and technical underpinnings for the private sector to develop solar fuel systems that eliminate the problem of the intermittency of direct solar energy and make it a reliable power source for chemical fuels production.

H.R. 5638 authorizes the Secretary of Energy to carry out a targeted basic research initiative on photochemistry, electrochemistry, biochemistry, and the materials science necessary to develop the complex systems to convert sunlight into usable and storable fuels.

H.R. 5638 focuses the Office of Energy Efficiency and Renewable Energy on early-stage research that will not be undertaken by the private sector. DOE must focus on this kind of groundbreaking R&D while the private sector is responsible for finding ways to deploy innovative technology in the commercial energy market.

The Federal Government does not have unlimited resources to pursue every technology innovation. By directing DOE to conduct this research using only existing funds in the Office of Science and EERE, the legislation redirects currently authorized funds. The Department of Energy has the capability and knowledge to lead on this type of long-term basic research. This groundbreaking science can lead to the development of innovative advanced energy technologies by the private sector.

Again, I want to thank Vice Chairman KNIGHT and both my Republican and Democratic colleagues on the Science, Space, and Technology Committee for supporting this basic research initiative in solar fuels.

As part of Leader MCCARTHY's Innovation Initiative, this legislation deserves the support of our House colleagues.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. KNIGHT. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. WEBER), the chairman of the Energy Subcommittee.

Mr. WEBER of Texas. Mr. Speaker, I thank the gentleman from California for yielding.

Mr. Speaker, I rise today in support of H.R. 5638, the Solar Fuels Innovation Act.

This legislation directs the Department of Energy to focus on basic research that provides the foundation for our technology breakthroughs. Our aim is to shed a little sunlight on this process. As for the solar fuel process, also known as artificial photosynthesis, new materials and catalysts will be needed to be developed through basic research before the private sector will ever be able to develop a commercial solar fuels system.

If this research yields the right materials, Mr. Speaker, scientists might create a system that could consolidate solar power and energy storage into a cohesive process. This would potentially remove the intermittency of solar energy and make it a reliable power source for chemical fuels production. Folks, this is a game changer.

Last month, we held a hearing in the Energy Subcommittee that I chair in order to examine this critical research. We heard from a panel of experts on America's basic research portfolio, which provides the foundation for development of solar fuels through the study of chemistry and advanced materials.

I want to thank my colleague, Mr. KNIGHT, the vice chairman of the Energy Subcommittee, for introducing this important legislation.

I am also pleased that this legislation directs research within existing funds appropriated by Congress and does not authorize any new spending. Let me repeat: does not authorize any new spending.

Mr. Speaker, we have limited Federal resources for research and develop-

ment, and it is our responsibility to ensure that those are spent wisely, on basic research that can provide benefits across the entire United States economy.

I urge my colleagues to support this innovative fiscally responsible legislation. You know I am right.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. KNIGHT. Mr. Speaker, I yield myself such time as I may consume.

H.R. 5638 authorizes innovative basic research that will lead to groundbreaking technology in solar fuels.

By harnessing the expertise of our Nation's national labs and universities, now we can lay the fundamental scientific groundwork for the private sector's development of advanced solar fuels technology in the future. This could fundamentally change the way we extract energy from our natural resources.

I want to thank Chairman SMITH and my other colleagues on the Science, Space, and Technology Committee who have cosponsored H.R. 5638, including DAN LIPINSKI, RANDY NEUGEBAUER, BILL POSEY, RANDY HULTGREN, RANDY WEBER, BRIAN BABIN, and JOHN MOOLENAAR. I also want to thank the dozens of researchers and stakeholders who provided feedback as we developed this legislation.

Finally, I want to reiterate that H.R. 5638 authorizes no new Federal spending. I think we got that from Chairman WEBER. The bill reads: "No additional funds are authorized to be appropriated under this section. This section shall be carried out using funds otherwise authorized by law."

I urge the adoption of this common-sense, bipartisan legislation, which is part of Leader MCCARTHY's Innovation Initiative.

I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in strong support of H.R. 5638, the "Solar Fuels Innovation Act," bipartisan legislation that establishes the Solar Fuels Basic Research Initiative at the Department of Energy.

As a former long-time member of the House Science Committee, I am well aware of the challenges posed by solar power generation.

In our diversified and globalized economy, it is critical to invest in innovative solar power research to ensure energy independence of the United States.

According to the most recent report by the International Energy Agency in 2014, the United States was fifth in solar power production.

The United States produced 18,317 megawatts of solar power in 2014.

The United States has more land space to harness solar power than some of the countries currently surpassing us, which includes Italy, Japan, and Germany.

H.R. 5638 authorizes the Secretary of Energy to implement the Solar Fuels Basic Research Initiative to expand the scientific knowledge of photochemistry, biochemistry, electrochemistry, and materials science needed to convert solar energy to chemical energy.

The legislation encourages multilateral and multidisciplinary research efforts between National Laboratories, universities, and the private sector to achieve milestones in advancing and modernizing solar power research.

H.R. 5638 specifically designates two subsections for innovation: (1) Artificial Photosynthesis, and (2) Biochemistry, Replication of Natural Photosynthesis and Related Processes.

The bill authorizes \$150 million for each subsection of fiscal years 2017 through 2020.

H.R. 5638 also authorizes the same amount and division of funding amount to the "Biochemistry, Replication of Natural Photosynthesis and Related Processes" subcategory.

Mr. Speaker, this innovative legislation will help ensure that America remains a leader on the cutting edge of technological advancement.

I urge my colleagues to join me in supporting H.R. 5638.

The SPEAKER pro tempore (Mr. WEBER of Texas). The question is on the motion offered by the gentleman from California (Mr. KNIGHT) that the House suspend the rules and pass the bill, H.R. 5638, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### SEPARATION OF POWERS RESTORATION ACT OF 2016

The SPEAKER pro tempore. Pursuant to House Resolution 796 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. 4768.

Will the gentleman from Michigan (Mr. MOOLENAAR) kindly take the chair.

□ 2027

#### 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. 4768) to amend title 5, United States Code, with respect to the judicial review of agency interpretations of statutory and regulatory provisions, with Mr. MOOLENAAR (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, all time for general debate had 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 the amendment in the nature of a substitute recommended by the Committee on the Judiciary, printed in the bill. The committee amendment in the nature of a substitute shall be considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 4768

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 "Separation of Powers Restoration Act of 2016".

**SEC. 2. JUDICIAL REVIEW OF STATUTORY AND REGULATORY INTERPRETATIONS.**

Section 706 of title 5, United States Code, is amended—

(1) by striking "To the extent necessary" and inserting "(a) To the extent necessary";

(2) by striking "decide all relevant questions of law, interpret constitutional and statutory provisions, and";

(3) by inserting after "of the terms of an agency action" the following "and decide de novo all relevant questions of law, including the interpretation of constitutional and statutory provisions, and rules made by agencies. Notwithstanding any other provision of law, this subsection shall apply in any action for judicial review of agency action authorized under any provision of law. No law may exempt any such civil action from the application of this section except by specific reference to this section"; and

(4) by striking "The reviewing court shall—" and inserting the following:

"(b) The reviewing court shall—".

The Acting CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in House Report 114-641. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered 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 MR. JOHNSON OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 114-641.

Mr. JOHNSON of Georgia. Mr. Chairman, as the designee of the gentleman from Michigan (Mr. CONYERS), I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 11, insert after "extent necessary" the following "and except as otherwise provided in this section".

Page 4, line 3, insert after the period at the end the following:

**SEC. 3. EXCEPTED RULES.**

Section 706 of title 5, United States Code, as amended by this Act, is further amended by adding at the end the following:

"(c) In the case of a rule made by the Administrator of the Environmental Protection Agency pertaining to regulation of lead or copper in drinking water, to the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action."

The Acting CHAIR. Pursuant to House Resolution 796, the gentleman from Georgia (Mr. JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. JOHNSON of Georgia. Mr. Chair, the Conyers amendment would exempt from H.R. 4768, the Separation of Powers Restoration Act of 2016, regulations promulgated by the Environmental Protection Agency that protect drinking water from lead and copper contamination.

□ 2030

The Conyers amendment does not address a hypothetical concern. The recent lead-contaminated water crisis that occurred in Flint, Michigan, is only the latest in a history of cases of contaminated drinking water.

Without question, the Flint crisis was a preventable public health disaster. The lead contamination occurred because an unelected and unaccountable emergency manager decided to switch the city's water source to the Flint River without there being the benefit of proper corrosion control. As a result, corrosive water leached highly toxic lead from residents' water pipes, exposing thousands of children to lead, which, in turn, can cause permanent developmental damage.

While much of the blame for the Flint water crisis rests with unelected bureaucrats who prioritized saving money over saving lives, the presence of lead in drinking water is not unique to Flint. The drinking water of potentially millions of Americans may be contaminated by lead. In fact, just last month, elevated lead levels were detected in the drinking water supplied to the Cannon House Office Building right here on Capitol Hill.

It is a commonsense amendment, and it is a common sense that urgent rulemakings, such as the EPA's proposed revisions to its Lead and Copper Rule, must not be impeded or delayed by measures such as H.R. 4768. Even before the Flint water crisis, the Agency had begun the process of updating this Rule, which was originally promulgated in 1991 after years of analysis.

Rather than hastening this rulemaking, however, H.R. 4768 would have the opposite effect. The bill would empower well-funded business interests to seek the judicial review of any regulation they opposed by a generalist, politically unaccountable court that lacks the requisite scientific or technical knowledge. The court could then make its own, independent determination based on its nonexpert views and limited information as to whether the Agency's proposed regulation is warranted.

The Conyers amendment simply preserves longstanding legal doctrine in cases involving the review of regulations that are designed to prevent the contamination of drinking water by lead and copper.

It is critical that Americans have access to safe drinking water, and we must not hinder the ability of Federal agencies, such as the EPA, to prevent future lead contamination crises, as occurred in Flint. Federal judges, who are constitutionally insulated from po-

litical accountability, should not have the power to second-guess the Agency's experts concerning the appropriateness of highly technical regulations that are crucial to protecting the health and safety of millions of Americans.

Accordingly, I urge my colleagues to support the Conyers amendment.

Mr. Chair, I yield back the balance of my time.

Mr. RATCLIFFE. Mr. Chair, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. RATCLIFFE. Mr. Chair, the amendment carves out of the bill regulations on lead and copper in drinking water. In so doing, it would preserve unelected bureaucrats' broad discretion to impose on the public overreaching statutory and regulatory interpretations in this policy area. This amendment would all but guarantee that these unaccountable bureaucrats won't have to worry any more than they do right now about courts checking on their self-serving interpretations. It would let agencies get away with just as much as they do right now in basing overreaching regulations on tortured interpretations of existing statutes instead of coming to Congress for new legislation because the plain terms of existing law really don't support what they want to do.

In short, the amendment seeks to perpetuate the Chevron and our doctrine's weakening of the separation of powers, a weakening that threatens liberty and that undermines the accountable government of, by, and for the people.

Mr. Chair, no one denies that drinking water regulation is important, but no area of regulation is so important that it should allow unelected bureaucrats to avoid a vigorous system of checks and balances that our Framers intended, a system that this bill would restore. Bureaucrats should know that they will face vigorous judicial checks and balances when they act so that they have the strongest incentives to offer the best possible statutory and regulatory grounds for their actions and to carry out the most responsible and fair enforcement possible.

I urge my colleagues to oppose the amendment.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. JOHNSON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. JOHNSON of Georgia. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. JOHNSON OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 114-641.

Mr. JOHNSON of Georgia. Mr. Chair, I rise as the designee of the gentlewoman from Texas (Ms. JACKSON LEE), who has an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 11, insert after “extent necessary” the following “, and except as otherwise provided in this section”.

Page 4, line 3, insert after the period at the end the following:

**SEC. 3. EXCEPTED RULES.**

Section 706 of title 5, United States Code, as amended by this Act, is further amended by adding at the end the following:

“(c) In the case of a rule made by the Secretary of Homeland Security pertaining to any matter of national security, to the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action.”.

The Acting CHAIR. Pursuant to House Resolution 796, the gentleman from Georgia (Mr. JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. JOHNSON of Georgia. Mr. Chair, I yield to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. I thank the gentleman from Georgia for standing as the amendment was being called up.

Mr. Chair, I am on the floor. This is the Jackson Lee amendment. I hope the RECORD reflects it and corrects that I am here. The RECORD should be corrected.

This is an amendment that deals with homeland security, and it reflects my general debate statement that there are some restraints that this particular legislation has that are not well suited for the needs of the American people. In this instance, this particular amendment deals with homeland security and the agency rules and regulations that are issued by the Department of Homeland Security.

As currently drafted, H.R. 4768 would shift the scope and authority of the judicial review of agency actions away from Federal agencies by amending section 706 of the APA to require that courts decide all relevant questions of law, including all questions of interpretation of constitutional statutory and regulatory provisions on a de novo basis without deference to the agency that promulgated the final rule.

I am concerned about the ability of agencies to act in times of imminent need to protect citizens, in particular, dealing with homeland security and the very climate, Mr. Chair, that we are in as we speak.

The Jackson Lee amendment is a simple, but necessary, revision that would remedy this concern by excluding from the bill cases with rules that are made by the Secretary of Homeland Security and that pertain to any matter of national security.

Why can there not be a bipartisan assessment and accepting of this particular amendment that deals with the core of our responsibilities as President, as the executive, and then as Congress?

We are destined to be able to secure the security of America. Our courts, particularly the Federal courts, are to uphold the constitutional authority that is given to the Federal Government under the Constitution. The instance, certainly, of national security—the protecting of this Nation—is one of those.

The Constitution begins by saying that we have organized to create a more perfect Union. The Declaration of Independence, which is not part of the Constitution, indicates the inalienable rights of life, liberty, and the pursuit of happiness.

Liberty is certainly part of security, and I am dismayed by this legislation—this onerous burden of having a de novo review of the Homeland Security rule to protect the American people. We should have learned our lesson after 9/11 for those of us who were here in the United States Congress.

This is no reflection on the good intent of my colleague from Texas. I know his intentions are well, but I was here during 9/11. I was in this building. I was chased, if you will, by the horrors of those who were screaming “get out” of the Capitol of the United States with no knowledge. Yes, Mr. Chair, as I ran out with other colleagues, leaving shoes behind and literally running on one foot versus two feet, I could see the billowing smoke from the Pentagon.

What was in the air was the question of: Is it the White House next? Is it the State Department next? Is it my hometown of Houston—the energy capital, in essence, of the world?

These are the questions of security that the American people realize are real. And certainly in the backdrop of these tragic mass shootings and the involvement of the Homeland Security Department, I can make the very strong point that the Jackson Lee amendment is an amendment that should be considered seriously because a de novo review on a Homeland Security regulation is a difficult process to take in light of the responsibilities of national security.

My amendment would keep in place the appropriate and needed expertise and specialized abilities of the Department of Homeland Security to make the rules and regulations that are necessary for our Nation’s security; so I ask my colleagues to support the Jackson Lee amendment.

Mr. Chair, I would like to thank Chairman SESSIONS and Ranking Member SLAUGHTER for making my amendment in order.

The Jackson Lee Amendment Number 2 exempts from the bill rules issued by the Department of Homeland Security.

H.R. 4768 purports to address constitutional and statutory deficiencies in the judicial review of agency rulemaking.

As currently drafted H.R. 4768 would shift the scope and authority of judicial review of

agency actions away from federal agencies by amending Section 706 of the Administrative Procedures Act (APA) to “require that courts decide all relevant questions of law, including all questions of interpretation of constitutional, statutory, and regulatory provisions, on a de novo basis without deference to the agency that promulgated the final rule”.

Effectively, H.R. 4768 would abolish judicial deference to agencies’ statutory interpretations in federal rulemaking and create harmful and costly burdens to the administrative process.

Mr. Chair, I am concerned about the ability for agencies to act in times of imminent need to protect citizens.

In particular, H.R. 4768 would make sweeping and dangerous changes that would jeopardize the ability of the Department of Homeland Security to protect our nation in times of urgent and imminent need.

The Jackson Lee Amendment Number 2 is a simple but necessary revision that would remedy this concern by excluding from the bill cases with rules made by the Secretary of Homeland Security and pertaining to any matter of national security.

As a Senior Member of the Homeland Security Committee, I understand the many challenges the Department of the Homeland Security (DHS) already faces and its critically important role in preventing terror threats and keeping Americans safe.

The Department is the first line of defense in protecting the nation and leading recovery efforts from all-hazards and threats which include everything from weapons of mass destruction to natural disasters.

We do not need to be reminded of the heightened state of security we are now in and the ever-increasing demands imposed upon our government agencies tasked with keeping our borders and citizens safe.

Now is not the time to undermine or slow the ability of DHS and its ability to address growing threats and active acts of terrorism.

For the past 70 years the APA has served and guided administrative agencies and the affected public in a manner that is flexible enough to accommodate the variety of agencies operating under it inclusive of changes through time.

The overall mission of DHS is too critical and its functions indispensably essential, such that it would be impugned to do anything that will slow down the process that allows DHS to do its job.

The Jackson Lee Amendment Number 2 would keep in place the appropriate and needed expertise and specialized abilities of the Department of Homeland Security to make rules and regulations necessary for our nation’s security.

I urge my colleagues to support the Jackson Lee Amendment Number 2.

Mr. RATCLIFFE. Mr. Chair, I rise in opposition to the gentlewoman’s amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. RATCLIFFE. Mr. Chair, while I respect the gentlewoman’s service and the spirit in which she offers this amendment, this amendment carves out of the bill national security regulations from the Department of Homeland Security. As we all know, Mr. Chair, the Department of Homeland Security is an agency that has a long

record of significant, unconstitutional regulatory overreach. To that end, we should be strengthening the courts' ability to check that, not weakening it, as the gentlewoman's amendment would do.

Again, no area of regulation is so important that we should allow unelected bureaucrats to avoid the vigorous system of checks and balances that our Framers intended and that this bill would restore; so I urge opposition to this amendment.

Mr. Chair, I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Chair, I yield the balance of my time to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Chair, I thank the gentleman for claiming the time, but I do want the RECORD to reflect that this is a Jackson Lee amendment. However the RECORD can correct it, I desire for it to do so.

This amendment is in keeping with Justice Scalia, who was an aggressively vocal supporter of the Chevron deference during his career. It is an indication of just how broad and mainstream the support is for maintaining such deference, and that is deference to the agencies and their reviews and their expertise.

With the de novo scenario that this bill provides for, in spite of its alleged exemptions of national security issues, there is a vast level of responsibility of the Homeland Security Department. Frankly, all of its work comes under the context of regular order for protecting the American people—from immigration issues, to policing issues, to Secret Service—and many of these should not be tampered with by a de novo review of the regulatory scheme that they will be putting forward.

I ask my colleagues to support the Jackson Lee amendment to secure the Nation.

Mr. JOHNSON of Georgia. Mr. Chair, I yield back the balance of my time.

Mr. RATCLIFFE. Mr. Chair, the Chevron doctrine is the primary driver of regulatory overreach. It should be overturned. This bill would do that; so I oppose this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. JOHNSON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. JOHNSON of Georgia. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

□ 2045

PARLIAMENTARY INQUIRY

Ms. JACKSON LEE. Mr. Chair, I have a parliamentary inquiry.

The Acting CHAIR. The gentlewoman from Texas will state her parliamentary inquiry.

Ms. JACKSON LEE. Mr. Chair, am I able to request a unanimous consent to make that the amendment from Jackson Lee?

The Acting CHAIR. The Chair would not entertain that request in the Committee of the Whole.

AMENDMENT NO. 3 OFFERED BY MR. MEEKS

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 114-641.

Mr. MEEKS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 11, insert after "extent necessary" the following ":", and except as otherwise provided in this section".

Page 4, line 3, insert after the period at the end the following:

SEC. 3. EXCEPTED RULES.

Section 706 of title 5, United States Code, as amended by this Act, is further amended by adding at the end the following:

"(c) In the case of a rule made by the Secretary of Housing and Urban Development, to the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action."

The Acting CHAIR. Pursuant to House Resolution 796, the gentleman from New York (Mr. MEEKS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. MEEKS. Mr. Chairman, let me start by saying straight out that I do not support the underlying bill.

I encourage my colleagues to support my amendment that would lessen the negative budget impact of this bill and exempt any rules issued by the Department of Housing and Urban Development from additional judicial review and delay. I think this is important for all of us in the House, whether we be Democrats or Republicans.

First, in dealing with the overall bill, it would severely hamstring and weaken our country's regulatory agencies. Dating back more than 100 years, regulatory agencies have executed congressional directives or identified public problems and fixed them utilizing their agency's expertise. This bill undercuts agencies' ability to do both of those things. It also throws out of balance our systems of checks and balances.

Recently, we witnessed a public health crisis in Flint, Michigan, where thousands did not have access to safe, potable drinking water.

Is the natural response to this crisis to hinder the very agencies who are supposed to protect the public?

It is not the natural response. It is the wrong response.

We shouldn't tie the hands of the Environmental Protection Agency, the Department of Health and Human Services, and other agencies whose main objective is to protect our citizens. In attacking Federal agencies

that protect the public with safeguards, my colleagues on the other side of the aisle are actually attacking the public interest.

One of these agencies that advances the public interest is the United States Department of Housing and Urban Development, better known as HUD. HUD provides rental assistance, affordable housing, and community development block grants, all of which are enormously important for people throughout our great Nation. I grew up in public housing, so I know the importance of programs that put a roof over a family's head. Also, community development block grants are helping to rebuild cities like New York in the wake of Superstorm Sandy, which devastated so many families.

Furthermore, HUD prevents discrimination in housing and in lending. It ensures that landlords cannot deny housing to someone based on his or her race, religion, national origin, or disability. HUD also helps low-income families secure housing. Prospective buyers receive HUD assistance when buying their first home, which is oftentimes the biggest investment they will make in their lifetime. HUD, therefore, offers the opportunity for wealth accumulation and gives folks the pride that comes along with owning a home. Indeed, HUD keeps the American Dream of home ownership alive.

For our veterans, who have served their Nation with honor and deserve our unending support, HUD helps them secure housing. HUD provides homeless individuals with necessary resources to help them overcome homelessness. Individuals who suffer domestic violence also receive assistance from HUD, and we must continue to provide these victims with a safe space, protected from their abusers.

All of these populations deserve continual and robust support from HUD and our Federal Government. These are just a few examples of the impact of HUD's work and all of the people it helps. I could honestly say that it is one of the most visible and beneficial agencies that serves all of our constituents.

So I am a supporter of HUD, and I believe in all of its good work. I offer my amendment to protect HUD, as it has protected so many Americans and their families. My amendment would exempt rules issued by HUD from being included in this bill. I encourage my colleagues to vote for my amendment to relieve HUD from these foolish attacks.

I reserve the balance of my time.

Mr. RATCLIFFE. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. RATCLIFFE. Mr. Chairman, I oppose the amendment. This is an amendment which carves out of the bill regulations issued by the Department of Housing and Urban Development.

Mr. Chairman, there is no basis upon which to single out HUD as an agency

to which courts should defer on questions of statutory and regulatory interpretation. To the contrary, HUD has proven that it can overreach just as egregiously, just as oppressively as any other agency, and, therefore, needs just as strong a check and balance from the courts like any other agency.

Mr. Chairman, like too many of its sister agencies, HUD is attempting to use Federal regulation to unconstitutionally assert control over wide swaths of American life. To see this, one need look no further than HUD's controversial regulation in 2015 that threatens to federalize local zoning authority. That regulation would withhold Federal funding if municipalities all across the land don't actively work to change residential patterns that don't conform to the desires of HUD bureaucrats.

The regulation is a major extension of HUD's authority. It challenges local, neutral zoning policies merely because they produce uneven effects across population groups. And the use of the withholding of Federal funds to make localities knuckle under to HUD's dictates is an attempt to extort local communities into giving up control of local zoning decisions that have traditionally been theirs under the Constitution.

A decision like HUD's is precisely the kind of decision in a democracy that should be made by accountable, elected representatives of the people, not by the fiat of bureaucrats emboldened by smug claims to Chevron deference from the courts.

I urge my colleagues to oppose this amendment.

I reserve the balance of my time.

Mr. MEEKS. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from New York has 30 seconds remaining.

Mr. MEEKS. Mr. Chairman, let me say, first of all, this bill is not going anywhere, fortunately, because this deceptively named Separation of Powers Restoration Act is something that really would hurt America and the American people.

So I urge to let's make the bill better by passing my amendment and other amendments that you have heard earlier. But the underlying bill is a bad bill. It is bad for our people, and we should vote "no" on the underlying bill also.

I yield back the balance of my time.

Mr. RATCLIFFE. Mr. Chairman, I urge my colleagues to oppose this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. MEEKS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MEEKS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further pro-

ceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. JOHNSON OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 114-641.

Mr. JOHNSON of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 11, insert after "extent necessary" the following ":", and except as otherwise provided in this section".

Page 4, line 3, insert after the period at the end the following:

**SEC. 3. EXCEPTED RULES.**

Section 706 of title 5, United States Code, as amended by this Act, is further amended by adding at the end the following:

"(c) In the case of a rule made pursuant to an explicit grant of authority in any statute, to the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action."

The Acting CHAIR. Pursuant to House Resolution 796, the gentleman from Georgia (Mr. JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise in support of my amendment, which exempts from the bill rules issued by agencies pursuant to their express statutory authority.

H.R. 4768 is a misguided and dangerous bill that simply does not understand courts must always give effect to clearly expressed congressional intent under current law.

H.R. 4768 would dismantle decades of judicial practice and establish generalist courts as super-regulators with sweeping authority over the outcome, and perhaps even substance, of agency rulemaking even where Congress expressly grants authority for agency action.

At the subcommittee hearing on the bill, the majority's own witness, Professor Jack Beermann, testified that the bill "may go too far" by disabling "reviewing courts from taking into account the views of an administering agency on questions of statutory interpretation."

Professor Beermann expressed additional concerns that H.R. 4768 may frustrate Congress' intent for highly technical areas in which Congress expects an agency to apply its expertise.

Furthermore, as Professor Beermann testified, in areas where Congress expressly grants authority for an agency to undertake an action, such as defining a term, H.R. 4768 would represent a "fundamental shift in authority" while making it difficult for Congress to allow deference where appropriate.

The late-Justice Scalia held a similar view on judicial deference. Writing for

the majority in the City of Arlington, Texas v. FCC, Justice Scalia argued that requiring a de novo review of every agency rule without any standards to guide this review would result in an "open-ended hunt for congressional intent," rendering the binding effect of agency rules unpredictable and eviscerating "the whole stabilizing purpose of Chevron. The excessive agency power that the dissent fears would be replaced by chaos."

In recognition of these concerns, my amendment would exempt from the bill agency rules promulgated in response to a clear and unequivocal mandate from Congress. Without my amendment and notwithstanding the endearing title of the bill, H.R. 4768 would create countervailing separation of powers concerns by casting aside Congress' role in shaping agency rules in favor of judicial activism.

As a group of our Nation's leading administrative law experts have observed, H.R. 4768 is disruptive to the careful equilibrium that the full body of administrative law doctrine seeks to achieve. Administrative law is not perfect, but this bill tilts too strongly in favor of judicial power at the expense of the other two branches. In other words, the likely outcome of enacting this unwise proposal would be more power in the hands of a single branch of government that is unelected and unaccountable to the people.

This policy concern is the very foundation of the Chevron doctrine. As the Court noted in Chevron, judges "are not experts in the field, and are not part of either political branch of the Government."

H.R. 4768 is not a new idea, but it is a bad idea. Congress considered and rejected a proposal such as this over three decades ago. It wasn't a good idea then, and it is a worse idea now.

I reserve the balance of my time.

Mr. RATCLIFFE. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. RATCLIFFE. Mr. Chairman, I oppose this amendment. It is an amendment which carves out of my bill agency action based on statutes that expressly grant agency discretion.

As agencies seek to act within areas of statutory discretion, courts are more than able, more than qualified to determine responsibly whether the agencies have, in fact, acted within their discretion.

Furthermore, Mr. Chairman, it is imperative that courts no longer defer to agencies, in defining as a matter of statutory interpretation, precisely what the limits of that discretion are. Otherwise, self-serving, unelected, and unaccountable bureaucrats will continue to interpret statutes in such a way as to intentionally empower agency overreach, and the courts will continue to stand idly by and let them get away with it.

I urge my colleagues to oppose this amendment.

I reserve the balance of my time.

□ 2100

Mr. JOHNSON of Georgia. Mr. Chairman, I yield back the balance of my time.

Mr. RATCLIFFE. I will again urge opposition to the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. JOHNSON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. JOHNSON of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

VACATING DEMAND FOR RECORDED VOTE ON AMENDMENT NO. 2 OFFERED BY MR. JOHNSON OF GEORGIA

Mr. JOHNSON of Georgia. Mr. Chairman, I ask unanimous consent that the request for a recorded vote on amendment No. 2 be withdrawn to the end that the amendment stand disposed of by voice vote. That was the amendment that was originally styled the Jackson Lee amendment No. 2, which I was asked to present by designation.

The Acting CHAIR. The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The Acting CHAIR. Without objection, the request for a recorded vote is withdrawn. Accordingly, the "noes" have it, and the amendment is not agreed to.

There was no objection.

AMENDMENT NO. 5 OFFERED BY MR. JOHNSON OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 114-641.

Mr. JOHNSON of Georgia. Mr. Chairman, as the designee of the gentleman from Rhode Island (Mr. CICILLINE), I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 11, insert after "extent necessary" the following "and except as otherwise provided in this section".

Page 4, line 3, insert after the period at the end the following:

**SEC. 3. EXCEPTED RULES.**

Section 706 of title 5, United States Code, as amended by this Act, is further amended by adding at the end the following:

"(c) In the case of a rule made by the Commissioner of Food and Drugs of the Food and Drug Administration that pertains to consumer safety, to the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action."

The Acting CHAIR. Pursuant to House Resolution 796, the gentleman from Georgia (Mr. JOHNSON) and a

Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. JOHNSON of Georgia. Mr. Chairman, this amendment would exempt from the bill any rule issued by the Food and Drug Administration that pertains to consumer safety. This amendment is necessary to safeguard the public health and safety of American consumers from the bill's burdensome regulatory framework, which would significantly delay or prevent critical rules that protect public health and safety from being issued by the FDA.

Just recently, the FDA finally implemented the bipartisan FDA Food Safety Modernization Act, which was passed by Congress and signed into law by President Obama in 2011, representing the most substantial reform to food safety in over 70 years.

According to the Centers for Disease Control, one in six Americans gets sick every year from foodborne diseases. That is 48 million people yearly. Of these 48 million people, 3,000 every year die from diseases that are largely preventable. Under authority and clear regulatory framework achieved by the Food Safety Modernization Act, the FDA's finalized rules will prevent foodborne illnesses and outbreaks associated with contaminated produce among other important protections.

In its letter opposing H.R. 4768, the Coalition for Sensible Safeguards, which represents more than 150 labor, food, and health safety and environmental public interest groups, notes that H.R. 4768 will lead to "regulatory paralysis," particularly for rules related to the food safety sector.

Without this amendment, rules protecting the public's food supply at best would be delayed for months or even years, causing substantial confusion and delay in all agency rulemaking. At worst, the bill gives generalist courts unbridled discretion to make substantive determinations concerning agencies' statutory authority. I ask my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. RATCLIFFE. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. RATCLIFFE. Mr. Chairman, I oppose this amendment, which carves out of the bill consumer safety regulations from the Food and Drug Administration. While this is an important area of regulation, unfortunately, it is yet another area which has been riddled with bureaucratic overreach by unelected, unaccountable bureaucrats and their erroneous whims and political agendas.

Mr. Chairman, we should strengthen the courts' ability to check these types of overreaching and erroneous statutory and regulatory interpretations, not weaken them, as this amendment would do.

I urge opposition to the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Chairman, I include in the RECORD a July 11 letter from the Union of Concerned Scientists and also a July 5 letter from the AFL-CIO, both opposing H.R. 4768, the so-called Separation of Powers Restoration Act of 2016.

UNION OF CONCERNED SCIENTISTS,

July 11, 2016.

DEAR REPRESENTATIVE: The Center for Science and Democracy at the Union of Concerned Scientists, representing more than 500,000 members and supporters across the country, strongly opposes H.R. 4768, the deceptively named "Separation of Powers Restoration Act."

This misguided legislation would abolish agency deference, a well-established framework under *Chevron U.S.A., Inc. v. Natural Resources Defense Council*, which allows federal agencies that have the scientific and technical expertise, to interpret and administer laws passed by Congress.

Instead, H.R. 4768 would undermine the scientific expertise at federal agencies. Courts should be deferring to technical experts at agencies to help actualize our landmark public health, safety, and environmental laws, all of which are grounded in the use of science. If agency deference is abandoned, then the use of scientific analysis and evidence in policymaking would be severely restricted.

Furthermore, by placing important science-based public health, safety, and environmental policy decisions in the hands of judges who lack specialized knowledge of the technical aspects of the issues agencies must deal with, there may in fact be an increase in regulatory uncertainty for all stakeholders.

What H.R. 4768 really seeks to do is subvert well-established legal norms that govern the development and implementation of science-based safeguards that are vital to protecting the health and safety of Americans, especially communities of color and low income communities, who often face the biggest public health, safety, and environmental threats. Vulnerable communities and populations stand to lose the most when the process to enact these safeguards is crippled, exacerbating long standing inequity.

Congress writes the laws to ensure access to clean air and water, safe consumer products, and untainted food and drugs. Federal agencies fulfill those mandates and have the necessary scientific expertise to do so. If Congress believes that an agency is misinterpreting the intent of a statute, it has the power to enact new legislation to establish clear and precise criteria and boundaries for the executive to carry out. This is the common-sense approach.

We urge Congress to improve the use of science in our federal policymaking, and work to strengthen science-based safeguards, not undermine them.

This harmful legislation would give judges the ability to override scientific expertise and the administrative record and instead substitute their own inexpert views with limited information. We strongly urge a no vote on H.R. 4768. It is just another recipe for stymieing science-based safeguards and does not deserve your support.

Sincerely,

ANDREW A. ROSENBERG,  
PH.D.,  
Director, Center for  
Science and Democracy,  
Union of Concerned Scientists.



JULY 5, 2016.

Re Opposition to H.R. 4768, the so-called "Separation of Powers Restoration Act of 2016"

DEAR REPRESENTATIVE: On behalf of our millions of members, activists, and supporters nationwide we, the undersigned organizations, urge you to oppose H.R. 4768, the so-called "Separation of Powers Restoration Act of 2016". The bill is flawed and harmful and should not become law. Deference to reasonable agency interpretations of statutes pursuant to *Chevron U.S.A., Inc., v. NRDC*, 467 U.S. 837 (1984), is a longstanding and well-understood framework for judicial review that acknowledges the appropriate powers of the three constitutional branches in enacting, administering, and interpreting statutes. The bill is an attempt to abandon this framework and upend more than 30 years of well-established administrative law.

H.R. 4768 is motivated by a desire to transfer to judges statutory implementation power that Congress has previously delegated to the executive branch. Congress has the power to enact clear, prescriptive laws that establish criteria and boundaries around agency implementation of statutes. If Congress perceives the executive branch to be implementing statutes in a manner inconsistent with their enactment, the appropriate response is to enact clearer and more prescriptive statutes, not to upend three decades of established, overarching case law as H.R. 4768 seeks to do.

At root, H.R. 4768 seems motivated by the dissatisfaction of the political party that currently controls Congress with the statutory implementation decisions made by the current Administration, which is controlled by a different political party. These sorts of partisan disagreements are not an adequate reason to overturn more than 30 years of established case law governing federal administrative law.

Accordingly, we urge you to vote no on H.R. 4768.

Thank you for your consideration.

Sincerely,

AFL-CIO,

American Association for Justice,

Americans for Financial Reform,

The American Federation of State County & Municipal Employees (AFSCME),

Center for Responsible Lending,

Consumer Federation of America, Daily

Kos,

Earthjustice,

Economic Policy Institute,

Free Press Action Fund,

Institute for Agriculture & Trade Policy

(IATP),

National Association of Consumer Advo-

cates,

National Consumer Law Center,

National Employment Law Project,

National Hispanic Media Coalition,

Natural Resources Defense Council,

Public Citizen,

U.S. PIRG,

Union of Concerned Scientists,

United Steelworkers (USW),

Voices for Progress.

Mr. JOHNSON of Georgia. Mr. Chairman, I yield back the balance of my time.

Mr. RATCLIFFE. Mr. Chairman, I again urge opposition to the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. JOHNSON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. JOHNSON of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

Mr. RATCLIFFE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. THOMPSON of Pennsylvania) having assumed the chair, Mr. MOOLENAAR, Acting 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. 4768) to amend title 5, United States Code, with respect to the judicial review of agency interpretations of statutory and regulatory provisions, had come to no resolution thereon.

#### HONORING VOLUNTEER FIREFIGHTERS

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise in recognition of the selfless service of volunteer firefighters across Pennsylvania's Fifth Congressional District, our Commonwealth, and the United States of America.

Yesterday, as a 35-year veteran of my own community volunteer fire department, I joined with volunteer firefighters and actually one paid fire company from across the Fifth Congressional District in discussing their service and the challenges that they are facing. I was proud to be joined by more than 20 departments tasked with serving in communities and places such as Erie, Jefferson, Elk, McKean, Venango, Potter, and Clarion Counties.

As a volunteer firefighter myself, I was very interested to hear about their concerns regarding funding, adequate training, and one of the biggest problems facing volunteer fire companies: declining enrollment and manpower. I look forward to working with each of these companies in the future to help address many of these issues.

It is hard to overstate the importance of the volunteer men and women who put their lives on the line in order to protect their neighbors and their communities. I have the highest degree of respect for their service, and I look forward to continued cooperation in the future.

#### RECESS

The SPEAKER pro tempore (Mr. MOOLENAAR). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 10 minutes p.m.), the House stood in recess.

□ 2145

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COLLINS of Georgia) at 9 o'clock and 45 minutes p.m.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4992, UNITED STATES FINANCIAL SYSTEM PROTECTION ACT OF 2016; PROVIDING FOR CONSIDERATION OF H.R. 5119, NO 2H2O FROM IRAN ACT; AND PROVIDING FOR CONSIDERATION OF H.R. 5631, IRAN ACCOUNTABILITY ACT OF 2016

Mr. STIVERS, from the Committee on Rules, submitted a privileged report (Rept. No. 114-682) on the resolution (H. Res. 819) providing for consideration of the bill (H.R. 4992) to codify regulations relating to transfers of funds involving Iran, and for other purposes; providing for consideration of the bill (H.R. 5119) to prohibit the obligation or expenditure of funds available to any Federal department or agency for any fiscal year to purchase or issue a license for the purchase of heavy water produced in Iran; and providing for consideration of the bill (H.R. 5631) to hold Iran accountable for its state sponsorship of terrorism and other threatening activities and for its human rights abuses, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5538, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017; PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM JULY 15, 2016, THROUGH SEPTEMBER 5, 2016; AND FOR OTHER PURPOSES

Mr. STIVERS, from the Committee on Rules, submitted a privileged report (Rept. No. 114-683) on the resolution (H. Res. 820) providing for consideration of the bill (H.R. 5538) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2017, and for other purposes; providing for proceedings during the period from July 15, 2016, through September 5, 2016; and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### FEW AMERICANS BELIEVE THE MEDIA

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

Mr. SMITH of Texas. Mr. Speaker, a recent study on the media was conducted by the Newseum Institute and USA Today.

Not surprisingly, it found that three-quarters of Americans feel the news media are biased in reporting, and only 10 percent said the Presidential election coverage has been “very accurate.”

Most Americans realize the liberal national media are trying to destroy Donald Trump and elect Hillary Clinton, but the media are paying a heavy price for their biased coverage—they are destroying their credibility in the process.

The danger of a biased media goes beyond two individuals and an election. It is a threat to democracy, itself, when the voters can't get the facts. The media should not tell Americans what to think. They are smart enough to decide for themselves.

As the study determined, you just can't believe what the liberal national media says.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MARINO (at the request of Mr. MCCARTHY) for today and July 12 on account of medical reasons.

Mr. POE of Texas (at the request of Mr. MCCARTHY) for today and the balance of the week on account of personal reasons.

Mr. HASTINGS (at the request of Ms. PELOSI) for today through July 15.

#### ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1777. An act to amend the Act of August 25, 1958, commonly known as “Former Presidents Act of 1958”, with respect to the monetary allowance payable to a former President, and for other purposes.

H.R. 4372. An act to designate the facility of the United States Postal Service located at 15 Rochester Street, Bergen, New York, as the Barry G. Miller Post Office.

H.R. 4960. An act to designate the facility of the United States Postal Service located at 525 N Broadway in Aurora, Illinois, as the “Kenneth M. Christy Post Office Building”.

#### BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on July 8, 2016, she presented to the President of the United States, for his approval, the following bill:

H.R. 3766. To direct the President to establish guidelines for covered United States foreign assistance programs, and for other purposes.

#### ADJOURNMENT

Mr. SMITH of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 48 minutes p.m.), under its previous order, the

House adjourned until tomorrow, Tuesday, July 12, 2016, at 10 a.m. 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:

5982. A letter from the Assistant Secretary, Manpower and Reserve Affairs, Department of the Army, Department of Defense, transmitting a notice of mobilizations of Selected Reserve units from October 1, 2015 through June 30, 2016, pursuant to 10 U.S.C. 12304b(d); Public Law 112-81, Sec. 516(a)(1); (125 Stat. 1396); to the Committee on Armed Services.

5983. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. ACT 21-445, “Mandatory Driver Instruction Regulation Temporary Amendment Act of 2016”, pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

5984. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. ACT 21-444, “Sale of Synthetic Drugs Temporary Amendment Act of 2016”, pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

5985. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. ACT 21-443, “Fiscal Year 2016 Second Revised Budget Request Temporary Adjustment Act of 2016”, pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

5986. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. ACT 21-447, “Carry's Way and Guethler's Court Designation Act of 2016”, pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

5987. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. ACT 21-446, “Fieldstone Lane Designation Act of 2016”, pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

#### 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. HENSARLING: Committee on Financial Services. H.R. 5322. A bill to amend the Investment Company Act of 1940 to terminate an exemption for companies located in Puerto Rico, the Virgin Islands, and any other possession of the United States (Rept. 114-673). Referred to the Committee of the Whole House on the state of the Union.

Mr. KLINE: Committee on Education and the Workforce. H.R. 3178. A bill to simplify and streamline the information regarding institutions of higher education made publicly available by the Secretary of Education, and for other purposes; with an amendment (Rept. 114-674). Referred to the Committee of the Whole House on the state of the Union.

Mr. KLINE: Committee on Education and the Workforce. H.R. 3179. A bill to amend the loan counseling requirements under the Higher Education Act of 1965, and for other purposes; with an amendment (Rept. 114-675). Referred to the Committee of the Whole House on the state of the Union.

Mr. KLINE: Committee on Education and the Workforce. H.R. 5529. A bill to amend the Higher Education Act of 1965 to authorize additional grant activities for Hispanic-serving institutions; with an amendment (Rept. 114-676). Referred to the Committee of the Whole House on the state of the Union.

Mr. KLINE: Committee on Education and the Workforce. H.R. 5530. A bill to amend the Higher Education Act of 1965 to modify certain provisions relating to the capital financing of historically Black colleges and universities; with an amendment (Rept. 114-677). Referred to the Committee of the Whole House on the state of the Union.

Mr. KLINE: Committee on Education and the Workforce. H.R. 5528. A bill to amend the Higher Education Act of 1965 to simplify the FAFSA, and for other purposes; with an amendment (Rept. 114-678). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on Science, Space, and Technology. H.R. 5636. A bill to increase the effectiveness of and accountability for maintaining the physical security of NIST facilities and the safety of the NIST workforce (Rept. 114-679). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on Science, Space, and Technology. H.R. 5638. A bill to provide for the establishment at the Department of Energy of a Solar Fuels Basic Research Initiative; with an amendment (Rept. 114-680). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on Science, Space, and Technology. H.R. 5640. A bill to provide for the establishment at the Department of Energy of an Electricity Storage Basic Research Initiative; with an amendment (Rept. 114-681). Referred to the Committee of the Whole House on the state of the Union.

Mr. BYRNE: Committee on Rules. House Resolution 819. Resolution providing for consideration of the bill (H.R. 4992) to codify regulations relating to transfers of funds involving Iran, and for other purposes; providing for consideration of the bill (H.R. 5119) to prohibit the obligation or expenditure of funds available to any Federal department or agency for any fiscal year to purchase or issue a license for the purchase of heavy water produced in Iran; and providing for consideration of the bill (H.R. 5631) to hold Iran accountable for its state sponsorship of terrorism and other threatening activities and for its human rights abuses, and for other purposes (Rept. 114-682). Referred to the House Calendar.

Mr. NEWHOUSE: Committee on Rules. House Resolution 820. Resolution providing for consideration of the bill (H.R. 5538) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2017, and for other purposes; providing for proceedings during the period from July 15, 2016, through September 5, 2016; and for other purposes (Rept. 114-683). Referred to the House Calendar.

#### 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. LYNCH (for himself and Mr. MCKINLEY):

H.R. 5707. A bill to amend title 5, United States Code, to provide for certain index fund investments from the Postal Service Retiree Health Benefits Fund, and for other

purposes; to the Committee on Oversight and Government Reform.

By Ms. ROS-LEHTINEN (for herself, Mr. SIRES, Mr. DIAZ-BALART, Mr. CÁRDENAS, Mr. DUNCAN of South Carolina, Mr. NORCROSS, Mr. CURBELO of Florida, Mr. CUELLAR, Mr. YOHO, and Mr. BRENDAN F. BOYLE of Pennsylvania):

H.R. 5708. A bill to oppose loans at international financial institutions for the Government of Nicaragua unless the Government of Nicaragua is taking effective steps to hold free, fair, and transparent elections, and for other purposes; to the Committee on Foreign Affairs, 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. MEADOWS:

H.R. 5709. A bill to improve Federal employee compliance with Federal and Presidential recordkeeping requirements, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. GOSAR (for himself, Mr. BABIN, Mr. BRAT, Mr. BARLETTA, Mr. BROOKS of Alabama, Mr. DESJARLAIS, Mr. FLEMING, Mr. GOHMERT, Mr. GROTHMAN, Mr. HARRIS, Mr. JONES, Mr. KING of Iowa, Mr. MCCLINTOCK, Mr. MILLER of Florida, Mr. OLSON, Mr. PALAZZO, Mr. SESSIONS, Mr. SMITH of Texas, Mr. WEBER of Texas, and Mr. YOHO):

H.R. 5710. A bill to amend title 10, United States Code, to prevent unlawful aliens from enlisting in the United States Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. HUIZENGA (for himself and Mr. SHERMAN):

H.R. 5711. A bill to prohibit the Secretary of the Treasury from authorizing certain transactions by a U.S. financial institution in connection with the export or re-export of a commercial passenger aircraft to the Islamic Republic of Iran; to the Committee on Financial Services.

By Mr. MESSER (for himself and Ms. STEFANIK):

H.R. 5712. A bill to amend the Internal Revenue Code of 1986 to flatline the individual mandate penalty; to the Committee on Ways and Means.

By Mr. TIBERI (for himself and Mr. PASCRELL):

H.R. 5713. A bill to provide for the extension of certain long-term care hospital Medicare payment rules, clarify the application of rules on the calculation of hospital length of stay to certain moratorium-excepted long-term care hospitals, 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 Mr. CHAFFETZ (for himself, Mr. CUMMINGS, Mr. MEADOWS, Mr. CONNOLLY, and Mr. LYNCH):

H.R. 5714. A bill to restore the financial solvency and improve the governance of the United States Postal Service in order to ensure the efficient and affordable nationwide delivery of mail, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Energy and Commerce, and 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. ROSKAM (for himself and Mr. SHERMAN):

H.R. 5715. A bill to prohibit the Export-Import Bank of the United States from providing financing that would benefit Iran; to the Committee on Financial Services.

By Mr. PITTENGER:

H.R. 5716. A bill to prohibit the Secretary of the Treasury from issuing certain licenses in connection with the export or re-export of a commercial passenger aircraft to the Islamic Republic of Iran, to require the Secretary of the Treasury to issue an annual report on the status of, and risks related to, U.S. financial institutions involved with the sale or lease of such a commercial passenger aircraft, and for other purposes; to the Committee on Foreign Affairs, 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. LANCE:

H.R. 5717. A bill to amend title XIX of the Social Security Act to improve collection of Medicaid data and to expand coverage of tobacco cessation services to mothers of newborns; to the Committee on Energy and Commerce.

By Mr. CHAFFETZ (for himself, Mr. STEWART, and Mrs. LOVE):

H.R. 5718. A bill to direct the Secretary of Agriculture to acquire and to convey certain lands or interests in lands in Utah, and for other purposes; to the Committee on Natural Resources.

By Mr. PAULSEN:

H.R. 5719. A bill to amend the Internal Revenue Code of 1986 to modify the tax treatment of certain equity grants; to the Committee on Ways and Means.

By Mr. ENGEL (for himself, Mr. DONOVAN, Mr. JEFFRIES, Mr. KING of New York, Mr. LANCE, Mr. PALLONE, Mr. PASCRELL, Mr. DAVID SCOTT of Georgia, and Ms. SINEMA):

H.R. 5720. A bill to amend title 49, United States Code, to require the deployment of law enforcement personnel at airport screening locations at very large airports, and for other purposes; to the Committee on Homeland Security.

By Ms. JENKINS of Kansas (for herself and Mr. KIND):

H.R. 5721. 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; 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 Mr. KENNEDY (for himself, Ms. PELOSI, Mr. MCCARTHY, Mr. MCGOVERN, Mr. NEAL, Ms. CLARK of Massachusetts, Mr. MOULTON, Mr. CAPUANO, Mr. LYNCH, Ms. TSONGAS, Mr. KEATING, Mr. SCHWEIKERT, Mrs. ROBY, Mr. UPTON, Mr. KINZINGER of Illinois, Mr. CRENSHAW, Mr. HOYER, Mr. BURGESS, Mrs. BROOKS of Indiana, Mr. LARSON of Connecticut, Ms. MATSUI, Mr. WELCH, Mr. WALDEN, Mr. NEWHOUSE, and Ms. STEFANIK):

H.R. 5722. A bill to establish the John F. Kennedy Centennial Commission; to the Committee on Oversight and Government Reform.

By Mr. LEVIN:

H.R. 5723. A bill to amend title XVIII of the Social Security Act to provide for a temporary exception to the site neutral payment rate for certain discharges from long-term

care hospitals that involve severe wounds; 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 Mr. MCHENRY:

H.R. 5724. A bill to amend the Revised Statutes of the United States and the Federal Deposit Insurance Act to require the rate of interest on certain loans remain unchanged after transfer of the loan, and for other purposes; to the Committee on Financial Services.

By Mr. MCHENRY:

H.R. 5725. A bill to amend the Internal Revenue Code of 1986 to require website-based, real-time responses to requests to verify taxpayer income for legitimate business purposes; to the Committee on Ways and Means.

By Mr. O'ROURKE (for himself and Mr. KNIGHT):

H.R. 5726. A bill to direct the Secretary of Defense and the Secretary of Veterans Affairs to post at certain locations the average national wait times for veterans to receive an appointment for health care at medical facilities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed 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. TED LIEU of California (for himself, Mr. CARTWRIGHT, Mr. LANGEVIN, Mr. POLIS, Ms. LEE, Mr. HONDA, Ms. LOFGREN, Mr. BLUMENAUER, and Mr. HUFFMAN):

H. Con. Res. 143. Concurrent resolution expressing the sense of Congress relating to the disapproval of certain activities of certain companies, trade associations, foundations, and organizations; to the Committee on Energy and Commerce.

By Mr. DENT (for himself, Mr. FLORES, Mr. GRIFFITH, Mr. ZINKE, Mr. BLUM, Mr. HANNA, Mr. ABRAHAM, Mr. KING of New York, and Mrs. WAGNER):

H. Res. 817. A resolution expressing continued support for the special relationship between the United States and the United Kingdom and urging commencement of negotiations for the development of a North Atlantic Trade and Investment Partnership (NATIP) between the United States and the United Kingdom; to the Committee on Foreign Affairs, 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. SHUSTER (for himself and Mr. DEFAZIO):

H. Res. 818. A resolution providing for the concurrence by the House in the Senate amendments to H.R. 636, with amendments; considered and agreed to.

#### 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. POCAN:

H.R. 5635.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3  
The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. LYNCH:

H.R. 5707.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7

Article I, Section 8, Clause 18

By Ms. ROS-LEHTINEN:

H.R. 5708.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. MEADOWS:

H.R. 5709.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18

By Mr. GOSAR:

H.R. 5710.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 4 (the Naturalization Clause), which gives Congress sovereign control over immigration and the vesting of citizenship in aliens. In March 1790, Congress passed the first uniform rule for naturalization under the new Constitution. In *Chirac v Lessee of Chirac* (1817), the Supreme Court affirmed this power rests exclusively with Congress.

By Mr. HUIZENGA of Michigan:

H.R. 5711.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution

By Mr. MESSER:

H.R. 5712.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the Constitution.

By Mr. TIBERI:

H.R. 5713.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to make rules for the government and regulation of the land and naval forces, as enumerated in Article I, Section 8, Clause 14 of the United States Constitution.

By Mr. CHAFFETZ:

H.R. 5714.

Congress has the power to enact this legislation pursuant to the following:

Art. I, Sec. 8

To establish Post Offices and post Roads.

By Mr. ROSKAM:

H.R. 5715.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

Article 1, Section 8, Clause 18

By Mr. PITTENGER:

H.R. 5716.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution

By Mr. LANCE:

H.R. 5717.

Congress has the power to enact this legislation pursuant to the following:

Article I, Sec. 8, Clause 1, of the United States Constitution

This states that "Congress shall have the power too . . . lay and collect taxes, duties, imposts and excises, to pay for the debts and provide for the common defense and general welfare of the United States"

By Mr. CHAFFETZ:

H.R. 5718.

Congress has the power to enact this legislation pursuant to the following:

Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. PAULSEN:

H.R. 5719.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. ENGEL:

H.R. 5720.

Congress has the power to enact this legislation pursuant to the following:

U.S. Const. Art. I §1; and

U.S. Const. Art. I §8

By Ms. JENKINS of Kansas:

H.R. 5721.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. KENNEDY:

H.R. 5722.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. LEVIN:

H.R. 5723.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to make rules for the government and regulation of the land and naval forces, as enumerated in Article I, Section 8, Clause 14 of the United States Constitution.

By Mr. MCHENRY:

H.R. 5724.

Congress has the power to enact this legislation pursuant to the following:

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence . . . of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. MCHENRY:

H.R. 5725.

Congress has the power to enact this legislation pursuant to the following:

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence . . . of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. O'ROURKE:

H.R. 5726.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, Section 8 of the Constitution, Congress has the power "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 any Department or Officer thereof".

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 508: Mrs. WATSON COLEMAN.

H.R. 632: Mr. KILMER.

H.R. 711: Mr. MULLIN and Mr. GRAVES of Georgia.

H.R. 855: Mr. CAPUANO.

H.R. 923: Mr. GROTHMAN.

H.R. 969: Mr. WEBER of Texas.

H.R. 1076: Mrs. BEATTY.

H.R. 1089: Mr. GOSAR.

H.R. 1151: Mr. BLUM.

H.R. 1153: Mr. HILL.

H.R. 1192: Mr. SERRANO.

H.R. 1312: Mr. MOULTON.

H.R. 1342: Mrs. BLACKBURN.

H.R. 1427: Mr. ZINKE.

H.R. 1686: Mr. CICILLINE, Ms. JENKINS of Kansas, Mrs. BEATTY, Mrs. WATSON COLEMAN, Mr. SMITH of New Jersey, Mr. SCHRADER, Mr. CARTWRIGHT, and Mr. YOUNG of Alaska.

H.R. 1706: Ms. KAPTUR.

H.R. 1752: Mr. CULBERSON.

H.R. 1904: Mr. DAVID SCOTT of Georgia.

H.R. 1911: Mr. SMITH of Missouri.

H.R. 1943: Mr. CASTRO of Texas.

H.R. 2096: Mr. SMITH of Texas and Mr. ROYCE.

H.R. 2124: Ms. WASSERMAN SCHULTZ, Ms. KUSTER, Ms. DUCKWORTH, Mr. HURD of Texas, Ms. JACKSON LEE, and Mr. KENNEDY.

H.R. 2216: Ms. FRANKEL of Florida.

H.R. 2283: Mr. VARGAS and Mr. COHEN.

H.R. 2302: Mr. POLIS, Mr. CLEAVER, Ms. SPEIER, Mr. LARSON of Connecticut, Mr. ENGEL, Mrs. DINGELL, and Mr. PAYNE.

H.R. 2342: Mr. BLUM and Ms. MICHELLE LUJAN GRISHAM of New Mexico.

H.R. 2403: Ms. JUDY CHU of California.

H.R. 2404: Mr. SMITH of Missouri.

H.R. 2411: Ms. BONAMICI.

H.R. 2660: Mr. GENE GREEN of Texas.

H.R. 2663: Mr. GIBSON.

H.R. 2694: Mr. CASTRO of Texas.

H.R. 2698: Mr. BLUM.

H.R. 2715: Mr. GENE GREEN of Texas.

H.R. 2739: Mr. CRAMER, Mr. HIMES, Mr. DUFFY, and Mr. DANNY K. DAVIS of Illinois.

H.R. 2846: Mr. PETERS.

H.R. 2903: Mr. GRAVES of Georgia.

H.R. 2916: Mr. VARGAS.

H.R. 2917: Mr. VARGAS.

H.R. 2992: Mr. REICHERT.

H.R. 3012: Mr. WENSTRUP.

H.R. 3108: Mr. LOWENTHAL.

H.R. 3110: Mr. NEAL and Mr. DANNY K. DAVIS of Illinois.

H.R. 3229: Mr. RICE of South Carolina and Mr. GIBSON.

H.R. 3235: Mr. YOUNG of Iowa.

H.R. 3308: Ms. DELBENE and Mr. PIERLUISI.

H.R. 3375: Mr. VARGAS.

H.R. 3470: Mr. FOSTER.

H.R. 3486: Mr. HASTINGS.

H.R. 3542: Mr. HINOJOSA.

H.R. 3687: Ms. MAXINE WATERS of California.

H.R. 3713: Mr. BLUM.

H.R. 3882: Ms. LEE, Mr. HONDA, and Mr. NADLER.

H.R. 3929: Ms. SCHAKOWSKY, Mr. STUTZMAN, Ms. DEGETTE, Ms. GRANGER, and Ms. BROWNLEY of California.

H.R. 4027: Ms. KUSTER and Ms. SINEMA.

H.R. 4034: Mr. KING of Iowa, Mr. SMITH of Texas, and Mr. BRAT.

H.R. 4062: Mr. BLUM.

H.R. 4247: Mr. MCHENRY and Mr. SIMPSON.

H.R. 4365: Mrs. NOEM, Mr. BRADY of Pennsylvania, and Ms. HAHN.

H.R. 4479: Ms. TITUS, Mr. SCOTT of Virginia, and Mrs. DAVIS of California.

H.R. 4514: Mr. HANNA and Mr. GOODLATTE.

H.R. 4524: Ms. SLAUGHTER and Mr. TED LIEU of California.

H.R. 4558: Ms. NORTON, Mr. HASTINGS, Ms. CASTOR of Florida, Mr. KILMER, Ms. TITUS, and Mr. BLUMENAUER.

H.R. 4584: Mr. SAM JOHNSON of Texas.

H.R. 4592: Mr. BOUSTANY.

H.R. 4603: Mr. TONKO, Mr. MURPHY of Florida, and Mrs. BEATTY.

H.R. 4614: Mr. YOUNG of Indiana.

H.R. 4616: Mr. HIMES and Mr. PETERS.

H.R. 4622: Mr. DELANEY.

H.R. 4626: Mr. FORBES, Mr. DUNCAN of South Carolina, and Mr. KATKO.

H.R. 4689: Mr. SMITH of Texas.

H.R. 4708: Mr. GIBSON and Mrs. NAPOLITANO.

H.R. 4732: Mr. ZINKE.

- H.R. 4740: Ms. TSONGAS.  
 H.R. 4760: Mr. NEWHOUSE.  
 H.R. 4773: Mr. DUNCAN of Tennessee.  
 H.R. 4828: Mr. GUTHRIE, Mr. ABRAHAM, Mr. TROTT, Mr. RATCLIFFE, Mr. RODNEY DAVIS of Illinois, Mr. KNIGHT, Mr. POMPEO, Mr. BRADY of Texas, and Mrs. ROBY.  
 H.R. 4893: Mr. GRAVES of Georgia, Mr. RICHMOND, Mr. ROSS, and Mr. WENSTRUP.  
 H.R. 4919: Mr. MCKINLEY.  
 H.R. 4989: Ms. LOFGREN and Mr. MCGOVERN.  
 H.R. 5020: Ms. STEFANIK, Mr. DONOVAN, and Mr. MEEHAN.  
 H.R. 5094: Mr. LIPINSKI.  
 H.R. 5119: Ms. MCSALLY, Mr. BOUSTANY, Mr. MCCLINTOCK, and Mrs. MILLER of Michigan.  
 H.R. 5137: Mr. SWALWELL of California.  
 H.R. 5167: Mr. ZINKE.  
 H.R. 5171: Mr. REICHERT.  
 H.R. 5180: Mr. BYRNE.  
 H.R. 5181: Mr. ISRAEL.  
 H.R. 5187: Mrs. WALORSKI.  
 H.R. 5204: Mr. COFFMAN.  
 H.R. 5207: Ms. ESHOO.  
 H.R. 5230: Mrs. NAPOLITANO.  
 H.R. 5284: Mr. MICA.  
 H.R. 5292: Mr. WENSTRUP and Mr. TAKANO.  
 H.R. 5299: Mr. HUNTER.  
 H.R. 5301: Mr. BYRNE.  
 H.R. 5310: Mr. SWALWELL of California and Mr. MCNERNEY.  
 H.R. 5319: Mr. SCHWEIKERT and Mr. CRAMER.  
 H.R. 5369: Mr. PETERS.  
 H.R. 5392: Mr. YOHO and Mr. BLUM.  
 H.R. 5410: Mr. POMPEO and Mr. ASHFORD.  
 H.R. 5432: Ms. KAPTUR.  
 H.R. 5440: Mr. ROE of Tennessee and Mrs. WALORSKI.  
 H.R. 5457: Mr. DESJARLAIS and Mr. BYRNE.  
 H.R. 5484: Mr. LAMALFA, Mr. TROTT, and Mr. MCKINLEY.  
 H.R. 5506: Mr. HECK of Nevada, Mr. PETERS, Mr. NUNES, and Mrs. BLACKBURN.  
 H.R. 5528: Mrs. DAVIS of California.  
 H.R. 5529: Mrs. DAVIS of California.  
 H.R. 5530: Ms. LEE.  
 H.R. 5532: Mr. TAKANO.  
 H.R. 5578: Mr. TAKANO.  
 H.R. 5586: Mr. KEATING, Mr. DEUTCH, Mr. TAKANO, Mr. GRIJALVA, and Mr. PALLONE.  
 H.R. 5588: Mr. KELLY of Pennsylvania.  
 H.R. 5594: Mr. POLIQUIN, Mr. KING of New York, Mrs. WAGNER, Mr. SCHWEIKERT, Mr. MEEKS, Mr. ASHFORD, Mr. ELLISON, Mr. HIMES, Mr. FOSTER, Mr. ROSS, Mr. SHERMAN, Mr. AL GREEN of Texas, and Mr. KILDEE.  
 H.R. 5602: Ms. MAXINE WATERS of California, Mr. FITZPATRICK, Mr. MEEKS, Mr. STIVERS, Mr. POLIQUIN, Mr. PITTINGER, Mr. ELLISON, Mr. BARR, Mr. FOSTER, Mr. SHERMAN, Mr. HILL, and Mr. AL GREEN of Texas.  
 H.R. 5603: Ms. MAXINE WATERS of California, Mr. FITZPATRICK, Mr. KING of New York, Mr. MEEKS, Mr. STIVERS, Mr. POLIQUIN, Mr. PITTINGER, Mr. ELLISON, Mr. BARR, Mr. FOSTER, Mr. SHERMAN, Mr. HILL, and Mr. AL GREEN of Texas.  
 H.R. 5606: Mr. POLIQUIN, Mr. ELLISON, Mr. HILL, Mr. FOSTER, and Mr. AL GREEN of Texas.  
 H.R. 5607: Mr. POLIQUIN, Mr. ELLISON, Mr. HILL, Mr. FOSTER, and Mr. AL GREEN of Texas.  
 H.R. 5621: Mr. SERRANO, Mr. TROTT, Mr. LATTA, Mr. FORBES, Mr. MCKINLEY, Mr. ABRAHAM, Mr. DUNCAN of Tennessee, Mr. REICHERT, Mrs. WALORSKI, Mr. WALKER, Mr. LAMALFA, Mr. DUNCAN of South Carolina, Mr. PITTINGER, Mr. RATCLIFFE, Ms. ROSLEHTINEN, Mr. GOHMERT, Mr. SAM JOHNSON of Texas, Mr. ZINKE, Mr. HUDSON, Mr. KELLY of Mississippi, Mr. MOOLENAAR, Mr. BOUSTANY, Mr. BISHOP of Michigan, Mr. ALLEN, Mr. COLLINS of New York, Mr. BLUMENAUER, and Mr. AUSTIN SCOTT of Georgia.  
 H.R. 5628: Mr. BYRNE.  
 H.R. 5646: Mr. FLEMING, Mr. BLUM, Mr. GOSAR, and Mr. MCCLINTOCK.  
 H.R. 5659: Mr. HARPER.  
 H.R. 5676: Mr. RODNEY DAVIS of Illinois and Mr. LAHOOD.  
 H.R. 5691: Mr. CÁRDENAS.  
 H.J. Res. 47: Ms. TSONGAS.  
 H. Con. Res. 19: Mr. DOLD.  
 H. Con. Res. 50: Ms. SCHAKOWSKY.  
 H. Con. Res. 132: Mr. GENE GREEN of Texas.  
 H. Res. 62: Mr. SMITH of Washington.  
 H. Res. 494: Mr. BROOKS of Alabama.  
 H. Res. 617: Mr. ROHRBACHER.  
 H. Res. 779: Mr. MULVANEY.  
 H. Res. 784: Mr. YOUNG of Alaska and Mr. LYNCH.  
 H. Res. 808: Mr. MCGOVERN.  
 H. Res. 810: Ms. GRANGER, Mr. HIMES, and Mr. BEN RAY LUJÁN of New Mexico.  
 H. Res. 813: Mr. YOHO.

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#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. UPTON

S. 304, "Motor Vehicle Safety Whistleblower Act," does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. BRADY OF TEXAS

The provisions that warranted a referral to the Committee on Ways and Means in H.R. 5631 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. GOODLATTE

The provisions that warranted a referral to the Committee on the Judiciary in H.R. 5631 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.