

Conservancy; Biscayne Bay Waterkeeper; Florida Billfish, Inc.; Florida Wildlife Federation; Four Rivers Audubon; Friends of Gumbo Limbo; Halifax River Audubon Society; Highlands County Audubon Society; Just-in-Time Charters; Loxahatchee Group Sierra Club; Mean Tide Media, LLC; North Swell Media & Consulting.

Oklawaha Valley Audubon Society; Peace River Audubon Society; Rescue Earth; Save-A-Turtle; Sea to Shore Alliance; Shark Whisperer; Space Coast Audubon Society; Space Coast Kayaking; Wild Florida Adventures; Georgia Conservancy; Interfaith Council for the Protection of Animals & Nature; Conservation Council for Hawai'i; Marine Conservation Science Institute; Sierra Club Hawaii Chapter; Gulf Restoration Network; Downeas Audubon; Midshore Riverkeeper Conservancy; Berkshire Environmental Action Team; Cape Cod Bay Watch; New England Coastal Wildlife Alliance.

Sustainable Plymouth; SandyHook SeaLife Foundation; HerpDigest; New York Turtle and Tortoise Society; Shark Angels; Charlotte Saltwater Sport Fishing Club; North Carolina Wildlife Federation; OCEAN Magazine; PenderWatch & Conservancy; Green Alliance; Coastal Conservation League; Vermonters for Sustainable Population; American Sportfishing Association; Center for Sportfishing Policy; Coastal Conservation Association; Congressional Sportsmen's Foundation; Guy Harvey Ocean Foundation; International Game Fish Association; National Marine Manufacturers Association; The Billfish Foundation.

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

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

Mr. Speaker, I rise today in strong support of my bill, H.R. 4528, a bill to make technical changes to certain marine fish conservation statutes.

Mr. Speaker, I thank Chairman BISHOP—and, Mr. Speaker, I did ask my third cousin; he is in support, too—as well as Ranking Member GRIJALVA for all of their collaboration and support on this important bill.

H.R. 4528 makes technical amendments to two marine fish conservation statutes, the Billfish Conservation Act of 2012 and the Shark Conservation Act of 2010.

First, the bill amends the Billfish Conservation Act of 2012. It clarifies that the exemption from marlin and billfish fishing in Hawaii and Pacific insular areas, as is tradition, can only be sold locally. More specifically, it clarifies these fish cannot be sold to the other 49 States. This strikes a balance between preserving traditional cultural fishing in these areas and the overall intent to prevent large-scale commercial fishing of these billfish.

Second, it clarifies that, under the Shark Conservation Act of 2010, there is no language in the Shark Conservation Act that alters existing authority of the Secretary of Commerce to manage Atlantic highly migratory species under the Magnuson-Stevens Act. It also cleans up language in the Shark Conservation Act by removing an expired offset.

The main goal of this is to ensure protection against shark finning. H.R. 4528 will fix confusion within the National Oceanic and Atmospheric Ad-

ministration to allow rulemaking to go forward for the Atlantic smooth dogfish, a type of shark.

This bill has support from both the sportsmen-anglers communities and conservation groups.

Again, I thank the Natural Resources Committee Chairman BISHOP and Ranking Member GRIJALVA for working with me on this. Without their support, this legislation would not be on the floor today.

Mr. Speaker, I urge all of my colleagues in the Chamber to support H.R. 4528, and I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, it is a good bill. I urge its support, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MARSHALL). The question is on the motion offered by the gentleman from Utah (Mr. BISHOP) that the House suspend the rules and pass the bill, H.R. 4528.

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.

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 7 o'clock and 10 minutes p.m.), the House stood in recess.

□ 1913

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MARSHALL) at 7 o'clock and 13 minutes p.m.

ENHANCING SUSPICIOUS ACTIVITY REPORTING INITIATIVE ACT

Mr. KING of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5094) to direct the Secretary of Homeland Security to improve suspicious activity reporting to prevent acts of terrorism, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5094

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 Suspicious Activity Reporting Initiative Act".

SEC. 2. ENHANCING DEPARTMENT OF HOMELAND SECURITY SUSPICIOUS ACTIVITY REPORTING OPERATIONS.

(a) STRATEGY REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with other appropriate Federal officials, shall develop a strategy to improve the operations and activities of the

Department of Homeland Security related to training, outreach, and information sharing for suspicious activity reporting to prevent acts of terrorism.

(b) CONTENTS OF STRATEGY.—The strategy required under subsection (a) shall include the following:

(1) A description and examples of the types of information that would meet the definition of critical information for the purpose of suspicious activity reporting as well as information, including information associated with racial, religious or national origin, that would not meet the definition of critical information.

(2) Training for appropriate personnel of State and major urban area fusion centers, emergency response providers, and, as appropriate, the private sector on—

(A) methods for identifying, analyzing, and disseminating critical information, including the indicators of terrorism;

(B) methods to protect privacy and civil liberties, including preventing racial, religious, or national origin discrimination; and

(C) response protocols for submitting suspicious activity reports.

(3) Methods to improve outreach to appropriate State and major urban area fusion centers, emergency response providers, and the private sector related to suspicious activity reporting to prevent acts of terrorism.

(4) A plan to ensure that critical information is shared in a timely manner with State and major urban area fusion centers, emergency response providers, and the private sector, as appropriate, including nationwide trend analysis and other information related to terrorist threats.

(5) Methods to measure the effectiveness of the activities conducted under the strategy with respect to improving the operations and activities of the Department related to training, outreach, and information sharing to prevent acts of terrorism that have been validated through peer-reviewed empirical studies to the extent practicable.

(c) WORKING GROUP RECOMMENDATIONS.—In developing the strategy required under subsection (a) the Secretary shall take into consideration the recommendations of the working group established under section 3.

(d) CONGRESSIONAL NOTIFICATION.—Not less than 30 days before the release of the strategy required pursuant to subsection (a), 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 a notification of the release of the strategy and a copy of the strategy. Such notification shall include the recommendations provided by the working group established under section 3 and how such recommendations were incorporated into the strategy.

SEC. 3. SUSPICIOUS ACTIVITY REPORTING WORKING GROUP.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Homeland Security shall establish a working group on suspicious activity reporting.

(2) DEPARTMENT LIAISONS.—The Secretary shall appoint as liaisons to the working group—

(A) the Chief Privacy Officer of the Department of Homeland Security;

(B) the Officer for Civil Rights and Civil Liberties of the Department; and

(C) such other officials of the Department as the Secretary determines appropriate.

(b) RESPONSIBILITIES.—The working group established under subsection (a) shall carry out the following responsibilities:

(1) Provide advice to the Secretary regarding improvements to the operations and activities related to suspicious activity reporting to prevent acts of terrorism.

(2) At the request of the Secretary, for purposes of section 2(c), develop recommendations to improve suspicious activity reporting to prevent acts of terrorism with respect to—

- (A) outreach to relevant stakeholders;
- (B) information sharing;
- (C) protecting personally identifiable information;
- (D) protecting the privacy, civil rights, and civil liberties of individuals who report suspicious activity and individuals who are the subjects of such reports;
- (E) preventing racial, religious, or national origin discrimination;
- (F) training for emergency response providers and the private sector; and
- (G) other matters, as determined by the Secretary.

(c) **WORKING GROUP MEMBERSHIP.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall seek the voluntary participation of not more than 20 individuals representing at least 12 diverse regions of the United States to serve as members of the working group. Members of the working group shall serve without pay. The Secretary shall seek to ensure that the working group includes members who are representatives from each of the following:

- (1) State and major urban area fusion centers.
- (2) State, local, tribal and territorial law enforcement agencies.
- (3) Firefighters.
- (4) Emergency medical services.
- (5) Private sector security professionals.
- (6) Nongovernmental privacy and civil liberty organizations.
- (7) Any other group the Secretary determines appropriate.

(d) **CONGRESSIONAL BRIEFING.**—Upon request, 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 a briefing on the operations and activities of the Department of Homeland Security related to training, outreach, and information sharing for suspicious activity reporting to prevent acts of terrorism, including copies of materials developed under this section.

(e) **TERMINATION.**—The working group under this section shall terminate on the date that is two years after the date of the enactment of this Act, except that the Secretary may extend such working group if the Secretary determines necessary.

(f) **NONAPPLICABILITY OF FACA.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group established under this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gentleman from Rhode Island (Mr. LANGEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

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

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

There was no objection.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 5094, the Enhancing Suspicious Activity Reporting Initiative Act.

I have been a long-term proponent of the If You See Something, Say Something campaign, which was begun in New York City in 2002 by the Metropolitan Transportation Authority.

□ 1915

This program, along with the Suspicious Activity Reporting initiative, SAR, helps Federal, State, and local law enforcement piece together sometimes seemingly disparate pieces of information to prevent, detect, and interdict terrorist threats to the homeland.

During a recent subcommittee hearing on SARs, a witness from the New Jersey State Police explained that a SAR triggered a law enforcement investigation where a copy of “Inspire” magazine was found in a residence, in particular, an article on how to construct a pressure cooker bomb. The suspect admitted to planning a major attack in New York City.

This SAR was instrumental in thwarting a potential terrorist attack against our Nation.

While the FBI reviews, nationwide, SARs for investigative leads, DHS largely manages the efforts to provide information and training to State and local law enforcement, fusion centers, and other emergency response providers.

H.R. 5094 strengthens this effort by requiring the Secretary of Homeland Security to develop a strategy designed to improve the operations and activities of the Nationwide Suspicious Activity Reporting Initiative, NSI.

This includes training; outreach; information sharing with key partners, including law enforcement officers, fusion centers, emergency response providers, and the private sector.

H.R. 5094 also empowers the Secretary to establish an NSI working group that includes representation from State and local stakeholders, the private sector, and privacy experts.

The working group will provide advice and recommendations to the Secretary on improvements to the SARs initiative. Additionally, the reporting requirement to Congress promotes transparency in these efforts and rigorous oversight by my subcommittee and others.

Last week, the Secretary of Homeland Security noted that DHS was in the midst of “refreshing” the SARs initiative. While I am pleased to hear that DHS is moving to enhance “See Something, Say Something” and SARs, the legislation before us today will ensure that the refresh is done strategically and includes input from the very stakeholders responsible for investigating and reporting SARs.

Shortly after an attack or tragedy in our Nation, leaders of both parties urge our citizens to be vigilant during their commutes and in their neighborhoods, and to report suspicious activity to law enforcement. It is important to turn

public statements of support into legislative action.

This bill received strong bipartisan support in committee. The passage of this legislation will demonstrate Congress’ commitment to provide commonsense legislation to help DHS continue to provide important SARs training and outreach.

I would also like to emphasize that a Secret Service detailee to my subcommittee, Pete Murphy, was very instrumental in working with other staff members in putting this legislation together.

Mr. Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

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

Mr. Speaker, I rise in support of H.R. 5094, the Enhancing Suspicious Activity Reporting Initiative Act.

Mr. Speaker, H.R. 5094 would require the Department of Homeland Security to develop a strategy to improve the training, outreach, and information it provides on Suspicious Activity Reporting to prevent acts of terrorism.

Since the September 11 attacks, we have seen that sharing information regarding suspicious activity can help local, State, and Federal law enforcement connect the dots about threats in the communities that they serve.

While it is important that ordinary citizens say something when they see something that could be a threat to their community, we must recognize that there have been instances where there have been abuses. On occasion, we have seen allegations of suspicious activity made against individuals solely based on biases regarding race, ethnicity, or religion.

H.R. 5094 seeks to prevent such discriminatory reporting by directing DHS to disseminate examples of reporting that meet the guidelines for action. Further, it instructs DHS to outline the types of suspicious activity reporting, including reporting based on race, religion, and nationality, that is prohibited. More broadly, H.R. 5094 seeks to build numerous safeguards for privacy, civil liberties, and civil rights into the suspicious activity reporting regime.

It requires the establishment of an outside working group to provide advice to the DHS Secretary on matters such as outreach, information sharing, protecting personally identifiable information, protecting privacy and civil rights, and training for emergency response providers and the private sector.

Additionally, H.R. 5094 enhances congressional oversight of privacy, civil rights, and civil liberties by requiring the department to furnish Congress with copies of the materials it disseminates to stakeholders.

Mr. Speaker, I urge my colleagues to support this security measure.

Mr. Speaker, as the terrorist threats evolve, so too must our counterterrorism efforts.

Since the September 11 attacks, we have seen that raising public awareness about reporting suspicious activity can be effective at detecting, deterring, and combating terrorism in the homeland.

I encourage my colleagues to support H.R. 5094 to ensure that DHS strategically engages stakeholders to improve suspicious activity reporting.

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

Mr. KING of New York. Mr. Speaker, I again want to thank my colleague, Mr. LANGEVIN, for his bipartisan support on this legislation, as in so many other pieces of bipartisan legislation, and for the outstanding work he does on the subcommittee and the committee.

Mr. Speaker, I once again urge my colleagues to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 5094, 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.

SURFACE TRANSPORTATION SECURITY AND TECHNOLOGY ACCOUNTABILITY ACT OF 2018

Mr. KATKO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5081) to amend the Homeland Security Act of 2002 to establish within the Transportation Security Administration the Surface Transportation Security Advisory Committee, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5081

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 “Surface Transportation Security and Technology Accountability Act of 2018”.

SEC. 2. SURFACE TRANSPORTATION SECURITY ADVISORY COMMITTEE.

(a) IN GENERAL.—Title XVI of the Homeland Security Act of 2002 (6 U.S.C. 561 et seq.) is amended by adding at the end the following new subtitle:

“Subtitle C—Surface Transportation Security
“SEC. 1621. SURFACE TRANSPORTATION SECURITY ADVISORY COMMITTEE.

“(a) ESTABLISHMENT.—The Administrator of the Transportation Security Administration (referred to in this section as the ‘Administrator’) shall establish within the Transportation Security Administration the Surface Transportation Security Advisory Committee (referred to in this section as the ‘Advisory Committee’).

“(b) DUTIES.—

“(1) IN GENERAL.—The Advisory Committee may advise, consult with, report to, and make recommendations to the Administrator on surface transportation security matters, including the development, refine-

ment, and implementation of policies, programs, initiatives, rulemakings, and security directives pertaining to surface transportation security.

“(2) RISK-BASED SECURITY.—The Advisory Committee shall consider risk-based security approaches in the performance of its duties.

“(c) MEMBERSHIP.—

“(1) COMPOSITION.—The Advisory Committee shall be composed of—

“(A) voting members appointed by the Administrator under paragraph (2); and

“(B) nonvoting members, serving in an advisory capacity, who shall be designated by—

“(i) the Transportation Security Administration;

“(ii) the Department of Transportation; and

“(iii) such other Federal department or agency as the Administrator considers appropriate.

“(2) APPOINTMENT.—The Administrator shall appoint voting members from among stakeholders representing each mode of surface transportation, such as passenger rail, freight rail, mass transit, pipelines, highways, over-the-road bus, and trucking, including representatives from—

“(A) associations representing such modes of surface transportation;

“(B) labor organizations representing such modes of surface transportation;

“(C) groups representing the users of such modes of surface transportation, including asset manufacturers, as appropriate;

“(D) relevant law enforcement, first responders, and security experts; and

“(E) such other groups as the Administrator considers appropriate.

“(3) CHAIRPERSON.—The Advisory Committee shall select a chairperson from among its voting members.

“(4) TERM OF OFFICE.—

“(A) TERMS.—

“(i) IN GENERAL.—The term of each voting member of the Advisory Committee shall be two years, but a voting member may continue to serve until the Administrator appoints a successor.

“(ii) REAPPOINTMENT.—A voting member of the Advisory Committee may be reappointed.

“(B) REMOVAL.—

“(i) IN GENERAL.—The Administrator may review the participation of a member of the Advisory Committee and remove such member for cause at any time.

“(ii) ACCESS TO CERTAIN INFORMATION.—The Administrator may remove any member of the Advisory Committee who the Administrator determines should be restricted from reviewing, discussing, or possessing classified information or sensitive security information.

“(5) PROHIBITION ON COMPENSATION.—The members of the Advisory Committee may not receive any compensation from the Government by reason of their service on the Advisory Committee.

“(6) MEETINGS.—

“(A) IN GENERAL.—The Advisory Committee shall meet at least semiannually in person or through web conferencing, and may convene additional meetings as necessary.

“(B) PUBLIC MEETINGS.—At least one of the meetings of the Advisory Committee each year shall be—

“(i) announced in the Federal Register;

“(ii) announced on a public website; and

“(iii) open to the public.

“(C) ATTENDANCE.—The Advisory Committee shall maintain a record of the persons present at each meeting.

“(D) MINUTES.—

“(i) IN GENERAL.—Unless otherwise prohibited by Federal law, minutes of the meetings of the Advisory Committee shall be pub-

lished on the public website under subsection (e)(5).

“(ii) PROTECTION OF CLASSIFIED AND SENSITIVE INFORMATION.—The Advisory Committee may redact or summarize, as necessary, minutes of the meetings to protect classified information or sensitive security information in accordance with law.

“(7) VOTING MEMBER ACCESS TO CLASSIFIED INFORMATION AND SENSITIVE SECURITY INFORMATION.—

“(A) DETERMINATIONS.—Not later than 60 days after the date on which a voting member is appointed to the Advisory Committee but before such voting member may be granted any access to classified information or sensitive security information, the Administrator shall determine if such voting member should be restricted from reviewing, discussing, or possessing classified information or sensitive security information.

“(B) ACCESS.—

“(i) SENSITIVE SECURITY INFORMATION.—If a voting member is not restricted from reviewing, discussing, or possessing sensitive security information under subparagraph (A) and voluntarily signs a nondisclosure agreement, such voting member may be granted access to sensitive security information that is relevant to such voting member's service on the Advisory Committee.

“(ii) CLASSIFIED INFORMATION.—Access to classified materials shall be managed in accordance with Executive Order No. 13526 of December 29, 2009 (75 Fed. Reg. 707), or any subsequent corresponding Executive order.

“(C) PROTECTIONS.—

“(i) SENSITIVE SECURITY INFORMATION.—Voting members shall protect sensitive security information in accordance with part 1520 of title 49, Code of Federal Regulations.

“(ii) CLASSIFIED INFORMATION.—Voting members shall protect classified information in accordance with the applicable requirements for the particular level of classification of such information.

“(8) JOINT COMMITTEE MEETINGS.—The Advisory Committee may meet with one or more of the following advisory committees to discuss multimodal security issues and other security-related issues of common concern:

“(A) Aviation Security Advisory Committee, established under section 44946 of title 49, United States Code.

“(B) Maritime Security Advisory Committee, established under section 70112 of title 46, United States Code.

“(C) Railroad Safety Advisory Committee, established by the Federal Railroad Administration.

“(9) SUBJECT MATTER EXPERTS.—The Advisory Committee may request the assistance of subject matter experts with expertise related to the jurisdiction of the Advisory Committee.

“(d) REPORTS.—

“(1) PERIODIC REPORTS.—The Advisory Committee shall periodically submit to the Administrator reports on matters requested by the Administrator or by a majority of the members of the Advisory Committee.

“(2) ANNUAL REPORT.—

“(A) SUBMISSION.—The Advisory Committee shall submit to the Administrator and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an annual report that provides information on the activities, findings, and recommendations of the Advisory Committee during the preceding year.