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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 25, 2018.

I hereby appoint the Honorable JEFF DENHAM 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 8, 2018, 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. All time shall be equally allocated between the parties, and in no event shall debate continue beyond 1:50 p.m. Each Member, other than the majority and minority leaders and the minority whip, shall be limited to 5 minutes.

HONORING LIEUTENANT COLONEL ROBERT MILLER

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

Mr. ABRAHAM. Mr. Speaker, I rise today to honor the life of Lieutenant Colonel Robert Miller, a veteran of the Marine Corps from Bogalusa, Louisiana, which I have the privilege to represent.

Colonel Miller went above and beyond to answer the call of service to our Nation. He fought in three wars between 1945 and 1973: World War II, the Korean war, and the Vietnam war.

He received three Purple Hearts during his time with the Marines, and some of his war experiences are quite impressive.

While in Korea, American forces suffered enormous casualties due to bitter cold and frostbite, yet Colonel Miller's platoon did not suffer a single casualty. He was asked later how he protected his men, and he shared with them a trick he learned from a gentleman, Delos Nobles, a homeless man from his home of Bogalusa.

Mr. Nobles would line his clothes and shoes with old newspapers to block the cold. Colonel Miller and his men asked friends and family to send them as many newspapers as they could get, and the results helped earn him a battlefield commission.

Maybe fittingly, Colonel Miller eventually earned a degree in journalism from the University of Maryland.

Colonel Miller also caught the eye of Marilyn Monroe while serving in Korea. His rifle platoon provided security to her while she visited the DMZ. She arranged a front row seat for him at her show.

She even gave him her phone number and told him to call her when he got home from the war. He did, and the two went on to become great friends.

Following his military service, Colonel Miller started what now is known as Venture Scout Crew 313, which specializes on learning survival skills and winning national white water canoe races.

That legacy includes 18 national championships in open cruisers, 27 national championships in advanced aluminums, and 26 national championships in the novice division.

His scouts also serve as stretcher bearers during medical emergencies at LSU football games. There is a reason that some of us joke that our Tigers are more like the Cardiac Cats.

His work with youth garnered him national and international leadership awards.

Colonel Miller has stayed active throughout his long life as a member of the local Lion's Club and chairman of the Christmas in Cassidy Park in Bogalusa.

He is certainly a shining example of public service, someone who puts community and country first. We could always use a few more Colonel Millers in whatever community we call home, and I thank him for everything and all he has done for Bogalusa and the United States of America.

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 4 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. DESJARLAIS) at 2 p.m.

PRAYER

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

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

Bless the Members who are laboring through these challenging days with wisdom, magnanimity, and a shared desire to serve our Nation at a pivotal time for us all.

May their efforts bring results that rise above any sense of victory for one side or the other, but rather mutual benefit.

In the end, may we continue to trust that You would not abandon those who put their trust in You.

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 gentlewoman from the District of Columbia (Ms. NORTON) come forward and lead the House in the Pledge of Allegiance.

Ms. NORTON 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.

CAMERAS IN THE UNITED STATES SUPREME COURT

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

Mr. POE of Texas. Mr. Speaker, it is time to remove the veil of secrecy from the hallowed halls of the Supreme Court.

Americans have the right to watch the proceedings in person, but only 50 members of the public can get into the small courtroom at a time.

Technology allows discreet videoing, but for some reason, there are those who want to keep these proceedings hidden from the American public.

We have the best judicial system ever created. We should not hide it.

Cameras should be allowed in the most important court in the world.

I know cameras can be placed in a courtroom without disruption or distraction, because I did it. For 22 years, I served as a felony court judge in Houston, Texas. I heard over 25,000 criminal cases and nearly 1,000 jury trials, and many of those were filmed by the television media.

Justice would be better served if the black robe of secrecy was removed from the United States Supreme Court and the proceedings were filmed. Because justice is the one thing we should always find in America.

And that is just the way it is.

WHY HAS JUDGE KAVANAUGH NOT REQUESTED AN FBI INVESTIGATION

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, although the Republican Senate has refused the customary FBI investigation into allegations against Judge Kavanaugh by Dr. Ford and others, there is evidence that should be weighed.

Dr. Ford is not only willing to offer sworn testimony at the hearing, she has requested an FBI investigation with the required FBI questioning under penalty of perjury.

Judge Kavanaugh is an expert on all our legal processes. Why hasn't he asked for the standard FBI investigation?

Moreover, apparently understanding the seriousness of her allegations, Dr. Ford has also taken the unusual step of being polygraphed. A lie detector test is not required, although law enforcement sometimes requests it.

It would be a fair question for Senators to ask Judge Kavanaugh why he did not request an FBI investigation and whether he would take a polygraph test, too.

CELEBRATING 100TH BIRTHDAY OF WALTER ''STICKY'' BURCH

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

Mr. BUDD. Mr. Speaker, I rise today to recognize Walter ''Sticky'' Burch, who is going to be 100 years old on October 21. And that is a great day, Mr. Speaker. It is also my birthday, although mine is just a few years after his.

Walter Burch was born in Asheville but grew up in Greensboro and spent much of his life serving in the Greensboro Police Department. His service to our Nation began just 9 days after the bombing of Pearl Harbor.

During the Second World War, he helped gather intelligence on enemy operations in Europe, but his service to his country did not end there.

Walter returned home and joined the police department, where he served for nearly 50 years.

He officially retired in 1981, but he ran for sheriff just a few years later. He went on to serve two terms as the sheriff of Guilford County.

Since retiring from law enforcement, Walter has remained deeply involved in our community, and the people of Guilford County are lucky to have him.

Mr. Speaker, please join me in celebrating the 100th birthday of Walter ''Sticky'' Burch and his lifelong commitment to public service.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 25, 2018.

Hon. PAUL D. RYAN,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 25, 2018, at 11:49 a.m.:

That the Senate passed without amendment H.R. 2259.

With best wishes, I am,

Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

SEPTEMBER 24, 2018.

Hon. PAUL D. RYAN,
Speaker of the House of Representatives, U.S. Capitol, Washington, DC.

DEAR SPEAKER RYAN: Pursuant to Section 1652(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115–232), I am pleased to appoint the following Member to serve as a Commissioner to the Cyberspace Solarium Commission:

The Honorable James Langevin of Rhode Island

And from private life:

The Honorable Patrick Murphy of Bristol, Pennsylvania

Thank you for your attention to these recommendations.

Sincerely,

NANCY PELOSI,
Democratic Leader.

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 votes objected to under clause 6 of rule XX.

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

PUBLIC-PRIVATE CYBERSECURITY COOPERATION ACT

Mr. MCCAUL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6735) to direct the Secretary of Homeland Security to establish a vulnerability disclosure policy for Department of Homeland Security internet websites, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6735

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 ''Public-Private Cybersecurity Cooperation Act''.

SEC. 2. DEPARTMENT OF HOMELAND SECURITY DISCLOSURE OF SECURITY VULNERABILITIES.

(a) VULNERABILITY DISCLOSURE POLICY.—The Secretary of Homeland Security shall establish a policy applicable to individuals, organizations, and companies that report security vulnerabilities on appropriate information systems of Department of Homeland Security. Such policy shall include each of the following:

(1) The appropriate information systems of the Department that individuals, organizations, and companies may use to discover and report security vulnerabilities on appropriate information systems.

(2) The conditions and criteria under which individuals, organizations, and companies may operate to discover and report security vulnerabilities.

(3) How individuals, organizations, and companies may disclose to the Department security vulnerabilities discovered on appropriate information systems of the Department.

(4) The ways in which the Department may communicate with individuals, organizations, and companies that report security vulnerabilities.

(5) The process the Department shall use for public disclosure of reported security vulnerabilities.

(b) REMEDIATION PROCESS.—The Secretary of Homeland Security shall develop a process for the Department of Homeland Security to address the mitigation or remediation of the security vulnerabilities reported through the policy developed in subsection (a).

(c) CONSULTATION.—In developing the security vulnerability disclosure policy under subsection (a), the Secretary of Homeland Security shall consult with each of the following:

(1) The Attorney General regarding how to ensure that individuals, organizations, and companies that comply with the requirements of the policy developed under subsection (a) are protected from prosecution under section 1030 of title 18, United States Code, civil lawsuits, and similar provisions of law with respect to specific activities authorized under the policy.

(2) The Secretary of Defense and the Administrator of General Services regarding lessons that may be applied from existing vulnerability disclosure policies.

(3) Non-governmental security researchers.

(d) PUBLIC AVAILABILITY.—The Secretary of Homeland Security shall make the policy developed under subsection (a) publicly available.

(e) SUBMISSION TO CONGRESS.—

(1) DISCLOSURE POLICY AND REMEDIATION PROCESS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a copy of the policy required under subsection (a) and the remediation process required under subsection (b).

(2) REPORT AND BRIEFING.—

(A) REPORT.—Not later than one year after establishing the policy required under subsection (a), the Secretary of Homeland Security shall submit to Congress a report on such policy and the remediation process required under subsection (b).

(B) ANNUAL BRIEFINGS.—One year after the date of the submission of the report under subparagraph (A), and annually thereafter for each of the next three years, the Secretary of Homeland Security shall provide to Congress a briefing on the policy required under subsection (a) and the process required under subsection (b).

(C) MATTERS FOR INCLUSION.—The report required under subparagraph (A) and the briefings required under subparagraph (B) shall include each of the following with respect to the policy required under subsection (a) and the process required under subsection (b) for the period covered by the report or briefing, as the case may be:

(i) The number of unique security vulnerabilities reported.

(ii) The number of previously unknown security vulnerabilities mitigated or remediated.

(iii) The number of unique individuals, organizations, and companies that reported security vulnerabilities.

(iv) The average length of time between the reporting of security vulnerabilities and mitigation or remediation of such vulnerabilities.

(f) DEFINITIONS.—In this section:

(1) The term ''security vulnerability'' has the meaning given that term in section 102(17) of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501(17)), in information technology.

(2) The term ''information system'' has the meaning given that term by section 3502(12) of title 44, United States Code.

(3) The term ''appropriate information system'' means an information system that the Secretary of Homeland Security selects for inclusion under the vulnerability disclosure policy required by subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. MCCAUL) and the gentleman from Louisiana (Mr. RICHMOND) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

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

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

There was no objection.

Mr. MCCAUL. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of the Public-Private Cybersecurity Cooperation Act.

Strengthening our cybersecurity must be a top national priority. International hackers and nation-states are waging a war against us in cyberspace.

These threats are aimed at our economic, political, and national security institutions.

Between 2011 and 2013, Iranian hackers attacked dozens of American banks and even tried to shut down a dam in New York.

In 2014, Chinese hackers stole over 22.5 million security clearances, including my own, from the Office of Personnel Management.

In 2016, Russia meddled in our presidential election.

Because we use computer networks in our personal and professional lives, almost everyone is a target.

With each passing day, cyber threats continue to grow, but the government cannot face these threats alone. We need help from the private sector.

Today's legislation will direct the Department of Homeland Security Secretary to develop and implement a vulnerability disclosure program that will allow threat researchers from the private sectors to identify and report cybersecurity flaws found in the Department's information systems.

Currently, there is no legal avenue that allows them to do so. This legislation solves that problem.

Mr. Speaker, I would like to thank Leader MCCARTHY for his years of commitment to innovation and cybersecurity, and for his work on this bill in particular.

He truly understands the nature of this threat and why it is so important to have a strong cyber partnership between the public and private sectors.

Mr. Speaker, I believe that this bipartisan legislation will help DHS better protect its vital networks, and I urge my colleagues to support it.

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

Mr. RICHMOND. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of H.R. 6735, the Public-Private Cybersecurity Cooperation Act.

Mr. Speaker, protecting our Federal information systems is an enormous task.

As ranking member of the Cybersecurity and Infrastructure Protection Subcommittee, I hear more often than I would like about the challenges of recruiting and maintaining the Federal cyber workforce. That is true even at the Department of Homeland Security.

As DHS works to address ongoing workforce challenges, we have to think creatively and leverage untapped resources of talent.

Across the country, there are white hat hackers who want to apply their considerable cyber skills to report vulnerabilities found on government information systems to Federal authorities. But today, these ethical hackers cannot research and report bugs on DHS' systems without being in violation of the Computer Fraud and Abuse Act.

In 2016, the Department of Defense piloted Hack the Pentagon, which gave white hat hackers 24 days to find unique vulnerabilities in certain DOD information systems and report them for a reward.

The program was so successful, DOD established a permanent vulnerability disclosure program to allow ethical hackers to search for and report bugs on DOD information systems without violating the law.

That program has enjoyed similar success to Hack the Pentagon.

Members of the Homeland Security Committee have been urging DHS to establish a vulnerability disclosure program for several years.

At a hearing with Secretary Nielsen in April, my colleague on the Cybersecurity Subcommittee, Mr. LANGEVIN, asked the Secretary whether the Department had in place a mechanism for vulnerabilities to be reported. Secretary Nielsen testified that the Department had no clear process in place to accept information about bugs in DHS information systems and agreed to work with the committee to establish one.

Five months have passed, and the Department is not any closer to establishing a vulnerability disclosure program of its own.

Vulnerability disclosure programs are an emerging industry best practice and are recommended by the updated NIST Cybersecurity Framework.

White hat hackers are an enormous pool of talent that the Federal Government has largely failed to leverage. DHS can no longer afford to leave that kind of talent on the table.

H.R. 6735 would push DHS in the right direction by requiring it to put in place policies to ensure that civic-minded hackers can research and report bugs found on certain information systems without breaking the law.

Before I close, I would like to express my disappointment that S. 1281, the Hack DHS Act, is not being considered on the floor today.

S. 1281, which would create a bug bounty pilot program at DHS, was approved by voice vote in the committee and is consistent with the objectives of H.R. 6735, which I support.

□ 1415

It is unclear why S. 1281 is not being considered today. I urge House leadership to bring S. 1281 to the floor later this fall.

Mr. Speaker, I urge my colleagues to support H.R. 6735. In the current security environment, vulnerability disclosure policies have emerged as a critical component of cybersecurity without any organization. DHS is the lead Federal Department charged with securing government civilian networks.

DHS should be leading by example, not playing catchup. Today, the Department of Defense and the GSA have vulnerability disclosure programs in operation. It is time for DHS to join them.

Mr. Speaker, I urge my colleagues to support H.R. 6735, and I yield back the balance of my time.

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

Mr. Speaker, I once again urge my colleagues to support this bill. It is at a time when there is a lot of partisanship going on. I think it is healthy to see a truly bipartisan bill on such an important issue regarding our national security.

I think, as the gentleman from Louisiana pointed out, this is modeled after a program that the Department of Defense successfully deployed, and I am proud of the record my committee has had on passing, I think, close to 110 bills now, and almost all of them are bipartisan.

Mr. Speaker, I urge my Senate colleagues to at least take up some of them and do the same, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MCCAUL) that the House suspend the rules and pass the bill, H.R. 6735, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MCCAUL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

BORDER TUNNEL TASK FORCE ACT

Mr. MCCAUL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6740) to amend the Homeland Security Act of 2002 to establish Border Tunnel Task Forces, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6740

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 ''Border Tunnel Task Force Act''.

SEC. 2. BORDER TUNNEL DETECTION.

(a) IN GENERAL.—Subtitle B of title IV of the Homeland Security Act of 2002 (6 U.S.C. 211 et seq.) is amended by adding at the end the following new section:

''SEC. 420. BORDER TUNNEL TASK FORCES.

''(a) ESTABLISHMENT.—The Secretary shall establish Border Tunnel Task Forces in jurisdictions in which such Border Tunnel Task Forces can contribute to border security missions after evaluating—

''(1) whether the areas in which such Border Tunnel Task Forces would be established are significantly impacted by cross-border threats; and

''(2) the availability of Federal, State, local, and Tribal law enforcement resources to participate in such Border Tunnel Task Forces.

''(b) PURPOSE.—The purpose of the Border Tunnel Task Forces under subsection (a) is to enhance and integrate border security efforts by addressing and reducing cross-border tunnel related threats and violence by—

''(1) facilitating collaboration among Federal, State, local, and Tribal law enforcement agencies to execute coordinated activities in furtherance of border security and homeland security; and

''(2) enhancing information-sharing, including the dissemination of homeland security information, among such agencies.

''(c) COMPOSITION AND ESTABLISHMENT OF BORDER TUNNEL TASK FORCES.—Border Tunnel Task Forces may be comprised of the following:

''(1) Personnel from U.S. Customs and Border Protection, including the U.S. Border Patrol.

''(2) Personnel from U.S. Immigration and Customs Enforcement, including Homeland Security Investigations.

''(3) Personnel from other Department components and offices, as appropriate.

''(4) Personnel from other Federal, State, local, and Tribal law enforcement agencies, as appropriate.

''(5) Other appropriate personnel at the discretion of the Secretary.

''(d) DUPLICATION OF EFFORTS.—In determining whether to establish a new Border Tunnel Task Force or to expand an existing Border Tunnel Task Force in a given jurisdiction, the Secretary shall ensure that the Border Tunnel Task Force under consideration does not unnecessarily duplicate the efforts of other existing interagency task forces or centers within such jurisdiction.

''(e) COORDINATION AMONG COMPONENTS.—The Secretary shall—

''(1) establish targets and performance measures for the Border Tunnel Task Forces that include consideration of whether border barriers impact cross-border tunnel threats;

''(2) direct leadership of each Border Tunnel Task Force to monitor progress on such targets and performance measures for each such task force; and

''(3) periodically report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate regarding progress on such targets and performance measures.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 419 the following new item:

''Sec. 420. Border Tunnel Task Forces.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. MCCAUL) and the gentleman from Louisiana (Mr. RICHMOND) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise today in support of the Border Tunnel Task Force Act.

Mr. Speaker, some of the most dangerous threats to our homeland are coming across our southern border. Drug smugglers are bringing dangerous narcotics and fueling America's epidemic of opioids. Human traffickers and transnational gangs like MS–13 are infecting our neighborhoods and endangering our kids. Even potential known or suspected terrorists are trying to make their way into America by exploiting our weak borders.

All of these groups are a serious national security concern. They are also very determined and creative, and one of the ways they avoid detection is by digging cross-border tunnels.

In August, a tunnel the length of two football fields was discovered below a closed fast-food restaurant in Arizona. This pathway was used to smuggle cocaine, heroin, fentanyl, and methamphetamines.

In 2016, 7 tons of marijuana and 1 ton of cocaine were found in a tunnel not far from San Diego. In my home State of Texas, a tunnel was discovered under the Rio Grande in El Paso back in 2010, also for smuggling drugs.

Unfortunately, the problem is not new. Authorities have discovered nearly 200 cross-border tunnels since 1990. We must do more to shut these tunnels down. This legislation will establish Border Tunnel Task Forces to enhance the ability of DHS to detect these tunnels and identify criminal networks.

These teams will be made up of ICE, CBP, and other Department personnel. They will be assisted by State, local, and Tribal law enforcement agencies. These teams will deploy to locations along the border where the greatest

risks to our national security exist. In working together, they will be able to better secure our border and protect Americans from a growing list of threats.

This bill will minimize a unique, but serious, threat to our homeland. I want to thank my very dear friend and colleague, Congressman SESSIONS, for all of his hard work on this issue, and I urge my colleagues to support this bipartisan legislation.

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

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

Mr. Speaker, I rise in support of H.R. 6740, the Border Tunnel Task Force Act. H.R. 6740 formally authorizes the Department of Homeland Security's Border Tunnel Task Force.

The first illicit cross-border tunnel under the United States-Mexico border was discovered in 1990. Since then, law enforcement has uncovered more than 200 tunnels, primarily in Arizona and California.

Cross-border tunnels are exploited by smugglers to move all types of contraband, currency, and people into the United States without detection. Unearthed tunnels range from crudely formed, shallow tunnels, to elaborately constructed passages that include lighting or railways and emerge on the U.S. side in facilities large enough to accommodate deliveries by tractor-trailers.

Incredibly, some tunnels are interconnected with municipal stormwater and sewer systems on both sides of the border. In one case, a 2016 law enforcement operation uncovered a tunnel half a mile inland with a ton of cocaine and 7 tons of marijuana in it.

Just last month, about 200 yards from the border, there was a traffic stop arrest of an individual with more than 300 pounds of illegal drugs, which resulted in the execution of a search warrant on his property and the discovery of a tunnel that went from a long-abandoned Kentucky Fried Chicken that was on his property directly to a house in Mexico. Inside that 600-foot-long tunnel, Federal agents discovered $1 million worth of hard drugs.

These discoveries did not just happen. They were the result of collaborative, binational law enforcement operations under the auspices of the Border Tunnel Task Forces that the Department of Homeland Security maintains. H.R. 6740 seeks to authorize the task forces to ensure that this valuable work continues.

I ask my House colleagues to join me in supporting DHS' efforts to head off smuggling through illicit cross-border tunnels and vote in favor of H.R. 6740.

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

Mr. MCCAUL. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SESSIONS), the distinguished chairman of the Rules Committee and the author of this bill.

Mr. SESSIONS. Mr. Speaker, I appreciate and thank the young chairman of the Homeland Security Committee, the gentleman from Austin, Texas, who has had the responsibility and the authority vested in him as chairman of the committee to make sure that we look at, approach, and correct the problems that we have at our borders. I want to thank the distinguished gentleman for his years of service not only to the Department of Justice, but to the American people and the rule of law.

Mr. Speaker, every day we in Texas and around the United States deal with crime, drugs, and gangs that are streaming into the United States from our southern border. Both Chairman MCCAUL and I recognize that the challenge that we have ahead of us here in Washington is not only to support and defend our Constitution, but it is actually to defend people who live back home, wherever they might be in the United States.

No part of the United States is safe if our southern border is not effectively taken care of. That is why we are here today with a bill that addresses this issue even further. That issue is that we must secure our borders to halt the flow of drugs that come into our country.

We recognize that one of the most vulnerable piece parts that has been talked about today and that is known by law enforcement is that of the use of tunnels, which evade not only the sight of law enforcement, but take place under the secrecy of those who would intend to bring illegal drugs, narcotics, people, and other unspecified but dangerous items into this country.

These tunnels are difficult to detect without sophisticated equipment or intelligence that advises law enforcement not only where they are, but how they might discover them. Said another way, cartels and criminals are one step ahead of the good guys, our law enforcement.

Just last month, United States Homeland Security agents discovered a 600-foot-long drug tunnel running between a private home in Mexico and an abandoned food restaurant in Arizona. Near the tunnel, they discovered—as has been talked about here today and it is worth repeating—261 pounds of methamphetamines, 14 pounds of cocaine, 45 pounds of heroin, and almost 7 pounds of fentanyl. That is enough to have supplied over 3 million people with dosage units that could cause them not only harm, but also take their life.

Working with Chairman MICHAEL MCCAUL, our young chairman from Austin, Texas, I am pleased to inform you that earlier this month we introduced H.R. 6740, the Border Tunnel Task Force Act. This bill will enhance not only law enforcement—Federal, State, and local law enforcement—but also Tribal law enforcement with the ability that they need to make sure that these cross-border-related threats are taken care of properly.

First of all, the task force will look at the issue and understand how these cartels and drug gangs make these tunnels, where they make them, and when they make them.

Secondly, the task force will ensure that they are looking out and working together.

Specifically, this legislation requires the Department of Homeland Security to establish a Border Tunnel Task Force, which would be comprised of personnel from U.S. Customs and Border Protection, known as CBP; U.S. Border Patrol; U.S. Immigration and Customs Enforcement, known as ICE; and Homeland Security investigators. These groups would work together on border issues where enhanced information could be shared and law enforcement action would contribute to our border security missions.

It is my hope that the establishment of these law enforcement groups will help facilitate not only teamwork among Federal, State, local, and Tribal officials, but they will also help execute coordinated activities to crack down on gangs that continue to seek ways to do their illegal trade and business along our border which places Americans at risk.

In closing, I would like to once again thank Chairman MCCAUL and his Homeland Security Committee, its members on a bipartisan basis, and their staff for recognizing that this is a true threat against the United States of America, our citizens, and perhaps our most vulnerable, our children.

Their work in protecting our country is paramount, and so I urge my colleagues to support H.R. 6740, the Border Tunnel Task Force Act, a bill that will encourage, help, and strengthen law enforcement in this activity. It will protect the United States of America and protect American families from drug cartels and drug trafficking.

Mr. Speaker, I want to thank the young chairman for his hard work and also the gentleman from Louisiana, who recognized, on a bipartisan basis, that we must protect our homeland.

□ 1430

Mr. Speaker, DHS's Border Tunnel Task Forces have been effective at identifying and closing tunnels through which smugglers illicitly move drugs, launder money, and other contraband into the United States. As such, I support these task forces, but would note that there are two 20-foot-high fences—or ''wall'' as the President likes to call them—near the U.S.-Mexico border in San Luis, Arizona, the town where a tunnel was discovered under an abandoned restaurant last month.

Logic tells you that when smugglers cannot easily move goods or people over or through physical barriers, they will tunnel underneath.

Importantly, the measure under consideration today includes language offered by Representative VELA, the ranking member of the Border and

Maritime Security Subcommittee, to require DHS to determine whether border barriers impact the proliferation of cross-border tunnels.

With DHS having dedicated nearly $9 million over the past decade to remediating and countering cross-border tunnel threats, DHS needs to know whether its wall agenda is driving more illicit cross-border tunnels.

Mr. Speaker, I urge my colleagues to support H.R. 6740, and I yield back the balance of my time.

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

Mr. Speaker, every day, we are seeing drugs coming in from Mexico, known or suspected terrorists, and dangerous opioids. We see fentanyl coming in from China into Mexico where they mix it with methamphetamines and heroin. It is really toxic, poisonous stuff. Fentanyl is so toxic that our canines die when they sniff it, yet that is being put into drugs coming across the U.S.-Mexico border into the United States to pollute and infect our children and our veterans. It is time for this to stop.

I hope that we will be able to take up, perhaps in November, our border security bill, which I think would go a long ways to getting this job done. In the meantime, this bill, I think, will go a long ways to stopping a very organized, sophisticated route of drugs, bad people, and bad things into the United States, and that is shutting down these tunnels.

Mr. Speaker, I urge support of 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 Texas (Mr. MCCAUL) that the House suspend the rules and pass the bill, H.R. 6740, 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.

PROTECTING CRITICAL INFRASTRUCTURE AGAINST DRONES AND EMERGING THREATS ACT

Mr. MCCAUL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6620) to require the Department of Homeland Security to prepare a threat assessment relating to unmanned aircraft systems, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6620

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 ''Protecting Critical Infrastructure Against Drones and Emerging Threats Act''.

SEC. 2. DRONE AND EMERGING THREAT ASSESSMENT.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Under Secretary for Intelligence and Analysis of the Department of Homeland Security shall—

(1) in consultation with other relevant officials of the Department, request additional information from other agencies of the Federal Government, State and local government agencies, and the private sector relating to threats of unmanned aircraft systems and other emerging threats associated with such new technologies;

(2) in consultation with relevant officials of the Department and other appropriate agencies of the Federal Government, develop and disseminate a security threat assessment regarding unmanned aircraft systems and other emerging threats associated with such new technologies; and

(3) establish and utilize, in conjunction with the Chief Information Officer of the Department and other relevant entities, a secure communications and information technology infrastructure, including data-mining and other advanced analytical tools, in order to access, receive, and analyze data and information in furtherance of the responsibilities under this section, including by establishing a voluntary mechanism whereby critical infrastructure owners and operators may report information on emerging threats, such as the threat posed by unmanned aircraft systems.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Under Secretary for Intelligence and Analysis of the Department of Homeland Security shall prepare a threat assessment and report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the threat posed by unmanned aircraft systems, including information collected from critical infrastructure owners and operators and Federal, State, and local government agencies.

(c) DEFINITIONS.—

(1) CRITICAL INFRASTRUCTURE.—The term ''critical infrastructure'' has the meaning given such term in section 1016(e) of Public Law 107–56 (42 U.S.C. 5195c(e)).

(2) UNMANNED AIRCRAFT SYSTEM.—The term ''unmanned aircraft system'' has the meaning given such term in section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note; Public Law 112–95).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. MCCAUL) and the gentleman from Louisiana (Mr. RICHMOND) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise today in support of this legislation that will help protect the American people from threatening drones. Drones are being used to cross America more and more every year. News outlets use drones to capture footage for a breaking story. Photographers use them to take photos and videos at weddings, sporting events, and rock concerts. They also are used by law enforcement to help document crime scenes or assist with search and rescue operations. Those are all good things.

However, drones or other unmanned aerial systems can also pose a threat if they are controlled by terrorists or criminals. For example, ISIS used them to carry out attacks and conduct reconnaissance overseas. Here at home, criminals are using drones to smuggle drugs across our borders and surveil law enforcement. The FBI even disrupted a plot to attack the Pentagon with a drone loaded with grenades.

The threats we face from drones are constantly evolving as the technology becomes more accessible across the globe. We need to do more to confront these dangers.

This legislation requires the Under Secretary for Intelligence and Analysis at DHS to develop a drone threat assessment with information gathered from Federal, State, local, and private sector partners.

It also directs the Under Secretary to establish a secure communications infrastructure for receiving and analyzing such threat information.

Further, this bill sets up a voluntary mechanism for critical infrastructure owners and operators to report information on similar emerging threats.

Mr. Speaker, I thank Congressman RICHMOND and Congressman RATCLIFFE for their hard work on this issue. I think this bill will allow us to strengthen our intelligence gathering and stay one step ahead of our enemies.

I am pleased that the Senate and House were also able to include the Preventing Emerging Threats Act, legislation I introduced with Congressman CHABOT, in the FAA bill that will be on the floor tomorrow. This will give DHS the authority to counter drones in our airspace if they are determined to be a threat to national security.

This bill provides DHS and DOJ with the ability to act quickly and effectively when a drone poses a security risk to large-scale events, national security events, and government facilities.

Secretary Nielsen described this legislation as ''a critical step in enabling the Department to address this threat.''

Let's provide DHS with the tools it needs to confront these threats before they get worse.

Mr. Speaker, I urge my colleagues to support these bipartisan bills, and I reserve the balance of my time.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,
Washington, DC, September 21, 2018.

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

DEAR CHAIRMAN MCCAUL: I write concerning H.R. 6620, the Protecting Critical Infrastructure Against Drones and Emerging Threats Act. This legislation includes matters that fall within the Rule X jurisdiction

of the Committee on Transportation and Infrastructure.

In order to expedite floor consideration of H.R. 6620, 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 would 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 Congressional Record during House Floor consideration of the bill. I look forward to working with the Committee on Homeland Security as the bill moves through the legislative process.

Sincerely,

BILL SHUSTER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, September 21, 2018.

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

DEAR CHAIRMAN SHUSTER: Thank you for your letter regarding H.R. 6620, the ''Protecting Critical Infrastructure Against Drones and Emerging Threats Act.'' 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 further consideration of the bill.

The Committee on Homeland Security concurs with the mutual understanding that by foregoing consideration of this bill at this time, the Committee on Transportation and Infrastructure does not waive any jurisdiction over the subject matter contained in this bill or similar legislation in the future. In addition, should a conference on this bill be necessary, I would support your request to have the Committee represented on the conference committee.

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

Mr. Speaker, I rise in support of H.R. 6620, the Protecting Critical Infrastructure Against Drones and Emerging Threats Act.

Mr. Speaker, H.R. 6620 would require the Department of Homeland Security to take action to better understand and address an emerging threat posed by unmanned aerial systems—or drones—to our Nation's critical infrastructure.

These technologies are not new, but their applications have evolved rapidly in recent years. Some of these uses are important to keeping the public safe, growing our economy, and providing new ways to explore the world, including giving first responders better information in an emergency, for example. But, we also know that drones can be used for espionage, be weaponized, or even to carry out a terrorist attack.

My district in Louisiana has one of the Nation's highest concentrations of critical infrastructure, including pipelines, refineries, ports, airports, stadiums, and a wide range of other key assets and resources.

When I speak with critical infrastructure owners and operators, they recognize the benefits of drone technology. Many of them even put them to good use in their own businesses. At the same time, they are troubled by the risks posed by unknown, unauthorized drones operating over their facilities.

Over the past year, I have asked owners and operators what we in government can do to help them address this threat. What I heard is that, at a minimum, they need a way to report potentially dangerous drone activity to DHS when they detect it.

In a hearing this spring before the Cybersecurity and Infrastructure Protection Subcommittee, where I serve as ranking member, stakeholders from the chemical industry testified about this challenge on the record. They told us that when a facility detects a drone in their airspace, they aren't sure what to do about it, or even who to tell.

H.R. 6620 would address this gap in a few ways.

First, it would require DHS to establish a channel for reporting information on drones, as well as other emerging threats, securely, through a communications infrastructure, developed in conjunction with the Department's chief information officer.

This bill would also direct DHS's Under Secretary for Intelligence and Analysis to develop and disseminate a threat assessment on unmanned aerial systems and other emerging threats associated with drone technology. The assessment would be informed by Federal, State, local, and private sector partners, and prepared in consultation with other DHS components, like the National Protection and Programs Directorate, that have relevant expertise.

Finally, H.R. 6620 would require DHS to report its findings to Congress within 1 year.

Together, these provisions call on DHS to take a closer look at a significant threat to our Nation's critical infrastructure—the threat of drone-enabled attacks—while also creating an enduring mechanism for DHS to continue gathering information on emerging threats from the owners and operators who stand on the front line of defense.

Mr. Speaker, H.R. 6620 would direct the Department of Homeland Security to do more to understand, assess, and respond to the threat posed by drones, while also creating an avenue for two-way information sharing about emerging threats.

My bill creates a new channel for critical infrastructure owners and operators to report potentially dangerous drone activity in their airspace, and other new threats as they evolve. Creating a way for owners and operators to relay this information, on a voluntary basis, would give DHS access to better data and a more comprehensive view of the threat environment.

Before I yield back, I would like to also express support for a related provision in the FAA package that is expected to be considered tomorrow. It would allow DHS to research technologies to counter threats of unmanned aerial systems being exploited to carry out terrorism or dangerous activity.

Mr. Speaker, I urge my colleagues to support H.R. 6620, and I yield back the balance of my time.

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

Mr. Speaker, on September 11, a United Airlines flight was headed towards the Capitol. Thank God those heroes that day brought down that airliner in Shanksville, Pennsylvania, and this great building that we are standing in today was not destroyed with an image I don't think the American people could accept.

However, those terrorists are exploiting these drones. We have seen them in Iraq and Syria with explosives and chemical weapons. We have also disrupted plots for the use of drones against both the Pentagon and the United States Capitol. A drone, unlike an airplane, could hit the United States Capitol very quickly. We need to give the Department the tools and the authorities necessary to protect our American institutions.

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

Ms. JACKSON LEE. Mr. Speaker, I rise today in support of H.R. 6620, the Protecting Critical Infrastructure Against Drones and Emerging Threats Act.

This much needed measure would direct the Department of Homeland Security to complete a vulnerability assessment of the threat posed by Unmanned Air Systems (UAS) to our critical infrastructure assets.

The results of the assessment would be reported to Congress, providing policymakers with much needed information to better protect our critical infrastructure assets.

Unmanned Air Systems, or drones, hold great promise, and may one day change the world as we know it.

As the technology develops however, there is always the risk that malicious actors may seek to use it to cause harm or destruction.

Drones offer the ability for almost anyone to bypass most physical security measures of our critical infrastructure facilities.

These facilities, such as nuclear power plants and oil refineries, depend on physical security and access control to ensure that operations are secured and remain operational.

Drones could potentially allow a malicious actor to bypass the security of a facility, carry out an explosive or chemical attack, or conduct surveillance of prohibited areas.

At a time when our critical infrastructure assets are under constant attack, and have suffered serious breaches in recent years, we must take action to ensure that the ability of our citizens and the ability of federal agencies to carry out their duties are resilient.

As a long-time advocate of a government that works efficiently for the people, it is clear that current security practices protecting our critical infrastructure are neither sufficient nor consistent.

Without an honest effort to even get a obtain view of the security risks facing critical infrastructure assets we will continue to be increasingly vulnerable.

While conducting threat assessments like this will harden the security posture of the federal government and our critical infrastructure assets, we are still suffering from a shortage of workers with the requisite skills to secure them.

To address this, I have introduced the Cyber Security Education and Federal Workforce Enhancement Act (H.R. 1981), which would address our cyber workforce shortage by establishing an Office of Cybersecurity Education and Awareness within DHS which will focus on:

Recruiting information assurance, cybersecurity, and computer security professionals;

Providing grants, training programs, and other support for kindergarten through grade 12, secondary, and post-secondary computer security education programs;

Supporting guest lecturer programs in which professional computer security experts lecture computer science students at institutions of higher education;

Identifying youth training programs for students to work in part-time or summer positions at federal agencies; and

Developing programs to support underrepresented minorities in computer security fields with programs at minority-serving institutions, including Historically Black Colleges and Universities, Hispanic-serving institutions, Native American colleges, Asian-American institutions, and rural colleges and universities.

Mr. Speaker, government agencies and the owners of critical infrastructure alike continue to struggle to identify the factors and technologies that put them at risk.

In closing, Mr. Speaker, I urge all members to join me in voting to pass H.R. 6620, the ''Protecting Critical Infrastructure Against Drones and Emerging Threats Act''.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MCCAUL) that the House suspend the rules and pass the bill, H.R. 6620.

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.

SECURE BORDER COMMUNICATIONS ACT

Mr. MCCAUL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6742) to amend the Homeland Security Act of 2002 to ensure that appropriate officers and agents of U.S. Customs and Border Protection are equipped with secure radios or other two-way communication devices, supported by system interoperability, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6742

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 ''Secure Border Communications Act''.

SEC. 2. SECURE BORDER COMMUNICATIONS.

(a) IN GENERAL.—Subtitle B of title IV of the Homeland Security Act of 2002 (6 U.S.C. 211 et seq.) is amended by adding at the end the following new section:

''SEC. 420. SECURE BORDER COMMUNICATIONS.

''(a) IN GENERAL.—The Secretary shall ensure that each U.S. Customs and Border Protection officer or agent, if appropriate, is equipped with a secure radio or other two-way communication device, supported by system interoperability, that allows each such officer or agent to communicate—

''(1) between ports of entry and inspection stations; and

''(2) with other Federal, State, Tribal, and local law enforcement entities.

''(b) U.S. BORDER PATROL AGENTS.—The Secretary shall ensure that each U.S. Border Patrol agent assigned or required to patrol in remote mission critical locations, and at border checkpoints, has a multi- or dual-band encrypted portable radio.

''(c) COMMERCIAL MOBILE BROADBAND CONNECTIVITY.—In carrying out subsection (b), the Secretary shall acquire radios or other devices with the option to connect to appropriate commercial mobile broadband networks for deployment in areas where such networks enhance operations and are cost effective.

''(d) EMERGING COMMUNICATIONS TECHNOLOGIES CONSIDERED.—In carrying out this section, the Secretary may evaluate new or emerging communications technologies to determine their suitability for the unique conditions of border security operations.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 419 the following new item:

''Sec. 420. Secure border communications.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. MCCAUL) and the gentleman from Louisiana (Mr. RICHMOND) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

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

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

There was no objection.

□ 1445

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

Mr. Speaker, I rise today in support of the Secure Border Communications Act.

Every day our CBP agents and officers serve on the front lines in the fight to secure our homeland. They face threats from armed drug cartels, dangerous gangs like MS–13, human traffickers, and potential terrorists.

These brave individuals take pride in serving with vigilance, integrity, and professionalism in order to keep us safe.

To be successful, however, they must be equipped with the tools they need to do their jobs well. Too often, the communications devices and radios used by CBP officers and other agents are outdated and unreliable.

For instance, Border Patrol agents patrolling on the ground may not have direct radio contact with CBP air assets or other law enforcement officers working the area. This hinders interagency communications and jeopardizes their mission and safety.

At a subcommittee hearing earlier this year, a Border Patrol agent stated that she had been issued a radio that often failed. At times, she would need to communicate with a fellow agent but was forced to use her personal cell phone.

We cannot allow these kinds of technical failures to endanger the lives of our agents and weaken our national security. We must do better.

Fortunately, we can begin to fix this problem today. This legislation will ensure that CBP agents and officers are equipped with interoperable and secure radios or two-way communication devices.

In addition, this bill highlights the importance of reliable encrypted communications that will prevent powerful cartels from intercepting sensitive information, such as our CBP agents' and officers' locations.

Passing this bill is a simple step that we can take to help our CBP agents do their jobs and protect our homeland.

I would like to thank Congressman MAST for all his hard work on this issue. Congressman MAST is no stranger to service and sacrifice, serving overseas in our wars in Iraq and Afghanistan, and he has the scars to prove it. We thank him for his service. It is a great honor to have him sponsor a bill from our committee.

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

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 24, 2018.

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

DEAR CHAIRMAN MCCAUL: I write to you regarding H.R. 6742, the ''Secure Border Communications Act'', on which the Committee on Ways and Means was granted an additional referral.

As a result of your having consulted with us on provisions in H.R. 6742 that fall within the Rule X jurisdiction of the Committee on Ways and Means, I agree to waive formal consideration of this bill. The Committee on Ways and Means takes this action with the mutual understanding that we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and the Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues that fall within our jurisdiction. The 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 requests your support for such request.

I would appreciate your response confirming this understanding with respect to H.R. 6742 and ask that a copy of our exchange of letters on this matter be included in the Congressional Record during consideration of the bill on the House floor.

Sincerely,

KEVIN BRADY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, September 25, 2018.

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

DEAR CHAIRMAN BRADY: Thank you for your letter regarding H.R. 6742, the ''Secure Border Communications Act.'' I appreciate your support in bringing this legislation before the House of Representatives, and accordingly, understand that the Committee on Ways and Means will not take further action on this bill.

The Committee on Homeland Security concurs with the mutual understanding that by foregoing consideration on this bill at this time, the Committee on Ways and Means does not waive any jurisdiction over the subject matter contained in this bill or similar legislation in the future. In addition, should a conference on this bill be necessary, I would support a request by the Committee on Ways and Means 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. RICHMOND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6742, the Secure Border Communications Act.

Mr. Speaker, it is essential that the men and women of the Department of Homeland Security have reliable and effective communications equipment in the field.

Unfortunately, in recent years, U.S. Customs and Border Protection has been unable to achieve and maintain baseline communications capabilities, with devices exhibiting a range of issues from system incompatibility to outright inoperability. For Border Patrol agents in remote areas of the border, particularly along the U.S.-Canadian border, such issues give rise to troubling operational and officer safety challenges.

In response, H.R. 6742 directs the Secretary of Homeland Security to ensure that CBP agents and officers are equipped with secure radio technologies that are interoperable regardless of where used along the border.

Additionally, it authorizes the Secretary to evaluate new and emerging communications technologies to determine their suitability for use along the border.

On a related note, a recent positive development came this summer when CBP awarded $26 million in contracts to upgrade their mission critical equipment.

While CBP is slowly upgrading their communication networks and equipment, H.R. 6742 underscores Congress' interest in seeing meaningful progress. As such, I support H.R. 6742 and ask my colleagues to do the same.

Mr. Speaker, in closing, it is our duty as Members of Congress to ensure that the men and women who patrol and protect our border are trained and equipped to do their jobs.

Unreliable communication in areas between ports of entry or remote areas due to system inoperability is an issue H.R. 6742 aims to fix. It seeks to do so by placing on the shoulders of the Secretary of Homeland Security the responsibility for ensuring that each agent or officer is equipped with secure, reliable radios.

Mr. Speaker, I support this approach. I urge my colleagues to join me in supporting H.R. 6742, and I yield back the balance of my time.

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

Mr. Speaker, this ensures that not only are communication devices operable but that they are interoperable between agents down on the border risking their lives day in and day out.

I can't thank them enough. I have been down to the border so many times, and I see the harsh conditions that they operate under. I just want to send a message of gratitude from the United States Congress and our Committee on Homeland Security, and thank them for the work that they do tirelessly. Honestly, I think we don't thank them enough for what they do.

The encryption issue is vitally important because the drug cartels are getting so sophisticated that they can pick up communications of our law enforcement. This bill will go a long way to help protect those communications and make sure that they can do their job in a more safe and efficient manner in protecting the American public.

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

Mr. MAST. Mr. Speaker, I rise today in support of H.R. 6742, the Secure Border Communications Act. Every single day the brave law enforcement officers of the United States Customs and Border Protection put themselves in harm's way in order to secure our borders and ports of entry. This bill will strengthen interagency border security communication and communication within U.S. Customs and Border Protection by improving communication technologies for all CBP officers and agents.

When agents or officers are in the field, secure communications with other CBP personnel and law enforcement agencies is imperative to mission success and officer safety. Currently, communication devices and radios used by officers and agents are outdated and hinder interagency communication. I never want there to be a circumstance where a CBP officer or agent is operating in a remote area along our border and is not able to call for backup or whose location is intercepted by the cartels due to defective devices. We must not accept that as a possibility; we must ensure that our agents and officers are fully equipped with the proper technology.

H.R. 6742 will require the Department of Homeland Security to ensure that CBP personnel are equipped with secure radios or other two-way communication devices. These devices will allow officers and agents to communicate between ports of entry and inspection stations, and with other law enforcement entities operating in the same area of responsibility.

I want to thank my friend and colleague, Chairman MCCAUL, for his cosponsorship and leadership on this important bill. Mr. Speaker, we are in the midst of a war on terror and continue to be the target of radicals who want to do our country harm. Ensuring our law enforcement officers operating along the borders and at our ports of entry are fully equipped is essential to national security. Beyond the threat of terrorism, securing our border is vitally important to preventing drug and human trafficking. Improving communication is a critical component of this mission. Mr. Speaker, let's take some decisive action to secure our border. Let's pass this bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MCCAUL) that the House suspend the rules and pass the bill, H.R. 6742.

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.

SERGEANT JOHN TOOMBS RESIDENTIAL REHABILITATION TREATMENT FACILITY

Mr. DESJARLAIS. Mr. Speaker, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of the bill (H.R. 2634) to designate the Mental Health Residential Rehabilitation Treatment Facility Expansion of the Department of Veterans Affairs Alvin C. York Medical Center in Murfreesboro, Tennessee, as the ''Sergeant John Toombs Residential Rehabilitation Treatment Facility'', and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. ARRINGTON). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The text of the bill is as follows:

H.R. 2634

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

SECTION 1. FINDINGS.

Congress finds the following:

(1) Sergeant John Toombs of Murfreesboro, Tennessee, served in the Tennessee Army National Guard as a part of the highly distinguished 230th Signal Corps.

(2) His six years in the National Guard included a deployment to Afghanistan, where Sergeant Toombs proudly served as a guard and escort for visiting dignitaries and reporters traveling into highly dangerous, war ravaged areas in Afghanistan.

(3) As a result of his service in Afghanistan, Sergeant Toombs developed symptoms of Posttraumatic Stress Disorder (PTSD), a disability he continued to suffer from after leaving the National Guard in 2014.

(4) After two years of battling PTSD and failing to receive the necessary treatment, Sgt. Toombs tragically took his own life in November of 2016.

(5) However, the life of Sergeant Toombs has impacted other veterans in Tennessee suffering from PTSD. Since this devastating tragedy, positive measures have been made to raise awareness and improve the overall treatment of veterans suffering from PTSD within the Tennessee Valley Healthcare System.

SEC. 2. SERGEANT JOHN TOOMBS RESIDENTIAL REHABILITATION TREATMENT FACILITY.

(a) DESIGNATION.—The Mental Health Residential Rehabilitation Treatment Facility Expansion of the Department of Veterans Affairs Alvin C. York Medical Center in Murfreesboro, Tennessee, shall be known and designated as the ''Sergeant John Toombs Residential Rehabilitation Treatment Facility'', after the date of the enactment of this Act.

(b) REFERENCES.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the Alvin C. York Mental Health Residential Rehabilitation Treatment Facility referred to in subsection (a) shall be deemed to be a reference to the ''Sergeant John Toombs Residential Rehabilitation Treatment Facility''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DEPARTMENT OF VETERANS AFFAIRS EXPIRING AUTHORITIES ACT OF 2018

Mr. ARRINGTON. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3479) to amend title 38, United States Code, to extend certain expiring provisions of law administered by the Secretary of Veterans Affairs, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3479

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Department of Veterans Affairs Expiring Authorities Act of 2018''.

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

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—EXTENSIONS OF AUTHORITY

Subtitle A—Health Care Matters

SEC. 101. EXTENSION OF AUTHORITY FOR COLLECTION OF COPAYMENTS FOR HOSPITAL CARE AND NURSING HOME CARE.

Section 1710(f)(2)(B) is amended by striking ''September 30, 2019'' and inserting ''September 30, 2020''.

SEC. 102. EXTENSION OF REQUIREMENT TO PROVIDE NURSING HOME CARE TO CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITIES.

Section 1710A(d) is amended by striking ''September 30, 2019'' and inserting ''September 30, 2020''.

SEC. 103. REMOVAL OF AUTHORIZATION OF APPROPRIATIONS TO PROVIDE ASSISTANCE AND SUPPORT SERVICES FOR CAREGIVERS.

Section 1720G is amended by striking subsection (e).

SEC. 104. MAKING PERMANENT AUTHORITY FOR RECOVERY FROM THIRD PARTIES OF COST OF CARE AND SERVICES FURNISHED TO VETERANS WITH HEALTH-PLAN CONTRACTS FOR NON-SERVICE-CONNECTED DISABILITY.

Section 1729(a)(2)(E) is amended, in the matter preceding clause (i), by striking ''before September 30, 2019,''.

SEC. 105. EXTENSION OF AUTHORITY FOR TRANSFER OF REAL PROPERTY.

Section 8118(a)(5) is amended by striking ''December 31, 2018'' and inserting ''September 30, 2020''.

SEC. 106. EXTENSION OF AUTHORITY FOR PILOT PROGRAM ON ASSISTANCE FOR CHILD CARE FOR CERTAIN VETERANS RECEIVING HEALTH CARE.

(a) EXTENSION.—Subsection (e) of section 205 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1144; 38 U.S.C. 1710 note) is amended by striking ''September 30, 2019'' and inserting ''September 30, 2020''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Subsection (h) of such section is amended by striking ''and 2019'' and inserting ''2019, and 2020''.

SEC. 107. EXTENSION OF AUTHORITY TO MAKE GRANTS TO VETERANS SERVICE ORGANIZATIONS FOR TRANSPORTATION OF HIGHLY RURAL VETERANS.

Section 307(d) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1154; 38 U.S.C. 1710 note) is amended by striking ''2019'' and inserting ''2020''.

SEC. 108. EXTENSION OF AUTHORITY FOR PILOT PROGRAM ON COUNSELING IN RETREAT SETTINGS FOR WOMEN VETERANS NEWLY SEPARATED FROM SERVICE.

(a) EXTENSION.—Subsection (d) of section 203 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1143; 38 U.S.C. 1712A note) is amended by striking ''September 30, 2019'' and inserting ''September 30, 2020''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Subsection (f) of such section is amended by striking ''and 2019'' and inserting ''2019, and 2020''.

SEC. 109. EXTENSION OF TEMPORARY EXPANSION OF PAYMENTS AND ALLOWANCES FOR BENEFICIARY TRAVEL IN CONNECTION WITH VETERANS RECEIVING CARE FROM VET CENTERS.

Section 104(a) of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 (Public Law 112–154; 126 Stat. 1169), as amended by section 109(a) of the Department of Veterans Affairs Expiring Authorities Act of 2017 (Public Law 115–62; 131 Stat. 1162), is amended by striking ''September 30, 2018'' and inserting ''September 30, 2019''.

Subtitle B—Benefits Matters

SEC. 121. MAKING PERMANENT AUTHORITY FOR TEMPORARY EXPANSION OF ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING ASSISTANCE FOR CERTAIN VETERANS WITH DISABILITIES CAUSING DIFFICULTY AMBULATING.

Section 2101(a)(4) is amended by striking ''(A) Except'' and all that follows through ''(B) In each of fiscal years 2014 through 2018, the Secretary'' and inserting ''In any fiscal year, the Secretary''.

SEC. 122. EXTENSION OF AUTHORITY FOR SPECIALLY ADAPTED HOUSING ASSISTIVE TECHNOLOGY GRANT PROGRAM.

Section 2108(g) is amended by striking ''September 30, 2018'' and inserting ''September 30, 2020''.

SEC. 123. MAKING PERMANENT AUTHORITY TO GUARANTEE PAYMENT OF PRINCIPAL AND INTEREST ON CERTIFICATES OR OTHER SECURITIES.

Section 3720(h) is amended—

(1) by striking paragraph (2); and

(2) by striking ''(1)''.

SEC. 124. MAKING PERMANENT AUTHORITY FOR CALCULATING NET VALUE OF REAL PROPERTY AT TIME OF FORECLOSURE.

Section 3732(c) is amended by striking paragraph (11).

SEC. 125. EXTENSION OF AUTHORITY RELATING TO VENDEE LOANS.

Section 3733(a)(7) is amended—

(1) in the matter preceding subparagraph (A), by striking ''September 30, 2018'' and inserting ''September 30, 2019''; and

(2) in subparagraph (C), by striking ''September 30, 2018,'' and inserting ''September 30, 2019,''.

SEC. 126. MAKING PERMANENT AUTHORITY TO PROVIDE REHABILITATION AND VOCATIONAL BENEFITS TO MEMBERS OF THE ARMED FORCES WITH SEVERE INJURIES OR ILLNESSES.

Section 1631(b) of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note) is amended—

(1) by striking paragraph (2); and

(2) by striking ''(1) IN GENERAL.—''.

SEC. 127. EXTENSION OF AUTHORITY TO ENTER INTO AGREEMENT WITH THE NATIONAL ACADEMY OF SCIENCES REGARDING ASSOCIATIONS BETWEEN DISEASES AND EXPOSURE TO DIOXIN AND OTHER CHEMICAL COMPOUNDS IN HERBICIDES.

Section 3(i) of the Agent Orange Act of 1991 (Public Law 102–4; 38 U.S.C. 1116 note) is amended by striking ''September 30, 2018'' and inserting ''September 30, 2020''.

Subtitle C—Homeless Veterans Matters

SEC. 141. EXTENSION OF AUTHORITY FOR HOMELESS VETERANS REINTEGRATION PROGRAMS.

Section 2021(e)(1)(F) is amended by striking ''2018'' and inserting ''2020''.

SEC. 142. EXTENSION OF AUTHORITY FOR HOMELESS WOMEN VETERANS AND HOMELESS VETERANS WITH CHILDREN REINTEGRATION PROGRAM.

Section 2021A(f)(1) is amended by striking ''2018'' and inserting ''2020''.

SEC. 143. EXTENSION OF AUTHORITY FOR REFERRAL AND COUNSELING SERVICES FOR VETERANS AT RISK OF HOMELESSNESS TRANSITIONING FROM CERTAIN INSTITUTIONS.

Section 2023(d) is amended by striking ''September 30, 2018'' and inserting ''September 30, 2020''.

SEC. 144. EXTENSION OF AUTHORITY FOR TREATMENT AND REHABILITATION SERVICES FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS.

(a) GENERAL TREATMENT.—Section 2031(b) is amended by striking ''September 30, 2019'' and inserting ''September 30, 2020''.

(b) ADDITIONAL SERVICES AT CERTAIN LOCATIONS.—Section 2033(d) is amended by striking ''September 30, 2019'' and inserting ''September 30, 2020''.

SEC. 145. EXTENSION OF AUTHORITY FOR FINANCIAL ASSISTANCE FOR SUPPORTIVE SERVICES FOR VERY LOW-INCOME VETERAN FAMILIES IN PERMANENT HOUSING.

Section 2044(e)(1) is amended by striking subparagraph (F) and inserting the following:

''(F) $340,000,000 for fiscal year 2018.

''(G) $380,000,000 for fiscal year 2019.''.

SEC. 146. EXTENSION OF AUTHORITY FOR GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.

Section 2061(d)(1) is amended by striking ''2019'' and inserting ''2020''.

SEC. 147. EXTENSION OF AUTHORITY FOR THE ADVISORY COMMITTEE ON HOMELESS VETERANS.

Section 2066(d) is amended by striking ''September 30, 2018'' and inserting ''September 30, 2022''.

Subtitle D—Other Matters

SEC. 161. EXTENSION OF AUTHORITY FOR TRANSPORTATION OF INDIVIDUALS TO AND FROM DEPARTMENT OF VETERANS AFFAIRS FACILITIES.

Section 111A(a)(2) is amended by striking ''September 30, 2019'' and inserting ''September 30, 2020''.

SEC. 162. EXTENSION OF AUTHORITY FOR OPERATION OF THE DEPARTMENT OF VETERANS AFFAIRS REGIONAL OFFICE IN MANILA, THE REPUBLIC OF THE PHILIPPINES.

Section 315(b) is amended by striking ''September 30, 2018'' and inserting ''September 30, 2019''.

SEC. 163. EXTENSION OF AUTHORITY FOR MONTHLY ASSISTANCE ALLOWANCES UNDER THE OFFICE OF NATIONAL VETERANS SPORTS PROGRAMS AND SPECIAL EVENTS.

Section 322(d)(4) is amended by striking ''2019'' and inserting ''2020''.

SEC. 164. EXTENSION OF REQUIREMENT TO PROVIDE REPORTS TO CONGRESS REGARDING EQUITABLE RELIEF IN THE CASE OF ADMINISTRATIVE ERROR.

Section 503(c) is amended by striking ''December 31, 2018'' and inserting ''December 31, 2020''.

SEC. 165. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR ADAPTIVE SPORTS PROGRAMS FOR DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES.

Section 521A is amended—

(1) in subsection (g)(1), by striking ''2019'' and inserting ''2020''; and

(2) in subsection (l), by striking ''2019'' and inserting ''2020''.

SEC. 166. EXTENSION OF AUTHORITY FOR ADVISORY COMMITTEE ON MINORITY VETERANS.

(a) EXTENSION OF AUTHORITY.—Subsection (e) of section 544 is amended by striking ''September 30, 2018'' and inserting ''September 30, 2022''.

(b) MODIFICATION OF REPORTING REQUIREMENT.—Subsection (c)(1) of such section is

amended, in the matter preceding subparagraph (A), by striking ''each year'' and inserting ''every other year''.

TITLE II—IMPROVEMENT OF HEALTH CARE FROM DEPARTMENT OF VETERANS AFFAIRS

SEC. 201. TREATMENT OF MODIFICATIONS OF CONTRACTS UNDER VETERANS COMMUNITY CARE PROGRAM.

(a) IN GENERAL.—Section 1703(h)(1) is amended—

(1) by striking ''The Secretary shall'' and inserting ''(A) The Secretary shall''; and

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

''(B) For purposes of subparagraph (A), the requirement to enter into consolidated, competitively bid contracts shall not restrict the authority of the Secretary under other provisions of law when modifying such a contract after entering into the contract.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the effective date specified in section 101(b) of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182).

SEC. 202. MODIFICATION OF PROVISION REQUIRING RECOGNITION AND ACCEPTANCE, ON AN INTERIM BASIS, OF CREDENTIALS AND QUALIFICATIONS OF HEALTH CARE PROVIDERS UNDER COMMUNITY CARE PROGRAM.

Section 1703(h)(5)(A) is amended by striking ''the date of the enactment'' and inserting ''the effective date specified in section 101(b)''.

SEC. 203. EXPANSION OF COVERAGE OF VETERANS CARE AGREEMENTS.

(a) IN GENERAL.—Section 1703A is amended by adding at the end the following new subsection:

''(l) COVERED INDIVIDUAL DEFINED.—In this section, the term 'covered individual' means any individual eligible for hospital care, medical services, or extended care services under this title or any other law administered by the Secretary.''.

(b) CONFORMING AMENDMENTS.—Section 1703A is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking ''veteran'' each place it appears and inserting ''covered individual''; and

(B) in subparagraph (C)—

(i) by striking ''veteran'' and inserting ''covered individual''; and

(ii) by striking ''veteran's'' and inserting ''covered individual's'';

(2) in subsection (e)(2)(B), by striking ''veteran'' each place it appears and inserting ''covered individual'';

(3) in subsection (f)(2)—

(A) in subparagraph (C), by striking ''veterans'' and inserting ''covered individuals''; and

(B) in subparagraph (D), by striking ''veteran'' and inserting ''covered individual'';

(4) in subsection (g), by striking ''to veterans'' and inserting ''to covered individuals''; and

(5) in subsection (j)—

(A) by striking ''any veteran'' and inserting ''any covered individual''; and

(B) by striking ''to veterans'' each place it appears and inserting ''to covered individuals''.

SEC. 204. MODIFICATION OF AUTHORITY FOR DEDUCTION OF OVERPAYMENTS FOR HEALTH CARE.

Section 1703D(e)(1) is amended—

(1) by striking ''shall'' and inserting ''may''; and

(2) by inserting before the period at the end the following: ''and may use any other means authorized by another provision of law to correct or recover overpayments''.

SEC. 205. MODIFICATION OF ELIGIBILITY OF FORMER MEMBERS OF THE ARMED FORCES FOR MENTAL AND BEHAVIORAL HEALTH CARE FROM THE DEPARTMENT OF VETERANS AFFAIRS.

Section 1720I(b)(3) is amended by striking ''is not otherwise eligible to enroll'' and inserting ''is not enrolled''.

SEC. 206. ACCESS OF HEALTH CARE PROVIDERS OF THE DEPARTMENT OF VETERANS AFFAIRS TO DRUG MONITORING PROGRAMS THAT DO NOT PARTICIPATE IN THE NATIONAL NETWORK.

Section 1730B is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting '', or any individual State or regional prescription drug monitoring program,'' after ''programs'';

(B) in paragraph (2)(A), by striking ''such network'' and inserting ''the national network of State-based prescription monitoring programs, or, if providing care in a State that does not participate in such national network, an individual State or regional prescription drug monitoring program,''; and

(C) in paragraph (3), by inserting '', or any individual State or regional prescription drug monitoring program,'' after programs; and

(2) in subsection (c)(2) by inserting '', or any individual State or regional prescription drug monitoring program,'' after ''programs''.

SEC. 207. ELIMINATION OF REPORT ON ACTIVITIES AND PROPOSALS INVOLVING CONTRACTING FOR PERFORMANCE BY CONTRACTOR PERSONNEL OF WORK PREVIOUSLY PERFORMED BY DEPARTMENT EMPLOYEES.

Section 8110 is amended—

(1) by striking subsection (c); and

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

SEC. 208. ADDITIONAL REPORT ON INCREASED AVAILABILITY OF OPIOID RECEPTOR ANTAGONISTS.

Section 911(e)(2) of the Jason Simcakoski Memorial and Promise Act (Public Law 114–198; 38 U.S.C. 1701 note) is amended by inserting ''and not later than one year after the date of the enactment of the Department of Veterans Affairs Expiring Authorities Act of 2018'' before ''the Secretary shall''.

SEC. 209. EXPANSION OF HEALTH CARE ASSESSMENT TO INCLUDE ALL TERRITORIES OF THE UNITED STATES AND THE ASSESSMENT OF EXTENDED CARE SERVICES.

Section 213 of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended—

(1) in the section header, by striking ''**PACIFIC TERRITORIES**'' and inserting ''**TERRITORIES OF THE UNITED STATES**'';

(2) in subsection (a)—

(A) by striking ''180 days'' and inserting ''270 days''; and

(B) by striking ''Pacific territories'' and inserting ''territories of the United States'';

(3) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''Pacific territories'' and inserting ''territories of the United States''; and

(ii) by adding at the end the following:

''(E) Extended care.''; and

(B) in paragraph (2)—

(i) by striking ''community-based outpatient clinic'' and inserting ''medical facility''; and

(ii) by striking ''Pacific territory'' and inserting ''territory of the United States''; and

(4) in subsection (c)—

(A) by striking ''Pacific territories'' and inserting ''territories of the United States'';

(B) by striking ''and''; and

(C) by inserting before the period at the end the following: '', Puerto Rico, and the United States Virgin Islands''.

SEC. 210. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECT AT DEPARTMENT OF VETERANS AFFAIRS WEST LOS ANGELES MEDICAL CENTER.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the major medical facility project described in subsection (b) in fiscal year 2019, in an amount not to exceed $35,000,000.

(b) MAJOR MEDICAL FACILITY PROJECT.—The major medical facility project described in this subsection is the construction of a new regional food services facility building on the campus of the medical center of the Department of Veterans Affairs in West Los Angeles, California, to replace the seismically deficient Building 300, Regional Food Service Facility, which is located on the north campus of the medical center as of the date of the enactment of this Act.

SEC. 211. TECHNICAL AMENDMENTS TO VA MISSION ACT OF 2018 AND AMENDMENTS MADE BY THAT ACT.

(a) TITLE 38.—

(1) ANNUAL REPORT ON PERFORMANCE AWARDS AND BONUSES.—Section 726(c)(3) is amended by striking '', United States Code''.

(2) VETERANS CARE AGREEMENTS.—Section 1703A(h)(4) is amended by striking '', United States Code''.

(3) ACCESS STANDARDS.—Section 1703B(i) is amended—

(A) by striking ''(1) The term'' and inserting ''In this section:

''(1) The term'';

(B) in paragraph (1), by moving subparagraphs (A) and (B) two ems to the right;

(C) by moving paragraph (2) two ems to the right; and

(D) in paragraph (2), by striking ''refers to'' and inserting ''means''.

(4) STANDARDS FOR QUALITY.—Section 1703C(c) is amended—

(A) by striking ''(c)(1) The term'' and inserting ''(c) DEFINITIONS.— In this section:

''(1) The term'';

(B) in paragraph (1), by moving subparagraphs (A) and (B) two ems to the right;

(C) by moving paragraph (2) two ems to the right; and

(D) in paragraph (2), by striking ''refers to'' and inserting ''means''.

(5) PROMPT PAYMENT STANDARD.—Section 1703D(g)(3) is amended by striking ''of this Act, as amended by the Caring for Our Veterans Act of 2018,'' and inserting ''of this title''.

(6) REMEDIATION OF MEDICAL SERVICE LINES.—Section 1706A is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by inserting ''of this title'' after ''section 1703(e)(1)''; and

(B) in subsection (d)(1), by striking ''paragraph (1)'' and inserting ''subsection (a)''.

(7) WALK-IN CARE.—Section 1725A is amended—

(A) in subsection (c), by striking ''or other agreement'' and inserting ''agreement, or other arrangement''; and

(B) in subsection (f)(4), by striking ''Section 8153(c)'' and inserting ''Sections 8153(c) and 1703A(j)''.

(8) AUTHORITY TO RECOVER THE COST OF SERVICES FURNISHED FOR NON-SERVICE-CONNECTED DISABILITIES.—Section 1729(a)(2)(D) is amending by striking the period at the end and inserting ''; or''.

(9) AGREEMENTS WITH STATE HOMES.—Section 1745(a)(4)(B)(ii)(III) is amended by striking ''subchapter V of chapter 17 of this title'' and inserting ''this subchapter''.

(10) TRANSPLANT PROCEDURES WITH LIVE DONORS AND RELATED SERVICES.—Section 1788(c) is amended by striking ''this chapter'' and inserting ''this title''.

(11) QUADRENNIAL VETERANS HEALTH ADMINISTRATION REVIEW.—Section 7330C is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''Secretary of Veterans Affairs'' and inserting ''Secretary'';

(ii) in paragraph (2)—

(I) in subparagraph (B), by striking ''Department of Veterans Affairs'' and inserting ''Department'';

(II) in subparagraph (C), by striking ''of title 38, as added by section 102'' and inserting ''of this title''; and

(III) in subparagraph (H)(i), by striking ''Department of Veterans Affairs'' and inserting ''Department'';and

(iii) in paragraph (4)—

(I) in subparagraph (A)(iii), by inserting ''of this title'' after ''section 1703C''; and

(II) in subparagraph (B), by inserting ''of this title'' after ''section 1703(b)'';

(B) in subsection (b)(2)(I), by inserting ''of this title'' after ''section 1706A''; and

(C) in subsection (c)—

(i) in paragraph (1), by striking ''such high performing'' and inserting ''a high-performing''; and

(ii) in paragraph (3), by inserting ''such'' before ''a high-performing''.

(12) DEPARTMENT OF VETERANS AFFAIRS SPECIALTY EDUCATION LOAN REPAYMENT PROGRAM.—Section 7693(a)(1) is amended by striking ''is hired'' and inserting ''will be eligible for appointment''.

(b) VA MISSION ACT.—

(1) TRAINING PROGRAM FOR ADMINISTRATION OF NON-DEPARTMENT HEALTH CARE.—Section 122(a)(2) of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended by striking ''such title'' and inserting ''title 38, United States Code''.

(2) PROCESSES FOR SAFE OPIOID PRESCRIBING PRACTICES BY NON-DEPARTMENT PROVIDERS.—Section 131 of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended—

(A) in subsection (c)(1)—

(i) by inserting ''of title 38, United States Code,'' after ''section 1703(a)(2)(A)'';

(ii) by striking ''of this title'' each place it appears and inserting ''of this Act''; and

(iii) by inserting ''of such title'' after ''section 1703A(e)(2)(F)''; and

(B) in subsection (d), by striking ''covered veterans'' each place it appears and inserting ''veterans''.

(3) PLANS FOR SUPPLEMENTAL APPROPRIATIONS.—Section 141 of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended by striking ''Whenever the Secretary'' and inserting ''Whenever the Secretary of Veterans Affairs''.

(4) TELEMEDICINE REPORTING REQUIREMENT.—Section 151(c)(1) of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended by striking ''section 1730B'' and inserting ''section 1730C''.

(5) EXPANSION OF FAMILY CAREGIVER PROGRAM.—Section 161(a)(1)(B) of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended by striking ''such title'' and inserting ''title 38, United States Code''.

(6) SPECIALTY EDUCATION LOAN REPAYMENT PROGRAM.—Section 303 of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended—

(A) in subsection (d), by inserting ''of Veterans Affairs'' after ''Department''; and

(B) in subsection (e), in the matter preceding paragraph (1), by striking ''established'' and inserting ''under subchapter VIII of chapter 76 of title 38, United States Code, as enacted''.

(7) VETERANS HEALING VETERANS MEDICAL ACCESS AND SCHOLARSHIP PROGRAM.—Section 304 of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended—

(A) in subsection (a), by striking ''covered medical schools'' and inserting ''covered medical school''; and

(B) in subsection (b)—

(i) in paragraph (2), by striking ''entitled to'' and inserting ''concurrently receiving'';

(ii) in paragraph (3), by striking ''2019'' and inserting ''2020''; and

(iii) in paragraph (6), by striking ''subsection (e)'' and inserting ''subsection (d)'';

(C) in subsection (c)—

(i) in paragraph (1), by striking ''2019'' and inserting ''2020''; and

(ii) in paragraph (3), by striking ''2019'' and inserting ''2020'';

(D) in subsection (e), by striking ''2019'' and inserting ''2020''; and

(E) in subsection (f), by striking ''December 31, 2020'' and inserting ''December 31, 2021''.

(8) DEVELOPMENT OF CRITERIA FOR DESIGNATION OF CERTAIN MEDICAL FACILITIES AS UNDERSERVED FACILITIES AND PLAN TO ADDRESS PROBLEM OF UNDERSERVED FACILITIES.—Section 401 of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended—

(A) in subsection (b)(5), by adding ''or the applicable access standards developed under section 1703B of title 38, United States Code'' after ''the wait-time goals of the Department''; and

(B) in subsection (d)(2)(A), by striking ''section 407'' and inserting ''section 402''.

(9) PILOT PROGRAM ON GRADUATE MEDICAL EDUCATION AND RESIDENCY.—Section 403(b)(4) of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended by inserting ''under'' after ''an agreement''.

(10) DEPARTMENT OF VETERANS AFFAIRS MEDICAL SCRIBE PILOT PROGRAM.—Section 507 of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended—

(A) in subsection (b)(3), by striking ''as determine'' and inserting ''as determined''; and

(B) in subsection (c)(2)(C), by striking ''speciality'' and inserting ''specialty''.

TITLE III—OTHER MATTERS

SEC. 301. APPROVAL OF COURSES OF EDUCATION PROVIDED BY PUBLIC INSTITUTIONS OF HIGHER EDUCATION FOR PURPOSES OF TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES CONDITIONAL ON IN-STATE TUITION RATE FOR VETERANS.

(a) IN GENERAL.—Section 3679(c) is amended—

(1) in paragraph (1), by striking ''chapter 30 or 33'' and inserting ''chapter 30, 31, or 33'';

(2) in paragraph (2), by adding at the end the following new subparagraph:

''(C) An individual who is entitled to rehabilitation under section 3102(a) of this title.'';

(3) in paragraph (3), by striking ''paragraph (2)(A) or (2)(B)'' and inserting ''paragraph (2)(A), (2)(B), or (2)(C)''; and

(4) in paragraph (6), by striking ''chapters 30 and 33'' and inserting ''chapters 30, 31, and 33''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to courses of education provided during a quarter, semester, or term, as applicable, that begins after March 1, 2019.

SEC. 302. CORRECTIVE ACTION FOR CERTAIN DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES FOR CONFLICTS OF INTEREST WITH EDUCATIONAL INSTITUTIONS OPERATED FOR PROFIT.

(a) IN GENERAL.—Section 3683 of title 38, United States Code, is amended—

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

''(a) DEPARTMENT OFFICERS AND EMPLOYEES.—(1) An officer or employee of the Department shall receive corrective action or disciplinary action if such officer or employee—

''(A) has, while serving as such an officer or employee, owned any interest in, or received any wage, salary, dividend, profit, or gift from, any educational institution operated for profit; or

''(B) has, while serving as a covered officer or employee of the Department, received any service from any educational institution operated for profit.

''(2) In this subsection, the term 'covered officer or employee of the Department' means an officer or employee of the Department who—

''(A) works on the administration of benefits under chapter 30, 31, 32, 33, 34, 35, or 36 of this title; or

''(B) has a potential conflict of interest involving an educational institution operated for profit, as determined by the Secretary.'';

(2) in subsection (b)—

(A) by striking ''If the Secretary'' and inserting the following:

''(b) STATE APPROVING AGENCY EMPLOYEES.—If the Secretary'';

(B) by striking ''wages, salary, dividends, profits, gratuities, or services'' and inserting ''wage, salary, dividend, profit, or gift'';

(C) by striking ''in which an eligible person or veteran was pursuing a program of education or course under this chapter or chapter 34 or 35 of this title'';

(D) by striking ''terminate the employment of'' and inserting ''provide corrective action or disciplinary action with respect to''; and

(E) by striking ''while such person is an officer or employee of the State approving agency, or State department of veterans' affairs or State department of education'' and inserting ''until the completion of such corrective action or disciplinary action'';

(3) in subsection (c)—

(A) by striking ''A State approving agency'' and inserting the following:

''(c) DISAPPROVAL OF COURSES.—A State approving agency'';

(B) by striking ''of Veterans Affairs''; and

(C) by striking ''wages, salary, dividends, profits, gratuities, or services'' and inserting ''wage, salary, dividend, profit, or gift''; and

(4) in subsection (d)—

(A) by striking ''The Secretary may'' and inserting the following:

''(d) WAIVER AUTHORITY.—(1) The Secretary may'';

(B) by striking ''of Veterans Affairs'';

(C) by striking '', after reasonable notice and public hearings,''; and

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

''(2) The Secretary shall provide public notice of any waiver granted under this subsection by not later than 30 days after the date on which such waiver is granted.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to conflicts of interest that occur on or after that date.

SEC. 303. MODIFICATION OF COMPLIANCE REQUIREMENTS FOR PARTICULAR LEASES RELATING TO DEPARTMENT OF VETERANS AFFAIRS WEST LOS ANGELES CAMPUS.

Section 2(h)(1) of the West Los Angeles Leasing Act of 2016 (Public Law 114–226) is amended by striking ''any lease or land-sharing agreement at the Campus'' and inserting ''any new lease or land-sharing agreement at the Campus that is not in compliance with such laws''.

The SPEAKER pro tempore (Mr. DESJARLAIS). Pursuant to the rule, the gentleman from Texas (Mr. ARRINGTON) and the gentleman from California (Mr. TAKANO) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. ARRINGTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material.

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

There was no objection.

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

Mr. Speaker, I rise today in support of S. 3479, the Department of Veterans Affairs Expiring Authorities Act of 2018. This legislation represents bipartisan, bicameral agreement that would extend a number of expiring authorities impacting the lives of our veterans and their caregivers, their dependents, and their survivors. Swift passage of this legislation today would ensure that many of the benefits, programs, and services that they rely on would continue.

The authorities that would be extended in this bill include authorities to provide nursing home care, counseling for women veterans, assistance for homeless veterans, transportation, childcare, adaptive sports programs, and housing and home loan services, just to name a few.

To be clear, these are not new authorities. The costs associated with them have been assumed in the House-passed appropriations bill for fiscal year 2019 and the 2020 advance appropriations.

In addition to the extension of current programs, the bill would also make permanent several provisions, including provisions related to VA's home loan program. It makes permanent the authority for disabled servicemembers to begin using VA vocational rehabilitation and employment benefits while on Active Duty.

It makes permanent eligibility for specially adaptive housing grants for certain post-9/11 veterans who have sustained severe disabilities while on Active Duty. It makes permanent VA's authority to recover the cost of care for nonservice-connected care. Finally, it makes permanent supportive services for caregivers, homeless veterans, and their families.

The permanent authorization of these programs gives certainty to VA when administering them and certainty, most importantly, to the beneficiaries who rely on them.

The bill would also require that a school offer instate tuition rates to veterans using vocational rehabilitation and employment benefits in order to be eligible for the GI Bill. This change would align instate tuition rules for veterans using the benefit with those already in law for students using the Post-9/11 GI Bill.

The bill also includes bipartisan compromise language that clarifies conflict of interest rules for VA employees and for-profit schools.

Finally, the bill would also make a number of technical and clarifying changes to strengthen important legislation that Congress has previously passed, including the VA MISSION Act, the West Los Angeles Leasing Act, and the Comprehensive Addiction and Recovery Act.

Mr. Speaker, I urge my colleagues to support S. 3479, and I reserve the balance of my time.

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

Mr. Speaker, I rise today in support of S. 3479, the Department of Veterans Affairs Expiring Authorities Act of 2018.

S. 3479 makes sure that some of the vital programs we have in place to take care of our veterans continue past the end of the fiscal year and continue to help our veterans. Included in this bill are provisions related to healthcare, benefits, homeless veterans, and other related issues.

I am pleased to support extending programs related to support services for caregivers, childcare for certain veterans receiving healthcare, and a pilot program on counseling in retreat settings for women veterans newly separated from service.

It also has provisions to extend the authority related to rehabilitation and vocational benefits to members of the Armed Forces with severe injuries or illnesses, homeless veterans reintegration programs, homeless women veterans and homeless veterans with children, and providing housing assistance and counseling to homeless and at-risk veterans.

Also included are several extensions of authority for programs to help our disabled veterans, as well as the authority to enter into agreements with the National Academy of Sciences to review the research on links between diseases and dioxin exposure, a critical step in creating new Agent Orange presumptions. These provisions are crucial in helping our aging Vietnam-era veteran population.

The package also contains several technical corrections to the MISSION Act that we passed earlier this year.

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These corrections will help VA implement the law correctly, and all sides agree that they must become law quickly.

In short, this is a bill that both the majority and the minority support, and we all agree that it must be signed into law as soon as possible. I urge all my fellow Members to support its passage. I thank the chairman and his staff for working with the minority on this legislation.

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

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

Mr. Speaker, I thank my colleague and friend on the committee, Mr. TAKANO, for his friendship, for his support, and for his leadership.

I think it is notable and remind our colleagues and the American people that we have passed out of this Chamber 80 bipartisan bills that support our veterans, our heroes. Twenty-seven have become law of the land, delivering on our promises to those who swore an oath and made the sacrifice and served and protected us and our freedom. God bless our veterans.

Mr. Speaker, once again, I encourage all Members to support S. 3479, and I reserve the balance of my time.

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

Mr. Speaker, likewise, I thank the gentleman from Texas for his friendship and for the work that we have done together in a bipartisan fashion on the Veterans' Affairs Committee. I am also proud of the bipartisan work that we have accomplished together on behalf of our veterans. I say God bless our veterans as well.

Mr. Speaker, I urge my colleagues to join me in passing S. 3479, and I yield back the balance of my time.

Mr. ARRINGTON. Mr. Speaker, again, we encourage all Members to support S. 3479, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MITCHELL). The question is on the motion offered by the gentleman from Texas (Mr. ARRINGTON) that the House suspend the rules and pass the bill, S. 3479.

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.

PANDEMIC AND ALL-HAZARDS PREPAREDNESS AND ADVANCING INNOVATION ACT OF 2018

Mrs. BROOKS of Indiana. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6378) to reauthorize certain programs under the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to public health security and all-hazards preparedness and response, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6378

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018''.

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

TITLE I—STRENGTHENING THE NATIONAL HEALTH SECURITY STRATEGY

SEC. 101. NATIONAL HEALTH SECURITY STRATEGY.

Section 2802 of the Public Health Service Act (42 U.S.C. 300hh–1) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''2014'' and inserting ''2018''; and

(ii) by striking the second sentence and inserting the following: ''Such National Health Security Strategy shall describe potential emergency health security threats and identify the process for achieving the preparedness goals described in subsection (b) to be prepared to identify and respond to such threats and shall be consistent with the national preparedness goal (as described in section 504(a)(19) of the Homeland Security Act of 2002), the National Incident Management System (as defined in section 501(7) of such Act), and the National Response Plan developed pursuant to section 504 of such Act, or any successor plan.'';

(B) in paragraph (2), by inserting before the period at the end of the second sentence the following: '', and an analysis of any changes to the evidence-based benchmarks and objective standards under sections 319C–1 and 319C–2''; and

(C) in paragraph (3)—

(i) by striking ''2009'' and inserting ''2022'';

(ii) by inserting ''(including gaps in the environmental health and animal health workforces, as applicable), describing the status of such workforce'' after ''gaps in such workforce'';

(iii) by striking ''and identifying strategies'' and inserting ''identifying strategies''; and

(iv) by inserting before the period at the end '', and identifying current capabilities to meet the requirements of section 2803''; and

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''and investigation'' and inserting ''investigation, and related information technology activities'';

(ii) in subparagraph (B), by striking ''and decontamination'' and inserting ''decontamination, relevant health care services and supplies, and transportation and disposal of medical waste''; and

(iii) by adding at the end the following:

''(E) Response to environmental hazards.'';

(B) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking ''including mental health'' and inserting ''including pharmacies, mental health facilities,''; and

(ii) in subparagraph (F), by inserting ''or exposures to agents that could cause a public health emergency'' before the period;

(C) in paragraph (5), by inserting ''and other applicable compacts'' after ''Compact''; and

(D) by adding at the end the following:

''(9) ZOONOTIC DISEASE, FOOD, AND AGRICULTURE.—Improving coordination among Federal, State, local, tribal, and territorial entities (including through consultation with the Secretary of Agriculture) to prevent, detect, and respond to outbreaks of plant or animal disease (including zoonotic disease) that could compromise national security resulting from a deliberate attack, a naturally occurring threat, the intentional adulteration of food, or other public health threats, taking into account interactions between animal health, human health, and animals' and humans' shared environment as directly related to public health emergency preparedness and response capabilities, as applicable.

''(10) GLOBAL HEALTH SECURITY.—Assessing current or potential health security threats from abroad to inform domestic public health preparedness and response capabilities.''.

TITLE II—IMPROVING PREPAREDNESS AND RESPONSE

SEC. 201. IMPROVING BENCHMARKS AND STANDARDS FOR PREPAREDNESS AND RESPONSE.

(a) EVALUATING MEASURABLE EVIDENCE-BASED BENCHMARKS AND OBJECTIVE STANDARDS.—Section 319C–1 of the Public Health Service Act (42 U.S.C. 247d–3a) is amended by inserting after subsection (j) the following:

''(k) EVALUATION.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018 and every 2 years thereafter, the Secretary shall conduct an evaluation of the evidence-based benchmarks and objective standards required under subsection (g). Such evaluation shall be submitted to the congressional committees of jurisdiction together with the National Health Security Strategy under section 2802, at such time as such strategy is submitted.

''(2) CONTENT.—The evaluation under this paragraph shall include—

''(A) a review of evidence-based benchmarks and objective standards, and associated metrics and targets;

''(B) a discussion of changes to any evidence-based benchmarks and objective standards, and the effect of such changes on the ability to track whether entities are meeting or making progress toward the goals under this section and, to the extent practicable, the applicable goals of the National Health Security Strategy under section 2802;

''(C) a description of amounts received by eligible entities described in subsection (b) and section 319C–2(b), and amounts received by subrecipients and the effect of such funding on meeting evidence-based benchmarks and objective standards; and

''(D) recommendations, as applicable and appropriate, to improve evidence-based benchmarks and objective standards to more accurately assess the ability of entities receiving awards under this section to better achieve the goals under this section and section 2802.''.

(b) EVALUATING THE PARTNERSHIP FOR STATE AND REGIONAL HOSPITAL PREPAREDNESS.—Section 319C–2(i)(1) of the Public Health Service Act (42 U.S.C. 247–3b(i)(1)) is amended by striking ''section 319C–1(g), (i), and (j)'' and inserting ''section 319C–1(g), (i), (j), and (k)''.

SEC. 202. AMENDMENTS TO PREPAREDNESS AND RESPONSE PROGRAMS.

(a) COOPERATIVE AGREEMENT APPLICATIONS FOR IMPROVING STATE AND LOCAL PUBLIC HEALTH SECURITY.—Section 319C–1 of the Public Health Service Act (42 U.S.C. 247d–3a) is amended—

(1) in subsection (a), by inserting '', acting through the Director of the Centers for Disease Control and Prevention,'' after ''the Secretary''; and

(2) in subsection (b)(2)(A)—

(A) in clause (vi), by inserting '', including public health agencies with specific expertise that may be relevant to public health security, such as environmental health agencies,'' after ''stakeholders'';

(B) by redesignating clauses (vii) through (ix) as clauses (viii) through (x);

(C) by inserting after clause (vi) the following:

''(vii) a description of how, as applicable, such entity may integrate information to account for individuals with behavioral health needs following a public health emergency;'';

(D) in clause (ix), as so redesignated, by striking ''; and'' and inserting a semicolon;

(E) in clause (x), as so redesignated, by inserting ''and'' after the semicolon; and

(F) by adding at the end the following:

''(xi) a description of how the entity will partner with health care facilities, including hospitals and nursing homes and other long-term care facilities, to promote and improve public health preparedness and response; and

''(xii) a description of how, as appropriate and practicable, the entity will include critical infrastructure partners, such as utility companies within the entity's jurisdiction, in planning pursuant to this subparagraph to help ensure that critical infrastructure will remain functioning during, or return to function as soon as practicable after, a public health emergency.''.

(b) EXCEPTION RELATING TO APPLICATION OF CERTAIN REQUIREMENTS.—

(1) IN GENERAL.—Section 319C–1(g) of the Public Health Service Act (42 U.S.C. 247d–3a(g)) is amended—

(A) in paragraph (5)—

(i) by striking ''Beginning with fiscal year 2009'' and inserting ''Beginning with fiscal year 2019'';

(ii) by striking ''for the immediately preceding fiscal year'' and inserting ''for either of the two immediately preceding fiscal years''; and

(iii) by striking ''2008'' and inserting ''2018''; and

(B) by amending subparagraph (A) of paragraph (6) to read as follows:

''(A) IN GENERAL.—The amounts described in this paragraph are the following amounts that are payable to an entity for activities described in section 319C–1 or 319C–2:

''(i) For one (but not both) of the first two fiscal years immediately following a fiscal year in which an entity experienced a failure described in subparagraph (A) or (B) of paragraph (5) by the entity, an amount equal to 10 percent of the amount the entity was eligible to receive for the respective fiscal year.

''(ii) For one (but not both) of the first two fiscal years immediately following the third consecutive fiscal year in which an entity experienced such a failure, in lieu of applying clause (i), an amount equal to 15 percent of the amount the entity was eligible to receive for the respective fiscal year.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to cooperative agreements awarded on or after the date of enactment of this Act.

(c) PARTNERSHIP FOR STATE AND REGIONAL HOSPITAL PREPAREDNESS TO IMPROVE SURGE CAPACITY.—Section 319C–2 of the Public Health Service Act (42 U.S.C. 247d–3b) is amended—

(1) in subsection (a)—

(A) by inserting '', acting through the Assistant Secretary for Preparedness and Response,'' after ''The Secretary''; and

(B) by striking ''preparedness for public health emergencies'' and inserting ''preparedness for, and response to, public health emergencies in accordance with subsection (c)'';

(2) in subsection (b)(1)(A)—

(A) by striking ''partnership consisting of'' and inserting ''coalition that includes'';

(B) in clause (ii), by striking ''; and'' and inserting a semicolon; and

(C) by adding at the end the following:

''(iv) one or more emergency medical service organizations or emergency management organizations; and'';

(3) in subsection (d)—

(A) in paragraph (1)(B), by striking ''partnership'' each place it appears and inserting ''coalition''; and

(B) in paragraph (2)(C), by striking ''medical preparedness'' and inserting ''preparedness and response'';

(4) in subsection (f), by striking ''partnership'' and inserting ''coalition'';

(5) in subsection (g)(2)—

(A) by striking ''Partnerships'' and inserting ''Coalitions'';

(B) by striking ''partnerships'' and inserting ''coalitions''; and

(C) by inserting ''and response'' after ''preparedness''; and

(6) in subsection (i)(1)—

(A) by striking ''An entity'' and inserting ''A coalition''; and

(B) by striking ''such partnership'' and inserting ''such coalition''.

(d) PUBLIC HEALTH SECURITY GRANTS AUTHORIZATION OF APPROPRIATIONS.—Section 319C–1(h)(1)(A) of the Public Health Service Act (42 U.S.C. 247d–3a(h)(1)(A)) is amended by striking ''$641,900,000 for fiscal year 2014'' and all that follows through the period at the end and inserting ''$685,000,000 for each of fiscal years 2019 through 2023 for awards pursuant to paragraph (3) (subject to the authority of the Secretary to make awards pursuant to paragraphs (4) and (5)).''.

(e) PARTNERSHIP FOR STATE AND REGIONAL HOSPITAL PREPAREDNESS AUTHORIZATION OF APPROPRIATIONS.—Section 319C–2(j) of the Public Health Service Act (42 U.S.C. 247d–3b(j)) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—

''(A) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section and section 319C–3, in accordance with subparagraph (B), there is authorized to be appropriated $385,000,000 for each of fiscal years 2019 through 2023.

''(B) RESERVATION OF AMOUNTS FOR REGIONAL SYSTEMS.—

''(i) IN GENERAL.—Subject to clause (ii), of the amount appropriated under subparagraph (A) for a fiscal year, the Secretary may reserve up to 5 percent for the purpose of carrying out section 319C–3.

''(ii) RESERVATION CONTINGENT ON CONTINUED APPROPRIATIONS FOR THIS SECTION.—If for fiscal year 2019 or a subsequent fiscal year, the amount appropriated under subparagraph (A) is such that, after application of clause (i), the amount remaining for the purpose of carrying out this section would be less than the amount available for such purpose for the previous fiscal year, the amount that may be reserved under clause (i) shall be reduced such that the amount remaining for the purpose of carrying out this section is not less than the amount available for such purpose for the previous fiscal year.

''(iii) SUNSET.—The authority to reserve amounts under clause (i) shall expire on September 30, 2023.'';

(2) in paragraph (2), by striking ''paragraph (1) for a fiscal year'' and inserting ''paragraph (1)(A) for a fiscal year and not reserved for the purpose described in paragraph (1)(B)(i)''; and

(3) in paragraph (3)(A), by striking ''paragraph (1) and not reserved under paragraph (2)'' and inserting ''paragraph (1)(A) and not reserved under paragraph (1)(B)(i) or (2)''.

SEC. 203. REGIONAL HEALTH CARE EMERGENCY PREPAREDNESS AND RESPONSE SYSTEMS.

(a) IN GENERAL.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 319C–2 the following:

''SEC. 319C–3. GUIDELINES FOR REGIONAL HEALTH CARE EMERGENCY PREPAREDNESS AND RESPONSE SYSTEMS.

''(a) PURPOSE.—It is the purpose of this section to identify and provide guidelines for regional systems of hospitals, health care facilities, and other public and private sector entities, with varying levels of capability to treat patients and increase medical surge capacity during, in advance of, and immediately following a public health emergency, including threats posed by one or more chemical, biological, radiological, or nuclear agents, including emerging infectious diseases.

''(b) GUIDELINES.—The Assistant Secretary for Preparedness and Response, in consultation with the Director of the Centers for Disease Control and Prevention, the Administrator of the Centers for Medicare & Medicaid Services, the Administrator of the Health Resources and Services Administration, the Commissioner of Food and Drugs, the Assistant Secretary for Mental Health and Substance Use, the Assistant Secretary of Labor for Occupational Safety and Health, the Secretary of Veterans Affairs, the heads of such other Federal agencies as the Secretary determines to be appropriate, and State, local, tribal, and territorial public health officials, shall, not later than 2 years after the date of enactment of this section—

''(1) identify and develop a set of guidelines relating to practices and protocols for all-hazards public health emergency preparedness and response for hospitals and health care facilities to provide appropriate patient care during, in advance of, or immediately following, a public health emergency, resulting from one or more chemical, biological,

radiological, or nuclear agents, including emerging infectious diseases (which may include existing practices, such as trauma care and medical surge capacity and capabilities), with respect to—

''(A) a regional approach to identifying hospitals and health care facilities based on varying capabilities and capacity to treat patients affected by such emergency, including—

''(i) the manner in which the system will coordinate with and integrate the partnerships and health care coalitions established under section 319C–2(b); and

''(ii) informing and educating appropriate first responders and health care supply chain partners of the regional emergency preparedness and response capabilities and medical surge capacity of such hospitals and health care facilities in the community;

''(B) physical and technological infrastructure, laboratory capacity, staffing, blood supply, and other supply chain needs, taking into account resiliency, geographic considerations, and rural considerations;

''(C) protocols or best practices for the safety and personal protection of workers who handle human remains and health care workers (including with respect to protective equipment and supplies, waste management processes, and decontamination), sharing of specialized experience among the health care workforce, behavioral health, psychological resilience, and training of the workforce, as applicable;

''(D) in a manner that allows for disease containment (within the meaning of section 2802(b)(2)(B)), coordinated medical triage, treatment, and transportation of patients, based on patient medical need (including patients in rural areas), to the appropriate hospitals or health care facilities within the regional system or, as applicable and appropriate, between systems in different States or regions; and

''(E) the needs of children and other at-risk individuals;

''(2) make such guidelines available on the internet website of the Department of Health and Human Services in a manner that does not compromise national security; and

''(3) update such guidelines as appropriate, including based on input received pursuant to subsections (c) and (e) and information resulting from applicable reports required under the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018 (including any amendments made by such Act), to address new and emerging public health threats.

''(c) CONSIDERATIONS.—In identifying, developing, and updating guidelines under subsection (b), the Assistant Secretary for Preparedness and Response shall—

''(1) include input from hospitals and health care facilities (including health care coalitions under section 319C–2), State, local, tribal, and territorial public health departments, and health care or subject matter experts (including experts with relevant expertise in chemical, biological, radiological, or nuclear threats, including emerging infectious diseases), as the Assistant Secretary determines appropriate, to meet the goals under section 2802(b)(3);

''(2) consult and engage with appropriate health care providers and professionals, including physicians, nurses, first responders, health care facilities (including hospitals, primary care clinics, community health centers, mental health facilities, ambulatory care facilities, and dental health facilities), pharmacies, emergency medical providers, trauma care providers, environmental health agencies, public health laboratories, poison control centers, blood banks, tissue banks, and other experts that the Assistant Secretary determines appropriate, to meet the goals under section 2802(b)(3);

''(3) consider feedback related to financial implications for hospitals, health care facilities, public health agencies, laboratories, blood banks, tissue banks, and other entities engaged in regional preparedness planning to implement and follow such guidelines, as applicable; and

''(4) consider financial requirements and potential incentives for entities to prepare for, and respond to, public health emergencies as part of the regional health care emergency preparedness and response system.

''(d) TECHNICAL ASSISTANCE.—The Assistant Secretary for Preparedness and Response, in consultation with the Director of the Centers for Disease Control and Prevention and the Assistant Secretary of Labor for Occupational Safety and Health, may provide technical assistance and consultation toward meeting the guidelines described in subsection (b).

''(e) DEMONSTRATION PROJECT FOR REGIONAL HEALTH CARE PREPAREDNESS AND RESPONSE SYSTEMS.—

''(1) IN GENERAL.—The Assistant Secretary for Preparedness and Response may establish a demonstration project pursuant to the development and implementation of guidelines under subsection (b) to award grants to improve medical surge capacity for all hazards, build and integrate regional medical response capabilities, improve specialty care expertise for all-hazards response, and coordinate medical preparedness and response across State, local, tribal, territorial, and regional jurisdictions.

''(2) SUNSET.—The authority under this subsection shall expire on September 30, 2023.''.

(b) GAO REPORT TO CONGRESS.—

(1) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States (referred to in this subsection as the ''Comptroller General'') shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives, a report on the extent to which hospitals and health care facilities have implemented the recommended guidelines under section 319C–3(b) of the Public Health Service Act (as added by subsection (a)), including an analysis and evaluation of any challenges hospitals or health care facilities experienced in implementing such guidelines.

(2) CONTENT.—The Comptroller General shall include in the report under paragraph (1)—

(A) data on the preparedness and response capabilities that have been informed by the guidelines under section 319C–3(b) of the Public Health Service Act to improve regional emergency health care preparedness and response capability, including hospital and health care facility capacity and medical surge capabilities to prepare for, and respond to, public health emergencies; and

(B) recommendations to reduce gaps in incentives for regional health partners, including hospitals and health care facilities, to improve capacity and medical surge capabilities to prepare for, and respond to, public health emergencies, consistent with subsection (a), which may include consideration of facilities participating in programs under section 319C–2 of the Public Health Service Act (42 U.S.C. 247d–3b) or in programs under the Centers for Medicare & Medicaid Services (including innovative health care delivery and payment models), and input from private sector financial institutions.

(3) CONSULTATION.—In carrying out paragraphs (1) and (2), the Comptroller General shall consult with the heads of appropriate Federal agencies, including—

(A) the Assistant Secretary for Preparedness and Response;

(B) the Director of the Centers for Disease Control and Prevention;

(C) the Administrator of the Centers for Medicare & Medicaid Services;

(D) the Assistant Secretary for Mental Health and Substance Use;

(E) the Assistant Secretary of Labor for Occupational Safety and Health; and

(F) the Secretary of Veterans Affairs.

(c) ANNUAL REPORTS.—Section 319C–2(i)(1) of the Public Health Service Act (42 U.S.C. 247d–3b(i)(1)) is amended by inserting after the first sentence the following ''In submitting reports under this paragraph an entity shall include information on the progress that the entity has made toward the implementation of section 319C–3 (or barriers to progress, if any).''.

(d) NATIONAL HEALTH SECURITY STRATEGY INCORPORATION OF REGIONALIZED EMERGENCY PREPAREDNESS AND RESPONSE.—Subparagraph (G) of section 2802(b)(3) of the Public Health Service Act (42 U.S.C. 300hh–1(b)(3)) is amended to read as follows:

''(G) Optimizing a coordinated and flexible approach to the emergency response and medical surge capacity of hospitals, other health care facilities, critical care, trauma care (which may include trauma centers), and emergency medical systems.''.

(e) IMPROVING STATE AND LOCAL PUBLIC HEALTH SECURITY.—

(1) STATE AND LOCAL SECURITY.—Section 319C–1(e) of the Public Health Service Act (42 U.S.C. 247d–3a(e)) is amended by striking '', and local emergency plans.'' and inserting '', local emergency plans, and any regional health care emergency preparedness and response system established pursuant to the applicable guidelines under section 319C–3.''.

(2) PARTNERSHIPS.—Section 319C–2(d)(1)(A) of the Public Health Service Act (42 U.S.C. 247d-3b(d)(1)(A)) is amended—

(A) in clause (i), by striking ''; and'' and inserting '';'';

(B) by redesignating clause (ii) as clause (iii); and

(C) inserting after clause (i), the following:

''(ii) among one or more facilities in a regional health care emergency system under section 319C–3; and''.

SEC. 204. MILITARY AND CIVILIAN PARTNERSHIP FOR TRAUMA READINESS.

Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.) is amended by adding at the end the following new part:

''PART I—MILITARY AND CIVILIAN PARTNERSHIP FOR TRAUMA READINESS GRANT PROGRAM

''SEC. 1291. MILITARY AND CIVILIAN PARTNERSHIP FOR TRAUMA READINESS GRANT PROGRAM.

''(a) MILITARY TRAUMA TEAM PLACEMENT PROGRAM.—

''(1) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Preparedness and Response and in consultation with the Secretary of Defense, shall award grants to not more than 20 eligible high acuity trauma centers to enable military trauma teams to provide, on a full-time basis, trauma care and related acute care at such trauma centers.

''(2) LIMITATIONS.—In the case of a grant awarded under paragraph (1) to an eligible high acuity trauma center, such grant—

''(A) shall be for a period of at least 3 years and not more than 5 years (and may be renewed at the end of such period); and

''(B) shall be in an amount that does not exceed $1,000,000 per year.

''(3) AVAILABILITY OF FUNDS.—Notwithstanding section 1552 of title 31, United States Code, or any other provision of law, funds available to the Secretary for obligation for a grant under this subsection shall remain available for expenditure for 100 days after the last day of the performance period of such grant.

''(b) MILITARY TRAUMA CARE PROVIDER PLACEMENT PROGRAM.—

''(1) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Preparedness and Response and in consultation with the Secretary of Defense, shall award grants to eligible trauma centers to enable military trauma care providers to provide trauma care and related acute care at such trauma centers.

''(2) LIMITATIONS.—In the case of a grant awarded under paragraph (1) to an eligible trauma center, such grant—

''(A) shall be for a period of at least 1 year and not more than 3 years (and may be renewed at the end of such period); and

''(B) shall be in an amount that does not exceed, in a year—

''(i) $100,000 for each military trauma care provider that is a physician at such eligible trauma center; and

''(ii) $50,000 for each other military trauma care provider at such eligible trauma center.

''(c) GRANT REQUIREMENTS.—

''(1) DEPLOYMENT AND PUBLIC HEALTH EMERGENCIES.—As a condition of receipt of a grant under this section, a grant recipient shall agree to allow military trauma care providers providing care pursuant to such grant to—

''(A) be deployed by the Secretary of Defense for military operations, for training, or for response to a mass casualty incident; and

''(B) be deployed by the Secretary of Defense, in consultation with the Secretary of Health and Human Services, for response to a public health emergency pursuant to section 319.

''(2) USE OF FUNDS.—Grants awarded under this section to an eligible trauma center may be used to train and incorporate military trauma care providers into such trauma center, including incorporation into operational exercises and training drills related to public health emergencies, expenditures for malpractice insurance, office space, information technology, specialty education and supervision, trauma programs, research, and applicable license fees for such military trauma care providers.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any other provision of law that preempts State licensing requirements for health care professionals, including with respect to military trauma care providers.

''(e) REPORTING REQUIREMENTS.—

''(1) REPORT TO THE SECRETARY AND THE SECRETARY OF DEFENSE.—Each eligible trauma center or eligible high acuity trauma center awarded a grant under subsection (a) or (b) for a year shall submit to the Secretary and the Secretary of Defense a report for such year that includes information on—

''(A) the number and types of trauma cases managed by military trauma teams or military trauma care providers pursuant to such grant during such year;

''(B) the ability to maintain the integration of the military trauma providers or teams of providers as part of the trauma center, including the financial effect of such grant on the trauma center;

''(C) the educational effect on resident trainees in centers where military trauma teams are assigned;

''(D) any research conducted during such year supported by such grant; and

''(E) any other information required by the Secretaries for the purpose of evaluating the effect of such grant.

''(2) REPORT TO CONGRESS.—Not less than once every 2 years, the Secretary, in consultation with the Secretary of Defense, shall submit a report to the congressional committees of jurisdiction that includes information on the effect of placing military trauma care providers in trauma centers awarded grants under this section on—

''(A) maintaining military trauma care providers' readiness and ability to respond to and treat battlefield injuries;

''(B) providing health care to civilian trauma patients in urban and rural settings;

''(C) the capability of trauma centers and military trauma care providers to increase medical surge capacity, including as a result of a large scale event;

''(D) the ability of grant recipients to maintain the integration of the military trauma providers or teams of providers as part of the trauma center;

''(E) efforts to incorporate military trauma care providers into operational exercises and training and drills for public health emergencies; and

''(F) the capability of military trauma care providers to participate as part of a medical response during or in advance of a public health emergency, as determined by the Secretary, or a mass casualty incident.

''(f) DEFINITIONS.—For purposes of this part:

''(1) ELIGIBLE TRAUMA CENTER.—The term 'eligible trauma center' means a Level I, II, or III trauma center that satisfies each of the following:

''(A) Such trauma center has an agreement with the Secretary of Defense to enable military trauma care providers to provide trauma care and related acute care at such trauma center.

''(B) Such trauma center utilizes a risk-adjusted benchmarking system and metrics to measure performance, quality, and patient outcomes.

''(C) Such trauma center demonstrates a need for integrated military trauma care providers to maintain or improve the trauma clinical capability of such trauma center.

''(2) ELIGIBLE HIGH ACUITY TRAUMA CENTER.—The term 'eligible high acuity trauma center' means a Level I trauma center that satisfies each of the following:

''(A) Such trauma center has an agreement with the Secretary of Defense to enable military trauma teams to provide trauma care and related acute care at such trauma center.

''(B) At least 20 percent of patients treated at such trauma center in the most recent 3-month period for which data are available are treated for a major trauma at such trauma center.

''(C) Such trauma center utilizes a risk-adjusted benchmarking system and metrics to measure performance, quality, and patient outcomes.

''(D) Such trauma center is an academic training center—

''(i) affiliated with a medical school;

''(ii) that maintains residency programs and fellowships in critical trauma specialties and subspecialties, and provides education and supervision of military trauma team members according to those specialties and subspecialties; and

''(iii) that undertakes research in the prevention and treatment of traumatic injury.

''(E) Such trauma center serves as a medical and public health preparedness and response leader for its community, such as by participating in a partnership for State and regional hospital preparedness established under section 319C–2 or 319C–3.

''(3) MAJOR TRAUMA.—The term 'major trauma' means an injury that is greater than or equal to 15 on the injury severity score.

''(4) MILITARY TRAUMA TEAM.—The term 'military trauma team' means a complete military trauma team consisting of military trauma care providers.

''(5) MILITARY TRAUMA CARE PROVIDER.—The term 'military trauma care provider' means a member of the Armed Forces who furnishes emergency, critical care, and other trauma acute care services (including a physician, surgeon, physician assistant, nurse, nurse practitioner, respiratory therapist, flight paramedic, combat medic, or enlisted medical technician), or other military trauma care provider as the Secretary determines appropriate.

''(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $15,000,000 for each of fiscal years 2019 through 2023, of which—

''(1) ⅔ of the amount made available each fiscal year shall be made available for grants under subsection (a); and

''(2) ⅓ of the amount made available each fiscal year shall be made available for grants under subsection (b).''.

SEC. 205. PUBLIC HEALTH AND HEALTH CARE SYSTEM SITUATIONAL AWARENESS AND BIOSURVEILLANCE CAPABILITIES.

(a) FACILITIES, CAPACITIES, AND BIOSURVEILLANCE CAPABILITIES.—Section 319D of the Public Health Service Act (42 U.S.C. 247d–4) is amended—

(1) in the section heading, by striking ''**REVITALIZING**'' and inserting ''**FACILITIES AND CAPACITIES OF**'';

(2) in subsection (a)—

(A) in the subsection heading, by striking ''FACILITIES; CAPACITIES'' and inserting ''IN GENERAL'';

(B) in paragraph (1), by striking ''and improved'' and inserting '', improved, and appropriately maintained'';

(C) in paragraph (3), in the matter preceding subparagraph (A), by striking ''expand, enhance, and improve'' and inserting ''expand, improve, enhance, and appropriately maintain''; and

(D) by adding at the end the following:

''(4) STUDY OF RESOURCES FOR FACILITIES AND CAPACITIES.—Not later than June 1, 2022, the Comptroller General of the United States shall conduct a study on Federal spending in fiscal years 2013 through 2018 for activities authorized under this subsection. Such study shall include a review and assessment of obligations and expenditures directly related to each activity under paragraphs (2) and (3), including a specific accounting of, and delineation between, obligations and expenditures incurred for the construction, renovation, equipping, and security upgrades of facilities and associated contracts under this subsection, and the obligations and expenditures incurred to establish and improve the situational awareness and biosurveillance network under subsection (b), and shall identify the agency or agencies incurring such obligations and expenditures.'';

(3) in subsection (b)—

(A) in the subsection heading, by striking ''NATIONAL'' and inserting ''ESTABLISHMENT OF SYSTEMS OF PUBLIC HEALTH'';

(B) in paragraph (1)(B), by inserting ''immunization information systems,'' after ''centers,''; and

(C) in paragraph (2)—

(i) by inserting ''develop a plan to, and'' after ''The Secretary shall''; and

(ii) by inserting ''and in a form readily usable for analytical approaches'' after ''in a secure manner''; and

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

''(3) STANDARDS.—

''(A) IN GENERAL.—Not later than 1 year after the date of the enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018, the Secretary, in cooperation with health care providers, State, local, tribal, and territorial public health officials, and relevant Federal agencies (including the Office of the National Coordinator for Health Information Technology and the National Institute of Standards and Technology), shall, as necessary, adopt technical and reporting standards, including standards for interoperability as defined by section 3000, for networks under paragraph (1) and update such standards as necessary. Such standards shall be made available on the internet website of the Department of Health and Human Services, in a manner that does not compromise national security.

''(B) DEFERENCE TO STANDARDS DEVELOPMENT ORGANIZATIONS.—In adopting and implementing standards under this subsection and subsection (c), the Secretary shall give deference to standards published by standards development organizations and voluntary consensus-based standards entities.'';

(4) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''Not later than 2 years after the date of enactment of the Pandemic and All-Hazards Preparedness Reauthorization Act of 2013, the Secretary'' and inserting ''The Secretary'';

(ii) by inserting '', and improve as applicable and appropriate,'' after ''shall establish'';

(iii) by striking ''of rapid'' and inserting ''of, rapid''; and

(iv) by striking ''such connectivity'' and inserting ''such interoperability'';

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

''(2) COORDINATION AND CONSULTATION.—In establishing and improving the network under paragraph (1) the Secretary shall—

''(A) facilitate coordination among agencies within the Department of Health and Human Services that provide, or have the potential to provide, information and data to, and analyses for, the situational awareness and biosurveillance network under paragraph (1), including coordination among relevant agencies related to health care services, the facilitation of health information exchange (including the Office of the National Coordinator for Health Information Technology), and public health emergency preparedness and response; and

''(B) consult with the Secretary of Agriculture, the Secretary of Commerce (and the Director of the National Institute of Standards and Technology), the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Veterans Affairs, and the heads of other Federal agencies, as the Secretary determines appropriate.'';

(C) in paragraph (3)—

(i) by redesignating subparagraphs (A) through (E) as clauses (i) through (v), respectively, and adjusting the margins accordingly;

(ii) in clause (iv), as so redesignated—

(I) by inserting ''immunization information systems,'' after ''poison control,''; and

(II) by striking ''and clinical laboratories'' and inserting '', clinical laboratories, and public environmental health agencies'';

(iii) by striking ''The network'' and inserting the following:

''(A) IN GENERAL.—The network''; and

(iv) by adding at the end the following:

''(B) REVIEW.—Not later than 2 years after the date of the enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018 and every 6 years thereafter, the Secretary shall conduct a review of the elements described in subparagraph (A). Such review shall include a discussion of the addition of any elements pursuant to clause (v), including elements added to advancing new technologies, and identify any challenges in the incorporation of elements under subparagraph (A). The Secretary shall provide such review to the congressional committees of jurisdiction.'';

(D) in paragraph (5)—

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

(ii) by striking ''In establishing'' and inserting the following:

''(A) IN GENERAL.—In establishing'';

(iii) by adding at the end the following:

''(B) PUBLIC MEETING.—

''(i) IN GENERAL.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018, the Secretary shall convene a public meeting for purposes of discussing and providing input on the potential goals, functions, and uses of the network described in paragraph (1) and incorporating the elements described in paragraph (3)(A).

''(ii) EXPERTS.—The public meeting shall include representatives of relevant Federal agencies (including representatives from the Office of the National Coordinator for Health Information Technology and the National Institute of Standards and Technology); State, local, tribal, and territorial public health officials; stakeholders with expertise in biosurveillance and situational awareness; stakeholders with expertise in capabilities relevant to biosurveillance and situational awareness, such as experts in informatics and data analytics (including experts in prediction, modeling, or forecasting); and other representatives as the Secretary determines appropriate.

''(iii) TOPICS.—Such public meeting shall include a discussion of—

''(I) data elements, including minimal or essential data elements, that are voluntarily provided for such network, which may include elements from public health and public and private health care entities, to the extent practicable;

''(II) standards and implementation specifications that may improve the collection, analysis, and interpretation of data during a public health emergency;

''(III) strategies to encourage the access, exchange, and use of information;

''(IV) considerations for State, local, tribal, and territorial capabilities and infrastructure related to data exchange and interoperability;

''(V) privacy and security protections provided at the Federal, State, local, tribal, and territorial levels, and by nongovernmental stakeholders; and

''(VI) opportunities for the incorporation of innovative technologies to improve the network.''; and

(iv) in subparagraph (A), as so designated by clause (ii)—

(I) in clause (i), as so redesignated—

(aa) by striking ''as determined'' and inserting ''as adopted''; and

(bb) by inserting ''and the National Institute of Standards and Technology'' after ''Office of the National Coordinator for Health Information Technology'';

(II) in clause (iii), as so redesignated, by striking ''; and'' and inserting a semicolon;

(III) in clause (iv), as so redesignated, by striking the period and inserting ''; and''; and

(IV) by adding at the end the following:

''(v) pilot test standards and implementation specifications, consistent with the process described in section 3002(b)(3)(C), which State, local, tribal, and territorial public health entities may utilize, on a voluntary basis, as a part of the network.'';

(E) by redesignating paragraph (6) as paragraph (7);

(F) by inserting after paragraph (5) the following:

''(6) STRATEGY AND IMPLEMENTATION PLAN.—

''(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018, the Secretary shall submit to the congressional committees of jurisdiction a coordinated strategy and an accompanying implementation plan that—

''(i) is informed by the public meeting under paragraph (5)(B);

''(ii) includes a review and assessment of existing capabilities of the network and related infrastructure, including input provided by the public meeting under paragraph (5)(B);

''(iii) identifies and demonstrates the measurable steps the Secretary will carry out to—

''(I) develop, implement, and evaluate the network described in paragraph (1), utilizing elements described in paragraph (3)(A);

''(II) modernize and enhance biosurveillance activities, including strategies to include innovative technologies and analytical approaches (including prediction and forecasting for pandemics and all-hazards) from public and private entities;

''(III) improve information sharing, coordination, and communication among disparate biosurveillance systems supported by the Department of Health and Human Services, including the identification of methods to improve accountability, better utilize resources and workforce capabilities, and incorporate innovative technologies within and across agencies; and

''(IV) test and evaluate capabilities of the interoperable network of systems to improve situational awareness and biosurveillance capabilities;

''(iv) includes performance measures and the metrics by which performance measures will be assessed with respect to the measurable steps under clause (iii); and

''(v) establishes dates by which each measurable step under clause (iii) will be implemented.

''(B) ANNUAL BUDGET PLAN.—Not later than 2 years after the date of enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018 and on an annual basis thereafter, in accordance with the strategy and implementation plan under this paragraph, the Secretary shall, taking into account recommendations provided by the National Biodefense Science Board, develop a budget plan based on the strategy and implementation plan under this section. Such budget plan shall include—

''(i) a summary of resources previously expended to establish, improve, and utilize the nationwide public health situational awareness and biosurveillance network under paragraph (1);

''(ii) estimates of costs and resources needed to establish and improve the network under paragraph (1) according to the strategy and implementation plan under subparagraph (A);

''(iii) the identification of gaps and inefficiencies in nationwide public health situational awareness and biosurveillance capabilities, resources, and authorities needed to address such gaps; and

''(iv) a strategy to minimize and address such gaps and improve inefficiencies.'';

(G) in paragraph (7), as so redesignated—

(i) in subparagraph (A), by inserting ''(taking into account zoonotic disease, including gaps in scientific understanding of the interactions between human, animal, and environmental health)'' after ''human health'';

(ii) in subparagraph (B)—

(I) by inserting ''and gaps in surveillance programs'' after ''surveillance programs''; and

(II) by striking ''; and'' and inserting a semicolon;

(iii) in subparagraph (C)—

(I) by inserting '', animal health organizations related to zoonotic disease,'' after ''health care entities''; and

(II) by striking the period and inserting ''; and''; and

(iv) by adding at the end the following:

''(D) provide recommendations to the Secretary on policies and procedures to complete the steps described in this paragraph in a manner that is consistent with section 2802.''; and

(H) by adding at the end the following:

''(8) SITUATIONAL AWARENESS AND BIOSURVEILLANCE AS A NATIONAL SECURITY PRIORITY.—The Secretary, on a periodic basis as applicable and appropriate, shall meet with the Director of National Intelligence to inform the development and capabilities of the nationwide public health situational awareness and biosurveillance network.'';

(5) in subsection (d)—

(A) in paragraph (1)—

(i) by inserting ''environmental health agencies,'' after ''public health agencies,''; and

(ii) by inserting ''immunization programs,'' after ''poison control centers,''; and

(B) in paragraph (2)—

(i) in subparagraph (B), by striking ''and'' at the end;

(ii) in subparagraph (C), by striking the period and inserting ''; and''; and

(iii) by adding after subparagraph (C) the following:

''(D) an implementation plan that may include measurable steps to achieve the purposes described in paragraph (1).''; and

(C) by striking paragraph (5) and inserting the following:

''(5) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to States, localities, tribes, and territories or a consortium of States, localities, tribes, and territories receiving an award under this subsection regarding interoperability and the technical standards set forth by the Secretary.'';

(6) by redesignating subsections (f) and (g) as subsections (i) and (j), respectively; and

(7) by inserting after subsection (e) the following:

''(f) PERSONNEL AUTHORITIES.—

''(1) SPECIALLY QUALIFIED PERSONNEL.—In addition to any other personnel authorities, to carry out subsections (b) and (c), the Secretary may—

''(A) appoint highly qualified individuals to scientific or professional positions at the Centers for Disease Control and Prevention, not to exceed 30 such employees at any time (specific to positions authorized by this subsection), with expertise in capabilities relevant to biosurveillance and situational awareness, such as experts in informatics and data analytics (including experts in prediction, modeling, or forecasting), and other related scientific or technical fields; and

''(B) compensate individuals appointed under subparagraph (A) in the same manner and subject to the same terms and conditions in which individuals appointed under 9903 of title 5, United States Code, are compensated, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

''(2) LIMITATIONS.—The Secretary shall exercise the authority under paragraph (1) in a manner that is consistent with the limitations described in section 319F–1(e)(2).

''(g) TIMELINE.—The Secretary shall accomplish the purposes under subsections (b) and (c) no later than September 30, 2023, and shall provide a justification to the congressional committees of jurisdiction for any missed or delayed implementation of measurable steps identified under subsection (c)(6)(A)(iii).

''(h) INDEPENDENT EVALUATION.—Not later than 3 years after the date of enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018, the Comptroller General of the United States shall conduct an independent evaluation, and submit to the Secretary and the congressional committees of jurisdiction a report concerning the activities conducted under subsections (b) and (c), and provide recommendations, as applicable and appropriate, on necessary improvements to the biosurveillance and situational awareness network.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Subsection (i) of section 319D of the Public Health Service Act (42 U.S.C. 247d–4), as redesignated by subsection (a)(6), is amended by striking ''$138,300,000 for each of fiscal years 2014 through 2018'' and inserting ''$161,800,000 for each of fiscal years 2019 through 2023''.

(c) BIOLOGICAL THREAT DETECTION REPORT.—The Secretary of Health and Human Services shall, in coordination with the Secretary of Defense and the Secretary of Homeland Security, not later than 180 days after the date of enactment of this Act, report to the Committee on Energy and Commerce, the Committee on Armed Services, and the Committee on Homeland Security of the House of Representatives and the Committee on Health, Education, Labor, and Pensions, the Committee on Armed Services, and the Committee on Homeland Security and Governmental Affairs of the Senate on the state of Federal biological threat detection efforts, including the following—

(1) an identification of technological, operational, and programmatic successes and failures of domestic detection programs supported by Federal departments and agencies for intentionally-introduced or accidentally-released biological threat agents and naturally occurring infectious diseases;

(2) a description of Federal efforts to facilitate the exchange of information related to the information described in paragraph (1) among Federal departments and agencies that utilize biological threat detection technology;

(3) a description of the capabilities of detection systems in use by Federal departments and agencies including the capability to—

(A) rapidly detect, identify, characterize, and confirm the presence of biological threat agents;

(B) recover live biological agents from collection devices;

(C) determine the geographical distribution of biological agents;

(D) determine the extent of environmental contamination and persistence of biological agents; and

(E) provide advanced molecular diagnostics to State, local, tribal, and territorial public health and other laboratories that support biological threat detection activities;

(4) a description of Federal interagency coordination related to biological threat detection;

(5) a description of efforts by Federal departments and agencies that utilize biological threat detection technology to collaborate with State, local, tribal, and territorial public health laboratories and other users of biological threat detection systems, including collaboration regarding the development of—

(A) biological threat detection requirements or standards;

(B) a standardized integration strategy;

(C) training requirements or guidelines;

(D) guidelines for a coordinated public health response, including preparedness capabilities, and, as applicable, for coordination with public health surveillance systems; and

(E) a coordinated environmental remediation plan, as applicable; and

(6) recommendations related to research, advanced research, development, and procurement for Federal departments and agencies to improve and enhance biological threat detection systems, including recommendations on the transfer of biological threat detection technology among Federal departments and agencies, as necessary and appropriate.

SEC. 206. STRENGTHENING AND SUPPORTING THE PUBLIC HEALTH EMERGENCY RAPID RESPONSE FUND.

Section 319 of the Public Health Service Act (42 U.S.C. 247d) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in the first sentence, by inserting ''or if the Secretary determines there is the significant potential for a public health emergency, to allow the Secretary to rapidly respond to the immediate needs resulting from such public health emergency or potential public health emergency'' before the period; and

(ii) by inserting ''The Secretary shall plan for the expedited distribution of funds to appropriate agencies and entities.'' after the first sentence;

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

''(2) USES.—The Secretary may use amounts in the Fund established under paragraph (1), to—

''(A) facilitate coordination between and among Federal, State, local, tribal, and territorial entities and public and private health care entities that the Secretary determines may be affected by a public health emergency or potential public health emergency referred to in paragraph (1) (including communication of such entities with relevant international entities, as applicable);

''(B) make grants, provide for awards, enter into contracts, and conduct supportive investigations pertaining to a public health emergency or potential public health emergency, including further supporting programs under section 319C–1, 319C–2, or 319C–3;

''(C) facilitate and accelerate, as applicable, advanced research and development of security countermeasures (as defined in section 319F–2), qualified countermeasures (as defined in section 319F–1), or qualified pandemic or epidemic products (as defined in section 319F–3), that are applicable to the public health emergency or potential public health emergency under paragraph (1);

''(D) strengthen biosurveillance capabilities and laboratory capacity to identify, collect, and analyze information regarding such public health emergency or potential public health emergency, including the systems under section 319D;

''(E) support initial emergency operations and assets related to preparation and deployment of intermittent disaster response personnel under section 2812, and the Medical Reserve Corps under section 2813; and

''(F) carry out other activities, as the Secretary determines applicable and appropriate.''; and

(D) by inserting after paragraph (3), as so redesignated, the following:

''(4) REVIEW.—Not later than 2 years after the date of enactment of the Pandemic and

All-Hazards Preparedness and Advancing Innovation Act of 2018, the Secretary, in coordination with the Assistant Secretary for Preparedness and Response, shall conduct a review of the Fund under this section, and provide recommendations to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives on policies to improve such Fund for the uses described in paragraph (2).

''(5) GAO REPORT.—Not later than 4 years after the date of enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018, the Comptroller General of the United States shall—

''(A) conduct a review of the Fund under this section, including its uses and the resources available in the Fund; and

''(B) submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on such review, including recommendations related to such review, as applicable.''; and

(2) in subsection (c)—

(A) by inserting ''rapidly respond to public health emergencies or potential public health emergencies and'' after ''used to''; and

(B) by striking ''section.'' and inserting ''Act or funds otherwise provided for emergency response.''.

SEC. 207. IMPROVING ALL-HAZARDS PREPAREDNESS AND RESPONSE BY PUBLIC HEALTH EMERGENCY VOLUNTEERS.

(a) IN GENERAL.—Section 319I of the Public Health Service Act (42 U.S.C. 247d–7b) is amended—

(1) in the section heading, by striking ''**HEALTH PROFESSIONS VOLUNTEERS**'' and inserting ''**VOLUNTEER HEALTH PROFESSIONAL**'';

(2) in subsection (a), by adding at the end the following: ''Such health care professionals may include members of the National Disaster Medical System, members of the Medical Reserve Corps, and individual health care professionals.'';

(3) in subsection (i) by adding at the end ''In order to inform the development of such mechanisms by States, the Secretary shall make available information and material provided by States that have developed mechanisms to waive the application of licensing requirements to applicable health professionals seeking to provide medical services during a public health emergency. Such information shall be made publicly available in a manner that does not compromise national security.''; and

(4) in subsection (k) by striking ''2014 through 2018'' and inserting ''2019 through 2023''.

(b) ALL-HAZARDS PUBLIC HEALTH EMERGENCY PREPAREDNESS AND RESPONSE PLAN.—Section 319C–1(b)(2)(A)(iv) of the Public Health Service Act (42 U.S.C. 247d–3a(b)(2)(A)(iv)) is amended to read as follows:

''(iv) a description of the mechanism the entity will implement to utilize the Emergency Management Assistance Compact, or other mutual aid agreement, for medical and public health mutual aid, and, as appropriate, the activities such entity will implement pursuant to section 319I to improve enrollment and coordination of volunteer health care professionals seeking to provide medical services during a public health emergency, which may include—

''(I) providing a public method of communication for purposes of volunteer coordination (such as a phone number);

''(II) providing for optional registration to participate in volunteer services during processes related to State medical licensing, registration, or certification or renewal of such licensing, registration or certification; or

''(III) other mechanisms as the State determines appropriate;''.

SEC. 208. CLARIFYING STATE LIABILITY LAW FOR VOLUNTEER HEALTH CARE PROFESSIONALS.

(a) IN GENERAL.—Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by inserting after section 224 the following:

''SEC. 225. HEALTH CARE PROFESSIONALS ASSISTING DURING A PUBLIC HEALTH EMERGENCY.

''(a) LIMITATION ON LIABILITY.—Notwithstanding any other provision of law, a health care professional who is a member of the Medical Reserve Corps under section 2813 or who is included in the Emergency System for Advance Registration of Volunteer Health Professionals under section 319I and who—

''(1) is responding—

''(A) to a public health emergency determined under section 319(a), during the initial period of not more than 90 days (as determined by the Secretary) of the public health emergency determination (excluding any period covered by a renewal of such determination); or

''(B) to a major disaster or an emergency as declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) or under section 201 of the National Emergencies Act (50 U.S.C.1621) during the initial period of such declaration; and

''(2) is alleged to be liable for an act or omission—

''(A) during the initial period of a determination or declaration described in paragraph (1) and related to the treatment of individuals in need of health care services due to such public health emergency, major disaster, or emergency;

''(B) in the State or States for which such determination or declaration is made;

''(C) in the health care professional's capacity as a member of the Medical Reserve Corps or a professional included in the Emergency System for Advance Registration of Volunteer Health Professionals under section 319I; and

''(D) in the course of providing services that are within the scope of the license, registration, or certification of the professional, as defined by the State of licensure, registration, or certification; and

''(3) prior to the rendering of such act or omission, was authorized by the State's authorization of deploying such State's Emergency System for Advance Registration of Volunteer Health Professionals described in section 319I or the Medical Reserve Corps established under section 2813, to provide health care services,

shall be subject only to the State liability laws of the State in which such act or omission occurred, in the same manner and to the same extent as a similar health care professional who is a resident of such State would be subject to such State laws, except with respect to the licensure, registration, and certification of such individual.

''(b) VOLUNTEER PROTECTION ACT.—Nothing in this section shall be construed to affect an individual's right to protections under the Volunteer Protection Act of 1997.

''(c) PREEMPTION.—This section shall supercede the laws of any State that would subject a health care professional described in subsection (a) to the liability laws of any State other than the State liability laws to which such individual is subject pursuant to such subsection.

''(d) DEFINITIONS.—In this section:

''(1) The term 'health care professional' means an individual licensed, registered, or certified under Federal or State laws or regulations to provide health care services.

''(2) The term 'health care services' means any services provided by a health care professional, or by any individual working under the supervision of a health care professional, that relate to—

''(A) the diagnosis, prevention, or treatment of any human disease or impairment; or

''(B) the assessment or care of the health of human beings.

''(e) EFFECTIVE DATE.—

''(1) IN GENERAL.—This section shall take effect 90 days after the date of the enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018.

''(2) APPLICATION.—This section shall apply to a claim for harm only if the act or omission that caused such harm occurred on or after the effective date described in paragraph (1).''.

(b) GAO STUDY.—Not later than one year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review of—

(1) the number of health care providers who register under the Emergency System for Advance Registration of Volunteer Health Professionals under section 319I of the Public Health Service Act (42 U.S.C. 247d–7b) in advance to provide services during a public health emergency;

(2) the number of health care providers who are credentialed to provide services during the period of a public health emergency declaration, including those who are credentialed though programs established in the Emergency System for Advance Registration of Volunteer Health Professionals under such section 319I and those credentialed by authorities within the State in which the emergency occurred;

(3) the average time to verify the credentials of a health care provider during the period of a public health emergency declaration, including the average time pursuant to the Emergency System for Advance Registration of Volunteer Health Professionals under such section 319I and for an individual's credentials to be verified by an authority within the State; and

(4) the Emergency System for Advance Registration of Volunteer Health Professionals program in States, including whether physician or medical groups, associations, or other relevant provider organizations utilize such program for purposes of volunteering during public health emergencies.

SEC. 209. REPORT ON ADEQUATE NATIONAL BLOOD SUPPLY.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report containing recommendations related to maintaining an adequate national blood supply, including—

(1) challenges associated with the continuous recruitment of blood donors (including those newly eligible to donate);

(2) ensuring the adequacy of the blood supply in the case of public health emergencies;

(3) implementation of the transfusion transmission monitoring system; and

(4) other measures to promote safety and innovation, such as the development, use, or implementation of new technologies, processes, and procedures to improve the safety and reliability of the blood supply.

SEC. 210. REPORT ON THE PUBLIC HEALTH PREPAREDNESS AND RESPONSE CAPABILITIES AND CAPACITIES OF HOSPITALS, LONG-TERM CARE FACILITIES, AND OTHER HEALTH CARE FACILITIES.

(a) STUDY.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this Act, the

Secretary of Health and Human Services shall enter into an agreement with an appropriate entity to conduct a study regarding the public health preparedness and response capabilities and medical surge capacities of hospitals, long-term care facilities, and other health care facilities to prepare for, and respond to, public health emergencies, including natural disasters.

(2) CONSULTATION.—In conducting the study under paragraph (1), the entity shall consult with Federal, State, local, tribal, and territorial public health officials (as appropriate), and health care providers and facilities with experience in public health preparedness and response activities.

(3) EVALUATION.—The study under paragraph (1) shall include—

(A) an evaluation of the current benchmarks and objective standards, as applicable, related to programs that support hospitals, long-term care facilities, and other health care facilities, and their effect on improving public health preparedness and response capabilities and medical surge capacities, including the Hospital Preparedness Program, the Public Health Emergency Preparedness cooperative agreements, and the Regional Health Care Emergency Preparedness and Response Systems under section 319C–3 of the Public Health Service Act (as added by section 203);

(B) the identification of gaps in preparedness, including with respect to such benchmarks and objective standards, such as those identified during recent public health emergencies, for hospitals, long-term care facilities, and other health care facilities to address future potential public health threats;

(C) an evaluation of coordination efforts between the recipients of Federal funding for programs described in subparagraph (A) and entities with expertise in emergency power systems and other critical infrastructure partners during a public health emergency, to ensure a functioning critical infrastructure, to the greatest extent practicable, during a public health emergency;

(D) an evaluation of coordination efforts between the recipients of Federal funding for programs described in subparagraph (A) and environmental health agencies with expertise in emergency preparedness and response planning for hospitals, long-term care facilities and other health care facilities; and

(E) an evaluation of current public health preparedness and response capabilities and medical surge capacities related to at-risk individuals during public health emergencies, including an identification of gaps in such preparedness as they relate to such individuals.

(b) REPORT.—

(1) IN GENERAL.—The agreement under subsection (a) shall require the entity to submit to the Secretary of Health and Human Services and the congressional committees of jurisdiction, not later than 3 years after the date of enactment of this Act, a report on the results of the study conducted pursuant to this section.

(2) CONTENTS.—The report under paragraph (1) shall—

(A) describe the findings and conclusions of the evaluation conducted pursuant to subsection (a); and

(B) provide recommendations for improving public health preparedness and response capability and medical surge capacity for hospitals, long-term care facilities, and other health care facilities, including—

(i) improving the existing benchmarks and objective standards for the Federal grant programs described in subsection (a)(3)(A) or developing new benchmarks and standards for such programs; and

(ii) identifying best practices for improving public health preparedness and response programs and medical surge capacity at hospitals, long-term care facilities, and other health care facilities, including recommendations for the evaluation under subparagraphs (C) and (D) of subsection (a)(3).

TITLE III—REACHING ALL COMMUNITIES

SEC. 301. STRENGTHENING AND ASSESSING THE EMERGENCY RESPONSE WORKFORCE.

(a) NATIONAL DISASTER MEDICAL SYSTEM.—

(1) STRENGTHENING THE NATIONAL DISASTER MEDICAL SYSTEM.—Clause (ii) of section 2812(a)(3)(A) of the Public Health Service Act (42 U.S.C. 300hh–11(a)(3)(A)) is amended to read as follows:

''(ii) be present at locations, and for limited periods of time, specified by the Secretary on the basis that the Secretary has determined that a location is at risk of a public health emergency during the time specified, or there is a significant potential for a public health emergency.''.

(2) REVIEW OF THE NATIONAL DISASTER MEDICAL SYSTEM.—Section 2812(b)(2) of the Public Health Service Act (42 U.S.C. 300hh–11(b)(2)) is amended to read as follows:

''(2) JOINT REVIEW AND MEDICAL SURGE CAPACITY STRATEGIC PLAN.—

''(A) REVIEW.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018, the Secretary, in coordination with the Secretary of Homeland Security, the Secretary of Defense, and the Secretary of Veterans Affairs, shall conduct a joint review of the National Disaster Medical System. Such review shall include—

''(i) an evaluation of medical surge capacity, as described in section 2803(a);

''(ii) an assessment of the available workforce of the intermittent disaster response personnel described in subsection (c);

''(iii) the capacity of the workforce described in clause (ii) to respond to all hazards, including capacity to simultaneously respond to multiple public health emergencies and the capacity to respond to a nationwide public health emergency;

''(iv) the effectiveness of efforts to recruit, retain, and train such workforce; and

''(v) gaps that may exist in such workforce and recommendations for addressing such gaps.

''(B) UPDATES.—As part of the National Health Security Strategy under section 2802, the Secretary shall update the findings from the review under subparagraph (A) and provide recommendations to modify the policies of the National Disaster Medical System as necessary.''.

(3) NOTIFICATION OF SHORTAGE.—Section 2812(c) of the Public Health Service Act (42 U.S.C. 300hh–11(c)) is amended by adding at the end the following:

''(3) NOTIFICATION.—Not later than 30 days after the date on which the Secretary determines the number of intermittent disaster-response personnel of the National Disaster Medical System is insufficient to address a public health emergency or potential public health emergency, the Secretary shall submit to the congressional committees of jurisdiction a notification detailing—

''(A) the impact such shortage could have on meeting public health needs and emergency medical personnel needs during a public health emergency; and

''(B) any identified measures to address such shortage.

''(4) CERTAIN APPOINTMENTS.—

''(A) IN GENERAL.—If the Secretary determines that the number of intermittent disaster response personnel within the National Disaster Medical System under this section is insufficient to address a public health emergency or potential public health emergency, the Secretary may appoint candidates directly to personnel positions for intermittent disaster response within such system. The Secretary shall provide updates on the number of vacant or unfilled positions within such system to the congressional committees of jurisdiction each quarter for which this authority is in effect.

''(B) SUNSET.—The authority under this paragraph shall expire on September 30, 2021.''.

(4) AUTHORIZATION OF APPROPRIATIONS.—Section 2812(g) of the Public Health Service Act (42 U.S.C. 300hh–11(g)) is amended by striking ''$52,700,000 for each of fiscal years 2014 through 2018'' and inserting ''$57,400,000 for each of fiscal years 2019 through 2023''.

(b) VOLUNTEER MEDICAL RESERVE CORPS.—

(1) IN GENERAL.—Section 2813(a) of the Public Health Service Act (42 U.S.C. 42 U.S.C. 300hh–15(a)) is amended by striking the second sentence and inserting ''The Secretary may appoint a Director to head the Corps and oversee the activities of the Corps chapters that exist at the State, local, tribal, and territorial levels.''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2813(i) of the Public Health Service Act (42 U.S.C. 300hh–15(i)) is amended by striking ''2014 through 2018'' and inserting ''2019 through 2023''.

(c) STRENGTHENING THE EPIDEMIC INTELLIGENCE SERVICE.—Section 317F of the Public Health Service Act (42 U.S.C. Sec. 247b–7) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting ''or preparedness and response activities, including rapid response to public health emergencies and significant public health threats'' after ''conduct prevention activities''; and

(ii) by striking ''$35,000'' and inserting ''$50,000''; and

(B) in paragraph (2)(B), by striking ''3 years'' and inserting ''2 years''; and

(2) in subsection (c)—

(A) by striking ''For the purpose of carrying out this section'' and inserting the following:

''(1) IN GENERAL.—For the purpose of carrying out this section, except as described in paragraph (2)''; and

(B) by adding at the end the following:

''(2) EPIDEMIC INTELLIGENCE SERVICE PROGRAM.—For purposes of carrying out this section with respect to qualified health professionals serving in the Epidemic Intelligence Service, as authorized under section 317G, there are authorized to be appropriated $1,000,000 for each of fiscal years 2019 through 2023.''.

(d) SERVICE BENEFIT FOR NATIONAL DISASTER MEDICAL SYSTEM VOLUNTEERS.—

(1) IN GENERAL.—Section 2812(c) of the Public Health Service Act (42 U.S.C. 300hh–11(c)), as amended by subsection (a)(3), is further amended by adding at the end the following:

''(5) SERVICE BENEFIT.—Individuals appointed to serve under this subsection shall be considered eligible for benefits under part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968. The Secretary shall provide notification to eligible individuals of any effect such designation may have on other benefits for which such individual are eligible, including benefits from private entities.''.

(2) PUBLIC SAFETY OFFICER BENEFITS.—Section 1204(9) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284(9)) is amended—

(A) in subparagraph (C)(ii), by striking ''or'' at the end;

(B) in subparagraph (D), by striking the period and inserting ''; or''; and

(C) by inserting after subparagraph (D) the following:

''(E) an individual appointed to the National Disaster Medical System under section 2812 of the Public Health Service Act (42 U.S.C. 300hh–11) who is performing official duties of the Department of Health and Human Services, if those official duties are—

''(i) related to responding to a public health emergency or potential public health emergency, or other activities for which the Secretary of Health and Human Services has activated such National Disaster Medical System; and

''(ii) determined by the Secretary of Health and Human Services to be hazardous.''.

(3) SUNSET.—The amendments made by paragraphs (1) and (2) shall cease to have force or effect on October 1, 2021.

(e) MISSION READINESS REPORT TO CONGRESS.—

(1) REPORT.—Not later than one year after the date of enactment of this section, the Comptroller General of the United States (referred to in this subsection as the ''Comptroller General'') shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report on the medical surge capacity of the United States in the event of a public health emergency, including the capacity and capability of the current health care workforce to prepare for, and respond to the full range of public health emergencies or potential public health emergencies, and recommendations to address any gaps identified in such workforce.

(2) CONTENTS.—The Comptroller General shall include in the report under paragraph (1)—

(A) the number of health care providers who have volunteered to provide health care services during a public health emergency, including members of the National Disaster Medical System, the Disaster Medical Assistant Teams, the Medical Reserve Corps, and other volunteer health care professionals in the verification network pursuant to section 319I of the Public Health Service Act (42 U.S.C. 247d–7b);

(B) the capacity of the workforce described in subparagraph (A) to respond to a public health emergency or potential public health emergency, including the capacity to respond to multiple concurrent public health emergencies and the capacity to respond to a nationwide public health emergency;

(C) the preparedness and response capabilities and mission readiness of the workforce described in subparagraph (A) taking into account areas of health care expertise and considerations for at-risk individuals (as defined in section 2802(b)(4)(B) of the Public Health Service Act (42 U.S.C. 300hh–1(b)(4)(B));

(D) an assessment of the effectiveness of efforts to recruit, retain, and train such workforce; and

(E) identification of gaps that may exist in such workforce and recommendations for addressing such gaps, the extent to which the Assistant Secretary for Preparedness and Response plans to address such gaps, and any recommendations from the Comptroller General to address such gaps.

SEC. 302. HEALTH SYSTEM INFRASTRUCTURE TO IMPROVE PREPAREDNESS AND RESPONSE.

(a) COORDINATION OF PREPAREDNESS.—Section 2811(b)(5) of the Public Health Service Act (42 U.S.C. 300hh–10(b)(5)) is amended by adding at the end the following: ''Such logistical support shall include working with other relevant Federal, State, local, tribal, and territorial public health officials and private sector entities to identify the critical infrastructure assets, systems, and networks needed for the proper functioning of the health care and public health sectors that need to be maintained through any emergency or disaster, including entities capable of assisting with, responding to, and mitigating the effect of a public health emergency, including a public health emergency determined by the Secretary pursuant to section 319(a), an emergency or major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, or the National Emergencies Act, including by establishing methods to exchange critical information and deliver products consumed or used to preserve, protect, or sustain life, health, or safety, and sharing of specialized expertise.''.

(b) MANUFACTURING CAPACITY.—Section 2811(d)(2)(C) of the Public Health Service Act (42 U.S.C. 300hh–10(d)(2)(C)) is amended by inserting '', and ancillary medical supplies to assist with the utilization of such countermeasures or products,'' after ''products''.

(c) EVALUATION OF BARRIERS TO RAPID DELIVERY OF MEDICAL COUNTERMEASURES.—

(1) RAPID DELIVERY STUDY.—The Assistant Secretary for Preparedness and Response may conduct a study on issues that have the potential to adversely affect the handling and rapid delivery of medical countermeasures to individuals during public health emergencies occurring in the United States.

(2) NOTICE TO CONGRESS.—Not later than 9 months after the date of the enactment of this Act, the Assistant Secretary for Preparedness and Response shall notify the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate if the Assistant Secretary for Preparedness and Response does not plan to conduct the study under paragraph (1) and shall provide such committees a summary explanation for such decision.

(3) REPORT TO CONGRESS.—Not later than 1 year after the Assistant Secretary for Preparedness and Response conducts the study under paragraph (1), such Assistant Secretary shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate containing the findings of such study.

SEC. 303. CONSIDERATIONS FOR AT-RISK INDIVIDUALS.

(a) AT-RISK INDIVIDUALS IN THE NATIONAL HEALTH SECURITY STRATEGY.—Section 2802(b)(4)(B) of the Public Health Service Act (42 U.S.C. 300hh–1(b)(4)(B)) is amended—

(1) by striking ''this section and sections 319C–1, 319F, and 319L,'' and inserting ''this Act,''; and

(2) by striking ''special'' and inserting ''access or functional''.

(b) COUNTERMEASURE CONSIDERATIONS.—Section 319L(c)(6) of the Public Health Service Act (42 U.S.C. 247d–7e(c)(6)) is amended—

(1) by striking ''elderly'' and inserting ''senior citizens''; and

(2) by inserting ''with relevant characteristics that warrant consideration during the process of researching and developing such countermeasures and products'' before the period.

(c) BIOSURVEILLANCE OF EMERGING PUBLIC HEALTH THREATS.—Section 2814 is amended—

(1) in paragraph (7), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (8), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(9) facilitate coordination to ensure that, in implementing the situational awareness and biosurveillance network under section 319D, the Secretary considers incorporating data and information from Federal, State, local, tribal, and territorial public health officials and entities relevant to detecting emerging public health threats that may affect at-risk individuals, such as pregnant and postpartum women and infants, including adverse health outcomes of such populations related to such emerging public health threats.''.

SEC. 304. IMPROVING EMERGENCY PREPAREDNESS AND RESPONSE CONSIDERATIONS FOR CHILDREN.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 319D the following:

''SEC. 319D–1. CHILDREN'S PREPAREDNESS UNIT.

''(a) ENHANCING EMERGENCY PREPAREDNESS FOR CHILDREN.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention (referred to in this subsection as the 'Director'), shall maintain an internal team of experts, to be known as the Children's Preparedness Unit (referred to in this subsection as the 'Unit'), to work collaboratively to provide guidance on the considerations for, and the specific needs of, children before, during, and after public health emergencies. The Unit shall inform the Director regarding emergency preparedness and response efforts pertaining to children at the Centers for Disease Control and Prevention.

''(b) EXPERTISE.—The team described in subsection (a) shall include one or more pediatricians, which may be a developmental-behavioral pediatrician, and may also include behavioral scientists, child psychologists, epidemiologists, biostatisticians, health communications staff, and individuals with other areas of expertise, as the Secretary determines appropriate.

''(c) DUTIES.—The team described in subsection (a) may—

''(1) assist State, local, tribal, and territorial emergency planning and response activities related to children, which may include developing, identifying, and sharing best practices;

''(2) provide technical assistance, training, and consultation to Federal, State, local, tribal, and territorial public health officials to improve preparedness and response capabilities with respect to the needs of children, including providing such technical assistance, training, and consultation to eligible entities in order to support the achievement of measurable evidence-based benchmarks and objective standards applicable to sections 319C–1 and 319C–2;

''(3) improve the utilization of methods to incorporate the needs of children in planning for and responding to a public health emergency, including public awareness of such methods;

''(4) coordinate with, and improve, public-private partnerships, such as health care coalitions pursuant to sections 319C–2 and 319C–3, to address gaps and inefficiencies in emergency preparedness and response efforts for children;

''(5) provide expertise and input during the development of guidance and clinical recommendations to address the needs of children when preparing for, and responding to, public health emergencies, including pursuant to section 319C–3; and

''(6) carry out other duties related to preparedness and response activities for children, as the Secretary determines appropriate.''.

SEC. 305. NATIONAL ADVISORY COMMITTEES ON DISASTERS.

(a) REAUTHORIZING THE NATIONAL ADVISORY COMMITTEE ON CHILDREN AND DISASTERS.—Section 2811A of the Public Health Service Act (42 U.S.C. 300hh–10a) is amended—

(1) in subsection (b)(2), by inserting '', mental and behavioral,'' after ''medical'';

(2) in subsection (d)—

(A) in paragraph (1), by striking ''15'' and inserting ''25''; and

(B) by striking paragraph (2) and inserting the following:

''(2) REQUIRED NON-FEDERAL MEMBERS.—The Secretary, in consultation with such other heads of Federal agencies as may be appropriate, shall appoint to the Advisory Committee under paragraph (1) at least 13 individuals, including—

''(A) at least 2 non-Federal professionals with expertise in pediatric medical disaster planning, preparedness, response, or recovery;

''(B) at least 2 representatives from State, local, tribal, or territorial agencies with expertise in pediatric disaster planning, preparedness, response, or recovery;

''(C) at least 4 members representing health care professionals, which may include members with expertise in pediatric emergency medicine; pediatric trauma, critical care, or surgery; the treatment of pediatric patients affected by chemical, biological, radiological, or nuclear agents, including emerging infectious diseases; pediatric mental or behavioral health related to children affected by a public health emergency; or pediatric primary care; and

''(D) other members as the Secretary determines appropriate, of whom—

''(i) at least one such member shall represent a children's hospital;

''(ii) at least one such member shall be an individual with expertise in schools or child care settings;

''(iii) at least one such member shall be an individual with expertise in children and youth with special health care needs; and

''(iv) at least one such member shall be an individual with expertise in the needs of parents or family caregivers, including the parents or caregivers of children with disabilities.''.

''(3) FEDERAL MEMBERS.—The Advisory Committee under paragraph (1) shall include the following Federal members or their designees (who may be non-voting members, as determined by the Secretary):

''(A) The Assistant Secretary for Preparedness and Response.

''(B) The Director of the Biomedical Advanced Research and Development Authority.

''(C) The Director of the Centers for Disease Control and Prevention.

''(D) The Commissioner of Food and Drugs.

''(E) The Director of the National Institutes of Health.

''(F) The Assistant Secretary of the Administration for Children and Families.

''(G) The Administrator of the Health Resources and Services Administration.

''(H) The Administrator of the Federal Emergency Management Agency.

''(I) The Administrator of the Administration for Community Living.

''(J) The Secretary of Education.

''(K) Representatives from such Federal agencies (such as the Substance Abuse and Mental Health Services Administration and the Department of Homeland Security) as the Secretary determines appropriate to fulfill the duties of the Advisory Committee under subsections (b) and (c).''.

''(4) TERM OF APPOINTMENT.—Each member of the Advisory Committee appointed under paragraph (2) shall serve for a term of 3 years, except that the Secretary may adjust the terms of the Advisory Committee appointees serving on the date of enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018, or appointees who are initially appointed after such date of enactment, in order to provide for a staggered term of appointment for all members.

''(5) CONSECUTIVE APPOINTMENTS; MAXIMUM TERMS.—A member appointed under paragraph (2) may serve not more than 3 terms on the Advisory Committee, and not more than 2 of such terms may be served consecutively.'';

(3) in subsection (e), by adding at the end ''At least one meeting per year shall be an in-person meeting.'';

(4) by redesignating subsection (f) as subsection (g);

(5) by inserting after subsection (e) the following:

''(f) COORDINATION.—The Secretary shall coordinate duties and activities authorized under this section in accordance with section 2811D.''; and

(6) in subsection (g), as so redesignated, by striking ''2018'' and inserting ''2023''.

(b) AUTHORIZING THE NATIONAL ADVISORY COMMITTEE ON SENIORS AND DISASTERS.—Subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh et seq.) is amended by inserting after section 2811A the following:

''SEC. 2811B. NATIONAL ADVISORY COMMITTEE ON SENIORS AND DISASTERS.

''(a) ESTABLISHMENT.—The Secretary, in consultation with the Secretary of Homeland Security and the Secretary of Veterans Affairs, shall establish an advisory committee to be known as the National Advisory Committee on Seniors and Disasters (referred to in this section as the 'Advisory Committee').

''(b) DUTIES.—The Advisory Committee shall—

''(1) provide advice and consultation with respect to the activities carried out pursuant to section 2814, as applicable and appropriate;

''(2) evaluate and provide input with respect to the medical and public health needs of seniors related to preparation for, response to, and recovery from all-hazards emergencies; and

''(3) provide advice and consultation with respect to State emergency preparedness and response activities relating to seniors, including related drills and exercises pursuant to the preparedness goals under section 2802(b).

''(c) ADDITIONAL DUTIES.—The Advisory Committee may provide advice and recommendations to the Secretary with respect to seniors and the medical and public health grants and cooperative agreements as applicable to preparedness and response activities under this title and title III.

''(d) MEMBERSHIP.—

''(1) IN GENERAL.—The Secretary, in consultation with such other heads of agencies as appropriate, shall appoint not more than 17 members to the Advisory Committee. In appointing such members, the Secretary shall ensure that the total membership of the Advisory Committee is an odd number.

''(2) REQUIRED MEMBERS.—The Advisory Committee shall include Federal members or their designees (who may be non-voting members, as determined by the Secretary) and non-Federal members, as follows:

''(A) The Assistant Secretary for Preparedness and Response.

''(B) The Director of the Biomedical Advanced Research and Development Authority.

''(C) The Director of the Centers for Disease Control and Prevention.

''(D) The Commissioner of Food and Drugs.

''(E) The Director of the National Institutes of Health.

''(F) The Administrator of the Centers for Medicare & Medicaid Services.

''(G) The Administrator of the Administration for Community Living.

''(H) The Administrator of the Federal Emergency Management Agency.

''(I) The Under Secretary for Health of the Department of Veterans Affairs.

''(J) At least 2 non-Federal health care professionals with expertise in geriatric medical disaster planning, preparedness, response, or recovery.

''(K) At least 2 representatives of State, local, territorial, or tribal agencies with expertise in geriatric disaster planning, preparedness, response, or recovery.

''(L) Representatives of such other Federal agencies (such as the Department of Energy and the Department of Homeland Security) as the Secretary determines necessary to fulfill the duties of the Advisory Committee.

''(e) MEETINGS.—The Advisory Committee shall meet not less frequently than biannually. At least one meeting per year shall be an in-person meeting.

''(f) COORDINATION.—The Secretary shall coordinate duties and activities authorized under this section in accordance with section 2811D.

''(g) SUNSET.—

''(1) IN GENERAL.—The Advisory Committee shall terminate on September 30, 2023.

''(2) EXTENSION OF COMMITTEE.—Not later than October 1, 2022, the Secretary shall submit to Congress a recommendation on whether the Advisory Committee should be extended.''.

(c) NATIONAL ADVISORY COMMITTEE ON INDIVIDUALS WITH DISABILITIES AND DISASTERS.—Subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh et seq.), as amended by subsection (b), is further amended by inserting after section 2811B the following:

''SEC. 2811C. NATIONAL ADVISORY COMMITTEE ON INDIVIDUALS WITH DISABILITIES AND DISASTERS.

''(a) ESTABLISHMENT.—The Secretary, in consultation with the Secretary of Homeland Security, shall establish a national advisory committee to be known as the National Advisory Committee on Individuals with Disabilities and Disasters (referred to in this section as the 'Advisory Committee').

''(b) DUTIES.—The Advisory Committee shall—

''(1) provide advice and consultation with respect to activities carried out pursuant to section 2814, as applicable and appropriate;

''(2) evaluate and provide input with respect to the medical, public health, and accessibility needs of individuals with disabilities related to preparation for, response to, and recovery from all-hazards emergencies; and

''(3) provide advice and consultation with respect to State emergency preparedness and response activities, including related drills and exercises pursuant to the preparedness goals under section 2802(b).

''(c) MEMBERSHIP.—

''(1) IN GENERAL.—The Secretary, in consultation with such other heads of agencies and departments as appropriate, shall appoint not more than 17 members to the Advisory Committee. In appointing such members, the Secretary shall ensure that the total membership of the Advisory Committee is an odd number.

''(2) REQUIRED MEMBERS.—The Advisory Committee shall include Federal members or their designees (who may be non-voting members, as determined by the Secretary) and non-Federal members, as follows:

''(A) The Assistant Secretary for Preparedness and Response.

''(B) The Administrator of the Administration for Community Living.

''(C) The Director of the Biomedical Advanced Research and Development Authority.

''(D) The Director of the Centers for Disease Control and Prevention.

''(E) The Commissioner of Food and Drugs.

''(F) The Director of the National Institutes of Health.

''(G) The Administrator of the Federal Emergency Management Agency.

''(H) The Chair of the National Council on Disability.

''(I) The Chair of the United States Access Board.

''(J) The Under Secretary for Health of the Department of Veterans Affairs.

''(K) At least 2 non-Federal health care professionals with expertise in disability accessibility before, during, and after disasters, medical and mass care disaster planning, preparedness, response, or recovery.

''(L) At least 2 representatives from State, local, territorial, or tribal agencies with expertise in disaster planning, preparedness, response, or recovery for individuals with disabilities.

''(M) At least 2 individuals with a disability with expertise in disaster planning, preparedness, response, or recovery for individuals with disabilities.

''(d) MEETINGS.—The Advisory Committee shall meet not less frequently than biannually. At least one meeting per year shall be an in-person meeting.

''(e) DISABILITY DEFINED.—For purposes of this section, the term 'disability' has the meaning given such term in section 3 of the Americans with Disabilities Act of 1990.

''(f) COORDINATION.—The Secretary shall coordinate duties and activities authorized under this section in accordance with section 2811D.

''(g) SUNSET.—

''(1) IN GENERAL.—The Advisory Committee shall terminate on September 30, 2023.

''(2) RECOMMENDATION.—Not later than October 1, 2022, the Secretary shall submit to Congress a recommendation on whether the Advisory Committee should be extended.''.

(d) ADVISORY COMMITTEE COORDINATION.—Subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh et seq.), as amended by subsection (c), is further amended by inserting after section 2811C the following:

''SEC. 2811D. ADVISORY COMMITTEE COORDINATION.

''(a) IN GENERAL.—The Secretary shall coordinate duties and activities authorized under sections 2811A, 2811B, and 2811C, and make efforts to reduce unnecessary or duplicative reporting, or unnecessary duplicative meetings and recommendations under such sections, as practicable. Members of the advisory committees authorized under such sections, or their designees, shall annually meet to coordinate any recommendations, as appropriate, that may be similar, duplicative, or overlapping with respect to addressing the needs of children, seniors, and individuals with disabilities during public health emergencies. If such coordination occurs through an in-person meeting, it shall not be considered the required in-person meetings under any of sections 2811A(e), 2811B(e), or 2811C(d).

''(b) COORDINATION AND ALIGNMENT.—The Secretary, acting through the employee designated pursuant to section 2814, shall align preparedness and response programs or activities to address similar, dual, or overlapping needs of children, seniors, and individuals with disabilities, and any challenges in preparing for and responding to such needs.

''(c) NOTIFICATION.—The Secretary shall annually notify the congressional committees of jurisdiction regarding the steps taken to coordinate, as appropriate, the recommendations under this section, and provide a summary description of such coordination.''.

SEC. 306. GUIDANCE FOR PARTICIPATION IN EXERCISES AND DRILLS.

Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall issue final guidance regarding the ability of personnel funded by programs authorized under this Act (including the amendments made by this Act) to participate in drills and operational exercises related to all-hazards medical and public health preparedness and response. Such drills and operational exercises may include activities that incorporate medical surge capacity planning, medical countermeasure distribution and administration, and preparing for and responding to identified threats for that region. Such personnel may include State, local, tribal, and territorial public health department or agency personnel funded under this Act (including the amendments made by this Act). The Secretary shall consult with the Department of Homeland Security, the Department of Defense, the Department of Veterans Affairs, and other applicable Federal departments and agencies as necessary and appropriate in the development of such guidance. The Secretary shall make the guidance available on the internet website of the Department of Health and Human Services.

TITLE IV—PRIORITIZING A THREAT-BASED APPROACH

SEC. 401. ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE.

Section 2811 of the Public Health Service Act (42 U.S.C. 300hh–10) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1) by inserting ''utilize experience related to public health emergency preparedness and response, biodefense, medical countermeasures, and other relevant topics to'' after ''shall''; and

(B) in paragraph (4) by adding at the end the following:

''(I) THREAT AWARENESS.—Coordinate with the Director of the Centers for Disease Control and Prevention, the Director of National Intelligence, the Secretary of Homeland Security, the Assistant to the President for National Security Affairs, the Secretary of Defense, and other relevant Federal officials, such as the Secretary of Agriculture, to maintain a current assessment of national security threats and inform preparedness and response capabilities based on the range of the threats that have the potential to result in a public health emergency.''; and

(2) by adding at the end the following:

''(f) PROTECTION OF NATIONAL SECURITY FROM THREATS.—

''(1) IN GENERAL.—In carrying out the duties under subsection (b)(3), the Assistant Secretary for Preparedness and Response shall implement strategic initiatives or activities to address threats, including pandemic influenza, that pose a significant level of risk to public health and national security based on the characteristics of such threat, which may also include a chemical, biological, radiological, or nuclear agent, including threats with a significant potential to become a pandemic. Such initiatives shall include activities to accelerate and support the advanced research, development, manufacturing capacity, procurement, and stockpiling of countermeasures, including initiatives under section 319L(c)(4)(F). Such activities may also include those related to readiness to respond to pandemic influenza threats by supporting the development and manufacturing of influenza virus seeds, clinical trial lots, and stockpiles of novel influenza strains.

''(2) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—For purposes of carrying out this subsection, there is authorized to be appropriated $250,000,000 for each of fiscal years 2019 through 2023.

''(B) SUPPLEMENT, NOT SUPPLANT.—Funds appropriated under this subsection shall be used to supplement and not supplant funds provided under section 319L(e) and section 319F–2(g).

''(C) DOCUMENTATION REQUIRED.—The Assistant Secretary for Preparedness and Response shall, as required under subsection (b)(7), document amounts expended for purposes of carrying out this subsection, including amounts appropriated to the Public Health and Social Services Emergency Fund under title II of Division H of the Consolidated Appropriations Act, 2018 (Public Law 115–141), as applicable to section 319L(c)(4)(F).''.

SEC. 402. PUBLIC HEALTH EMERGENCY MEDICAL COUNTERMEASURES ENTERPRISE.

(a) IN GENERAL.—Title XXVIII is amended by inserting after section 2811 of the Public Health Service Act (42 U.S.C. 300hh–10) the following:

''SEC. 2811–1. PUBLIC HEALTH EMERGENCY MEDICAL COUNTERMEASURES ENTERPRISE.

''(a) IN GENERAL.—The Secretary shall establish the Public Health Emergency Medical Countermeasures Enterprise (referred to in this section as the 'PHEMCE'). The Assistant Secretary for Preparedness and Response shall serve as chair of the PHEMCE.

''(b) MEMBERS.—The PHEMCE shall include each of the following members, or the designee of such members:

''(1) The Assistant Secretary for Preparedness and Response.

''(2) The Director of the Centers for Disease Control and Prevention.

''(3) The Director of the National Institutes of Health.

''(4) The Commissioner of Food and Drugs.

''(5) The Secretary of Defense.

''(6) The Secretary of Homeland Security.

''(7) The Secretary of Agriculture.

''(8) The Secretary of Veterans Affairs.

''(9) The Director of National Intelligence.

''(10) Representatives of any other Federal agency, which may include the Director of the Biomedical Advanced Research and Development Authority, the Director of the Strategic National Stockpile, the Director of the National Institute of Allergy and Infectious Diseases, and the Director of the Office of Public Health Preparedness and Response, as the Secretary determines appropriate.

''(c) FUNCTIONS.—

''(1) IN GENERAL.—The functions of the PHEMCE shall include the following:

''(A) Utilize a process to make recommendations to the Secretary regarding research, advanced research, development, procurement, stockpiling, deployment, distribution, and utilization with respect to countermeasures, as defined in section 319F–2(c), including prioritization based on the health security needs of the United States. Such recommendations shall be informed by, when available and practicable, the National Health Security Strategy pursuant to section 2802, the Strategic National Stockpile needs pursuant to section 319F–2, and assessments of current national security threats, including chemical, biological, radiological and nuclear threats, including emerging infectious diseases. In the event that members of the PHEMCE do not agree upon a recommendation, the Secretary shall provide a determination regarding such recommendation.

''(B) Identify national health security needs, including gaps in public health preparedness and response related to countermeasures and challenges to addressing such needs (including any regulatory challenges), and support alignment of countermeasure procurement with recommendations to address such needs under subparagraph (A).

''(C) Assist the Secretary in developing strategies related to logistics, deployment, distribution, dispensing, and use of countermeasures that may be applicable to the activities of the strategic national stockpile under section 319F–2(a).

''(D) Provide consultation for the development of the strategy and implementation plan under section 2811(d).

''(2) INPUT.—In carrying out subparagraphs (B) and (C) of paragraph (1), the PHEMCE shall solicit and consider input from State, local, tribal, and territorial public health departments or officials, as appropriate.''.

(b) PUBLIC HEALTH EMERGENCY MEDICAL COUNTERMEASURES ENTERPRISE STRATEGY AND IMPLEMENTATION PLAN.—Section 2811(d) of the Public Health Service Act (42 U.S.C. 300hh–10(d)) is amended—

(1) in paragraph (1)—

(A) by striking ''Not later than 180 days after the date of enactment of this subsection, and every year thereafter'' and inserting ''Not later than March 15, 2020, and biennially thereafter''; and

(B) by striking ''Director of Biomedical'' and all that follows through ''Food and Drugs'' and inserting ''Public Health Emergency Medical Countermeasures Enterprise established under section 2811–1''; and

(2) in paragraph (2)(J)(v), by striking ''one-year period'' and inserting ''2-year period''.

SEC. 403. STRATEGIC NATIONAL STOCKPILE.

(a) IN GENERAL.—Section 319F–2(a) of the Public Health Service Act (42 U.S.C. 247d–6b(a)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) in paragraph (1)—

(A) by inserting ''the Assistant Secretary for Preparedness and Response and'' after ''collaboration with'';

(B) by inserting ''and optimize'' after ''provide for'';

(C) by inserting ''and, as informed by existing recommendations of, or consultations with, the Public Health Emergency Medical Countermeasure Enterprise established under section 2811–1, make necessary additions or modifications to the contents of such stockpile or stockpiles based on the review conducted under paragraph (2)'' before the period of the first sentence; and

(D) by striking the second sentence;

(3) by inserting after paragraph (1) the following:

''(2) THREAT-BASED REVIEW.—

''(A) IN GENERAL.—The Secretary shall conduct an annual threat-based review (taking into account at-risk individuals) of the contents of the stockpile under paragraph (1), including non-pharmaceutical supplies, and, in consultation with the Public Health Emergency Medical Countermeasures Enterprise established under section 2811–1, review contents within the stockpile and assess whether such contents are consistent with the recommendations made pursuant to section 2811–1(c)(1)(A). Such review shall be submitted annually, beginning on March 15, 2019, to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives, in a manner that does not compromise national security.

''(B) ADDITIONS, MODIFICATIONS, AND REPLENISHMENTS.—Each annual threat-based review under subparagraph (A) shall, for each new or modified countermeasure procurement or replenishment, provide—

''(i) information regarding—

''(I) the quantities of the additional or modified countermeasure procured for, or contracted to be procured for, the stockpile;

''(II) planning considerations for appropriate manufacturing capacity and capability to meet the goals of such additions or modifications (without disclosing proprietary information), including consideration of the effect such additions or modifications may have on the availability of such products and ancillary medical supplies in the health care system;

''(III) the presence or lack of a commercial market for the countermeasure at the time of procurement;

''(IV) the emergency health security threat or threats such countermeasure procurement is intended to address, including whether such procurement is consistent with meeting emergency health security needs associated with such threat or threats;

''(V) an assessment of whether the emergency health security threat or threats described in subclause (IV) could be addressed in a manner that better utilizes the resources of the stockpile and permits the greatest possible increase in the level of emergency preparedness to address such threats;

''(VI) whether such countermeasure is replenishing an expiring or expired countermeasure, is a different countermeasure with the same indication that is replacing an expiring or expired countermeasure, or is a new addition to the stockpile;

''(VII) a description of how such additions or modifications align with projected investments under previous countermeasures budget plans under section 2811(b)(7), including expected life-cycle costs, expenditures related to countermeasure procurement to address the threat or threats described in subclause (IV), replenishment dates (including the ability to extend the maximum shelf life of a countermeasure), and the manufacturing capacity required to replenish such countermeasure; and

''(VIII) appropriate protocols and processes for the deployment, distribution, or dispensing of the countermeasure at the State and local level, including plans for relevant capabilities of State and local entities to dispense, distribute, and administer the countermeasure; and

''(ii) an assurance, which need not be provided in advance of procurement, that for each countermeasure procured or replenished under this subsection, the Secretary completed a review addressing each item listed under this subsection in advance of such procurement or replenishment.'';

(4) in paragraph (3), as so redesignated—

(A) in subparagraph (A), by inserting ''and the Public Health Emergency Medical Countermeasures Enterprise established under section 2811–1'' before the semicolon;

(B) in subparagraph (C), by inserting '', and the availability, deployment, dispensing, and administration of countermeasures'' before the semicolon;

(C) by amending subparagraph (E) to read as follows:

''(E) devise plans for effective and timely supply-chain management of the stockpile, in consultation with the Director of the Centers for Disease Control and Prevention, the Assistant Secretary for Preparedness and Response, the Secretary of Transportation, the Secretary of Homeland Security, the Secretary of Veterans Affairs, and the heads of other appropriate Federal agencies; State, local, tribal, and territorial agencies; and the public and private health care infrastructure, as applicable, taking into account the manufacturing capacity and other available sources of products and appropriate alternatives to supplies in the stockpile;'';

(D) in subparagraph (G), by striking ''; and'' and inserting a semicolon;

(E) in subparagraph (H), by striking the period and inserting a semicolon; and

(F) by adding at the end the following:

''(I) ensure that each countermeasure or product under consideration for procurement pursuant to this subsection receives the same consideration regardless of whether such countermeasure or product receives or had received funding under section 319L, including with respect to whether the countermeasure or product is most appropriate to meet the emergency health security needs of the United States; and

''(J) provide assistance, including technical assistance, to maintain and improve State and local public health preparedness capabilities to distribute and dispense medical countermeasures and products from the stockpile, as appropriate.''; and

(5) by adding at the end the following:

''(5) GAO REPORT.—

''(A) IN GENERAL.—Not later than 3 years after the date of enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018, and every 5 years thereafter, the Comptroller General of the United States shall conduct a review of any changes to the contents or management of the stockpile since January 1, 2015. Such review shall include—

''(i) an assessment of the comprehensiveness and completeness of each annual threat-based review under paragraph (2), including whether all newly procured or replenished countermeasures within the stockpile were described in each annual review, and whether, consistent with paragraph (2)(B), the Secretary conducted the necessary internal review in advance of such procurement or replenishment;

''(ii) an assessment of whether the Secretary established health security and science-based justifications, and a description of such justifications for procurement decisions related to health security needs with respect to the identified threat, for additions or modifications to the stockpile based on the information provided in such reviews under paragraph (2)(B), including whether such review was conducted prior to procurement, modification, or replenishment;

''(iii) an assessment of the plans developed by the Secretary for the deployment, distribution, and dispensing of countermeasures procured, modified, or replenished under paragraph (1), including whether such plans were developed prior to procurement, modification, or replenishment;

''(iv) an accounting of countermeasures procured, modified, or replenished under paragraph (1) that received advanced research and development funding from the Biomedical Advanced Research and Development Authority;

''(v) an analysis of how such procurement decisions made progress toward meeting emergency health security needs related to the identified threats for countermeasures added, modified, or replenished under paragraph (1);

''(vi) a description of the resources expended related to the procurement of countermeasures (including additions, modifications, and replenishments) in the stockpile, and how such expenditures relate to the ability of the stockpile to meet emergency health security needs;

''(vii) an assessment of the extent to which additions, modifications, and replenishments reviewed under paragraph (2) align with previous relevant reports or reviews by the Secretary or the Comptroller General;

''(viii) with respect to any change in the Federal organizational management of the stockpile, an assessment and comparison of the processes affected by such change, including planning for potential countermeasure deployment, distribution, or dispensing capabilities and processes related to procurement decisions, use of stockpiled countermeasures, and use of resources for such activities; and

''(ix) an assessment of whether the processes and procedures described by the Secretary pursuant to section 403(b) of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018 are sufficient to ensure countermeasures and products under consideration for procurement pursuant to subsection (a) receive the same consideration regardless of whether such countermeasures and products receive or had received funding under section 319L, including with respect to whether such countermeasures and products are most appropriate to meet the emergency health security needs of the United States.

''(B) SUBMISSION.—Not later than 6 months after completing a classified version of the review under subparagraph (A), the Comptroller General shall submit an unclassified version of the review to the congressional committees of jurisdiction.''.

(b) ADDITIONAL REPORTING.—In the first threat-based review submitted after the date of enactment of this Act pursuant to paragraph (2) of section 319F–2(a) of the Public Health Service Act (42 U.S.C. 247d–6b(a)), as amended by subsection (a), the Secretary shall include a description of the processes and procedures through which the Director of Strategic National Stockpile and the Director of the Biomedical Advanced Research and Development Authority coordinate with respect to countermeasures and products procured under such section 319F–2(a), including such processes and procedures in place to ensure countermeasures and products under consideration for procurement pursuant to such section 319F–2(a) receive the same consideration regardless of whether such countermeasures and products receive or had received funding under section 319L of the Public Health Service Act (42 U.S.C. 247d–7e), and whether such countermeasures and products are the most appropriate to meet the emergency health security needs of the United States.

(c) AUTHORIZATION OF APPROPRIATIONS, STRATEGIC NATIONAL STOCKPILE.—Section 319F–2(f)(1) of the Public Health Service Act (42 U.S.C. 247d–6b(f)(1)) is amended by striking ''$533,800,000 for each of fiscal years 2014 through 2018'' and inserting ''$610,000,000 for each of fiscal years 2019 through 2023, to remain available until expended''.

SEC. 404. PREPARING FOR PANDEMIC INFLUENZA, ANTIMICROBIAL RESISTANCE, AND OTHER SIGNIFICANT THREATS.

(a) STRATEGIC INITIATIVES.—Section 319L(c)(4) (247d–7e(c)(4)) is amended by adding at the end the following:

''(F) STRATEGIC INITIATIVES.—The Secretary, acting through the Director of BARDA, may implement strategic initiatives, including by building on existing programs and by awarding contracts, grants, and cooperative agreements, or entering into other transactions, to support innovative candidate products in preclinical and clinical development that address priority, naturally occurring and man-made threats that, as determined by the Secretary, pose a significant level of risk to national security based on the characteristics of a chemical, biological, radiological or nuclear threat, or existing capabilities to respond to such a threat (including medical response and treatment capabilities and manufacturing infrastructure). Such initiatives shall accelerate and support the advanced research, development, and procurement of, countermeasures and products, as applicable, to address areas including—

''(i) chemical, biological, radiological, or nuclear threats, including emerging infectious diseases, for which insufficient approved, licensed, or authorized countermeasures exist, or for which such threat, or the result of an exposure to such threat, may become resistant to countermeasures or existing countermeasures may be rendered ineffective;

''(ii) threats that consistently exist or continually circulate and have significant potential to become a pandemic, such as pandemic influenza, which may include the advanced research and development, manufacturing, and appropriate stockpiling of qualified pandemic or epidemic products, and products, technologies, or processes to support the advanced research and development of such countermeasures (including multiuse platform technologies for diagnostics, vaccines, and therapeutics; virus seeds; clinical trial lots; novel virus strains; and antigen and adjuvant material); and

''(iii) threats that may result primarily or secondarily from a chemical, biological, radiological, or nuclear agent, or emerging infectious diseases, and which may present increased treatment complications such as the occurrence of resistance to available countermeasures or potential countermeasures, including antimicrobial resistant pathogens.''.

(b) EMERGING INFECTIOUS DISEASE PROGRAM.—Section 319L of the Public Health Service Act (42 U.S.C. 247d–7e) is amended—

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

(2) by inserting after subsection (c) the following new subsections:

''(d) EMERGING INFECTIOUS DISEASE PROGRAM.—

''(1) IN GENERAL.—The Secretary, acting through the Director of BARDA, shall establish and implement a program that supports—

''(A) advanced research and development activities for qualified pandemic or epidemic products; and

''(B) manufacturing infrastructure activities with respect to an emerging infectious disease.

''(2) FUNDING.—

''(A) IN GENERAL.—To carry out paragraph (1), there is authorized to be appropriated $250,000,000 for each of fiscal years 2019 through 2023, to remain available until expended.

''(B) SUPPLEMENT NOT SUPPLANT.—Any funds provided to the Secretary under this paragraph shall be used to supplement and not supplant any other Federal funds provided to carry out paragraph (1).''.

SEC. 405. REPORTING ON THE FEDERAL SELECT AGENT PROGRAM.

Section 351A(k) of the Public Health Service Act (42 U.S.C. 262a(k)) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(2) IMPLEMENTATION OF RECOMMENDATIONS OF THE FEDERAL EXPERTS SECURITY ADVISORY PANEL AND THE FAST TRACK ACTION COMMITTEE ON SELECT AGENT REGULATIONS.—

''(A) IN GENERAL.—Not later than 1 year after the date of the enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018, the Secretary shall report to the congressional committees of jurisdiction on the implementation of recommendations of the Federal Experts Security Advisory Panel concerning the select agent program.

''(B) CONTINUED UPDATES.—The Secretary shall report to the congressional committees of jurisdiction annually following the submission of the report under subparagraph (A) until the recommendations described in such subparagraph are fully implemented, or a justification is provided for the delay in, or lack of, implementation.''.

TITLE V—INCREASING COMMUNICATION IN MEDICAL COUNTERMEASURE ADVANCED RESEARCH AND DEVELOPMENT

SEC. 501. MEDICAL COUNTERMEASURE BUDGET PLAN.

Section 2811(b)(7) of the Public Health Service Act (42 U.S.C. 300hh–10(b)(7)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''March 1'' and inserting ''March 15'';

(2) in subparagraph (A)—

(A) in clause (ii), by striking ''; and'' and inserting '';''; and

(B) by striking clause (iii) and inserting the following:

''(iii) procurement, stockpiling, maintenance, and potential replenishment (including manufacturing capabilities) of all products in the Strategic National Stockpile;

''(iv) the availability of technologies that may assist in the advanced research and development of countermeasures and opportunities to use such technologies to accelerate and navigate challenges unique to countermeasure research and development; and

''(v) potential deployment, distribution, and utilization of medical countermeasures; development of clinical guidance and emergency use instructions for the use of medical countermeasures; and, as applicable, potential post-deployment activities related to medical countermeasures;'';

(3) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(4) by inserting after subparagraph (C), the following:

''(D) identify the full range of anticipated medical countermeasure needs related to research and development, procurement, and stockpiling, including the potential need for indications, dosing, and administration technologies, and other countermeasure needs as applicable and appropriate;''.

SEC. 502. MATERIAL THREAT AND MEDICAL COUNTERMEASURE NOTIFICATIONS.

(a) CONGRESSIONAL NOTIFICATION OF MATERIAL THREAT DETERMINATION.—Section 319F–2(c)(2)(C) of the Public Health Service Act (42 U.S.C. 247d–6b(c)(2)(C)) is amended by striking ''The Secretary and the Homeland Security Secretary shall promptly notify the appropriate committees of Congress'' and inserting ''The Secretary and the Secretary of Homeland Security shall send to Congress, on an annual basis, all current material threat determinations and shall promptly notify the Committee on Health, Education, Labor, and Pensions and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Energy and Commerce and the Committee on Homeland Security of the House of Representatives''.

(b) CONTRACTING COMMUNICATION.—Section 319F–2(c)(7)(B)(ii)(III) of the Public Health Service Act (42 U.S.C. 247d–6b(c)(7)(B)(ii)(III)) is amended by adding at the end the following: ''The Secretary shall notify the vendor within 90 days of a determination by the Secretary to renew, extend, or terminate such contract.''.

SEC. 503. AVAILABILITY OF REGULATORY MANAGEMENT PLANS.

Section 565(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4(f)) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively;

(2) by inserting after paragraph (2) the following:

''(3) PUBLICATION.—The Secretary shall make available on the internet website of

the Food and Drug Administration information regarding regulatory management plans, including—

''(A) the process by which an applicant may submit a request for a regulatory management plan;

''(B) the timeframe by which the Secretary is required to respond to such request;

''(C) the information required for the submission of such request;

''(D) a description of the types of development milestones and performance targets that could be discussed and included in such plans; and

''(E) contact information for beginning the regulatory management plan process.'';

(3) in paragraph (6), as so redesignated, in the matter preceding subparagraph (A)—

(A) by striking ''paragraph (4)(A)'' and inserting ''paragraph (5)(A)''; and

(B) by striking ''paragraph (4)(B)'' and inserting ''paragraph (5)(B)''; and

(4) in paragraph (7)(A), as so redesignated, by striking ''paragraph (3)(A)'' and inserting ''paragraph (4)(A)''.

SEC. 504. THE BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY AND THE BIOSHIELD SPECIAL RESERVE FUND.

(a) BIOSHIELD SPECIAL RESERVE FUND.—Section 319F–2(g)(1) of the Public Health Service Act (42 U.S.C. 247d–6b(g)(1)) is amended—

(1) by striking ''$2,800,000,000 for the period of fiscal years 2014 through 2018'' and inserting ''$7,100,000,000 for the period of fiscal years 2019 through 2028, to remain available until expended''; and

(2) by striking the second sentence.

(b) THE BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.—Subsection (e)(2) of section 319L of the Public Health Service Act (42 U.S.C. 247d–7e), as redesignated by section 404(b), is amended by striking ''$415,000,000 for each of fiscal years 2014 through 2018'' and inserting ''$611,700,000 for each of fiscal years 2019 through 2023''.

SEC. 505. ADDITIONAL STRATEGIES FOR COMBATING ANTIBIOTIC RESISTANCE.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 319E the following:

''SEC. 319E–1. ADVISORY COUNCIL ON COMBATING ANTIBIOTIC-RESISTANT BACTERIA.

''(a) DEFINITIONS.—In this section:

''(1) ACTION PLAN.—The term 'Action Plan' means the Action Plan described in section 319E(a)(1).

''(2) ADVISORY COUNCIL.—The term 'Advisory Council' means the Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria established by Executive Order 13676 of September 18, 2014 (79 Fed. Reg. 56931; relating to combating antibiotic-resistant bacteria).

''(3) NATIONAL STRATEGY.—The term 'National Strategy' means the National Strategy for Combating Antibiotic-Resistant Bacteria issued by the White House in September 2014, and any subsequent update to such strategy or a successor strategy.

''(b) ADVISORY COUNCIL.—The Advisory Council shall provide advice, information, and recommendations to the Secretary regarding programs and policies intended to support and evaluate the implementation of Executive Order 13676 of September 18, 2014 (79 Fed. Reg. 56931; relating to combating antibiotic-resistant bacteria), including the National Strategy, and the Action Plan.

''(c) MEETINGS AND DUTIES.—

''(1) MEETINGS.—The Advisory Council shall meet as the Chair determines appropriate but not less than twice per year, and, to the extent practicable, in conjunction with meetings of the task force described in section 319E.

''(2) RECOMMENDATIONS.—The Advisory Council shall make recommendations to the Secretary, in consultation with the Secretary of Agriculture and the Secretary of Defense, regarding programs and policies intended to—

''(A) preserve the effectiveness of antibiotics by optimizing their use;

''(B) advance research to develop improved methods for combating antibiotic resistance and conducting antimicrobial stewardship, as defined in section 319E(h)(3);

''(C) strengthen surveillance of antibiotic-resistant bacterial infections;

''(D) prevent the transmission of antibiotic-resistant bacterial infections;

''(E) advance the development of rapid point-of-care and agricultural diagnostics;

''(F) further research on new treatments for bacterial infections;

''(G) develop alternatives to antibiotics for animal health purposes;

''(H) maximize the dissemination of up-to-date information on the appropriate and proper use of antibiotics to the general public and human and animal health care providers; and

''(I) improve international coordination of efforts to combat antibiotic resistance.

''(3) COORDINATION.—The Advisory Council shall, to the greatest extent practicable, coordinate activities carried out by the Council with the Antimicrobial Resistance Task Force established under section 319E(a) (commonly referred to as the 'Combating Antibiotic-Resistant Bacteria Task Force').''.

TITLE VI—ADVANCING TECHNOLOGIES FOR MEDICAL COUNTERMEASURES

SEC. 601. ADMINISTRATION OF COUNTERMEASURES.

Section 319L(c)(4)(D)(iii) of the Public Health Service Act (42 U.S.C. 247d–7e(c)(4)(D)(iii)) is amended by striking ''and platform technologies'' and inserting ''platform technologies, technologies to administer countermeasures, and technologies to improve storage and transportation of countermeasures''.

SEC. 602. UPDATING DEFINITIONS OF OTHER TRANSACTIONS.

Section 319L of the Public Health Service Act (42 U.S.C. 247d–7e) is amended—

(1) in subsection (a)(3), by striking '', such as'' and all that follows through ''Code'';

(2) in subsection (c)(5)(A)—

(A) in clause (i), by striking ''under this subsection'' and all that follows through ''Code'' and inserting ''(as defined in subsection (a)(3)) under this subsection''; and

(B) in clause (ii)—

(i) by amending subclause (I) to read as follows:

''(I) IN GENERAL.—To the maximum extent practicable, competitive procedures shall be used when entering into transactions to carry out projects under this subsection.''; and

(ii) in subclause (II)—

(I) by striking ''$20,000,000'' and inserting ''$100,000,000'';

(II) by striking ''senior procurement executive for the Department (as designated for the purpose of section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c))'' and inserting ''Assistant Secretary for Financial Resources''; and

(III) by striking ''senior procurement executive under'' and inserting ''Assistant Secretary for Financial Resources under''.

SEC. 603. MEDICAL COUNTERMEASURE MASTER FILES.

(a) IN GENERAL.—The purpose of this section (including section 565B of the Federal Food, Drug, and Cosmetic Act, as added by subsection (b)) is to support and advance the development or manufacture of security countermeasures, qualified countermeasures, and qualified pandemic or epidemic products by facilitating and encouraging submission of data and information to support such products to medical countermeasure master files, and through clarifying the authority to cross-reference to data and information previously submitted to the Secretary of Health and Human Services (referred to in this section as the ''Secretary'').

(b) MEDICAL COUNTERMEASURE MASTER FILES.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 565A the following:

''SEC. 565B. MEDICAL COUNTERMEASURE MASTER FILES.

''(a) APPLICABILITY OF REFERENCE.—

''(1) IN GENERAL.—A person may submit data and information in a master file to the Secretary with the intent to reference, or to authorize, in writing, another person to reference, such data or information to support a medical countermeasure submission (including a supplement or amendment to any such submission), without requiring the master file holder to disclose the data and information to any such persons authorized to reference the master file. Such data and information shall be available for reference by the master file holder or by a person authorized by the master file holder, in accordance with applicable privacy and confidentiality protocols and regulations.

''(2) REFERENCE OF CERTAIN MASTER FILES.—In the case that data or information within a medical countermeasure master file is used only to support the conditional approval of an application filed under section 571, such master file may be relied upon to help support the effectiveness of a product that is the subject of a subsequent medical countermeasure submission only if such application is supplemented by additional data or information to support review and approval in a manner consistent with the standards applicable to such review and approval for such countermeasure, qualified countermeasure, or qualified pandemic or epidemic product.

''(b) MEDICAL COUNTERMEASURE MASTER FILE CONTENT.—

''(1) IN GENERAL.—A master file under this section may include data or information to support—

''(A) the development of medical countermeasure submissions to support the approval, licensure, classification, clearance, conditional approval, or authorization of one or more security countermeasures, qualified countermeasures, or qualified pandemic or epidemic products; and

''(B) the manufacture of security countermeasures, qualified countermeasures, or qualified pandemic or epidemic products.

''(2) REQUIRED UPDATES.—The Secretary may require, as appropriate, that the master file holder ensure that the contents of such master file are updated during the time such master file is referenced for a medical countermeasure submission.

''(c) SPONSOR REFERENCE.—

''(1) IN GENERAL.—Each incorporation of data or information within a medical countermeasure master file shall describe the incorporated material in a manner in which the Secretary determines appropriate and that permits the review of such information within such master file without necessitating re-submission of such data or information. Master files shall be submitted in an electronic format in accordance with sections 512(b)(4), 571(a)(4), and 745A, as applicable, and as specified in applicable guidance.

''(2) REFERENCE BY A MASTER FILE HOLDER.—A master file holder that is the sponsor of a medical countermeasure submission shall notify the Secretary in writing of the

intent to reference the medical countermeasure master file as a part of the submission.

''(3) REFERENCE BY AN AUTHORIZED PERSON.—A person submitting an application for review may, where the Secretary determines appropriate, incorporate by reference all or part of the contents of a medical countermeasure master file, if the master file holder authorizes the incorporation in writing.

''(d) ACKNOWLEDGEMENT OF THE RELIANCE UPON A MASTER FILE BY THE SECRETARY.—

''(1) IN GENERAL.—The Secretary shall provide the master file holder with a written notification indicating that the Secretary has reviewed and relied upon specified data or information within a master file and the purposes for which such data or information was incorporated by reference if the Secretary has reviewed and relied upon such specified data or information to support the approval, classification, conditional approval, clearance, licensure, or authorization of a security countermeasure, qualified countermeasure, or qualified pandemic or epidemic product. The Secretary may rely upon the data and information within the medical countermeasure master file for which such written notification was provided in additional applications, as applicable and appropriate and upon the request of the master file holder so notified in writing or by an authorized person of such holder.

''(2) CERTAIN APPLICATIONS.—If the Secretary has reviewed and relied upon specified data or information within a medical countermeasure master file to support the conditional approval of an application under section 571 to subsequently support the approval, clearance, licensure, or authorization of a security countermeasure, qualified countermeasure, or qualified pandemic or epidemic product, the Secretary shall provide a brief written description to the master file holder regarding the elements of the application fulfilled by the data or information within the master file and how such data or information contained in such application meets the standards of evidence under subsection (c) or (d) of section 505, subsection (d) of section 512, or section 351 of the Public Health Service Act (as applicable) unless such disclosure includes any trade secret or confidential commercial information.

''(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to—

''(1) limit the authority of the Secretary to approve, license, clear, conditionally approve, or authorize drugs, biological products, or devices pursuant to, as applicable, this Act or section 351 of the Public Health Service Act (as such applicable Act is in effect on the day before the date of enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018), including the standards of evidence, and applicable conditions, for approval under the applicable Act;

''(2) alter the standards of evidence with respect to approval, licensure, or clearance, as applicable, of drugs, biological products, or devices under this Act or section 351 of the Public Health Service Act, including, as applicable, the substantial evidence standards under sections 505(d) and 512(d) or this Act and section 351(a) of the Public Health Service Act; or

''(3) alter the authority of the Secretary under this Act or the Public Health Service Act to determine the types of data or information previously submitted by a sponsor or any other person that may be incorporated by reference in an application, request, or notification for a drug, biological product, or device submitted under sections 505(i), 505(b), 505(j), 512(b)(1), 512(b)(2), 512(j), 564, 571, 520(g), 515(c), 513(f)(2), or 510(k) of this Act, or subsection (a) or (k) of section 351 of the Public Health Service Act, including a supplement or amendment to any such submission, and the requirements associated with such reference.

''(f) DEFINITIONS.—In this section:

''(1) The term 'master file holder' means a person who submits data and information to the Secretary with the intent to reference or authorize another person to reference such data or information to support a medical countermeasure submission, as described in subsection (a).

''(2) The term 'medical countermeasure submission' means an investigational new drug application under section 505(i), a new drug application under section 505(b), or an abbreviated new drug application under section 505(j) of this Act, a biological product license application under section 351(a) of the Public Health Service Act or a biosimilar biological product license application under section 351(k) of the Public Health Service Act, a new animal drug application under section 512(b)(1) or abbreviated new animal drug application under section 512(b)(2), an application for conditional approval of a new animal drug under section 571, an investigational device application under section 520(g), an application with respect to a device under section 515(c), a request for classification of a device under section 513(f)(2), a notification with respect to a device under section 510(k), or a request for an emergency use authorization under section 564 to support—

''(A) the approval, licensure, classification, clearance, conditional approval, or authorization of a security countermeasure, qualified countermeasure, or qualified pandemic or epidemic product; or

''(B) a new indication to an approved security countermeasure, qualified countermeasure, or qualified pandemic or epidemic product.

''(3) The terms 'qualified countermeasure', 'security countermeasure', and 'qualified pandemic or epidemic product' have the meanings given such terms in sections 319F–1, 319F–2, and 319F–3, respectively, of the Public Health Service Act.''.

(c) STAKEHOLDER INPUT.—Not later than 18 months after the date of enactment of this Act, the Secretary, acting through the Commissioner of Food and Drugs and in consultation with the Assistant Secretary for Preparedness and Response, shall solicit input from stakeholders, including stakeholders developing security countermeasures, qualified countermeasures, or qualified pandemic or epidemic products, and stakeholders developing technologies to assist in the development of such countermeasures with respect to how the Food and Drug Administration can advance the use of tools and technologies to support and advance the development or manufacture of security countermeasures, qualified countermeasures, and qualified pandemic or epidemic products, including through reliance on cross-referenced data and information contained within master files and submissions previously submitted to the Secretary as set forth in section 565B of the Federal Food, Drug, and Cosmetic Act, as added by subsection (b).

(d) GUIDANCE.—Not later than 2 years after the date of enactment of this Act, the Secretary, acting through the Commissioner of Food and Drugs, shall publish draft guidance about how reliance on cross-referenced data and information contained within master files under section 565B of the Federal Food, Drug, and Cosmetic Act, as added by subsection (b) or submissions otherwise submitted to the Secretary may be used for specific tools or technologies (including platform technologies) that have the potential to support and advance the development or manufacture of security countermeasures, qualified countermeasures, and qualified pandemic or epidemic products. The Secretary, acting through the Commissioner of Food and Drugs, shall publish the final guidance not later than 3 years after the enactment of this Act.

SEC. 604. ANIMAL RULE REPORT.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the application of the requirements under subsections (c) and (d) of section 565 of the of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4) (referred to in this section as the ''animal rule'') as a component of medical countermeasure advanced development under the Biomedical Advanced Research and Development Authority and regulatory review by the Food and Drug Administration. In conducting such study, the Comptroller General shall examine the following:

(1) The extent to which advanced development and review of a medical countermeasure are coordinated between the Biomedical Advanced Research and Development Authority and the Food and Drug Administration, including activities that facilitate appropriate and efficient design of studies to support approval, licensure, and authorization under the animal rule, consistent with the recommendations in the animal rule guidance, issued pursuant to section 565(c) of the Federal Food Drug and Cosmetic Act (21 U.S.C. 360bbb–4(c)) and entitled ''Product Development Under the Animal Rule: Guidance for Industry'' (issued in October 2015), to resolve discrepancies in the design of adequate and well-controlled efficacy studies conducted in animal models related to the provision of substantial evidence of effectiveness for the product approved, licensed, or authorized under the animal rule.

(2) The consistency of the application of the animal rule among and between review divisions within the Food and Drug Administration.

(3) The flexibility pursuant to the animal rule to address variations in countermeasure development and review processes, including the extent to which qualified animal models are adopted and used within the Food and Drug Administration in regulatory decision-making with respect to medical countermeasures.

(4) The extent to which the guidance issued under section 565(c) of the Federal Food Drug and Cosmetic Act (21 U.S.C. 360bbb–4(c)), entitled, ''Product Development Under the Animal Rule: Guidance for Industry'' (issued in October 2015), has assisted in achieving the purposes described in paragraphs (1), (2), and (3).

(b) CONSULTATIONS.—In conducting the study under subsection (a), the Comptroller General of the United States shall consult with—

(1) the Federal agencies responsible for advancing, reviewing, and procuring medical countermeasures, including the Office of the Assistant Secretary for Preparedness and Response, the Biomedical Advanced Research and Development Authority, the Food and Drug Administration, and the Department of Defense;

(2) manufacturers involved in the research and development of medical countermeasures to address biological, chemical, radiological, or nuclear threats; and

(3) other biodefense stakeholders, as applicable.

(c) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report containing the results of the study conducted

under subsection (a) and recommendations to improve the application and consistency of the requirements under subsections (c) and (d) of section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4) to support and expedite the research and development of medical countermeasures, as applicable.

(d) PROTECTION OF NATIONAL SECURITY.—The Comptroller General of the United States shall conduct the study and issue the assessment and report under this section in a manner that does not compromise national security.

SEC. 605. REVIEW OF THE BENEFITS OF GENOMIC ENGINEERING TECHNOLOGIES AND THEIR POTENTIAL ROLE IN NATIONAL SECURITY.

(a) MEETING.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall convene a meeting to discuss the potential role advancements in genomic engineering technologies (including genome editing technologies) may have in advancing national health security. Such meeting shall be held in a manner that does not compromise national security.

(2) ATTENDEES.—The attendees of the meeting under paragraph (1)—

(A) shall include—

(i) representatives from the Office of the Assistant Secretary for Preparedness and Response, the National Institutes of Health, the Centers for Disease Control and Prevention, and the Food and Drug Administration; and

(ii) representatives from academic, private, and nonprofit entities with expertise in genome engineering technologies, biopharmaceuticals, medicine, or biodefense, and other relevant stakeholders; and

(B) may include—

(i) other representatives from the Department of Health and Human Services, as the Secretary determines appropriate; and

(ii) representatives from the Department of Homeland Security, the Department of Defense, the Department of Agriculture, and other departments, as the Secretary may request for the meeting.

(3) TOPICS.—The meeting under paragraph (1) shall include a discussion of—

(A) the current state of the science of genomic engineering technologies related to national health security, including—

(i) medical countermeasure development, including potential efficiencies in the development pathway and detection technologies; and

(ii) the international and domestic regulation of products utilizing genome editing technologies; and

(B) national security implications, including—

(i) capabilities of the United States to leverage genomic engineering technologies as a part of the medical countermeasure enterprise, including current applicable research, development, and application efforts underway within the Department of Defense;

(ii) the potential for state and non-state actors to utilize genomic engineering technologies as a national health security threat; and

(iii) security measures to monitor and assess the potential threat that may result from utilization of genomic engineering technologies and related technologies for the purpose of compromising national health security.

(b) REPORT.—Not later than 270 days after the meeting described in subsection (a) is held, the Assistant Secretary for Preparedness and Response shall issue a report to the congressional committees of jurisdiction on the topics discussed at such meeting, and provide recommendations, as applicable, to utilize innovations in genomic engineering (including genome editing) and related technologies as a part of preparedness and response activities to advance national health security. Such report shall be issued in a manner that does not compromise national security.

SEC. 606. REPORT ON VACCINES DEVELOPMENT.

Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing efforts and activities to coordinate with other countries and international partners during recent public health emergencies with respect to the research and advanced research on, and development of, qualified pandemic or epidemic products (as defined in section 319F–3 of the Public Health Service Act (42 U.S.C. 247d–6d)). Such report may include information regarding relevant work carried out under section 319L(c)(5)(E) of the Public Health Service Act (42 U.S.C. 247d–7e(c)(5)(E)), through public-private partnerships, and through collaborations with other countries to assist with or expedite the research and development of qualified pandemic or epidemic products. Such report shall not include information that may compromise national security.

SEC. 607. STRENGTHENING MOSQUITO ABATEMENT FOR SAFETY AND HEALTH.

(a) REAUTHORIZATION OF MOSQUITO ABATEMENT FOR SAFETY AND HEALTH PROGRAM.—Section 317S of the Public Health Service Act (42 U.S.C. 247b–21) is amended—

(1) in subsection (a)(1)(B)—

(A) by inserting ''including programs to address emerging infectious mosquito-borne diseases,'' after ''subdivisions for control programs,''; and

(B) by inserting ''or improving existing control programs'' before the period at the end;

(2) in subsection (b)—

(A) in paragraph (1), by inserting '', including improvement,'' after ''operation'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (ii), by striking ''or'' at the end;

(II) in clause (iii), by striking the semicolon at the end and inserting '', including an emerging infectious mosquito-borne disease that presents a serious public health threat; or''; and

(III) by adding at the end the following:

''(iv) a public health emergency due to the incidence or prevalence of a mosquito-borne disease that presents a serious public health threat;''; and

(ii) by amending subparagraph (D) to read as follows:

''(D)(i) is located in a State that has received a grant under subsection (a); or

''(ii) that demonstrates to the Secretary that the control program is consistent with existing State mosquito control plans or policies, or other applicable State preparedness plans.'';

(C) in paragraph (4)(C), by striking ''that extraordinary'' and all that follows through the period at the end and inserting the following: ''that—

''(i) extraordinary economic conditions in the political subdivision or consortium of political subdivisions involved justify the waiver; or

''(ii) the geographical area covered by a political subdivision or consortium for a grant under paragraph (1) has an extreme mosquito control need due to—

''(I) the size or density of the potentially impacted human population;

''(II) the size or density of a mosquito population that requires heightened control; or

''(III) the severity of the mosquito-borne disease, such that expected serious adverse health outcomes for the human population justify the waiver.''; and

(D) by amending paragraph (6) to read as follows:

''(6) NUMBER OF GRANTS.—A political subdivision or a consortium of political subdivisions may not receive more than one grant under paragraph (1).''; and

(3) in subsection (f)—

(A) in paragraph (1) by striking ''for fiscal year 2003, and such sums as may be necessary for each of fiscal years 2004 through 2007'' and inserting ''for each of fiscal years 2019 through 2023'';

(B) in paragraph (2), by striking ''the Public Health Security and Bioterrorism Preparedness and Response Act of 2002'' and inserting ''this Act and other medical and public health preparedness and response laws''; and

(C) in paragraph (3)—

(i) in the heading, by striking ''2004'' and inserting ''2019''; and

(ii) by striking ''2004'' and inserting ''2019''.

(b) EPIDEMIOLOGY-LABORATORY CAPACITY GRANTS.—Section 2821 of the Public Health Service Act (42 U.S.C. 300hh–31) is amended—

(1) in subsection (a)(1), by inserting '', including mosquito and other vector-borne diseases,'' after ''infectious diseases''; and

(2) by amending subsection (b) to read as follows:

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $40,000,000 for each of fiscal years 2019 through 2023.''.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. REAUTHORIZATIONS AND EXTENSIONS.

(a) VACCINE TRACKING AND DISTRIBUTION.—Section 319A(e) of the Public Health Service Act (42 U.S.C. 247d–1(e)) is amended by striking ''2014 through 2018'' and inserting ''2019 through 2023''.

(b) TEMPORARY REASSIGNMENT.—Section 319(e)(8) of the Public Health Service Act (42 U.S.C. 247d(e)(8)) is amended by striking ''2018'' and inserting ''2023''.

(c) STRATEGIC INNOVATION PARTNER.—Section 319L(c)(4)(E)(ix) of the Public Health Service Act (42 U.S.C. 247d–7e(c)(4)(E)(ix)) is amended by striking ''2022'' and inserting ''2023''.

(d) LIMITED ANTITRUST EXEMPTION.—

(1) IN GENERAL.—Section 405 of the Pandemic and All-Hazards Preparedness Act (42 U.S.C. 247d–6a note) is amended—

(A) by redesignating such section as section 319L–1;

(B) by transferring such section to the Public Health Service Act (42 U.S.C. 201 et seq.), to appear after section 319L of such Act (42 U.S.C. 247d–7e);

(C) in subsection (a)(1)(A)—

(i) by striking ''Secretary of Health and Human Services (referred to in this subsection as the 'Secretary')'' and inserting ''Secretary'';

(ii) by striking ''of the Public Health Service Act (42 U.S.C. 247d–6b)) (as amended by this Act'';

(iii) by striking ''of the Public Health Service Act (42 U.S.C. 247d– 6a)) (as amended by this Act''; and

(iv) by striking ''of the Public Health Service Act (42 U.S.C. 247d–6d)''; and

(D) in subsection (b), by striking ''12-year'' and inserting ''17-year''.

(2) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Pandemic and All-Hazards Preparedness Act (Public Law 109–417) is amended by striking the item related to section 405.

(e) INAPPLICABILITY OF CERTAIN PROVISIONS.—Subsection (e)(1) of section 319L of the Public Health Service Act (42 U.S.C. 247d–7e) is amended—

(1) by amending subparagraph (A) to read as follows:

''(A) NON-DISCLOSURE OF INFORMATION.—

''(i) IN GENERAL.—Information described in clause (ii) shall be deemed to be information described in section 552(b)(3) of title 5, United States Code.

''(ii) INFORMATION DESCRIBED.—The information described in this clause is information relevant to programs of the Department of Health and Human Services that could compromise national security and reveal significant and not otherwise publicly known vulnerabilities of existing medical or public health defenses against chemical, biological, radiological, or nuclear threats, and is comprised of—

''(I) specific technical data or scientific information that is created or obtained during the countermeasure and product advanced research and development carried out under subsection (c);

''(II) information pertaining to the location security, personnel, and research materials and methods of high-containment laboratories conducting research with select agents, toxins, or other agents with a material threat determination under section 319F–2(c)(2); or

''(III) security and vulnerability assessments.'';

(2) by redesignating subparagraph (C) as subparagraph (D);

(3) by inserting after subparagraph (B) the following:

''(C) REPORTING.—One year after the date of enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018, and annually thereafter, the Secretary shall report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives on the number of instances in which the Secretary has used the authority under this subsection to withhold information from disclosure, as well as the nature of any request under section 552 of title 5, United States Code that was denied using such authority.''; and

(4) in subparagraph (D), as so redesignated, by striking ''12'' and inserting ''17''.

SEC. 702. LOCATION OF MATERIALS IN THE STOCKPILE.

Subsection (d) of section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) is amended to read as follows:

''(d) DISCLOSURES.—No Federal agency may disclose under section 552 of title 5, United States Code any information identifying the location at which materials in the stockpile described in subsection (a) are stored, or other information regarding the contents or deployment capability of the stockpile that could compromise national security.''.

SEC. 703. CYBERSECURITY.

(a) STRATEGY FOR PUBLIC HEALTH PREPAREDNESS AND RESPONSE TO CYBERSECURITY THREATS.—

(1) STRATEGY.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall prepare and submit to the relevant committees of Congress a strategy for public health preparedness and response to address cybersecurity threats (as defined in section 102 of Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501)) that present a threat to national health security. Such strategy shall include—

(A) identifying the duties, functions, and preparedness goals for which the Secretary is responsible in order to prepare for and respond to such cybersecurity threats, including metrics by which to measure success in meeting preparedness goals;

(B) identifying gaps in public health capabilities to achieve such preparedness goals; and

(C) strategies to address identified gaps and strengthen public health emergency preparedness and response capabilities to address such cybersecurity threats.

(2) PROTECTION OF NATIONAL SECURITY.—The Secretary shall make such strategy available to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Energy and Commerce of the House of Representatives, and other congressional committees of jurisdiction, in a manner that does not compromise national security.

(b) COORDINATION OF PREPAREDNESS FOR AND RESPONSE TO ALL-HAZARDS PUBLIC HEALTH EMERGENCIES.—Subparagraph (D) of section 2811(b)(4) of the Public Health Service Act (42 U.S.C. 300hh–10(b)(4)) is amended to read as follows:

''(D) POLICY COORDINATION AND STRATEGIC DIRECTION.—Provide integrated policy coordination and strategic direction, before, during, and following public health emergencies, with respect to all matters related to Federal public health and medical preparedness and execution and deployment of the Federal response for public health emergencies and incidents covered by the National Response Plan described in section 504(a)(6) of the Homeland Security Act of 2002 (6 U.S.C. 314(a)(6)), or any successor plan; and such Federal responses covered by the National Cybersecurity Incident Response Plan developed under section 228(c) of the Homeland Security Act of 2002 (6 U.S.C. 149(c)), including public health emergencies or incidents related to cybersecurity threats that present a threat to national health security.''.

SEC. 704. TECHNICAL AMENDMENTS.

(a) PUBLIC HEALTH SERVICE ACT.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended—

(1) in paragraphs (1) and (5) of section 319F–1(a) (42 U.S.C. 247d–6a(a)), by striking ''section 319F(h)'' each place such term appears and inserting ''section 319F(e)''; and

(2) in section 319K(a) (42 U.S.C. 247d–7d(a)), by striking ''section 319F(h)(4)'' and inserting ''section 319F(e)(4)''.

(b) PUBLIC HEALTH SECURITY GRANTS.—Section 319C–1(b)(2) of the Public Health Service Act (42 U.S.C. 247d–3a(b)(2)) is amended—

(1) in subparagraph (C), by striking ''individuals,,'' and inserting ''individuals,''; and

(2) in subparagraph (F), by striking ''make satisfactory annual improvement and describe'' and inserting ''makes satisfactory annual improvement and describes''.

(c) EMERGENCY USE INSTRUCTIONS.—Subparagraph (A) of section 564A(e)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3a(e)(2)) is amended by striking ''subsection (a)(1)(C)(i)'' and inserting ''subsection (a)(1)(C)''.

(d) PRODUCTS HELD FOR EMERGENCY USE.—Section 564B(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3b) is amended—

(1) in subparagraph (B), by inserting a comma after ''505''; and

(2) in subparagraph (C), by inserting ''or section 564A'' before the period at the end.

(e) TRANSPARENCY.—Section 507(c)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357(c)(3)) is amended—

(1) by striking ''Nothing in'' and inserting the following:

''(A) IN GENERAL.—Nothing in'';

(2) by striking ''disclose any'' and inserting ''disclose or direct—

''(i) any'';

(3) by striking the period and inserting ''; or''; and

(4) by adding at the end the following:

''(ii) in the case of a drug development tool that may be used to support the development of a qualified countermeasure, security countermeasure, or qualified pandemic or epidemic product, as defined in sections 319F–1, 319F–2, and 319F–3, respectively, of the Public Health Service Act, any information that the Secretary determines has a significant potential to affect national security.

''(B) PUBLIC ACKNOWLEDGMENT.—In the case that the Secretary, pursuant to subparagraph (A), does not make information publicly available, the Secretary shall provide on the internet website of the Food and Drug Administration an acknowledgement of the information that has not been disclosed, pursuant to subparagraph (A).''.

SEC. 705. FORMAL STRATEGY RELATING TO CHILDREN SEPARATED FROM PARENTS AND GUARDIANS AS A RESULT OF ZERO TOLERANCE POLICY.

Not later than 14 days after the date of enactment of this Act, the Assistant Secretary for Preparedness and Response and the Assistant Secretary for the Administration on Children and Families shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a formal strategy to reunify with their parent or guardian, if the parent or guardian chooses such reunification, each child who—

(1) as a result of the initiative announced on April 6, 2018, and due to prosecution under section 1325(a) of title 8, United States Code;

(2) was separated from their parent or guardian and placed into a facility funded by the Department of Health and Human Services; and

(3) can be safely reunited with such parent or guardian.

SEC. 706. REPORTING RELATING TO CHILDREN SEPARATED FROM PARENTS AND GUARDIANS AS A RESULT OF ZERO TOLERANCE POLICY.

Beginning on the date of enactment of this Act, the Assistant Secretary for Preparedness and Response and the Assistant Secretary for the Administration on Children and Families shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate weekly reports on the status and welfare of the children who, as a result of the ''zero tolerance'' policy, were separated from their parent or guardian and are awaiting reunification with their parent or guardian, as well as the number of such children in facilities funded by the Department of Health and Human Services.

SEC. 707. TECHNICAL CORRECTION.

Section 801(e)(4)(E)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(e)(4)(E)(iii)) is amended by striking ''subparagraph'' both places it appears in subclause (I) and subclause (II) and inserting ''paragraph''.

SEC. 708. SAVINGS CLAUSE.

Nothing in this Act shall be construed as reducing or limiting the authorities vested in any other Federal agency by any other Federal law.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Indiana (Mrs. BROOKS) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Indiana.

GENERAL LEAVE

Mrs. BROOKS of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials in the RECORD on the bill.

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

There was no objection.

Mrs. BROOKS of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to speak in support of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018, known as PAHPA. I am proud to have introduced this important bill with Energy and Commerce Chairman GREG WALDEN, Ranking Member FRANK PALLONE, and my good friend Representative ESHOO, who is one of the original authors of the 2006 PAHPA bill and lead author of the last reauthorization in 2013.

This bipartisan public health and national security effort will ensure our Nation is better prepared to respond to natural disasters like hurricanes; emerging infectious diseases like Zika and Ebola; and chemical, biological, radiological, or nuclear attacks, whether from terrorist groups or from nation-states.

Seventeen years ago, Congress was the target of a biological attack when letters laced with anthrax arrived in Member offices just days or soon after the 9/11 terrorist attacks. In the aftermath of 9/11, the Blue Ribbon Study Panel on Biodefense was formed. It was led by bipartisan leaders: former Senator Joe Lieberman, former Governor Tom Ridge, and many others.

In October 2015, after extensive discussions around the country where they learned from experts, they created their ''National Blueprint for Biodefense,'' which provided us with a roadmap in drafting this important legislation.

I was the United States Attorney for the Southern District of Indiana during those 2001 anthrax attacks, and my own office dealt with an anthrax hoax when we received a letter with white powder inside. Of course, at the time, we didn't know it was a hoax. It was incredibly stressful for that staff member, who had to worry about their very own health. But that personal experience illustrated to me the importance of preparedness and sparked my interest in biodefense.

In the years since then, we know that the threat of a chemical, biological, radiological, or nuclear incident continues to grow. Every day, our adversaries are looking for more effective and faster ways to reduce the threat. It is not really a question of if we face the threat. It is a question of when.

Thanks to PAHPA and the 21st Century Cures Act, we are more prepared than ever for biological threats and attacks.

In July of just this last year, the FDA approved the first drug to treat smallpox. It is called TPOXX. But TPOXX isn't the only recent approval at the FDA. In July, the FDA also approved an autoinjector that provides a one-time dose of an antidote to block effects of a nerve agent. This new antidote and TPOXX will help protect Americans from biological attacks.

But PAHPA is much more than just a biodefense bill. It also ensures a coordinated healthcare response, whether to hurricanes or other natural disasters.

Florence has just hit the East Coast and residents in both North and South Carolina are still recovering and dealing with ongoing flooding. During the 2017 hurricane season, whether it was Hurricane Harvey, Irma, Jose, or Maria, far too many Americans were killed. It showed us that we need to do better to prioritize the needs of every person in our communities.

The PAHPA bill we are considering today does just that. It prioritizes our Nation's most vulnerable populations: our children, senior citizens, and those with disabilities. It reauthorizes the advisory committee focused on the specific needs of children and creates new advisory committees to ensure the needs of the elderly and those with disabilities are considered.

The bill provides liability protections for healthcare professionals who volunteer after medical disasters. In addition to these types of Good Samaritan provisions, the bill ensures more healthcare professionals like nurses, doctors, and others can be hired and trained when facing a public health crisis by strengthening our National Disaster Medical System, which provides grants to our regional healthcare network.

It also ensures we have a robust supply of vaccines and basic equipment like gloves, hazmat suits, masks, personal protective gear, and more in our strategic national stockpiles located all across the country, so that our healthcare professionals and first responders have what they need.

PAHPA ensures our preparedness and response capabilities will include a robust pipeline of medical countermeasures by reauthorizing and increasing funding for the BioShield Special Reserve Fund and BARDA, the Biomedical Advanced Research and Development Authority.

BARDA's work over the last decade has resulted in FDA approvals for more than 42 different medical countermeasures. The development of medical countermeasures is a lengthy and often risky endeavor, which is why sending a clear signal that BARDA remains a strong and committed partner with academic institutions and the private sector in these efforts is so very important.

Last week, we saw even another example of a success of research funded by BARDA when FDA approved a product called ReCell, the first spray-on skin product ever approved for use in the United States. This new treatment will help treat burn victims so they can heal faster and with less risk of infection from painful skin grafts. By using a piece of a patient's skin about the size of a credit card, a doctor can turn it into a single cell-based solution that can be sprayed over the patient's burns so that new skin can grow and replace the damaged skin.

These types of investments BARDA is making into innovative research are critical, but it is also important that we continue to address threats that have been around for years.

It has been 100 years since the 1918 pandemic influenza killed millions of people around the globe, including 675,000 Americans. Some experts predict that we are actually due for the potential of another global pandemic influenza.

To address that threat, the bill we are considering today authorizes $250 million for the Assistant Secretary for Preparedness and Response, the ASPR, to address threats like pandemic influenza. Specifically, the bill directs the ASPR to work to increase manufacturing capacity and stockpile medical countermeasures.

While the PAHPA bill we are considering today authorizes funding for research into known threats like pandemic influenza, it also maintains the flexibility that is the foundation of our medical countermeasure enterprise to deal with unknown threats for which we may have no defense today.

Even today, the Democratic Republic of the Congo continues to deal with an ongoing Ebola outbreak. In order to ensure we are better prepared when we face an outbreak like Ebola or Zika, the bill we are considering today does three important things.

First, it improves the existing emergency response fund so that the Secretary of Health and Human Services does not have to wait on approval from Congress to immediately fund response measures needed to contain an outbreak and save lives. This emergency response fund will create a bridge so that immediate funding is available, so we can then supplement with an emergency appropriations bill later.

Secondly, the bill requires GAO to conduct a review of the emergency response fund to help appropriators decide what funding levels and resources are needed.

The third thing the bill does to help address threats like Ebola and Zika is to authorize $250 million in funding for an emerging infectious disease program so that BARDA can invest in new research.

The PAHPA bill reauthorization we are considering is the process of months of committee work in both the House and the Senate, and I want to thank all the staff members and all of the organizations, everyone who has been involved, and all the Members who have participated, whether it is subcommittee or committee hearings on this bill, examining our response to threats. I thank everyone involved for their dedication and commitment to

making sure we have the procedures, resources, and support in place to protect our fellow citizens from public health and national security threats.

I can't emphasize enough how critically important it is to reauthorize PAHPA. We have a duty as Members of Congress to keep Americans safe and secure. This bill is an essential component of accomplishing that goal. I urge all Members to support this critical bipartisan piece of legislation.

Mr. Speaker, I include in the RECORD letters from many organizations that support the bill.

ADULT VACCINE ACCESS COALITION,
July 23, 2018.

Hon. SUSAN W. BROOKS,
Member of Congress,
Washington, DC.
Hon. ANNA ESHOO,
Member of Congress,
Washington, DC.

DEAR REPRESENTATIVES BROOKS AND ESHOO: On behalf of the Adult Vaccine Access Coalition (AVAC), we are pleased to express our support for bipartisan legislation that recently passed the House Energy and Commerce Committee, ''Pandemic and All-Hazards Preparedness Reauthorization Act (PAHPA) of 2018''.

AVAC includes more than fifty organizational leaders in health and public health who are committed to raising awareness of and engaging in advocacy on the importance of adult immunization. AVAC priorities and objectives are driven by a consensus process with the goal of enabling stakeholders to have a voice in the effort to improve access to and utilization of adult immunizations.

The bipartisan reauthorization of the PAHPA provides improvements to key preparedness and response programs, enhances personnel and hiring authorities, as well as prioritizes cybersecurity in health care and provides necessary resources for the development of medical countermeasures for pandemic influenza and emerging infectious diseases. We are delighted the Managers' Amendment included references to immunization programs and immunization information systems under Section 319D. These additions will help to strengthen and enhance coordination and integrate immunization programs and immunization information systems (IIS) capabilities into public health emergency preparedness, planning, and response activities.

Immunization Information Systems (IIS), or registries, confidential, population-based, computerized systems can record immunization doses administered by participating providers to persons residing within a given jurisdiction. They provide state and local public health agencies aggregate data on immunization coverage rates for disease surveillance and program operations. IIS' can serve as a vital component for emergency preparedness and response activities and are an optimal tool for use during a pandemic or other emerging infectious disease event by enabling communication with providers, identifying variations in access and utilization of immunization, and enabling implementation of targeted strategies during emergency preparedness and response activities.

Congratulations on putting together a strong, bipartisan reauthorization package that reflects many of the important priorities shared by stakeholders. We look forward to working with you throughout the process to enact the 2018 Pandemic and All-Hazards Preparedness Reauthorization Act.

Sincerely,

LISA FOSTER,
AVAC Manager.
ABBY BOWNAS,
AVAC Manager.

ALLIANCE FOR BIOSECURITY,
U.S. CHAMBER OF COMMERCE,
July 27, 2018.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: On behalf of the Alliance for Biosecurity and the U.S. Chamber of Commerce, we support H.R. 6378, the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018, and urge the House to pass this bipartisan legislation before the Pandemic and All-Hazards Preparedness Act (PAHPA) expires at the end of September 2018. H.R. 6378 is central to protecting American citizens, organizations, and communities against natural and manmade biosecurity hazards.

H.R. 6378 would authorize crucial funding for the Project BioShield Special Reserve Fund and Biomedical Advanced Research and Development Authority (BARDA). However, we urge policymakers to account for inflation to ensure that future spending levels adequately support the Public Health Emergency Medical Countermeasures Enterprise (PHEMCE) Strategy and implementation Plan, the BARDA Strategic Plan, and related efforts.

H.R. 6378 would establish several important programs within BARDA, especially a Pandemic Influenza Program to support research and development activities to enhance responses to pandemic influenza and an Emerging Infectious Disease Program to monitor and address infectious diseases that could cause a deadly pandemic. Both programs would be funded at $250 million per year through FY 2023.

The bill would also create new and sustainable market-based incentives to advance cutting-edge biomedical research. Our groups support developing strategic partnerships between BARDA and the business community to mitigate threats that could pose a significant risk to U.S. health and safety.

Reauthorizing PAHPA would also help ensure the sustainability of the medical countermeasures enterprise by transferring the authority that governs the procurement of medical countermeasures from the Centers for Disease Control and Prevention (CDC) to the Office of the Assistant Secretary for Preparedness and Response (ASPR).

The legislation would codify ASPR's role in coordinating Strategic National Stockpile operations with CDC. We also believe that such teamwork would make the U.S. better equipped to tackle public health emergencies and natural disasters.

We urge the full House to swiftly consider and pass H.R. 6378.

Sincerely,

THE HONORABLE JACK KINGSTON,
Secretariat, Alliance for Biosecurity.
NEIL L. BRADLEY,
Executive Vice President and Chief Policy Officer, U.S. Chamber of Commerce.

ALLIED BIOSCIENCE,
Plano, TX, July 23, 2018.

Hon. SUSAN BROOKS,
Member of Congress,
Washington, DC.

DEAR REPRESENTATIVE BROOKS: I write to thank you for a provision in your recently introduced legislation, H.R. 6378, the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018. This provision updates the authorization for the Biomedical Advanced Research and Development Authority (BARDA) to include the mitigation of infectious disease. This provision will make our nation safer.

Allied BioScience (ABS) has engaged BARDA with ideas for collaboration that have the potential to enhance the biological safety of our nation by combating antimicrobial resistance through environmental intervention. Under the existing authorization, BARDA is limited to developing pharmacological interventions. This limitation precludes collaboration at this time. Your legislation amends the definition of ''qualified pandemic or epidemic products'' to include ''a product manufactured, used, designed, developed, modified, licensed, or procured to diagnose, mitigate, prevent, treat, or cure an infectious disease (as defined in section 319F–1(a)(2))''. This change would create a path forward to collaborate to develop novel solutions to antimicrobial resistance that will provide a safer nation.

ABS has developed a semi-permanent antimicrobial coating that creates a long-lasting barrier to microbial growth. In clinical trials, ABS's coating, when applied in an ICU setting has shown to reduce the presence of Multi-Drug Resistant Organisms (MDROs) by up to 70% with an efficacy of at least four months per application. Comparable reductions in Hospital Acquired Infections have seen a corresponding reduction. Reduction in rates of infection decreased the need to treats MDRO's and breaks the cycle of mutation that creates increasingly potent ''superbugs''. Our research demonstrates that environmental mitigation is a key component to addressing antimicrobial resistance.

Thank you again for your efforts to modernize BARDA to provide the flexibility needed to combat ever-evolving threats. We enthusiastically support H.R. 6379, and look forward to its swift passage and enactment into law. If you have any questions about ABS I would be happy to talk further with you at your convenience.

Sincerely,

MIKE RULEY,
CEO.

AMERICAN ASSOCIATION OF BLOOD BANKS, AMERICA'S BLOOD CENTERS, AMERICAN RED CROSS,
July 25, 2018.

Hon. GREG WALDEN,
Chairman, House Energy and Commerce Committee, Washington, DC.
Hon. SUSAN BROOKS,
House of Representatives,
Washington, DC.
Hon. FRANK PALLONE,
Ranking Member, House Energy and Commerce Committee, Washington, DC.
Hon. ANNA ESHOO,
House of Representatives,
Washington, DC.

DEAR CHAIRMAN WALDEN, RANKING MEMBER PALLONE, AND REPRESENTATIVES BROOKS AND ESHOO: AABB (formerly known as the American Association of Blood Banks), America's Blood Centers and the American Red Cross commend the House Energy and Commerce Committee's commitment to improving the nation's preparedness and response capabilities through the reauthorization of the Pandemic and All-Hazards Preparedness Advancing Innovation Act (PAHPAIA) of 2018 (H.R. 6378). Collectively, our organizations represent the nation's blood collection establishments, transfusion services, and transfusion medicine professionals.

We would like to especially highlight two sections of the bill important to us and our collective members:

Section 116 is a significant step in examining the unique, and often overlooked, role of the nation's blood supply in emergency

preparedness and response systems and the specific challenges associated with donor recruitment, implementation of safety mandates and innovation, and adequacy in the face of public health emergencies. We believe that policies that support the availability of a safe and adequate blood supply are needed. The report required by this section is critical to evaluating possible solutions.

We strongly support the Committee's specific recognition of the blood supply in Section 207, which requires the Assistant Secretary for Preparedness and Response (ASPR) to develop guidelines for regional health care emergency and response systems. We support the provision that requires the ASPR to consult with blood banks and other key stakeholders when developing and updating guidelines. Including blood centers in this process is paramount and consistent with the Department of Health and Human Services' (HHS) recognition of blood as one of the core functional areas in Emergency Support Function #8 of the National Response Framework. We also commend the Committee for recognizing potential financial implications for blood centers to implement and follow the guidelines. Given that blood is an essential part of the nation's trauma system, emergency preparedness and response system and healthcare system generally, it is essential that financial barriers not impede the availability of safe blood ahead of and during response activities.

AABB, America's Blood Centers and the American Red Cross welcome the opportunity to work with the Committee to ensure that these important provisions promoting the safety and availability of the U.S. blood supply remain during conference negotiations with the Senate.

MARY BETH BASSETT,
President, AABB.
KATE FRY,
Chief Executive Officer, America's Blood Centers.
JAMES C. HROUDA,
President, Biomedical Services, American Red Cross.

AMERICAN COLLEGE OF EMERGENCY PHYSICIANS,
July 18, 2018.

Hon. SUSAN BROOKS,
Washington, DC.
Hon. GREG WALDEN,
Washington, DC.
Hon. ANNA ESHOO,
Washington, DC.
Hon. FRANK PALLONE,
Washington, DC.

DEAR REPRESENTATIVES BROOKS, ESHOO, WALDEN, AND PALLONE: On behalf of the American College of Emergency Physicians (ACEP), our 38,000 members, and the more than 140 million patients we treat each year, I am writing to express ACEP's support for H.R. 6378, the ''Pandemic and All-Hazards Preparedness and Advancing Innovation (PAHPAI) Act of 2018.''

In particular, ACEP appreciates your legislation's focus on improving regionalized emergency preparedness and response systems, inclusion of the MISSION ZERO Act's provisions to facilitate the use of military trauma teams in civilian trauma centers, and the addition of Good Samaritan liability protections for health care professionals who volunteer during federally-declared disasters.

Regionalized systems for emergency care response are vital to ensuring patients are transported and treated in the most appropriate setting. While it is important to maximize our resources and capabilities on a daily basis, it becomes imperative when health care providers respond to a natural or man-made disaster. We would like to thank you for emphasizing the establishment and enhancement of these systems, especially the demonstration program designed to improve medical surge capacity, build and integrate regional medical response capabilities, improve specialty care expertise for all-hazards response, and coordinate medical preparedness and response across states, territories, and regional jurisdictions.

ACEP is very supportive of the trauma system improvements included in H.R. 6378, specifically the grants for military-civilian partnerships in trauma care as established in the MISSION ZERO Act (H.R. 880). ACEP believes this policy serves three purposes. First, it makes additional trauma care personnel available to treat severely injured civilian patients. Second, it allows military trauma teams to maintain their skills in between rotations to conflict areas. Third, it allows trauma team members to train together so that when they are deployed, everyone performs his/her duties in a coordinated manner with the other members, thereby improving care to injured military personnel.

The Good Samaritan liability protections established in this legislation will help encourage availability of health care professionals during times of disaster, which can be crucial to supplementing the efforts of emergency physicians and the Disaster Medical Assistance Teams (DMATs) on-site. ACEP believes volunteers responding to a disaster, whether declared by the President of the United States or the Secretary of the U.S. Department of Health and Human Services (HHS), should be protected from liability while they are providing care within the scope of their expertise and are acting in good faith. We appreciate your efforts to include this essential provision in H.R. 6378.

Other aspects of the legislation that are important to emergency physicians and will help ensure the nation is prepared to contend with all disasters and unexpected emergencies include your provisions to improve the National Disaster Medical System (NDMS); expand public health surveillance; study DMAT readiness capabilities; improve the Public Health Emergency Fund (PHEF); strengthen the Healthcare Preparedness and Response Program (HPRP), formerly the Hospital Preparedness Program (HPP); extend authorization for the Emergency System for Advanced Registration of Volunteer Health Professionals (ESAR-VHP); and study hospital preparedness capabilities. ACEP would also like to commend you on your oversight of the Assistant Secretary for Preparedness and Response's (ASPR) efforts to reunify children who were separated from their parent or guardian (due to the ''zero tolerance'' policy) and placed into the custody of HHS.

Finally, we would once again urge the Committee and the Congress to ensure sufficient funding is provided for the PHEF, HPRP, NDMS, and Medical Reserve Corps (MRC) to ensure their effectiveness and we encourage you to seek a sufficient, guaranteed federal funding stream. Without a dedicated and appropriate amount of federal resources for these critical programs, we are greatly concerned that the nation as a whole, and emergency medical providers specifically, will not have the infrastructure, personnel, or tools necessary to provide optimal care during a natural or man-made disaster or infectious disease outbreak.

Sincerely,
PAUL D. KIVELA, MD, MBA, FACEP,
ACEP President.

AMERICAN COLLEGE OF SURGEONS,
July 20, 2018.

Hon. GREG WALDEN,
Chairman, Committee on Energy and Commerce, Washington, DC.
Hon. FRANK PALLONE,
Ranking Member, Committee on Energy and Commerce, Washington, DC.

DEAR CHAIRMAN WALDEN AND RANKING MEMBER PALLONE: On behalf of the more than 80,000 members of the American College of Surgeons (ACS), we would like to express our support for the Pandemic and All Hazards Preparedness and Advancing Innovation Act of 2018 (PAHPAI), H.R. 6378. We appreciate the work the Energy and Commerce Committee has accomplished to incorporate important improvements to trauma care and begin the process for establishing the framework for a trauma system that can fully meet the needs of any disaster and provide the highest-quality health care.

ACS is particularly appreciative of the inclusion of the Mission Zero Act, H.R. 880 in the PAHPAI. Establishing and maintaining high-quality and adequately-funded trauma systems throughout the United States, including within the Armed Forces, is a priority of the ACS and our Committee on Trauma (COT). The Mission Zero Act authorizes $15 million in grant funding to assist civilian trauma centers in partnering with military trauma professionals and creates a pathway to provide patients with excellent trauma care in times of peace and conflict. In addition, this legislation requires utilization of trauma data reporting as a requirement for the grant program. The measuring and recording of data is a cornerstone of advancing not only trauma care, but health care as a whole. Overall, the Mission Zero Act is a critical step toward achieving the goal of zero preventable injury deaths after injury.

Inclusion of the Good Samaritan Health Professionals Act, H.R. 1876, which is legislation that would reduce barriers for health care providers looking to volunteer during a federally-declared disaster, is a welcome addition to PAHPAI. This section in PAHPAI will help to greatly decrease loss of life as well as improve outcomes during federally declared public health emergencies.

We also applaud the Committee for highlighting the critical issue of improving our trauma care system by including language creating a demonstration project promoting a regionalized approach to disaster response. Trauma systems have been organized across the country to manage the time-sensitive crises of acutely injured patients in an efficient manner on a daily basis. Trauma systems span the continuum of care including prior to the point of injury and through rehabilitation. As a result, these systems engage in numerous activities aimed at improving care and outcomes, including bystander training, emergency medical services (EMS) training and coordination, hospital preparedness, injury prevention efforts, and continuous quality improvement. All of these activities will assist with responding to public health emergencies such as biological, radiological, nuclear events, and other mass casualty incidents.

The ACS believes the PAHPAI represents significant progress in the process of ensuring that trauma systems, centers, and health care providers are able to meet the needs of all Americans. We thank you for your leadership on this significant legislation and stand ready to work with you toward final passage in the House.

Sincerely,
DAVID B. HOYT, MD, FACS,
Executive Director, American College of Surgeons.

Mrs. BROOKS of Indiana. Mr. Speaker, I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, September 24, 2018.

Hon. GREG WALDEN,
Chairman, Committee on Energy & Commerce, Washington, DC.

DEAR CHAIRMAN WALDEN: I write concerning H.R. 6378, the ''Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018''. This legislation includes matters that fall within the Rule X jurisdiction of the Committee on Homeland Security.

In order to expedite floor consideration of H.R. 6378, the Committee on Homeland Security will forgo action on this bill. However, this is conditional on our mutual understanding that forgoing consideration of the bill would 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 names to consider such provisions.

Please place a copy of this letter and your response acknowledging our jurisdictional interest in the Congressional Record during House Floor consideration of the bill. I look forward to working with the Committee on Energy and Commerce as the bill moves through the legislative process.

Sincerely,

MICHAEL T. MCCAUL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, September 24, 2018.

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

DEAR CHAIRMAN MCCAUL: Thank you for your letter concerning H.R. 6378, Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018, and I appreciate your willingness to forgo action on the bill.

I agree that forgoing consideration of the bill should not prejudice the Committee on Homeland Security 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 will request that the Speaker name members of the Committee to any conference committee to consider such provisions.

Finally, I will place a copy of your letter and this response into the Congressional Record during consideration of the measure on the House floor.

Sincerely,

GREG WALDEN,
Chairman.

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

Mr. Speaker, I rise in support of H.R. 6378, the Pandemic All-Hazards Preparedness and Advancing Innovation Act of 2018. I want to thank Chairman WALDEN and Representatives ESHOO and BROOKS, as well as all the staff, for their hard work on this bill. Together, we have ensured a robust product that reflects priorities for Members on both sides of the aisle and the agencies responsible for ensuring our emergency preparedness.

This is a vitally important public health bill that ensures that we can prepare for and respond to health security events like bioterrorism, emerging infectious diseases, and natural disasters. It will support the development of new treatments and the stockpiling of medications and supplies that will be deployed to communities nationwide in the case of an emergency.

As we all know, effectively preparing for and responding to these events requires extensive coordination between Federal, State, local, and Tribal governments, as well as private sector organizations across the country.

This bill reauthorizes or establishes critical programs that will help us better prepare and respond to any major health emergency.

Let me discuss some of the specifics of how this bill will help us do that.

It reauthorizes a loan repayment program that would help to strengthen and grow our public health workforce. This is critically important, as we are still trying to dig out of a public health funding hole that began during the Great Recession.

This bill also makes a technical update to the Hospital Preparedness Program to reflect the use of the term ''coalition'' instead of ''partnership'' by grantees and other stakeholders. This language change is not intended to make changes related to the current cooperative agreement structure, nor does it intend to alter the role and responsibilities of States, territories, and directly funded cities, which are awardees of funding under the Hospital Preparedness Program.

Therefore, it continues to require that the Centers for Disease Control and Prevention, the CDC, provide funding through cooperative agreements to States, territories, and cities to support healthcare coalitions in their communities through the Hospital Preparedness Program.

□ 1515

The bill also amends the Public Health Emergency Preparedness Program to require public health departments to partner with nursing homes and hospitals to promote and improve public health preparedness and response.

It also requires public health departments to work with utility companies and other critical infrastructure partners to help ensure that electricity and other critical infrastructure will remain functioning or return to function as soon as practicable after a public health emergency.

Both of these requirements are intended to help prevent another tragedy like the tragic deaths that occurred at a Florida nursing home last year in the aftermath of Hurricane Irma.

Mr. Speaker, this bill also updates the authorization for the public health emergency rapid response fund so we can prevent any delay in HHS' rapid response to public health emergencies in the future.

It also maintains the administration's flexibility to determine the best placement for the Strategic National Stockpile, or SNS. I have concerns with moving the SNS from the direction of the Centers for Disease Control and Prevention to the Assistant Secretary for Preparedness and Response. To date, I have yet to hear a strong argument in support of this move.

I also believe CDC has the relationships and expertise that make the most sense for managing and operationalizing the stockpile. The CDC also has a record of successful stewardship of the SNS. That is why I supported the increased transparency and reporting included in this bill.

Wherever the Strategic National Stockpile is placed, it is critical that we ensure that our current preparedness and response capabilities are not weakened by its placement.

I also want to highlight two provisions that were included that will ensure Congress receives the information it needs to respond to the Trump administration's family separation crisis. The Assistant Secretary for Preparedness and Response will be required to submit to the Energy and Commerce Committee a formal strategy on their family reunification efforts as well as keep the committee informed on the status of the children still awaiting reunification.

The Trump administration's cruel zero-tolerance policy resulted in a manmade crisis that has impacted the lives of thousands of parents and children. While we can't undo the damage done by this policy, these provisions ensure that Congress has the information it needs to help reunite each child with their family and make sure this never happens again.

Furthermore, while these provisions are important, they should not take the place of an actual oversight hearing on this cruel policy. This is something committee Democrats have repeatedly requested, and we will continue to do so.

Finally, Mr. Speaker, overall, I want to say this is a good bill. Our national preparedness and response capabilities will be better prepared to respond to public health threats thanks to the passage of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act.

Mr. Speaker, I urge my colleagues to support H.R. 6378, and I reserve the balance of my time.

Mrs. BROOKS of Indiana. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. WALDEN), the chairman of the Energy and Commerce Committee.

Mr. WALDEN. Mr. Speaker, I rise today, obviously, in support of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act.

I want to thank my friend and colleague from New Jersey (Mr. PALLONE), our ranking Democrat on the committee, for working with me on this effort, but especially I want to thank Representative BROOKS from Indiana for her tireless effort and the partnership of my friend, Representative ANNA ESHOO of California. She and Mrs.

BROOKS really did the heavy lift here for the committee on this effort. They were able to shepherd this critical reauthorization to the floor today with unanimous support both in the subcommittee and in the full committee.

So, for those out there who are watching our proceedings, know that actually we do work together and we do get some really important public policy done.

These programs, commonly known as PAHPA, enable critical partnerships between the Federal Government, State and local authorities, and the private sector to ensure our Nation is responsibly prepared for and able to respond to public health emergencies. It is time that we get it right; it is critical that we get it right; and we are.

It is not really a matter of if, but when, the next pandemic strikes. The projections simply are horrifying. A full-blown pandemic flu outbreak could literally kill millions of people within months—within months. We must have the tools, backed by stable and predictable funding, to respond to these threats and especially to the threat of pandemic flu.

With this vote, the House will take an important step toward keeping our families safe in the worst-case scenarios of dangerous disease outbreak or in the case of chemical or biological attack. We are moving this reauthorization on time and in a bipartisan fashion.

Like my colleague from Indiana, I remember when anthrax was sent to our offices and to the postal facility, and loss of life and illness and concern, and we all wondered what is next. That was part of what prompted us to get to this point and pass this legislation, not only today but back then.

This is really important work, Mr. Speaker, and I commend my colleagues and the staff, who really do the incredible work to help us get it right. This is legislation now that will head over to the Senate, where I hope they will give it the same due consideration that we are about to here today, and then get this down to President Trump's desk, where he will sign it into law.

Mr. Speaker, I want to again thank my colleagues and staff on both sides of the aisle.

Mr. PALLONE. Mr. Speaker, I have no additional speakers, and I reserve the balance of my time.

Mrs. BROOKS of Indiana. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. BURGESS), the subcommittee chair for the Subcommittee on Health.

Mr. BURGESS. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, one century ago, our country was in the midst of the worst pandemic in history. It claimed the lives of almost 700,000 Americans and killed more than 50 million people worldwide.

Mr. Speaker, we listened to testimony; we discussed aspects of this legislation before us today; and it is critical that we remember the significance of the centennial anniversary of the 1918 influenza pandemic as we consider this legislation today.

The creation of the Assistant Secretary for Preparedness and Response under the original legislation of 2006 has helped us to make monumental strides in preparedness, coordination, and response. Close collaboration between the Centers for Disease Control and the Food and Drug Administration and our State, local, and territorial public health partners has been vital in making this progress.

Much like politics, much of public health is local and executed on the ground by our hospitals, our health departments, and our emergency responders, who are our front lines in addressing infectious diseases, disasters, and threats.

We must evaluate the domestic biological surveillance systems, such as BioWatch. This bill will help bring those programs up to date so they are operating with the most efficient capabilities and technologies. We must also look for innovative ways to continue to advance our medical countermeasures and ensure that Americans can access the medications that will provide critical protection in the future.

As we consider the problem of antimicrobial resistance in this country, we must discuss new methods to curb this growing problem.

It is important to note that this reauthorization bill is being heard on the floor of the House prior to the expiration of the fiscal year, at which time the current authorization expires. The House, once again, has done its work in this regard, and we do urge our counterparts in the Senate to do their work as well.

This reauthorization includes an important provision: The MISSION ZERO Act. The MISSION ZERO Act seeks to connect American patients with battle-tested trauma care through the craft of military trauma care providers. The bill provides grants to allow military trauma care providers and teams to offer care in our Nation's leading trauma centers and systems.

The need for top-notch trauma care extends across our Nation, far away from the battlefield. I first introduced this bipartisan bill with my fellow Texan, Representative GENE GREEN, following a police shooting in Dallas 2 years ago.

Over 2 years ago, five police officers were killed and nine more were injured in a shooting in downtown Dallas. In the immediate aftermath of the attack, area hospitals sprung into action and activated their disaster plans. The staff at Parkland Hospital, Baylor University Hospital, and other medical professionals provided excellent emergency care to victims of the attack.

Frontline facilities and responders in Dallas experienced this firsthand in 2014 when a patient presented with Ebola to a Dallas-Ft. Worth emergency department.

We must remember that infectious diseases are a mere plane ride away, and we must continue to ensure that we are prepared and ready to respond to emerging infectious diseases worldwide.

This Pandemic and All-Hazards Preparedness Reauthorization Act is critical to protecting the lives of Americans and providing the necessary tools and infrastructure when disaster strikes.

I want to thank Representative SUSAN BROOKS and ANNA ESHOO for their work on this legislation before us today. Mr. Speaker, I strongly support this legislation, and I urge my colleagues to do the same.

Mrs. BROOKS of Indiana. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. BILIRAKIS), who also serves on the Subcommittee on Health.

Mr. BILIRAKIS. Mr. Speaker, I want to thank Congresswoman BROOKS, who is doing an outstanding job. We both served on the House Committee on Homeland Security, and we chaired a subcommittee prior to Energy and Commerce. She is doing an outstanding job.

Mr. Speaker, I rise today in strong support of H.R. 6378, the Pandemic and All-Hazards Preparedness and Advancing Innovation Act.

From storm-related injuries and illnesses to delivery and logistics issues, last year's historically costly hurricane season tested the mettle of our health delivery system, and I am pleased to see children, seniors, and other at-risk patient communities being addressed in this reauthorization.

This bill also encourages innovative partnerships and coalitions, like the Nicklaus Children's Hospital and the Florida International University, to continue to develop novel approaches to healthcare delivery and, ultimately, save lives.

Mr. Speaker, I urge my colleagues to support this critical piece of legislation.

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

Mr. Speaker, I want to again thank all my colleagues on both sides of the aisle for moving and working on this legislation.

Mr. Speaker, I urge my colleagues to support H.R. 6378, and I yield back the balance of my time.

Mrs. BROOKS of Indiana. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would like to particularly thank Dr. BURGESS and the ranking member of the Subcommittee on Health, GENE GREEN, for their leadership in working with so many of us who have brought this legislation to the floor at this time.

It is really so very critical that all relevant Federal agencies, particularly the leadership of CDC and the ASPR, work together with our local and State partners that are truly on the ground; and I certainly urge my colleagues to

pass this important piece of legislation not only to ensure that public health is of paramount importance in this country, but, also, because this is an incredibly important piece of national security legislation.

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

Ms. ESHOO. Mr. Speaker, I rise in support of this bipartisan legislation, the Pandemic and All-Hazards Preparedness and Innovation Act and I'm very proud to have Representative SUSAN BROOKS as my partner. This legislation is the product of negotiation and compromise between the House and the Senate and I'm pleased that my colleagues were able to reach agreement on a bill that ensures our nation is prepared to respond to a wide range of public health emergencies, whether man-made or occurring through a natural disaster or infectious disease.

In 2001 our nation endured the horrific attacks on September 11th and the anthrax attacks that followed shortly thereafter. Congress realized that our country was not prepared to coordinate responses to mass casualty events or chemical attacks, and in 2006, I wrote legislation with then-Representative RICHARD BURR to address these shortfalls. That important legislation, the original Pandemic and All-Hazards Preparedness Act, was signed into law the same year.

The Pandemic and All-Hazards Preparedness and Innovation Act we're considering today is critical to our national security. The legislation updates the original PAHPA by directing federal agencies to respond to new and emerging threats, and strengthens our nation's existing preparedness and response programs. The reauthorization meets the challenges that we face today and those we anticipate facing in the future.

Events over the past few years including Zika, the reemergence of Ebola, and the constant looming threat of a biological attack by another nation or hostile non-state enemies underscore the real threats our country continues to face. In 2017, our nation experienced the most destructive hurricane season in recent memory, followed quickly by the most deadly flu season in decades. This year, parts of our country have already faced devastating hurricanes and the season is not over yet. Our experience with each of these hazards reminds us that our country is not yet adequately prepared to deal with potentially devastating widespread public health crises. That's why this legislation is so critical.

The legislation provides the authorization and federal resources to invest in programs that allow the Biomedical Advanced Research and Development Authority to maintain its nimble and flexible framework while responding to the existing and emerging threats our country may face. It also directs BARDA to address antimicrobial resistance which is critical to our nation's biodefense If we have a chemical or biological attack that leaves individuals with burns or open wounds, the medical countermeasures BARDA has developed to treat that attack will be useless if those injured contract secondary antibiotic resistant infections.

BARDA was created by my original legislation and has been extremely successful in investing in drugs that are needed to be stockpiled, and where the federal government is the only customer. There is no other market for these products and that's why BARDA is so important. BARDA has worked with over 190 partners and brought 35 medical countermeasures through research and development to FDA approval No private company has a track record that compares to what BARDA has accomplished in just over 10 years.

This bill restores multiyear appropriations for the Project BioShield Special Reserve Fund. My original legislation provided advanced appropriations for Project BioShield for the purpose of accelerating the research, development, purchase, and availability of effective medical countermeasures against biological, chemical, radiological, and nuclear (CBRN) threats. Restoring multiyear appropriations offers our partners with the government the certainty they need to invest in these important medical countermeasures which are a matter of national security. I urge the appropriators to fully fund the multiyear appropriations this legislation authorizes.

I'm proud that our legislation incorporates many provisions that were important to Members in both the Republican Conference, the Democratic Caucus, and to our colleagues in the Senate, to meet the needs of vulnerable communities during natural and manmade disasters.

The legislation also reauthorizes the HHS National Advisory Committee on Children and Disasters and authorizes the Children's Preparedness Unit at the CDC. This is critically important to address the persistent gaps in our nation's preparedness and response for the most vulnerable in many crises, our nation's children

The bill also establishes an Advisory Council for People with Disabilities and an Advisory Council on Seniors to focus on the needs of these special populations during a public health emergency.

It includes a proposal to prioritize bringing nursing homes back onto the power grid at the same time as hospitals after a disaster.

It includes provisions related to regional health partnerships, pregnant and postpartum women and environmental health.

I'm proud of this legislation and I urge my colleagues to support the Pandemic and All-Hazards Preparedness and Innovation Act.

Mrs. BROOKS of Indiana. Mr. Speaker, I include the following letters in the RECORD.

HEALTH INDUSTRY
DISTRIBUTORS ASSOCIATION,
July 17, 2018.

Hon. GREG WALDEN,
Chairman, House Energy and Commerce Committee, House of Representatives, Washington, DC.
Hon. SUSAN BROOKS,
House of Representatives, Washington, DC.
Hon. FRANK PALLONE,
Ranking Member, House Energy and Commerce Committee, House of Representatives, Washington, DC.
Hon. ANNA ESHOO,
House of Representatives,
Washington, DC.

DEAR CHAIRMAN WALDEN, RANKING MEMBER PALLONE, CONGRESSWOMAN BROOKS AND CONGRESSWOMAN ESHOO: On behalf of the Health Industry Distributors Association (HIDA), we appreciate the opportunity to express our support for H.R. 6378, the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018 (PAHPAI). HIDA commends you for your leadership on this issue and appreciates the active engagement of your staff with industry to incorporate lessons learned from recent events such as Ebola and the 2017 hurricane season, in H.R. 6378, to continually improve our nation's preparedness capabilities.

HIDA is the trade association representing medical products distributors, all of which deliver medical products and supplies, manage logistics, and offer customer services to more than 294,000 points of care. HIDA members primarily distribute items used in every day medical services and procedures, ranging from gauze and gloves to diagnostic laboratory tests. Their customers include over 210,000 physician offices, 6,500 hospitals, and 44,000 nursing home and extended care facilities throughout the country, as well as numerous federal agencies and their healthcare facilities.

As you know, the medical supply chain plays a critical role in preparedness, as it supplies key infection prevention products and protective equipment such as respirators, face shields, hoods, impermeable gowns and gloves to first responders and health care providers. Additionally, the medical supply chain is the primary source for the diagnostic and point-of-care rapid tests needed to identify infectious disease, as well as the ancillary products such as gloves, needles and syringes needed to deliver medical countermeasures effectively.

HIDA and its members have collaborated with federal agencies on identifying opportunities to improve coordination and develop solutions that create more elasticity in the supply chain for key products. One of the many lessons learned during the 2017 hurricane season was a considerable need to improve coordination during an emergency response, ensuring appropriate infrastructure partners are included in a prioritization process for access to affected areas after an event. We appreciate the Committees' acknowledgement of the importance of this issue in the legislation, as well as the recognition of the healthcare supply chain in H.R. 6378. Specifically, we support the following:

Section 101 provisions important to the healthcare supply chain including

The value of public and private sector coordination during an event to ensure critical supplies are delivered and information is shared.

The requirement that ancillary products needed to deliver a medical countermeasure are incorporated into the Public Health Emergency Medical Countermeasure Enterprise planning process.

Section 319C–3 provisions that create a regional healthcare system plan and that it be communicated to supply chain partners so needed product can be redirected during a response.

HIDA thanks you for your continued commitment to preparedness and look forward to working with you on H.R. 6378.

Sincerely,

LINDA ROUSE O'NEILL,
Vice President, Government Affairs,
Health Industry Distributors Association.

INFECTIOUS DISEASE SOCIETY OF AMERICA,
July 17, 2018.

Hon. GREG WALDEN,
Chairman, Energy & Commerce Committee, House of Representatives, Washington, DC.
Hon. FRANK PALLONE, Jr.,
Ranking Member, Energy & Commerce Committee, House of Representatives, Washington, DC.
Hon. SUSAN BROOKS,
Energy & Commerce Committee, House of Representatives, Washington, DC.
Hon. ANNA ESHOO,
Energy & Commerce Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN WALDEN, RANKING MEMBER PALLONE, REPRESENTATIVE BROOKS AND REPRESENTATIVE ESHOO: Thank you for your leadership in introducing H.R. 6378, the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018 (PAHPAI) that both reauthorizes and strengthens the Pandemic All-Hazards Preparedness Act (PAHPA). IDSA represents over 11,000 infectious diseases physicians and scientists. Many of our members work on the frontlines of public health emergencies, including bioterror attacks, outbreaks, and natural disasters (e.g., hurricanes that carry significant infectious diseases risks).

The programs and authorities contained within PAHPA provide essential resources for communities and health care facilities to prepare for and respond to public health threats. Further, PAHPA provides critical support for the research and development (R&D) of life-saving medical countermeasures (including vaccines, diagnostics, and antimicrobial drugs). In particular, IDSA is pleased to offer our strong support for the provision in H.R. 6378 to reinstate loan repayment authority for the Centers for Disease Control and Prevention to improve programs that train public health responders and future leaders, such as the Epidemic Intelligence Service. We also support the bill's attention to antimicrobial resistance. We look forward to working with the Committee on continued efforts to address this urgent public health threat.

A successful response to a public health emergency depends upon skilled personnel. Section 115 of H.R. 6378 will strengthen the ability of the CDC to recruit physicians to serve in the Epidemic Intelligence Service—a fellowship program that trains expert responders to infectious disease outbreaks and other public health emergencies. We greatly appreciate your inclusion of this important provision.

IDSA remains deeply concerned about antimicrobial resistance that threatens our national health security. We appreciate language in Section 302 authorizing the Biomedical Advanced Research and Development Authority to undertake strategic initiatives to address antimicrobial resistance, as well as Section 406 that codifies the Advisory Council on Combating Antibiotic Resistant Bacteria. These substantive efforts will continue to strengthen our national response to antimicrobial resistance, though we believe additional efforts will be essential to spur the research, development and appropriate use of urgently needed new antibiotics.

Once again, IDSA thanks you for your dedication to our nation's health security. We look forward to continuing to work with you on these crucial issues.

Sincerely,

PAUL G. AUWAERTER, MD, MBA, FIDSA,
President, IDSA.

NATIONAL ASSOCIATION OF COUNTY & CITY HEALTH OFFICIALS,
Washington, DC, July 18, 2018.

Hon. GREG WALDEN,
Chairman, House Energy & Commerce Committee, House of Representatives, Washington, DC.
Hon. SUSAN BROOKS,
U.S. House of Representatives, Washington, DC.
Hon. FRANK PALLONE,
Ranking Member, House Energy & Commerce Committee, House of Representatives, Washington, DC.
Hon. ANNA ESHOO,
House of Representatives, Washington, DC.

DEAR CHAIRMAN WALDEN, RANKING MEMBER PALLONE, AND REPRESENTATIVES BROOKS AND ESHOO: On behalf of the National Association of County and City Health Officials (NACCHO), I am writing in support of the ''Pandemic and All-Hazards Preparedness Advancing Innovation Act (PAHPAIA) of 2018'' (H.R. 6378). NACCHO is the voice of the nearly 3,000 local health departments across the country that prepare communities for disasters, respond if emergencies occur, and lend support throughout the recovery process. PAHPAIA will provide needed stability for the nation's emergency preparedness and response enterprise. We thank you for your leadership on this legislation that is essential to protecting our nation and look forward to working with you to strengthen the legislation as it moves forward.

Among the many provisions in the bill, NACCHO highlights the following:

PHEP, HPP, MRC

The programs reauthorized in PAHPAIA are vital to local health departments. The Public Health Emergency Preparedness (PHEP) program and Hospital Preparedness Program (HPP), reauthorized in PAHPAIA, are complementary programs with different purposes. PHEP supports local health departments' response to public health threats and helps to build resilient communities. HPP enables health care systems to save lives during emergencies that exceed day-to-day capacity of health and emergency response systems. In addition, the Medical Reserve Corps (MRC) program provides additional public health personnel to respond to emergency needs as well as everyday health threats.

The PHEP, HPP and MRC programs deserve a level of funding that is consistent with the threats that are experienced on the ground level in cities and counties across the nation. In 2017, Congress spent a record breaking $80 billion to provide relief from Hurricanes Harvey, Irma and Maria, and devastating wildfires in California. Without the support of PHEP, HPP and MRC, the cost could have been much higher. A comprehensive, cost saving and proactive public health approach to disaster preparedness helps communities to effectively mitigate the damage and costs of disasters and help recover in the aftermath. Sustained funding to support local preparedness and response capacity helps local health departments build and convene diverse partners such as police, fire, transportation, planning departments, and community based organizations and develop and implement evidence-based, community-centered strategies.

MEDICAL COUNTERMEASURES

NACCHO supports the codification of the Public Health Emergency Medical Countermeasures Enterprise (PHEMCE). The PHEMCE Strategy and Implementation should require that state and local health departments be involved in all phases of the medical countermeasures (MCM) enterprise including in initial investment; research and development of vaccines, medicines, diagnostics and equipment for responding to emerging public health threats; and distribution and dispensing of countermeasures. NACCHO urges that state and local public health departments have a permanent place in the PHEMCE membership to ensure that all decisions that will affect state and local health functions are vetted by public health authorities.

Current funding, support, and expertise provided to state and local health departments for the Strategic National Stockpile must be maintained regardless of the infrastructure or location of the SNS—it is too vital to this country's ability to respond in the midst of a variety of large-scale emergencies.

PUBLIC HEALTH EMERGENCY FUND

NACCHO appreciates that the bill strengthens existing authorities for the Public Health Emergency Fund (PHEF). A standing rapid response fund to provide bridge funding between base preparedness funding and supplemental appropriations for acute emergencies and emerging threats is absolutely necessary.

NACCHO also appreciates the inclusion of provisions to maintain the pipeline of workers in the Epidemic Intelligence Service and to improve preparedness for children, seniors and people with disabilities. NACCHO appreciates the Committee's acknowledgement that pandemic influenza, antimicrobial resistance and other emerging infectious diseases are under the umbrella of the Biomedical Advanced Research and Development Authority's (BARDA) mission. Recent years have demonstrated that infectious diseases represent as significant a threat to our national security as a natural disaster or terror attack.

Thank you for your work to strengthen and enhance our nation's preparedness and response system. We look forward to continuing to work with you as this legislation moves forward.

Sincerely,

LORI TREMMEL FREEMAN, MBA,
Chief Executive Officer.

THE PARTNERSHIP FOR INCLUSIVE DISASTER STRATEGIES,
Charleston, SC, July 18, 2018.

Letter of Support for H.R. 6378—Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018.

DEAR REPRESENTATIVE ESHOO AND REPRESENTATIVE BROOKS: The Partnership for Inclusive Disaster Strategies (the Partnership) is the nation's only coalition of national, state and local stakeholder organizations working together to advocate for equal access to emergency and disaster services and programs for children and adults with disabilities before, during and after disasters. The footprint of our membership reaches every congressional district in the country, with a presence in virtually every community.

The Partnership drives disability community leadership, training, technical assistance, policy and operational initiatives that improve outcomes for disaster impacted communities through self-determination, health, safety, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of community preparedness, response and disaster resilience.

Our leaders include the nation's leading experts on disability inclusive emergency management. We have maintained a daily presence in support of disaster response, recovery and mitigation initiatives in TX, FL. USVI and PR since hurricanes Harvey, Irma and Maria made landfall in 2017, and our current focus includes the impact on individuals

with disabilities and disaster impacted communities from the wild fires in CA and the lava flows in Hawaii.

Despite thousands of disaster related deaths and the disproportionate impact of the disasters on countless people with ''chronic health conditions'' (also clearly defined as disabilities under the ADA legal definition) in 2017 & 2018, the recently released FEMA After Action Report only mentions disability in a footnote and a list of acronyms defining the position of Disability Integration Advisors, never in any other context.

Further, according to FEMA, ''the hurricanes and wildfires collectively affected more than 47 million people—nearly 15 percent of the Nation's population''. Given these statistics, it is likely that close to 10 million of these disaster impacted individuals should have been provided with the civil rights protections of equal access to emergency services and programs. It is unfortunate that there is no indication of any focus in the document on FEMA's obligations, efforts or recommendations.

Clearly there is an urgent need for advice and consultation from disability inclusive emergency management experts to improve outcomes for disaster impacted children and adults with disabilities and their communities.

We are writing in support of H.R. 6378-Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018, with specific support for Section 110, the establishment of a NATIONAL ADVISORY COMMITTEE ON INDIVIDUALS WITH DISABILITIES IN ALL-HAZARDS EMERGENCIES.

The Advisory Committee will:

1. provide advice and consultation with respect to activities carried out pursuant to section 2814, as applicable and appropriate;

2. evaluate and provide input with respect to the public health, accessibility, and medical needs of individuals with disabilities as they relate to preparation for, response to, and recovery from all-hazards emergencies; and

3. provide advice and consultation with respect to State emergency preparedness and response activities, including related drills and exercises pursuant to the preparedness goals under section 2802(b).

We are especially interested in the Committee report which will include recommendations that offer specific improvements that could be made across local, State, tribal, territorial, and Federal efforts to improve outcomes in areas that include—

''(A) preparedness;

''(B) planning;

''(C) exercises and drills;

''(D) alerts, warning, and notifications;

''(E) evacuation;

''(F) sheltering;

''(G) health maintenance;

''(H) accessing emergency programs and services;

''(I) medical care (including mental health care);

''(J) temporary housing;

''(K) mitigation; and

''(L) community resilience; and

''(2) assess the strength of existing policies to incorporate such individuals as well as the efficacy of implementation.

We offer our enthusiastic support for the membership of this Committee, which will include

at least four representatives who are individuals with disabilities that have substantive expertise in disability inclusive emergency management policy and operations;

at least two non-Federal health care professionals with expertise in disability accessibility before, during, and after disasters, medical and mass care disaster planning, preparedness, response, or recovery; and

at least two representatives from State, local, territorial, or tribal agencies with expertise in disability-inclusive disaster planning, preparedness, response, or recovery.

The Partnership applauds your leadership and welcomes every opportunity to work with you, and your colleagues to ensure that establishment of this vital Advisory Committee is included in final passage of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018.

Sincerely,

MARCIE ROTH,
Chief Executive Officer.

PEW CHARITABLE TRUSTS,
Washington, DC, July 17, 2018.

Hon. GREG WALDEN,
Chairman, House Energy and Commerce Committee, Washington, DC.
Hon. FRANK PALLONE,
Ranking Member, House Energy and Commerce Committee, Washington, DC.
Hon. SUSAN W. BROOKS,
House Energy and Commerce Committee, Washington, DC.
Hon. ANNA G. ESHOO,
House Energy and Commerce Committee, Washington, DC.

DEAR CHAIRMAN WALDEN, RANKING MEMBER PALLONE, CONGRESSWOMAN BROOKS AND CONGRESSWOMAN ESHOO: The Pew Charitable Trusts thanks you for your continued efforts to respond to the ongoing threat of antibiotic resistance through the introduction of H.R. 6378, the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018 (PAHPA). This important legislation reauthorizes the essential work of the HHS Office of the Assistant Secretary for Preparedness and Response (ASPR)'s Biomedical Advanced Research and Development Authority (BARDA) to address public health emergencies and bring desperately-needed antibiotics to patients. Effective antibacterials are central to the nation's ability to respond to public health threats, including chemical, biological, radiological, and nuclear attacks (CBRN), pandemic influenza, and emerging infectious disease—antibiotics are an integral part of the nation's armament to address these threats.

We especially want to thank the Members of the House Energy and Commerce Committee for including language related to antibiotic resistance in Section 302 of PAHPA. This language will ensure that BARDA is explicitly authorized to address all CBRN threats—both intentional and naturally occurring—through robust support of innovative approaches in both preclinical and clinical development. BARDA's unique experience working with industry to drive innovation is particularly important to advance novel therapeutics and preventive interventions and to help bridge the gap between basic science and successful clinical drug development.

BARDA safeguards our nation's health infrastructure by revitalizing and encouraging antibacterial innovation to ensure that we have a healthy pool of candidate products to address emerging threats. The CARB–X accelerator addresses critical gaps along the early stages of the antibacterial pipeline, and BARDA's Broad Spectrum Antimicrobials program advances therapeutics into late stage clinical development. The two programs work in tandem to support a robust pipeline of novel approaches for highly resistant infections and emerging threat pathogens.

Thank you for continued support of this important work.

Sincerely,

KATHY TALKINGTON,
Antibiotic Resistance Project Director.

AMERICAN ASSOCIATION OF POISON CONTROL CENTERS,
Alexandria, VA, July 20, 2018.

Hon. SUSAN BROOKS,
Washington, DC.
Hon. ANNA ESHOO,
Washington, DC.

DEAR CONGRESSWOMEN BROOKS AND ESHOO: The American Association of Poison Control Centers (AAPCC) would like to extend our support for H.R. 6378, the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018.

As you already know, AAPCC supports the nation's 55 poison control centers in their efforts to prevent and treat poison exposures. Poison control centers across the U.S. receive approximately 3 million calls annually that cover a variety of substances, including prescription and over-the-counter medications, illegal drugs, household products, pesticides, cosmetics, environmental toxins, food, plants, and animal bites and stings. These calls come from a wide variety of individuals, including the public, health care providers, 911 PSAPs (Public Safety Answering Points), schools, health departments, law enforcement, and other safety agencies. The centers operate 24 hours a day, 7 days a week, 365 days a year and are accessed through a federally funded nationwide toll free number: 800–222–1222 (Poison Help).

When someone calls 800–222–1222, the calls are answered by highly trained Specialists in Poison Information (pharmacists and nurses), who diagnose, triage, and offer treatment recommendations to callers with 24-hour oversight from Board Certified Medical and Clinical Toxicologists. We answer calls from every state and territory in our nation. We know that you and your staff are already familiar with the wonderful work of the Indiana Poison Center and the California Poison Control System.

There are three references, all in Title II, to poison centers in Public Law 113–5 (the Pandemic and All-Hazards Preparedness Reauthorization Act of 2013). These provisions allow states and public health departments to work directly with their regional poison center and have resulted in improved preparedness preparations in multiple communities throughout the nation. Thank you for keeping these poison center references in H.R. 6378.

We also deeply appreciate your inclusion of poison centers in Section 207, Regional Health Care Emergency Preparedness and Response Systems. Poison centers have a unique set of knowledge and are the primary source for poisoning information. Our employees are trained to handle stressful, potentially life altering situations on a daily basis and we already have the infrastructure in place as a 24/7 365 days a year call center. We are a vital resource on a number of topics from chemical spills to mass exposure to an unknown toxin to a public health emergency including the pandemic flu or Ebola and Zika. The poison control system is a well-established, nationwide network made up of sophisticated and specially trained medical professionals who handle calls related to over 420,000 products and substances and their related toxicities.

Our poison centers support your efforts and look forward to our work together on this important topic. Finally, a special thank you to your staff, Catherine Knowles and Rachel Fybel for all of their assistance. Thank you, as always, for your continued support of our 55 poison centers.

Warmest regards,

WILLIAM BANNER, Jr., MD, PhD,
President, AAPCC, Oklahoma Center for Poison & Drug Information.

STEPHEN KAMINSKI, JD,
CEO and Executive Director, AAPCC.

Mrs. BROOKS of Indiana. Mr. Speaker, I include the following letters in the RECORD.

AMERICAN SOCIETY
FOR MICROBIOLOGY,
Washington, DC, July 23, 2018.

Hon. PAUL RYAN,
Speaker of the House, House of Representatives, Washington, DC.
Hon. GREG WALDEN,
Chairman, Energy and Commerce Committee, House of Representatives, Washington, DC.
Hon. SUSAN BROOKS,
House of Representatives, Washington, DC.
Hon. NANCY PELOSI,
Minority Leader, House of Representatives, Washington, DC.
Hon. FRANK PALLONE,
Ranking Member, Energy and Commerce Committee, House of Representatives, Washington, DC.
Hon. ANNA ESHOO,
House of Representatives,
Washington, DC.

DEAR SPEAKER RYAN, MINORITY LEADER PELOSI, CHAIRMAN WALDEN, RANKING MEMBER PALLONE, REPRESENTATIVE BROOKS AND REPRESENTATIVE ESHOO: The American Society for Microbiology (ASM) congratulates the Energy and Commerce Committee on its passage of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018 (H.R. 6378) and encourages its swift passage in the House.

ASM is the largest single life science society, composed of more than 32,000 scientists and health professionals. Our mission is to promote and advance the microbial sciences, including programs and initiatives funded by the federal government departments and agencies, by virtue of the pervasive role of microorganisms in health and society.

Antimicrobial resistance is among the most consequential issues facing world today. ASM is therefore pleased that H.R. 6378 includes Section 406, a provision that would guarantee the continued work of the Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria (PACCARB) by codifying the Advisory Council. A guarantee of PACCARB's continuance also sustains the One Health partnerships—the integration of human, animal, and environmental domains—that have been formed since the establishment of PACCARB.

This year marks the 100th anniversary of the Influenza Pandemic of 1918, which killed almost 40 million people, and serves a reminder that the United States must be prepared to rapidly respond to declared and potential public health emergencies, including infectious disease epidemics.

ASM strongly supports the legislation's reauthorization of the Biomedical Advanced Research Development Authority (BARDA) and is pleased to see inclusion and authorization of a Pandemic Influenza Program and Emerging Infectious Disease Program. Authorization of funding for the Strategic National Stockpile and the Bioshield Special Reserve Fund are all critically important to our public health security. Therefore, it is important that reauthorization be met with a corresponding commitment of federal resources.

Lastly, ASM appreciates that the legislation points to the need for an adequately funded Public Health Emergency Fund (PHEF) and strengthens existing authorities for which PHEF dollars may be used, including in anticipation of a potential public health emergency. Vigilance will be required to make sure our country is adequately prepared to make financial resources available in a timely manner to potential or immediate public health emergencies, and so we look forward to your continued leadership in this regard.

ASM believes that H.R. 6378 will further our nation's preparedness to respond in a timely and coordinated manner to declared and potential public health threats. Toward this end, ASM strongly supports swift final passage by the Senate and House. We appreciate your championship of these issues and stands ready to work with you towards this goal. Should you have any questions, please contact Allen Segal, Director, ASM Public Policy and Advocacy.

Sincerely,

STEFANO BERTUZZI, PH.D., MPH,
CEO, American Society for Microbiology.
ALLEN D. SEGAL,
Director, Public Policy and Advocacy, American Society for Microbiology.

ASTHO, SEPTEMBER 23, 2018.

Hon. LAMAR ALEXANDER,
Chairman, Health, Education, Labor and Pensions Committee, U.S. Senate, Washington, DC.
Hon. GREGG WALDEN,
Chairman, Energy & Commerce Committee, House of Representatives, Washington, DC.
Hon. PATTY MURRAY,
Ranking Member, Health, Education, Labor and Pensions Committee, U.S. Senate, Washington, DC.
Hon. FRANK PALLONE, Jr,
Ranking Member, Energy & Commerce Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN ALEXANDER, RANKING MEMBER MURRAY, CHAIRMAN WALDEN, AND RANKING MEMBER PALLONE: The Association of State and Territorial Health Officials (ASTHO) submits this letter in support of most of the public health provisions included in the ''Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018'' (H.R. 6378). ASTHO is the national nonprofit organization representing the state and territorial public health agencies of the United States, U.S. territories, and Washington, D.C. ASTHO's members, the chief health officials of these jurisdictions, are dedicated to formulating and influencing sound public health policy and assuring excellence in public health practice.

ASTHO is pleased that this bill retains elements proven to be necessary, reasonable, and successful, while making further refinements to the underlying statute, as well as responding to and including many of ASTHO's priorities. These priorities, outlined in previously submitted comment letters, include suggestions for clarifications and acknowledgments regarding the importance of state, local, territorial, and tribal public health. These provisions include:

Reauthorizing the Public Health Emergency Preparedness Program (PHEP) and Hospital Preparedness Program (HPP). PHEP and HPP are key to the foundational capabilities of public health preparedness and healthcare

Codifying the role of CDC to administer the PHEP program

Bolstering the Public Health Emergency Rapid Response Fund and mechanisms to quickly distribute funds

Requiring that the Public Health Emergency Medical Countermeasure Enterprise (PHEMCE) solicit and consider input from state, local, tribal, and territorial public health departments or officials

Improving the nation's ability to take a ''OneHealth'' approach to preparedness and response capabilities

Reauthorizing the temporary reassignment of state and local personnel during public health emergencies

Requiring the HHS secretary, in collaboration with ASPR and CDC, to maintain the strategic national stockpile

Including a provision to strengthen the Epidemic Intelligence Service by increasing the loan repayment amount from $35,000 to $50,000

In addition, ASTHO expresses our concern and seeks clarification from the committee on changes to HPP, particularly those that alter eligibility requirements for funding from a ''partnership'' to''coalitions.'' One of the most crucial functions of HPP is to bring together and incentivize ''diverse and often competitive healthcare organizations to work together.'' As neutral conveners, state and territorial public health departments are the most appropriate entities and stewards of taxpayer dollars. They are also responsible for statewide planning and coordination of services and fundamentally serve all residents in their jurisdictions—not just lives covered under a plan or specific catchment area. With the establishment of hundreds of Healthcare Coalitions across the country, ASTHO seeks assurance that the letter, spirit, and intent of this modification does not in any way change the current cooperative agreement structure and stature, nor does it alter the role and responsibilities of states, territories, and directly-funded cities as awardees of funds under HPP.

ASTHO also remains concerned that authorization levels—$685 million for PHEP and $385 million for HPP—are significantly lower than our suggested authorization levels of $824 million for PHEP and $474 million for HPP. ASTHO is concerned that authorizing at these proposed levels will be insufficient. Both PHEP and HPP must be resourced at sufficient levels to ensure that every community is prepared for disasters. An efficient and effective state and local workforce depends heavily on reliable, ongoing funding support for a network of state and local expertise, relationships and trust that is carefully built over time through shared responses, training, and exercises.

Regarding sections that speak to ''reservations of amounts for regional systems,'' ASTHO would also like to reiterate that HPP is already funded at a vastly insufficient level given the task of preparing the healthcare system for a surge of patients, continuity of operations, and recovery. Any funding reductions to HPP through a tap will have an adverse impact on real-time all-hazards preparedness and response activities carried out by the existing healthcare coalitions. The costs associated with exploring the development of a regional system or network should not be at the expense of current critical medical readiness and patient care services.

Finally, while we appreciate that the bill strengthens existing authorities for the Public Health Emergency Fund, we continue to urge Congress to create a mechanism to fund and replenish it. Without sufficient and dedicated funding, it will be impossible to quickly access funds when needed.

ASTHO appreciates the opportunity to provide our comments on this critical legislation and the bipartisan efforts of both the House and Senate committees.

Sincerely,

JOHN WIESMAN, DRPH, MPH,
ASTHO President, Secretary of Health, Washington State Department of Health Olympia, WA.

BIOTECHNOLOGY INNOVATION ORGANIZATION,
September 24, 2018.

Hon. SUSAN BROOKS,
House of Representatives, Washington, DC.
Hon. ANNA ESHOO,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVES BROOKS AND ESHOO: On behalf of the Biotechnology Innovation Organization (BIO), I am writing to express our strong support for final passage of H.R. 6378, the ''Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018''. I wish to commend you for your extraordinary work getting this legislation to the House floor.

BIO represents more than 1,000 biotechnology companies, academic institutions, state biotechnology centers and related organizations across the United States and in more than 30 other nations. BIO's members are committed to investing in, developing, and delivering innovative vaccines, therapeutics, and diagnostic tools that are transforming how we protect, treat and cure people from devastating infectious diseases. Many of BIO's members are active partners with the U.S. government to strengthen our national health security through the development and stockpile of medical countermeasures (MCM) against the myriad threats facing our nation. The value that these MCMs offer to first responders, patients and their caregivers, and the global community is phenomenal.

BIO was pleased to see the Act continue to provide support for critical preparedness programs such as the BioShield Special Reserve Fund (SRF), the Biomedical Advanced Research and Development Authority (BARDA), and the Strategic National Stockpile (SNS)—all of which are necessary to ensure that we can maintain a robust medical countermeasures enterprise that can address known and unknown threats. We are also pleased to see that significant threats such pandemic influenza, emerging infectious diseases, and antimicrobial resistance are specifically recognized in the Act and that BARDA has been authorized appropriations to address these dangerous threats. We are very supportive of the overall authorization of $2.4 billion annually to the MCM enterprise, which will allow the Secretary of Health and Human Services to more fully prepare for many of the threats affecting our national health security.

BIO thanks you for your commitment to our national health security and your important work to ensure that our nation is adequately prepared to respond to the myriad threats we face domestically and abroad. BIO and our member companies look forward to continuing to work with you to further strengthen our preparedness against all potential national security and public health threats as outlined in the National Biodefense Strategy.

With Sincerest Regards,
JAMES C. GREENWOOD,
President and CEO.

CALIFORNIA LIFE SCIENCES ASSOCIATION,
July 16, 2018.

Hon. SUSAN BROOKS,
Washington, DC.
Hon. ANNA G. ESHOO,
Washington, DC.

DEAR REPRESENTATIVES BROOKS AND ESHOO: On behalf of California Life Sciences Association (CLSA)—the statewide public policy organization representing California's leading life science innovators, including medical device, diagnostic, biotechnology and pharmaceutical companies, research universities and private, non-profit institutes, and venture capital firms—I am writing to express our support for H.R. 6378, the Pandemic and All Hazards Preparedness and Advancing Innovation (PAHPAI) Act of 2018, your legislation that will strengthen and improve our national preparedness and response for public health emergencies, and accelerate medical countermeasure research and development. Thank you for your leadership on this critically important issue.

As you know, the recent Ebola and Zika outbreaks and ongoing threats from terrorist organizations like ISIS have repeatedly exposed our nation's continued vulnerability to bioterror and pandemic threats, demonstrating the need for robust biodefense preparedness. Robust, long-term funding, and strong and sustained public-private partnerships remain critical in ensuring a well-funded, well-coordinated, swift and effective response from all stakeholders. This includes, critically, a robust statutory framework for securing our nation from chemical, biological, radiological, and nuclear (CBRN) threats, as well as from pandemic influenza (PI), antimicrobial resistance (AMR), and emerging infectious diseases (EID).

To that end, H.R. 6378 strengthens our country's national preparedness and response efforts for public health emergencies by codifying the Public Health Emergency Medical Countermeasure Enterprise and the duties of the Assistant Secretary for Preparedness and Response (ASPR), while maintaining the important role of the Centers for Disease Control in emergency and response activities. The legislation also provides the authorization and federal resources to invest in programs related to Pandemic Influenza and Emerging Infectious Diseases.

We are pleased the bill provides new authorities to the Director of the Biomedical Advanced Research and Development Authority (BARDA) to develop strategic initiatives for threats that pose a significant level of risk to national security, including antimicrobial resistant pathogens. We also encourage you to continue working with you colleagues on the House Committee on Energy & Commerce and congressional leadership to explore the creation of new incentives to encourage investment into the development of products to treat or prevent a disease attributable to a multi-drug resistant bacterial or fungal pathogen.

According to the Centers for Disease Control and Prevention (CDC), each year at least two million people in the United States are infected with bacteria that cannot be treated with an antibiotic, resulting in roughly 23,000 deaths and health care costs as much as $20 billion annually. These staggering statistics illustrate a dangerous reality: even as the rate of anti-microbial resistance has grown, research and drug development has not kept pace with the dire need for new medicines to treat these increasingly lethal ''superbugs.''

Given the threat that these deadly pathogens pose to public health in the United States and across the world, the need for effective public-private partnerships between the government, academia and industry has never been greater. The growing epidemic of multidrug-resistant infections knows no borders and the reestablishment of antibiotic development as a viable investment for life sciences innovators is imperative to public health and preparedness.

Thank you again for your leadership of H.R. 6378, as well as your long-standing support for legislation and policy measures that improve our nation's biodefense preparedness and response capabilities.

CLSA is pleased to join a broad group of stakeholders in offering our strong support for H.R. 6378, the Pandemic and All Hazards Preparedness and Advancing Innovation Act of 2018. Please let me know if CLSA can be of assistance to you.

Sincerely,
JENNIFER NIETO CAREY,
Vice President—Federal Government Relations & Alliance Development.

CELLPHIRE,
Rockville, MD, July 18, 2018.

Hon. GREG WALDEN,
Chairman, House Energy and Commerce Committee, Washington, DC.
Hon. SUSAN BROOKS,
House of Representatives, Washington, DC.
Hon. FRANK PALLONE,
Ranking Member, House Energy and Commerce Committee, Washington, DC.
Hon. ANNA ESHOO,
House of Representatives, Washington, DC.

DEAR CHAIRMAN WALDEN, RANKING MEMBER PALLONE AND REPRESENTATIVES BROOKS AND ESHOO: We write in support of HR 6378, the Pandemic and All Hazards Preparedness Act (PAHPA) Reauthorization. Cellphire supports the Committee's inclusion of the national blood supply in the Committee markup of PAHPA. Numerous inquiries and hearings conducted after 9/11 revealed the need for a coordinated response to insure preparedness through maintaining an adequate blood supply and providing a rapid coordinated response system to distribute blood products immediately to the affected area(s) as well as recruit and manage donations required for continual resupply during the crisis. The need for a coordinated response to the nation's blood needs was first recognized in the National Response Plan, Emergency Support Function #8, Public Health and Medical Services Annex:

Blood, Organs, and Blood Tissues—ESF #8 may task HHS components and request assistance from other ESF #8 partner organizations to monitor and ensure the safety, availability, and logistical requirements of blood, organs, and tissues. This includes the ability of the existing supply chain resources to meet the manufacturing, testing, storage, and distribution of these products.

We applaud the Committee's recognition of the national blood supply's importance as referenced in Section 116 which requires the Secretary of Health and Human Services to provide a report on recommendations related to maintaining an adequate blood supply Hospitals across the nation as well as blood product companies like Cellphire are dependent on the stability of the blood supply and the ability of the U.S. blood supply ''system'' to respond to disaster. The organizations representing the nation's blood centers, hospital-based blood banks and transfusion services, and transfusion medicine professionals have requested that you consider asking the Office of the Assistant Secretary for Preparedness and Response (ASPR) to make the sustainability of our nation's blood supply a critical element of our emergency preparedness and response systems. In addition, a joint letter to the New England Journal of Medicine authored by Harvey Klein MD, Chief Department of Medicine, the NIH Clinical Center, Chris Hrouda, President ARC Biomedical Services, and Jay Epstein MD, Director, Office of Blood Research and Review, Center for Biologics Evaluation and Research, FDA, warned of an approaching crisis in the sustainability of the U.S. Blood System. The concern regarding the sustainability and responsiveness of the U.S. blood supply was also raised by a RAND Corporation study initiated by the Department of Health and Human Services, ''Toward a Sustainable Blood Supply in the United States, An Analysis of the Current System and Alternatives to the Future''.

The goal at Cellphire, currently supported by the ASPR through BARDA, is to develop and field a freeze-dried platelet product to stop hemorrhage that can alleviate platelet shortages and lead to a life-saving product that controls bleeding and can be stockpiled. Supplying, distributing and resupplying this and other blood products during a crisis requires a sustainable blood supply.

The PAHPA Re-authorization bill includes language for the Assistant Secretary of Preparedness Response (ASPR) to include the stability of the blood supply as it considers guidelines for infrastructure. Section 203 further lists the blood banks in the stakeholder groups with whom ASPR should engage to obtain feedback on financial implications as it relates to regional preparedness planning pursuant to the guidelines.

We believe the reference to the national blood supply and the inclusion of the blood collection centers and hospital blood banks in ASPR guidelines to establish infrastructure and regional preparedness planning will ensure our nation's blood supply is ready and prepared for surge capacity in the event of a disaster or terrorist attack.

Thank you for your leadership in addressing the blood supply in HR 6378, the PAHPA Reauthorization. We support the Committee's attention to this urgent matter of national security.

Sincerely,

MICHAEL FITZPATRICK,
Ph.D , COL (Ret.) U.S. Army,
President and Director of Research, Cellphire, Inc.

COALITION FOR EPIDEMIC PREPAREDNESS INNOVATIONS,
July 17, 2018.

Hon. GREG WALDEN,
Chairman,
Washington DC.
Hon. FRANK PALLONE,
Ranking, Energy and Commerce Committee, Washington DC.

DEAR CHAIRMAN WALDEN AND RANKING MEMBER PALLONE: I write in strong support of HR 6378, the Pandemic and All-Hazards Preparedness and Advancing Innovation Act (PAHPA.) As you know, public health emergencies can result from natural disasters, emerging pathogens, or man-made threats. Just last year we saw health challenges emerge on multiple fronts due to hurricanes, a virulent strain of the flu, and outbreaks of plague, Lassa, Nipah and Ebola overseas. The United States must do everything in its power to prepare for health emergencies, and HR 6378 goes a long way towards helping the Department of Health and Human Services (HHS) achieve that goal.

As the CEO of CEPI, an international coalition whose mission it is to develop vaccines to prevent future epidemics, I am heartened to see language in the bill asking HHS to report on its work developing vaccines to prevent epidemics, including its collaborations with international organizations (Section 303). As we saw in the recent Ebola outbreak in the Democratic Republic of Congo, vaccines and international coalitions can play a critically important role in outbreak response and HHS should maximize its support for this kind of vaccine research and development.

I am also pleased that HR 6378 creates an emerging infectious disease program within the Biomedical Advanced Research and Development Authority (BARDA) [Section 302]. CEPI would welcome the opportunity to partner with BARDA on future vaccine candidates for emerging infectious diseases of global significance. In addition, the codification of the Public Health Emergency Medical Countermeasure Enterprise (PHEMCE) is another important feature of this bill [Section 101]. The PHEMCE works to ensure that medical countermeasure development is aligned across the government and that bottlenecks can be anticipated and prevented, which is important to prevent costly duplication of work and other inefficiencies.

In summary, I believe that HR 6378 will strengthen US public health preparedness, particularly when it comes to vaccines and medical countermeasure development and coordination, and I am pleased that it will be considered by your committee.

Sincerely,

RICHARD HATCHETT, CEO.

Mrs. BROOKS of Indiana. Mr. Speaker, I include the following letters in the RECORD.

CERUS,
Concord, CA, July 17, 2018.

Hon. GREG WALDEN,
Chairman, House Energy and Commerce Committee, House of Representatives, Washington, DC.
Hon. FRANK PALLONE,
Ranking Member, House Energy & Commerce Committee, House of Representatives, Washington, DC,

DEAR CHAIRMAN WALDEN AND RANKING MEMBER PALLONE: As you review and deliberate over H.R. 6378, the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018, we wanted to provide our support for the efforts in the legislation to preserve and protect the nation's blood supply—especially in a public health emergency.

As you know, the American public expects the nation's blood supply is safe and available every day, but especially in situations of natural or man-made disasters. Blood transfusions can be lifesaving measures, but this depends on our collective ability to ensure the safety and availability of the blood supply. Though the danger of transfusion-transmitted infections has decreased in recent years due to improved blood testing for specific pathogens such as HIV and hepatitis, these tests do not detect the presence of all viruses, bacteria, and parasites known to contaminate blood donations. In 2015 at the height of the Zika epidemic in Puerto Rico, the FDA released guidance calling for the use of blood treatment pathogen reduction technology as an option to reduce the risk of transfusion-transmission of Zika. This pathogen reduction technology helped ensure that very ill patients would have adequate access to safe blood and that they would not contract Zika virus infection from their therapeutic blood transfusions.

Section 116 is critical to ensuring the blood collection community, in concert with the Department of Health and Human Services, begins to cohesively examine the challenges with preserving capacity in the nation's blood supply for major emergency care, addressing issues like recruiting sufficient donors to ensure the adequacy of the current supply to meet public health emergencies and implementation of innovative and best safety practices.

The inclusion of blood banks in Section 203 is also critical for ensuring the blood banking community has an opportunity to engage along with hospitals, health care facilities, public agencies and others to provide input into our nation's new ''Healthcare Preparedness and it Response Program.'' The inclusion of blood banks is critical in providing feedback on the financial implications for the program as the industry faces many challenges in ensuring a transfusion-ready blood supply.

I sincerely appreciate the time and effort that both of you, your fellow Committee members and the staff have placed in drafting, reviewing, and deliberation over H.R. 6378. I look forward to continuing to work with all of you in supporting our nation's ability to respond in public health emergencies.

Sincerely,

DR. LAURENCE CORASH, MD
Chief Scientific Officer, Cerus.

JULY 19, 2018.

Hon. GREG WALDEN,
Chairman, Committee on Energy and Commerce, Washington, DC.
Hon. SUSAN W. BROOKS,
Washington, DC.
Hon. FRANK PALLONE, Jr.,
Ranking Member, Committee on Energy and Commerce, Washington, DC.
Hon. ANNA ESHOO,
Washington, DC.

DEAR CHAIRMAN WALDEN, RANKING MEMBER PALLONE, AND REPRESENTATIVES BROOKS AND ESHOO: Child Care Aware of America cares deeply about the health and well-being of children and their success in child care. We would like to thank you for your bipartisan commitment to reauthorizing the Pandemic and All-Hazards Preparedness Act. As the Pandemic and All-Hazards Preparedness (PAHPA) and Advancing Innovation Act of 2018 moves forward, we want to voice our support for extending and expanding the authorization of the National Advisory Committee on Children and Disasters (NACCD) to address the ongoing gaps in our nation's preparedness and response for children. Recent natural disasters such as Hurricanes Harvey, Irma and Maria have demonstrated that our nation still is not fully prepared to respond to the child care needs of children.

We also appreciate the proposed additional expertise to the NACCD to include non-federal experts in pediatric mental or behavioral health, pediatric infectious disease, children's hospitals, and children and youth with special health care needs, and particularly, professionals with expertise in child care or school settings.

The NACCD was established to provide advice and consultation to the Department of Health and Human Services (HHS) Secretary and the Assistant Secretary for Preparedness and Response (ASPR) on issues related to the medical and public health needs of children before, during, and after disasters. The NACCD has completed several reports in recent years focused on youth leadership, surge capacity, and the provision of human services. Their expertise has been invaluable in ensuring that children are protected during public health emergencies and disasters.

Our organization learned that after Hurricane Irma, 22% of the child care facilities in the state of Florida were closed due to the storm. In the Miami-Dade-Monroe area specifically, 32% of facilities were closed. Following Hurricane Harvey, 18% of child care facilities were closed in the Houston area. This means that thousands of children and their families were left without child care. This carries an incredible burden on families as they struggle to find child care when they are needed at work. Furthermore, the interruption of normalcy can cause stress on children leading to negative consequences for brain development. Including expertise in child care will help in making sure that the needs of the 11 million children in child care will be met before, during, and after a disaster.

Children are not little adults. They have specialized needs that must be considered when planning for, responding to, and recovering from a disaster. This includes having a strong, well-funded public health and medical system. We thank you considering the many needs of children and including them

in the Pandemic and All-Hazards Preparedness (PAHPA) and Advancing Innovation Act of 2018.

Sincerely,

CHILD CARE AWARE OF AMERICA.

CHIME & AEHIS,
July 23, 2018.

Re Inclusion of Cybersecurity in the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018

Hon. GREG WALDEN,
Chairman, House Committee on Energy and Commerce, House of Representatives, Washington, DC.

Hon. FRANK PALLONE,
Ranking Member, House Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR CHAIRMAN WALDEN AND RANKING MEMBER PALLONE: The College of Healthcare Information Management Executives (CHIME) and the Association for Executives in Healthcare Information Security (AEHIS) sincerely appreciate the inclusion of cybersecurity provisions in section 401 of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018. This critical section of legislation recognizes the importance of ensuring the nation's health systems are better prepared and better able to respond in the event of a cybersecurity incident.

CHIME is an executive organization dedicated to serving chief information officers (CIOs), chief medical information officers (CMIOs), chief nursing information officers (CNIOs) and other senior healthcare IT leaders. Consisting of more than 2,600 members in 51 countries, our members are responsible for the selection and implementation of clinical and business technology systems that are facilitating healthcare transformation. CHIME members are among the nation's foremost health IT experts, including on the topic of cybersecurity. Launched by CHIME in 2014, AEHIS represents more than 850 chief information security officers (CISOs) and provides education and networking for senior IT security leaders in healthcare. CHIME and AEHIS members take their responsibility to protect the privacy and security of patient data and devices networked to their system very seriously.

The widespread attacks experienced by health systems worldwide during the spring of 2017 highlighted the need to consider the cybersecurity readiness of the healthcare sector and demonstrated the importance of increased preparedness and rapid response in the event of an incident. Cybersecurity threats are growing in frequency and sophistication coming from a variety of actors seeking to send our country's healthcare system into disarray. Our members continue to worry about the threats to patient care and safety posed by cybersecurity attacks.

CHIME and AEHIS appreciate the inclusion of cybersecurity in the Pandemic All Hazards Preparedness Reauthorization Act of 2018. We agree that cybersecurity threats and the recognition of their potential to disrupt healthcare delivery is of the utmost importance to patient safety and therefore, needs to be a part of the National Health Security Strategy. CHIME and AEHIS believe it is imperative that cybersecurity is treated as a threat to our nation in similarity to other hazards. We also appreciate the designation of the Assistant Secretary for Preparedness and Response (ASPR) as the leader within the Department of Health and Human Services (HHS) in the event of a cybersecurity incident. Our members have repeatedly cited confusion, leading to frustration, about which operating division within HHS has responsibility over cybersecurity and serves as a liaison to the industry.

We appreciate your continued interest and leadership on this important and increasingly urgent subject. We stand ready to work with you and your colleagues to pursue legislative solutions to improve the cybersecurity readiness of the nation's healthcare sector.

Sincerely,

CLETIS EARLE,
Chair, CHIME Board of Trustees Vice President, CIO Information Technology, Kaleida Health.

ERIK DECKER,
Chair, AEHIS Board CISO and Chief Privacy Officer, University of Chicago Medicine.

EMERGENT BIOSOLUTIONS,
July 17, 2018.

Hon. SUSAN BROOKS,
Washington, DC.

Hon. GREG WALDEN,
Washington, DC.

Hon. ANNA ESHOO,
Washington, DC.

Hon. FRANK PALLONE,
Washington, DC.

DEAR REPS. BROOKS, ESHOO, WALDEN, AND PALLONE: Thank you to you and your staff for your hard work in introducing H.R. 6378, the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018. This legislation, like PAHPRA and PAHPA before it, is vital to ensuring our nation is safe from and prepared for both human-deployed and natural chemical, biological, radiological, and nuclear (CBRN) threats. Emergent is pleased to support PAHPAI.

We are appreciative of your staff for taking the time to meet with us and solicit feedback about the PAHPAI. Thank you for your leadership in ensuring the legislation further strengthens our nation's preparedness for biological threats.

Funding Levels: Emergent strongly supports the robust funding levels authorized in PAHPAI. This funding is needed to continue to grow the public-private partnership Congress created to ensure the U.S. is adequately prepared for CBRN threats. Sustained and expanded investment in these programs is a vital market pull to ensure private partners produce medical countermeasures for the most serious threats we face as a nation, such as anthrax, smallpox, and chemical threats. If the government fails to adequately support the Special Reserve Fund, BARDA, and the SNS, the nation faces the dual risk of squandering resources already invested into research and preparedness, while also being underprepared or unprepared for material threats to our national security.

Identified Authorization Funding Levels for Key Programs: Emergent is strongly supportive of the inclusion of specific funding authorization that breaks out the minimum amounts for the critical Pandemic Influenza and Emerging Infectious Disease (EID) activities supported through BARDA. Specific authorizations help ensure that BARDA's priorities receive consistent funding needed to drive the development of countermeasures to respond to material threats, pandemic influenza, emerging infectious diseases, and other public health hazards.

Other Transaction (OT) Authority: We appreciate your efforts to update the medical countermeasure enterprise's OT authority and harmonize it with the OT authority of other agencies. These changes will provide the enterprise needed flexibility to better prepare for manmade and naturally-occurring biological threats.

The public health threat matrix is real and growing. Reauthorization of PAHPAI is vital to ensuring our nation is prepared for the most severe threats facing the country. As introduced, PAHPAI will greatly enhance our nation's biosecurity preparedness. We believe that Emergent is uniquely positioned to enable the U.S. and allied governments to address many of these threats based on our growing portfolio of medical countermeasures, decades of experience and expertise in government partnering and contracting, and our broad and deep manufacturing capabilities. We hope we can be a resource as the committee continues to work towards passage of PAHPAI.

Sincerely,

CHRIS FRECH,
Senior Vice President, Global Government Affairs, Emergent BioSolutions, Inc.

GENENTECH,
Washington, DC, 17 July 2018.

Hon. ANNA G. ESHOO,
House of Representatives, Washington, DC.

Hon. GREG WALDEN,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

Hon. SUSAN W. BROOKS,
House of Representatives, Washington, DC.

Hon. FRANK PALLONE, Jr.,
Ranking Member, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR REPRESENTATIVES ESHOO AND BROOKS, CHAIRMAN WALDEN, AND RANKING MEMBER PALLONE: Genentech, Inc. (Genentech) would like to express our strong support for H.R. 6378—The Pandemic and All Hazards Preparedness and Advancing Innovation Act of 2018. We applaud your shared leadership and bipartisan efforts to strengthen the nation's public health preparedness and response programs. We are particularly appreciative that H.R. 6378 authorizes a specific Pandemic Influenza program at the Biomedical Advanced Research and Development Authority (BARDA) to support research and development activities to enhance a rapid response to pandemic influenza.

As you continue your work toward reauthorization, Genentech welcomes the opportunity to share our relevant experience and provide any needed feedback.

Sincerely,

DAVID BURT,
Senior Director, Federal Government Affairs.

GRIFOLS PUBLIC AFFAIRS,
Washington, DC, July 24, 2018.

Hon. SUSAN BROOKS,
House of Representatives, Washington, DC.

Hon. ANNA ESHOO,
House of Representatives, Washington, DC.

DEAR CONGRESSWOMAN BROOKS AND CONGRESSWOMAN ESHOO: Thank you for your leadership on healthcare issues in the Congress. Grifols is proud to join the public health and infectious disease communities in expressing our strong support for H.R. 6378, the ''Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018.'' This legislation is critical to maintaining our national preparedness in response to public health emergencies.

Grifols is a global healthcare company with a 75-year history of producing plasma-derived medicines, diagnostic tools and hospital pharmacy products. Grifols is a leader in transfusion medicine as a supplier of blood and plasma infectious disease screening systems that are critical to safeguarding the U.S. blood supply.

The Nation's experience with emerging infectious diseases, such as Zika, demonstrates the need for a coordinated response to public health threats. In a report commissioned by the Department of Health and Human Services Office of the Assistant Secretary of Health, the RAND Corporation found there are 86 emerging or recently emerged pathogens that threaten the safety of the blood supply. The threat posed by these emerging infectious diseases exhibits the need to plan for managing potential outbreaks.

In particular, Grifols is supportive of the provisions in H.R. 6378 to aid the development and appropriate utilization of multiuse platform technologies for diagnostics, vaccines, and therapeutics; virus seeds; clinical trial lots; novel virus strains; and antigen and adjuvant material; as well as the provisions aimed at strengthening the U.S. blood supply:

Requiring a report on the adequacy of the national blood supply

Establish guidelines, in consultation with health care providers—including blood banks, relating to emergency preparedness which consider the needs of the blood supply, taking into account resiliency, geographic and rural considerations, as well as the financial implications of implementing such guidelines

Seeking input from all blood supply stakeholders in the development of emergency preparedness guidelines will help strengthen the public health infrastructure by ensuring that the unique needs of the blood supply are met.

In the interests of U.S. public health, we encourage Congress to pass H.R. 6378 to ensure a robust response to public health threats.

Sincerely,

CHRISTOPHER HEALEY,
Vice President.

Mrs. BROOKS of Indiana. Mr. Speaker, I include the following letters in the RECORD.

JULY 18, 2018.

Hon. SUSAN BROOKS,
Washington, DC.
Hon. ANNA ESHOO,
Washington, DC.

DEAR REPRESENTATIVES BROOKS AND ESHOO: I am writing on behalf of Roche Diagnostics Corporation in support of H.R. 6378, Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018. Congratulations on advancing this legislation out of the Energy and Commerce Committee.

We applaud your efforts in improving the nation's overall preparedness and response capabilities. We especially appreciate the Committee's recognition that diagnostics can play a key role in responding to public health and medical emergencies.

We look forward to continuing to work with you as this legislation advances in Congress.

Sincerely,

RUSSELL C. RING,
Vice President, Government Affairs,
Roche Diagnostics Corporation.

STRATEGIC HEALTH INFORMATION EXCHANGE COLLABORATIVE,
July 18, 2018.

REPS. BROOKS AND ESHOO AND MEMBERS OF THE ENERGY AND COMMERCE COMMITTEE: On behalf of the Strategic Health Information Exchange Collaborative (SHIEC), which represents more than 60 Health Information Exchanges (HIEs) across the nation, thank you for your leadership on the reauthorization of the Pandemic and All Hazards Preparedness Act (PAHPAI). SHIEC HIEs have played an important role across the country and have a strong interest in emergency preparedness and disaster relief. SHIEC HIEs have demonstrated the important role they play in federal, state, and local governments. In 2017 SHIEC HIEs in Texas partnered with local providers and patients to access critical medical information in the wake of Hurricane Harvey, and SHIEC HIEs in New York helped to thwart a ransomware attack and safeguard patient information. SHIEC is a recognized leader in medical record interoperability via the Patient Centered Data Home. This initiative allows patients, no matter where they are—whether caught up in emergencies while traveling or displaced by disasters—access to their medical information when and where they need it.

SHIEC is pleased with the proposed direction for this reauthorization of PAHPAI, particularly the broadened scope of Title II regarding ''Optimizing State and Local All-Hazards Preparedness and Response.'' State and local agencies and hospitals are not the only healthcare stakeholders during a crisis. There are many entities that should be consulted in emergency-planning. Addressing the problems and solutions more broadly allows state and local agencies and hospitals to better prepare and handle disasters.

To this end SHIEC applauds the Committee's inclusion of not just the brick and mortar infrastructure, but also the ''technological infrastructure'' while developing guidelines and protocols. SHIEC is also happy to see the broad reference to ''healthcare or subject matter experts'' which replaces a more restrictive reference to healthcare providers and agencies.

SHIEC recommends inclusion of HIEs specifically. As the data trustees in a community, SHIEC HIEs offer vital services to support a community in crisis. Awareness and realization of this full benefit has yet to be achieved in some areas. Without inclusion of clarifying language, SHIEC is concerned HIEs may still be left out of planning. SHIEC hopes however, that the broader, more inclusive language that the Committee has proposed will be expansive enough to ensure HIEs a seat at the emergency preparedness and disaster relief table.

Thank you,

KELLY HOOVER THOMPSON,
CEO.

TAKEDA,
Cambridge, MA, July 20, 2018.

Hon. GREG WALDEN,
Chariman, House Energy and Commerce Committee,
House of Representatives,
Washington, DC.
Hon. SUSAN W. BROOKS,
House of Representatives,
Washington, DC.
Hon. FRANK PALLONE, JR.,
Ranking Member, House and Energy and Commerce Committee,
House of Representatives,
Washington, DC.
Hon. ANNA G. ESHOO,
House of Representatives,
Washington, DC.

CHAIRMAN WALDEN, RANKING MEMBER PALLONE, AND REPRESENTATIVES BROOKS AND ESHOO: Takeda Vaccines appreciates the opportunity to support H.R. 6378, the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018. The legislation contains important provisions to improve the nation's ability to respond to public health emergencies and to accelerate research and development of medical countermeasures. Of particular note is the creation of the Emerging Infectious Disease Program within the Biomedical Advanced Research and Development Authority (''BARDA'') that will support research and development and manufacturing infrastructure with respect to emerging infectious diseases.

Takeda is a global, research and development-driven pharmaceutical company committed to bringing better health and a brighter future to patients by translating science into life-changing medicines. In addition to its efforts in oncology, gastroenterology, and neuroscience, Takeda is actively engaged in the research and development of vaccines including one for the deadly Zika virus. We appreciate the collaboration with BARDA to advance innovation in this disease state.

Takeda applauds the action of the House Energy and Commerce Committee to pass H.R. 6378 on July 18, 2018, and thanks the Members and staff for their hard work on this critical bill.

Sincerely,

RAJEEV VENKAYYA, M.D.,
President, Global Vaccines Business Unit,
Takeda Pharmaceutical Company Limited.

TRAUMA CENTER ASSOCIATION OF AMERICA,
July 24, 2018.

Hon. GREG WALDEN,
Chairman, House Committee on Energy & Commerce,
Washington, DC.
Hon. SUSAN BROOKS,
House of Representatives,
Washington, DC.
Hon. FRANK PALLONE, JR.,
Ranking Member, House Committee on Energy & Commerce,
Washington, DC.
Hon. ANNA ESHOO,
House of Representatives,
Washington, DC.

DEAR CHAIRMAN WALDEN, RANKING MEMBER PALLONE, REP. BROOKS AND REP. ESHOO: The Trauma Center Association of America (''TCAA'') strongly supports H.R. 6378, the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018. We applaud your bipartisan leadership in developing this legislation that will help improve and strengthen the preparedness and response capabilities of our nation's trauma care system.

We appreciate your willingness to work with TCAA and our members as you crafted this important piece of legislation. Specifically, we are pleased to see that the bill reauthorizes federal grant funding to support the core missions of trauma centers to offset the cost of activities such as patient stabilization and transfer, trauma education and outreach, coordination with local and regional trauma systems, essential personnel, trauma staff recruitment and retention, ensuring surge capacity, and trauma-related emotional and mental health services.

Additionally, TCAA has long advocated for the MISSION ZERO Act, and we strongly support the inclusion of language to establish a grant program for military-civilian partnerships in trauma care that will allow both sectors to benefit from the others' expertise and experience. This will benefit patients both on and off the battlefield and we look forward to continuing to work with you to implement this program.

Finally, we were pleased to see that the bill requires the development of guidelines, and the authorization of a demonstration program, to promote coordination and surge capacity among regional systems of hospitals and other public health facilities during a public health emergency. This will help improve our nation's response capabilities and give more patients access to high quality trauma care.

We look forward to passage of H.R. 6378 and continued work with the Senate to ensure that this legislation becomes law. Again, thank you for your hard work and commitment to preparing and equipping our

healthcare system for future disasters and public health emergencies.

EILEEN WHALEN, MHA, BSN, RN,
Chair, Board of Directors. Trauma Center Association of America.
JENNIFER WARD, MBA, BSN, RN,
President, Trauma Center Association of America.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Indiana (Mrs. BROOKS) that the House suspend the rules and pass the bill, H.R. 6378, as amended.

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

The title of the bill was amended so as to read: ''A bill to reauthorize certain programs under the Pandemic and All-Hazards Preparedness Reauthorization Act.''.

A motion to reconsider was laid on the table.

NUCLEAR UTILIZATION OF KEYNOTE ENERGY ACT

Mr. OLSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1320) to amend the Omnibus Budget Reconciliation Act of 1990 related to Nuclear Regulatory Commission user fees and annual charges, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1320

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 ''Nuclear Utilization of Keynote Energy Act''.

SEC. 2. NUCLEAR REGULATORY COMMISSION USER FEES AND ANNUAL CHARGES THROUGH FISCAL YEAR 2020.

(a) IN GENERAL.—Section 6101(c)(2)(A) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214(c)(2)(A)) is amended—

(1) in clause (iii), by striking ''and'' at the end;

(2) in clause (iv), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(v) amounts appropriated to the Commission for the fiscal year for activities related to the development of a regulatory infrastructure for advanced nuclear reactor technologies (which may not exceed $10,300,000).''.

(b) REPEAL.—Effective October 1, 2020, section 6101 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214) is repealed.

SEC. 3. NUCLEAR REGULATORY COMMISSION USER FEES AND ANNUAL CHARGES FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER.

(a) ANNUAL BUDGET JUSTIFICATION.—

(1) IN GENERAL.—In the annual budget justification submitted by the Commission to Congress, the Commission shall expressly identify anticipated expenditures necessary for completion of the requested activities of the Commission anticipated to occur during the applicable fiscal year.

(2) RESTRICTION.—The Commission shall, to the maximum extent practicable, use any funds made available to the Commission for a fiscal year for the anticipated expenditures identified under paragraph (1) for the fiscal year.

(3) LIMITATION ON CORPORATE SUPPORT COSTS.—With respect to the annual budget justification submitted to Congress, corporate support costs, to the maximum extent practicable, shall not exceed the following percentages of the total budget authority of the Commission requested in the annual budget justification:

(A) 30 percent for each of fiscal years 2021 and 2022.

(B) 29 percent for each of fiscal years 2023 and 2024.

(C) 28 percent for fiscal year 2025 and each fiscal year thereafter.

(b) FEES AND CHARGES.—

(1) ANNUAL ASSESSMENT.—

(A) IN GENERAL.—Each fiscal year, the Commission shall assess and collect fees and charges in accordance with paragraphs (2) and (3) in a manner that ensures that, to the maximum extent practicable, the amount assessed and collected is equal to an amount that approximates—

(i) the total budget authority of the Commission for that fiscal year; less

(ii) the budget authority of the Commission for the activities described in subparagraph (B).

(B) EXCLUDED ACTIVITIES DESCRIBED.—The activities referred to in subparagraph (A)(ii) are the following:

(i) Any fee-relief activity, as identified by the Commission.

(ii) Amounts appropriated for the fiscal year to the Commission—

(I) from the Nuclear Waste Fund established under section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c));

(II) for implementation of section 3116 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2601 note; Public Law 108–375);

(III) for the homeland security activities of the Commission (other than for the costs of fingerprinting and background checks required under section 149 of the Atomic Energy Act of 1954 (42 U.S.C. 2169) and the costs of conducting security inspections);

(IV) for the Inspector General services of the Commission provided to the Defense Nuclear Facilities Safety Board;

(V) for the partnership program with institutions of higher education established under section 244 of the Atomic Energy Act of 1954 (42 U.S.C. 2015c); and

(VI) for the scholarship and fellowship programs under section 243 of the Atomic Energy Act of 1954 (42 U.S.C. 2015b).

(iii) Costs for activities related to the development of regulatory infrastructure for advanced nuclear reactor technologies (which may not exceed $10,300,000).

(C) EXCEPTION.—The exclusion described in subparagraph (B)(iii) shall cease to be effective on January 1, 2026.

(D) REPORT.—Not later than December 31, 2023, the Commission shall submit to the Committee on Appropriations and the Committee on Environment and Public Works of the Senate and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives a report describing the views of the Commission on the continued appropriateness and necessity of funding for the activities described in subparagraph (B)(iii).

(2) FEES FOR SERVICE OR THING OF VALUE.—In accordance with section 9701 of title 31, United States Code, the Commission shall assess and collect fees from any person who receives a service or thing of value from the Commission to cover the costs to the Commission of providing the service or thing of value.

(3) ANNUAL CHARGES.—

(A) IN GENERAL.—Subject to subparagraph (B) and except as provided in subparagraph (D), the Commission may charge to any licensee or certificate holder of the Commission an annual charge in addition to the fees set forth in paragraph (2).

(B) CAP ON ANNUAL CHARGES OF CERTAIN LICENSEES.—

(i) OPERATING REACTORS.—The annual charge under subparagraph (A) charged to an operating reactor licensee, to the maximum extent practicable, shall not exceed the annual fee amount per operating reactor licensee established in the final rule of the Commission entitled ''Revision of Fee Schedules; Fee Recovery for Fiscal Year 2015'' (80 Fed. Reg. 37432 (June 30, 2015)), as may be adjusted annually by the Commission to reflect changes in the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor.

(ii) FUEL FACILITIES.—

(I) IN GENERAL.—The total annual charges under subparagraph (A) charged to fuel facility licensees, to the maximum extent practicable, shall not exceed an amount that is equal to the total annual fees collected from the fuel facilities class under the final rule of the Commission entitled ''Revision of Fee Schedules; Fee Recovery for Fiscal Year 2016'' (81 Fed Reg. 41171 (June 24, 2016)), which amount may be adjusted annually by the Commission to reflect changes in the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor.

(II) EXCEPTION.—Subclause (I) shall not apply if the number of licensed facilities classified by the Commission as fuel facilities exceeds seven.

(III) CHANGES TO ANNUAL CHARGES.—Any change in an annual charge under subparagraph (A) charged to a fuel facility licensee shall be based on—

(aa) a change in the regulatory services provided with respect to the fuel facility; or

(bb) an adjustment described in subclause (I).

(iii) WAIVER.—The Commission may waive, for a period of 1 year, the cap on annual charges described in clause (i) or (ii) if the Commission submits to the Committee on Appropriations and the Committee on Environment and Public Works of the Senate and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives a written determination that the cap on annual charges may compromise the safety and security mission of the Commission.

(C) AMOUNT PER LICENSEE.—

(i) IN GENERAL.—The Commission shall establish by rule a schedule of annual charges fairly and equitably allocating the aggregate amount of charges described in clause (ii) among licensees and certificate holders.

(ii) AGGREGATE AMOUNT.—For purposes of this subparagraph, the aggregate amount of charges for a fiscal year shall equal an amount that approximates—

(I) the amount to be collected under paragraph (1)(A) for the fiscal year; less

(II) the amount of fees to be collected under paragraph (2) for the fiscal year.

(iii) REQUIREMENT.—The schedule of charges under clause (i)—

(I) to the maximum extent practicable, shall be reasonably related to the cost of providing regulatory services; and

(II) may be based on the allocation of the resources of the Commission among licensees or certificate holders or classes of licensees or certificate holders.

(D) EXEMPTION.—Subparagraph (A) shall not apply to the holder of any license for a federally owned research reactor used primarily for educational training and academic research purposes.

(c) PERFORMANCE AND REPORTING.—

(1) IN GENERAL.—The Commission shall develop for the requested activities of the Commission—

(A) performance metrics; and
(B) milestone schedules.

(2) DELAYS IN ISSUANCE OF FINAL SAFETY EVALUATION.—If the final safety evaluation for a requested activity of the Commission is not completed by the completion date required by the performance metrics or milestone schedule under paragraph (1), the Executive Director for Operations of the Commission shall, not later than 30 days after such required completion date, inform the Commission of the delay.

(3) DELAYS IN ISSUANCE OF FINAL SAFETY EVALUATION EXCEEDING 180 DAYS.—If a final safety evaluation described in paragraph (2) is not completed by the date that is 180 days after the completion date required by the performance metrics or milestone schedule under paragraph (1), the Commission shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a timely report describing the delay, including a detailed explanation accounting for the delay and a plan for timely completion of the final safety evaluation.

(d) ACCURATE INVOICING.—With respect to invoices for fees charged under subsection (b)(2), the Commission shall—

(1) ensure appropriate review and approval prior to the issuance of invoices;

(2) develop and implement processes to audit invoices to ensure accuracy, transparency, and fairness; and

(3) modify regulations to ensure fair and appropriate processes to provide licensees and applicants an opportunity to efficiently dispute or otherwise seek review and correction of errors in invoices for such fees.

(e) REPORT.—Not later than September 30, 2022, the Commission shall submit to the Committee on Appropriations and the Committee on Environment and Public Works of the Senate and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives a report describing the implementation of this section, including any effects of such implementation and recommendations for improvement.

(f) DEFINITIONS.—In this section:

(1) ADVANCED NUCLEAR REACTOR.—The term ''advanced nuclear reactor'' means a nuclear fission or fusion reactor, including a prototype plant (as defined in sections 50.2 and 52.1 of title 10, Code of Federal Regulations), with significant improvements compared to commercial nuclear reactors under construction as of the date of enactment of this Act, including improvements such as—

(A) additional inherent safety features;
(B) significantly lower levelized cost of electricity;
(C) lower waste yields;
(D) greater fuel utilization;
(E) enhanced reliability;
(F) increased proliferation resistance;
(G) increased thermal efficiency; or
(H) ability to integrate into electric and nonelectric applications.

(2) COMMISSION.—The term ''Commission'' means the Nuclear Regulatory Commission.

(3) CORPORATE SUPPORT COSTS.—The term ''corporate support costs'' means expenditures for acquisitions, administrative services, financial management, human resource management, information management, information technology, policy support, outreach, and training.

(4) RESEARCH REACTOR.—The term ''research reactor'' means a nuclear reactor that—

(A) is licensed by the Commission under section 104 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2134(c)) for operation at a thermal power level of not more than 10 megawatts; and

(B) if so licensed for operation at a thermal power level of more than 1 megawatt, does not contain—

(i) a circulating loop through the core in which the licensee conducts fuel experiments;

(ii) a liquid fuel loading; or

(iii) an experimental facility in the core in excess of 16 square inches in cross-section.

(5) REQUESTED ACTIVITY OF THE COMMISSION.—The term ''requested activity of the Commission'' means—

(A) the processing of applications for—
(i) design certifications or approvals;
(ii) licenses;
(iii) permits;
(iv) license amendments;
(v) license renewals;
(vi) certificates of compliance; and
(vii) power uprates; and

(B) any other activity requested by a licensee or applicant.

(g) EFFECTIVE DATE.—This section takes effect on October 1, 2020.

SEC. 4. STUDY ON ELIMINATION OF FOREIGN LICENSING RESTRICTIONS.

Not later than 18 months after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report containing the results of a study on the feasibility and implications of repealing restrictions under sections 103 d. and 104 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(d); 2134(d)) on issuing licenses for certain nuclear facilities to an alien or an entity owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government.

SEC. 5. STUDY ON THE IMPACT OF THE ELIMINATION OF MANDATORY HEARING FOR UNCONTESTED LICENSING APPLICATIONS.

Not later than 18 months after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report containing the results of a study on the effects of eliminating the hearings required under section 189 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2239(a)) for an application under section 103 or section 104 b. of such Act for a construction permit for a facility in the absence of a request of any person whose interest may be affected by the proceeding.

SEC. 6. INFORMAL HEARING PROCEDURES.

Section 189 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2239(a)) is amended by adding at the end the following:

''(3) The Commission may use informal adjudicatory procedures for any hearing required under this section for which the Commission determines that adjudicatory procedures under section 554 of title 5, United States Code, are unnecessary.''.

SEC. 7. APPLICATION REVIEWS FOR NUCLEAR ENERGY PROJECTS.

Section 185 of the Atomic Energy Act of 1954 (42 U.S.C. 2235) is amended by adding at the end the following:

''c. APPLICATION REVIEWS FOR NUCLEAR ENERGY PROJECTS.—

''(1) STREAMLINING LICENSE APPLICATION REVIEW.—With respect to an application that is docketed seeking issuance of a construction permit, operating license, or combined construction permit and operating license for a production or utilization facility, the Commission shall include the following procedures:

''(A) Undertake an environmental review process and issue any draft environmental impact statement to the maximum extent practicable within 24 months after the application is accepted for docketing.

''(B) Complete the technical review process and issue any safety evaluation report and any final environmental impact statement to the maximum extent practicable within 42 months after the application is accepted for docketing.

''(2) EARLY SITE PERMIT.—

''(A) SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT.—In a proceeding for a combined construction permit and operating license for a site for which an early site permit has been issued, any environmental impact statement prepared by the Commission and cooperating agencies shall be prepared as a supplement to the environmental impact statement prepared for the early site permit.

''(B) INCORPORATION BY REFERENCE.—The supplemental environmental impact statement shall—

''(i) incorporate by reference the analysis, findings, and conclusions from the environmental impact statement prepared for the early site permit; and

''(ii) include additional discussion, analyses, findings, and conclusions on matters resolved in the early site permit proceeding only to the extent necessary to address information that is new and significant in that the information would materially change the prior findings or conclusions.

''(3) PRODUCTION OR UTILIZATION FACILITY LOCATED AT AN EXISTING SITE.—In reviewing an application for an early site permit, construction permit, operating license, or combined construction permit and operating license for a production or utilization facility located at the site of a licensed production or utilization facility, the Commission shall, to the extent practicable, use information that was part of the licensing basis of the licensed production or utilization facility.

''(4) REGULATIONS.—The Commission shall initiate a rulemaking, not later than 1 year after the date of enactment of the Nuclear Utilization of Keynote Energy Act, to amend the regulations of the Commission to implement this subsection.

''(5) ENVIRONMENTAL IMPACT STATEMENT DEFINED.—In this subsection, the term 'environmental impact statement' means a detailed statement required under section 102(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(C)).

''(6) RELATIONSHIP TO OTHER LAW.—Nothing in this subsection exempts the Commission from any requirement for full compliance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).''.

SEC. 8. REPORT IDENTIFYING BEST PRACTICES FOR ESTABLISHMENT AND OPERATION OF LOCAL COMMUNITY ADVISORY BOARDS.

(a) BEST PRACTICES REPORT.—Not later than 18 months after the date of enactment of this Act, the Nuclear Regulatory Commission shall submit to Congress, and make publicly available, a report identifying best practices with respect to the establishment and operation of a local community advisory board to foster communication and information exchange between a licensee planning for and involved in decommissioning activities and members of the community that decommissioning activities may affect, including lessons learned from any such board in existence before the date of enactment of this Act.

(b) CONTENTS.—The report described in subsection (a) shall include—

(1) a description of—

(A) the topics that could be brought before a local community advisory board;

(B) how such a board's input could be used to inform the decision-making processes of stakeholders for various decommissioning activities;

(C) what interaction such a board could have with the Nuclear Regulatory Commission and other Federal regulatory bodies to

support the board members' overall understanding of the decommissioning process and promote dialogue between the affected stakeholders and the licensee involved in decommissioning activities; and

(D) how such a board could offer opportunities for public engagement throughout all phases of the decommissioning process;

(2) a discussion of the composition of a local community advisory board; and

(3) best practices relating to the establishment and operation of a local community advisory board, including—

(A) the time of establishment of such a board;

(B) the frequency of meetings of such a board;

(C) the selection of board members;

(D) the term of board members;

(E) the responsibility for logistics required to support such a board's meetings and other routine activities; and

(F) any other best practices relating to such a local community advisory board that are identified by the Commission.

(c) CONSULTATION.—In developing the report described in subsection (a), the Nuclear Regulatory Commission shall consult with any host State, any community within the emergency planning zone of an applicable nuclear facility, and any existing local community advisory board.

SEC. 9. REPORT ON STUDY RECOMMENDATIONS.

Not later than 90 days after the date of enactment of this Act, the Nuclear Regulatory Commission shall submit to Congress a report on the status of addressing and implementing the recommendations contained in the memorandum of the Executive Director of Operations of the Commission entitled ''Tasking in Response to the Assessment of the Considerations Identified in a 'Study of Reprisal and Chilling Effect for Raising Mission-Related Concerns and Differing Views at the Nuclear Regulatory Commission''' and dated June 19, 2018 (ADAMS Accession No.: ML18165A296).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. OLSON) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

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

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

There was no objection.

□ 1530

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

Mr. Speaker, H.R. 1320, the Nuclear Utilization of Keynote Energy Act is a bipartisan bill. The NUKE Act, as it is known, was sponsored by my Energy and Commerce friends, ADAM KINZINGER from Illinois and MIKE DOYLE from Pennsylvania. The bill went through regular order in the committee. With only one single amendment, it went through the full committee by a voice vote.

The NUKE Act makes targeted reforms to the Nuclear Regulatory Commission. It reforms the fee structure, which, at present, threatens to increase the financial burden of our Nation's nuclear fleet, nuclear suppliers, and those working on cutting-edge technology. This will be critical in the coming years as a large number of reactors are taken out of service.

The bill also streamlines some of the licensing steps and other rules at the NRC. It means Congress will get useful information for oversight so we can find even more steps to keep the NRC on track. We need to make sure the old rules on nuclear power, dating back as far as the 1960s, still makes sense today.

Overall, H.R. 1320 will help the nuclear industry with more clear and straightforward rules. And in doing so, average Americans and companies, large and small, will benefit. Nuclear technology can be part of the future for industry, medicine, and clean energy. Nuclear power is unique. It is the only baseload power we have that has no hydrocarbon emissions, zero. We also make sure that global leadership on nuclear power stays right here in America. That is important not just for jobs but for our national security.

There is no question that nuclear power in America is flying into a headwind, but there is also no question that the industry provides important and sometimes underappreciated benefits to America. Congress can help lighten the burden while still making nuclear power the safest in the industry.

H.R. 1320 is a key piece of this effort to ensure we have a robust nuclear industry going forward. I urge my colleagues to support this bill.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in support of H.R. 1320, the Nuclear Utilization of Keynote Energy Act. This bill makes commonsense revisions to the Nuclear Regulatory Commission, or NRC's licensing process that can ease the financial pressure on the nuclear industry without jeopardizing safety or the environment.

Specifically, the bill makes a number of changes to the NRC's budget process and fee structure, most significantly by limiting the fees charged to innovate and advance nuclear reactor projects.

An important component of the bill requires NRC to report back to Congress on the commission's actions to address instances of employees facing reprisal for raising safety concerns that differ from the commission's position on a particular licensing action.

A recent internal NRC report identified several troubling cases of NRC employees, who raised safety issues, being passed over for promotions or being excluded from work activities by management. This can't stand, and I am pleased that this bill will take steps toward addressing this unacceptable situation.

The bill also requires NRC to report to Congress on best practices for community engagement in regions where a nuclear power plant has shut down and is going through the decommissioning process. This is particularly important in my home State of New Jersey where the Oyster Creek Nuclear Generating Station ceased operations last week.

I appreciate the efforts of the sponsors of this bill, Representatives DOYLE and KINZINGER, to work with Ranking Member RUSH and me to make important changes to their original draft bill that significantly improved the legislation. I commend Mr. DOYLE and Mr. KINZINGER for their efforts.

Madam Speaker, I reserve the balance of my time.

Mr. OLSON. Madam Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. WALDEN), the chairman of the full Energy and Commerce Committee.

Mr. WALDEN. Madam Speaker, I thank my colleagues on both sides of the aisle for their great work on the Nuclear Utilization of Keynote Energy Act, H.R. 1320. I especially thank the gentleman from Texas (Mr. OLSON), who is one of our real leaders on energy issues writ large on the Energy and Commerce Committee.

By any measure, atomic energy has brought tremendous benefits to the Nation. It has provided a baseload, emissions-free source of electricity that has powered homes and industry over the past half century. It has provided an infrastructure for our national and international security—from the technologies and fuels for our nuclear Navy, to the safety and security for civilian nuclear power the world over.

However, a confluence of factors—abundant natural gas, power market designs, economic and regulatory burdens—they have all inhibited the Nation's nuclear industry over the past 10 years.

So the challenge confronting Congress is how to preserve and enhance the beneficial use of atomic energy for future generations. To continue to harvest the economic and national security benefits associated with our domestic nuclear energy infrastructure, we must take steps to update the relevant policies. So these policies must be forward looking to enable innovation and the development and deployment of new, advanced nuclear technologies.

This bipartisan bill by Mr. KINZINGER and Mr. DOYLE updates the Nuclear Regulatory Commission's fee structure for the first time in nearly 20 years, Madam Speaker. It reflects thoughtful work on both sides of the aisle to achieve really good public policy.

H.R. 1320 establishes reasonable and predictable timeframes for regulatory decisions so that companies like Oregon-based NuScale Power can develop business plans to commercialize new nuclear technologies while also protecting future consumers from high regulatory costs.

I commend my colleagues on both sides of the aisle for their great work on yet another piece of legislation out of the Energy and Commerce Committee, and I urge my colleagues to support H.R. 1320.

Mr. PALLONE. Madam Speaker, I yield as much time as he may consume to the gentleman from Pennsylvania (Mr. MICHAEL F. DOYLE), my colleague on the committee.

Mr. MICHAEL F. DOYLE of Pennsylvania. Madam Speaker, I thank Mr. PALLONE. I appreciate the opportunity to speak about the Nuclear Utilization of Keynote Energy Act, or the NUKE Act. I thank my colleague, ADAM KINZINGER, for introducing this bill and working with me to advance it. I also thank Chris Bowman and Claire Borzner from my staff, as well as Mr. KINZINGER's staff, and the Energy and Commerce Committee staff for their diligent work to get this bill to the floor.

This legislation is very timely as the nuclear industry is facing pressure from a variety of factors. Nuclear energy provides nearly 40 percent of Pennsylvania's electricity, and it employs thousands of skilled workers in Pennsylvania.

However, increasing NRC fees and uncertainty in the nuclear export process threaten this carbon-free and reliable source of baseload power. Addressing some of these issues is necessary to protect jobs in Pennsylvania and across the country, as well as to meet our Nation's climate goals.

This bipartisan legislation will take important steps to modernize the NRC's fee structure, set achievable and flexible timelines for application reviews, and look to future reforms that will ensure the NRC can continue to effectively protect public health and safety.

The bill addresses a serious reality facing the nuclear industry. As nuclear power plants retire, the remaining fleet will be faced with increasing fees from the NRC. We need to support our existing nuclear plants while ensuring that the NRC is able to fulfill its mission, and I believe that this legislation accomplishes those goals.

So once again, I thank Mr. KINZINGER for his work, and I urge my colleagues to support this important legislation.

Mr. OLSON. Madam Speaker, I yield as much time as he may consume to the gentleman from Illinois (Mr. KINZINGER), the author of the bill.

Mr. KINZINGER. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise in strong support of this bill, H.R. 1320, the Nuclear Utilization of Keystone Energy Act, which I proudly introduced with my colleague, MIKE DOYLE. I want to also share my compliments to his staff and my staff working together very well on hammering out a lot of the technical issues and getting this done. It shows that hard work matters.

The United States is home to nine nuclear power plants—my district has four of those—which provide reliable, carbon-free electricity to thousands of American homes and businesses.

Unfortunately, nuclear power is at a critical impasse, and many of these plants are facing early retirements, which means a loss of clean energy, good jobs, and our global leadership on vital issues like safety and nonproliferation.

This legislation, the NUKE Act, makes commonsense reforms to increase transparency, predictability, and accountability at the NRC. Because nuclear plants pay to be regulated by the NRC, these reforms, including a predictable fee recovery structure, caps on annual fees, and keeping overhead costs in line with similar Federal agencies, will not only increase stability at our operating plants, but it will also pave the way for the next generation of nuclear technology.

I also think it is important to point out that many times in the energy battle, we sometimes find out we needed to do something when it is too late and you spend a lot of time playing catchup. This is a proactive way to make sure we maintain this strong fleet of which America is a leader.

In closing, I urge my colleagues to join me and Congressman DOYLE in supporting H.R. 1320, the NUKE Act, and help ensure a safe and strong future for American nuclear power.

Mr. PALLONE. Madam Speaker, I urge my colleagues to support this bipartisan initiative, and I yield back the balance of my time.

Mr. OLSON. Madam Speaker, the ranking member of the full committee said it just perfectly: Support this bill. It is a good bipartisan bill.

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

The SPEAKER pro tempore (Mrs. BROOKS of Indiana). The question is on the motion offered by the gentleman from Texas (Mr. OLSON) that the House suspend the rules and pass the bill, H.R. 1320, 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.

STRATEGIC PETROLEUM RESERVE REFORM ACT

Mr. BARTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6511) to authorize the Secretary of Energy to carry out a program to lease underutilized Strategic Petroleum Reserve facilities, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6511

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 ''Strategic Petroleum Reserve Reform Act''.

SEC. 2. USE OF UNDERUTILIZED STRATEGIC PETROLEUM RESERVE FACILITIES.

Section 168 of the Energy Policy and Conservation Act (42 U.S.C. 6247a) is amended to read as follows:

''SEC. 168. USE OF UNDERUTILIZED FACILITIES.

''(a) AUTHORITY.—Notwithstanding any other provision of this title, the Secretary may establish and carry out a program to lease underutilized Strategic Petroleum Reserve storage facilities and related facilities to the private sector, or a foreign government or its representative. Petroleum products stored under this section are not part of the Strategic Petroleum Reserve.

''(b) PROTECTION OF FACILITIES.—Any lease entered into under the program established under subsection (a) shall contain provisions providing for fees to fully compensate the United States for all related costs of storage and removals of petroleum products (including the proportionate cost of replacement facilities necessitated as a result of any withdrawals) incurred by the United States as a result of such lease.

''(c) ACCESS BY THE UNITED STATES.—The Secretary shall ensure that leasing of facilities under the program established under subsection (a) does not impair the ability of the United States to withdraw, distribute, or sell petroleum products from the Strategic Petroleum Reserve in response to an energy emergency or to the obligations of the United States under the Agreement on an International Energy Program.

''(d) NATIONAL SECURITY.—The Secretary shall ensure that leasing of facilities under the program established under subsection (a) to a foreign government or its representative will not impair national security.

''(e) DEPOSITS OF AMOUNTS RECEIVED.—

''(1) IN GENERAL.—Except as provided in paragraph (2), amounts received through the leasing of facilities under the program established under subsection (a) shall be deposited in the general fund of the Treasury during the fiscal year in which such amounts are received.

''(2) COSTS.—The Secretary may use for costs described in subsection (b) (other than costs described in subsection (f)), without further appropriation, amounts received through the leasing of facilities under the program established under subsection (a).

''(f) PREPARATION OF FACILITIES.—The Secretary shall only use amounts available in the Energy Security and Infrastructure Modernization Fund established by section 404 of the Bipartisan Budget Act of 2015 for costs described in subsection (b) of this section that relate to addition of facilities or changes to facilities or facility operations necessary to lease such facilities, including costs related to acquisition of land, acquisition of ancillary facilities and equipment, and site development, and other necessary costs related to capital improvement.''.

SEC. 3. PILOT PROGRAM TO LEASE STRATEGIC PETROLEUM RESERVE FACILITIES.

(a) IN GENERAL.—Part B of title I of the Energy Policy and Conservation Act (42 U.S.C. 6231 et seq.) is amended by adding at the end the following:

''SEC. 170. PILOT PROGRAM TO LEASE STORAGE AND RELATED FACILITIES.

''(a) ESTABLISHMENT.—In carrying out section 168 and not later than 180 days after the date of enactment of the Strategic Petroleum Reserve Reform Act, the Secretary shall establish and carry out a pilot program to make available for lease—

''(1) capacity for storage of up to 200,000,000 barrels of petroleum products at Strategic Petroleum Reserve storage facilities; and

''(2) related facilities.

''(b) CONTENTS.—In carrying out the pilot program established under subsection (a), the Secretary shall—

''(1) identify appropriate Strategic Petroleum Reserve storage facilities and related facilities to lease, in order to make maximum use of such facilities;

''(2) identify and implement any changes to facilities or facility operations necessary to so lease such facilities, including any such changes necessary to ensure the long-term structural viability and use of the facilities for purposes of this part and part C;

''(3) make such facilities available for lease; and

''(4) identify environmental effects, including benefits, of leasing storage facilities and related facilities.

''(c) REPORT.—Not later than 1 year after the date of enactment of the Strategic Petroleum Reserve Reform Act, the Secretary shall submit to Congress a report on the status of the pilot program established under subsection (a).''.

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy and Conservation Act is amended by adding after the item relating to section 169 the following:

''Sec. 170. Pilot program to lease storage and related facilities.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BARTON. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and insert extraneous materials in the RECORD on this bill.

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

There was no objection.

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

Madam Speaker, in 1995, President Ford signed a bill to ban the sale of crude oil overseas. Two years ago, we repealed that ban, and, last month, we were exporting some days 3 million barrels of oil per day.

□ 1545

We have gone from a nation that was importing up to 80 percent of our oil to a nation that, today, if we absolutely had to, could be totally energy independent.

Because of the Arab oil embargo in the early 1970s, a little before President Ford signed the bill that said you couldn't export crude oil, we established a Strategic Petroleum Reserve. The idea was that we wanted to store oil in underground caverns—crude oil—so that, if there were another supply disruption, we would have the crude oil even if the OPEC cartel cut off oil shipments to the United States.

We have authorized up to a billion barrels of crude oil in this reserve, and there is currently a little under 700 million barrels. But, Madam Speaker, we don't need 700 million barrels of crude oil today because, as I have just pointed out, when we allowed crude oil to be exported, we unleashed a drilling boom in the United States that has driven our oil production on a daily basis from around 6 million barrels of oil per day to, this past month, 11 million barrels of oil per day.

So, hence, the idea embodied in H.R. 6511, cosponsored by my good friend from Chicago, Democrat BOBBY RUSH. It is pretty straightforward.

We have quite a bit of excess capacity right now in the Strategic Petroleum Reserve. We have authorized the sale of about 300 million barrels between now and 2028. If that oil is actually sold, we will have almost half of the SPR without any crude oil in it. So why not set up a program and authorize the Department of Energy to put that vacant space up for bid?

Oil producers all over the United States are scrambling for ways to store all the oil that we are producing while it is waiting to be refined or shipped overseas.

This is not a mandatory program. We are not mandating that the private sector has to lease the space. What we are saying is, if the private sector wants to negotiate with the Strategic Petroleum Reserve managers, and it is a good deal for both sides, they can.

We currently—now, this number may not be exactly right, Madam Speaker, but we spend about $200 million a year, I believe, to store the oil that we are storing in the reserve, that is owned by the taxpayers.

If you have vacant space and you allow the private sector to use that vacant space and you charge whatever the market rate is for the private sector to put oil in the reserve for a short term, those funds will offset the cost of storing the government-owned oil. They will also offset the cost of maintaining the reserve, and they will offset the cost of improving the Strategic Petroleum Reserve.

Again, this is not a mandatory program, so we believe that this bill, H.R. 6511, is a win-win. It helps the taxpayers because it might generate some revenue that could be used to offset the cost of maintaining the reserve as it exists. It might save the private sector some money if they decide to utilize it.

And it might—and I would say, probably will—make our energy sector more efficient because the private sector, should they choose to participate in this program, doesn't have to go out and build above-ground storage and maintain the above-ground storage. They can use the existing capacity that has already been hollowed out on the Gulf Coast of the United States that is very conveniently located adjacent to our refineries and/or to our export terminals; and that will, overall, lower costs of the whole system and end up being a win for the consumer both in the United States and overseas. So I would hope that, when the time comes later today, we will pass this unanimously.

I want to thank, again, my original Democratic sponsor, Congressman RUSH of Chicago, Illinois. I want to thank the subcommittee chairman, FRED UPTON of Michigan; the full committee chairman, GREG WALDEN of Oregon; and the full committee ranking member, who is on the floor, Mr. PALLONE of New Jersey.

We have all worked on a bipartisan basis to pass this, and we think that is why we have put it on the suspension calendar.

As you know, Madam Speaker, suspension bills have to get a two-thirds vote, and I am hoping that this bill gets a 100 percent vote. It is a good bill. It is a win-win.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in support of H.R. 6511, the Strategic Petroleum Reserve Reform Act. This bill would set up a pilot program to facilitate the leasing of unused storage space in the Strategic Petroleum Reserve, or SPR, while attempting to ensure that the government and taxpayers benefit from these leases. This is a worthy cause, and I commend Representatives BARTON and RUSH for their efforts.

In recent years, Congress has turned to the SPR repeatedly as an offset for deficits, transportation funding, and other items. In fact, it has been used far more in recent years for those purposes than for energy security. And these SPR sales, which will occur over the next several years, will free up a great deal of physical space in the reserve. This bill puts that empty space to good use.

The bill is part of our committee's ongoing efforts to modernize the SPR. Going forward, we need to rethink its whole structure, including exploring the authorization of regional refined product reserves.

Today, there are two regional supply reserves, both serving the Northeastern States: The Northeast Home Heating Oil Reserve and the Northeast Gasoline Supply Reserve.

The Northeast Home Heating Oil Reserve was created by our committee in the Energy Act of 2000; and the Northeast Gasoline Supply Reserve was created by President Obama and Energy Secretary Moniz in the wake of Hurricane Sandy, using authorities provided to the Secretary in section 171 of the Energy Policy and Conservation Act.

President Trump has proposed eliminating the Northeast Gasoline Supply Reserve, and I think that is a mistake. I remain committed to authorizing the existing gasoline reserve in statute, and I am convinced that regional reserves are a critical component of any SPR modernization effort.

Madam Speaker, I believe other regions should benefit, or could benefit greatly, from having a refined product reserve. This is particularly true for the Southeast, which is extremely supply constrained. A Southeast regional reserve could provide relief and flexibility in the event of a natural disaster in the region itself or in the Gulf States that supply the Southeast region with refined product.

Now, expanding the number of regional reserves is something that we must do in the future, but I believe this legislation is a good step forward on

the road to SPR modernization, and so I do urge my colleagues to support this bill.

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

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

Madam Speaker, I have been in Congress for 34 years. I am about to retire at the end of this session. I have been on the House floor with many tumultuous battles. I have watched the fight over the Keystone pipeline, drilling in ANWR up in Alaska. My good friend, Senator MARKEY of Massachusetts, when he was in the House, would come to the floor with his chart, an oil well drilling into the Social Security trust fund.

It is refreshing, Madam Speaker, to be on the floor today in the spirit of bipartisanship where we are all for something which I think really is good for the American people, good for the taxpayer, and good for the consumer.

This is on suspension, so, obviously, we have to have a huge vote. I hope we get it. It looks like we will since we don't have any other speakers.

I would urge a ''yes'' vote, Madam Speaker. Let's do something good for America. Let's vote for this bill. Please vote ''yes'' on H.R. 6511 when the vote is called.

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

Mr. WALDEN. Madam Speaker, I rise in support of H.R. 6511, the Strategic Petroleum Reserve Reform Act. This bill is another product of the Energy and Commerce Committee's ongoing and bipartisan work to modernize the Department of Energy.

The Committee's DOE modernization efforts are focused on ensuring the Department can more ably address current and future domestic and international energy and security challenges. These challenges range from maintaining nuclear safety and security to protecting the reliable supply and delivery of energy, and they require a DOE that has the appropriate organization, management focus, and authorities to succeed.

H.R. 6511 was developed by Vice Chairman BARTON and Ranking Member RUSH to modernize the forty-year-old Strategic Petroleum Reserve, so it's prepared to protect our Nation from energy disruptions in the decades ahead.

H.R. 6511 authorizes DOE to lease underutilized storage capacity, which will become available in increasing amounts as DOE conducts mandated drawdowns over the next several years. Rather than have DOE maintain empty caverns at considerable taxpayer expense, H.R. 6511 will allow DOE to develop the spare capacity, attracting much needed capital investments for additional improvements. H.R. 6511 will preserve the SPR's existing capacity, generate revenue for upgrades and maintenance, and improve the operational readiness of the entire SPR complex. H.R. 6511 is truly a win-win, and a perfect example of our bipartisan DOE modernization effort.

I especially want to thank Mr. BARTON for his work on this bill. He has been at the forefront of so many defining moments relating to energy security. From his leadership as Chairman of the Energy and Commerce Committee during passage of the Energy Policy Act of 2005, to his tireless efforts to repeal the ban on crude oil exports, his work on this bill contributes to the great legacy he leaves behind at the Energy and Commerce Committee—and in the United States Congress. I urge my colleagues to join me in supporting H.R. 6511.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the bill, H.R. 6511, 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.

REAUTHORIZING WEST VALLEY DEMONSTRATION PROJECT

Mr. MCKINLEY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2389) to reauthorize the West Valley demonstration project, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2389

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

SECTION 1. WEST VALLEY DEMONSTRATION PROJECT.

(a) REAUTHORIZATION.—Section 3(a) of the West Valley Demonstration Project Act (Public Law 96–368; 42 U.S.C. 2021a note) is amended by striking ''$5,000,000 for the fiscal year ending September 30, 1981'' and inserting ''$75,000,000 for each of fiscal years 2019 through 2025''.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report that describes—

(1) the volumes, origins, and types of radioactive waste at the Western New York Service Center in West Valley, New York;

(2) what options have been identified for disposal of each such type of radioactive waste;

(3) what is known about the costs of, and timeframes for, each such option;

(4) the benefits and challenges of each such option, according to the State of New York and the Department of Energy; and

(5) as of the date of enactment of this Act—

(A) how much has been spent on the disposal of radioactive waste associated with the demonstration project prescribed by section 2(a) of the West Valley Demonstration Project Act; and

(B) what volumes and types of radioactive waste have been disposed of from the Western New York Service Center.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. MCKINLEY) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. MCKINLEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material in the RECORD on the bill.

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

There was no objection.

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

Madam Speaker, H.R. 2389 is a bill to reauthorize the West Valley demonstration project, which was introduced in May of 2017 by our New York colleague, TOM REED.

The bipartisan legislation moved through the Energy and Commerce Committee by regular order, including legislative hearings and markups, as part of our broad nuclear waste management agenda. It was reported to the full committee, with a bipartisan amendment, by a voice vote.

Let me thank the ranking member of the Subcommittee on the Environment, Mr. TONKO, for working closely with us on this legislation.

H.R. 2389, as amended, authorizes appropriations to support the Department of Energy's environmental remediation at its West Valley cleanup site in New York through 2025. It also directs a study to help Congress determine the final disposition of the radioactive waste that DOE is cleaning up at the site.

H.R. 2389 also continues the work of this Congress to address the Federal Government's obligation for treatment and disposal of the legacy waste produced during the Cold War and through the Federal Government's early efforts to develop a civilian nuclear energy industry.

The Department of Energy has successfully remediated 92 sites of this waste, but the most technologically challenging projects remain in place at 17 locations, one of which is the West Valley site.

In 1980, Congress passed the West Valley demonstration project to direct DOE to address legacy environmental issues and authorized the appropriations, however, only through fiscal year 1981. The project has not been reauthorized since that time, despite Congress funding DOE's work at the site for the past 37 years. H.R. 2389 corrects this situation and provides a path to answering important questions concerning waste disposition and ensures spending at the site is subject to an active authorization.

I urge all Members to support this important legislation, and I reserve the balance of my time.

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

Madam Speaker, I rise in support of H.R. 2389, which reauthorizes the West Valley demonstration project.

The Western New York Service Center in West Valley, New York, has a unique history. The site is owned by New York State, but from 1966 to 1972 it was operated by a private business to reprocess spent nuclear fuel primarily provided by the Federal Government. Those reprocessing activities ended

decades ago, but high-level and transuranic waste continued to be stored at the site.

□ 1600

While a cost-sharing agreement between New York State and the Department of Energy has been resolved for the site's remediation, the ultimate disposal of the waste remains a point of contention. There have been ongoing disputes and legislative actions spanning from the 1980s through today, with DOE and New York State continuing to disagree over who should be responsible for paying for waste disposal. This disagreement has major consequences for how the waste can be disposed of and who will be responsible for covering the disposal costs.

H.R. 2389 would require a report by the Government Accountability Office, or GAO, to help clarify the origins of and disposal pathways for the waste, including cost estimates. The bill also reauthorizes the West Valley demonstration project at $75 million annually for 7 years, and this funding level is identical to the amount appropriated in fiscal year 2018 and will help ensure the cleanup continues on schedule.

While this bill does not settle the decades-old dispute between New York and DOE, it takes positive steps towards the site's remediation and attempts to move the ball forward to ensure that wastes are disposed of properly.

Madam Speaker, I want to thank Representative TONKO, the ranking member of the committee's Environment Subcommittee, for his work on this bill, and commend both him and the bill's sponsor for their efforts.

Madam Speaker, I urge my colleagues to support this important legislation, and I reserve the balance of my time.

Mr. MCKINLEY. Madam Speaker, I yield 5 minutes to the gentleman from New York (Mr. REED).

Mr. REED. Madam Speaker, I rise today in strong support of the pending legislation before our body.

Madam Speaker, I would like to take a moment to thank the gentleman from West Virginia as well as my colleagues on the other side of the aisle for their support and their articulation of the legislation and the need for this legislation. I would, in particular, like to thank my good colleague PAUL TONKO from New York, on the other side of the aisle, for working with us in a bipartisan way to get this legislation to reauthorize the West Valley Nuclear Site Reauthorization Act into law.

Madam Speaker, this legislation will provide clarity, additional steps that we can take, and give clarity to our area of New York that is impacted by this nuclear waste site, the folks who are working there on a day-in, day-out basis.

I have been to this site, Madam Speaker, multiple times. I have met with the managers of this site; I have met with the employees of this site; and they have worked tirelessly over the years to clean up this nuclear waste and this threat to our environment and to our communities, and I applaud their efforts.

Madam Speaker, I can attest to, firsthand, seeing the fruits of the work that have been done over the years that they have tended to West Valley and the surrounding community in order to address the threat from nuclear waste that exists there.

As we go forward, many years are still ahead of us in regard to the efforts to clean up that nuclear waste legacy that is located in our district in West Valley, New York. This legislation will give us clarity as to a future path that will be followed in order for us to continue the successful work there.

Madam Speaker, I encourage all Members to join us in supporting this legislation that will do great work to make sure that our environment is protected and that the legacy obligations of us as a government are attended to for a local community that is dealing with this issue.

Madam Speaker, to the Department of Energy and all the folks who work there, we say thank you.

I would like to thank, in particular, not only the Energy and Commerce Committee members, their staffs, but also the folks in our local community, such as Town of Ashford Supervisor Charles Davis and the local citizens task force that spent hours, upon days, upon years attending to this issue in their unwavering support in standing with us as we move forward on this legislation.

Madam Speaker, to West Valley Deputy General Manager Scott Anderson: Keep up the good work, and together we will clean up this site once and for all.

Madam Speaker, I ask all my colleagues to support this legislation.

Mr. PALLONE. Madam Speaker, I would just ask support from my colleagues to pass this legislation, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. MCKINLEY) that the House suspend the rules and pass the bill, H.R. 2389, 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.

PATIENT RIGHT TO KNOW DRUG PRICES ACT

Mr. CARTER of Georgia. Madam Speaker, I move to suspend the rules and pass the bill (S. 2554) to ensure that health insurance issuers and group health plans do not prohibit pharmacy providers from providing certain information to enrollees.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2554

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 ''Patient Right to Know Drug Prices Act''.

SEC. 2. PROHIBITION ON LIMITING CERTAIN INFORMATION ON DRUG PRICES.

Subpart II of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–11 et seq.) is amended by adding at the end the following:

''SEC. 2729. INFORMATION ON PRESCRIPTION DRUGS.

''(a) IN GENERAL.—A group health plan or a health insurance issuer offering group or individual health insurance coverage shall—

''(1) not restrict, directly or indirectly, any pharmacy that dispenses a prescription drug to an enrollee in the plan or coverage from informing (or penalize such pharmacy for informing) an enrollee of any differential between the enrollee's out-of-pocket cost under the plan or coverage with respect to acquisition of the drug and the amount an individual would pay for acquisition of the drug without using any health plan or health insurance coverage; and

''(2) ensure that any entity that provides pharmacy benefits management services under a contract with any such health plan or health insurance coverage does not, with respect to such plan or coverage, restrict, directly or indirectly, a pharmacy that dispenses a prescription drug from informing (or penalize such pharmacy for informing) an enrollee of any differential between the enrollee's out-of-pocket cost under the plan or coverage with respect to acquisition of the drug and the amount an individual would pay for acquisition of the drug without using any health plan or health insurance coverage.

''(b) DEFINITION.—For purposes of this section, the term 'out-of-pocket cost', with respect to acquisition of a drug, means the amount to be paid by the enrollee under the plan or coverage, including any cost-sharing (including any deductible, copayment, or coinsurance) and, as determined by the Secretary, any other expenditure.''.

SEC. 3. MODERNIZING THE REPORTING OF BIOLOGICAL AND BIOSIMILAR PRODUCTS.

Subtitle B of title XI of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) is amended—

(1) in section 1111—

(A) by redesignating paragraphs (3) through (8) as paragraphs (6) through (11), respectively;

(B) by inserting after paragraph (2) the following:

''(3) BIOSIMILAR BIOLOGICAL PRODUCT.—The term 'biosimilar biological product' means a biological product for which an application under section 351(k) of the Public Health Service Act is approved.

''(4) BIOSIMILAR BIOLOGICAL PRODUCT APPLICANT.—The term 'biosimilar biological product applicant' means a person who has filed or received approval for a biosimilar biological product under section 351(k) of the Public Health Service Act.

''(5) BIOSIMILAR BIOLOGICAL PRODUCT APPLICATION.—The term 'biosimilar biological product application' means an application for licensure of a biological product under section 351(k) of the Public Health Service Act.'';

(C) in paragraph (6), as so redesignated, by inserting '', or a biological product for which

an application is approved under section 351(a) of the Public Health Service Act'' before the period;

(D) in paragraph (7), as so redesignated—

(i) by striking ''paragraph (3)'' and inserting ''paragraph (6)'';

(ii) by inserting ''or a reference product in a biosimilar biological product application'' after ''ANDA''; and

(iii) by inserting ''or under section 351(a) of the Public Health Service Act'' before the period; and

(E) by adding at the end the following:

''(12) REFERENCE PRODUCT.—The term 'reference product' means a brand name drug for which a license is in effect under section 351(a) of the Public Health Service Act.'';

(2) in section 1112—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by inserting ''or a biosimilar biological product applicant who has submitted a biosimilar biological product application for which a statement under section 351(l)(3)(B)(ii)(I) of the Public Health Service Act has been provided'' after ''Federal Food, Drug, and Cosmetic Act''; and

(II) by inserting ''or the biosimilar biological product that is the subject of the biosimilar biological product application, as applicable'' after ''the ANDA''; and

(ii) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by inserting ''or a biosimilar biological product applicant'' after ''generic drug applicant'';

(II) in subparagraph (A)—

(aa) by striking ''marketing'' and inserting ''marketing,''; and

(bb) by inserting ''or the reference product in the biosimilar biological product application'' before ''involved'';

(III) in subparagraph (B), by inserting ''or of the biosimilar biological product for which the biosimilar biological product application was submitted'' after ''submitted''; and

(IV) by amending subparagraph (C) to read as follows:

''(C) as applicable—

''(i) the 180-day period referred to in section 505(j)(5)(B)(iv) of the Federal Food, Drug, and Cosmetic Act as it applies to such ANDA or to any other ANDA based on the same brand name drug; or

''(ii) the 1-year period referred to in section 351(k)(6)(A) of the Public Health Service Act as it applies to such biosimilar biological product application or to any other biosimilar biological product application based on the same brand name drug.''; and

(B) in subsection (b)—

(i) by amending paragraph (1) to read as follows:

''(1) REQUIREMENT.—

''(A) GENERIC DRUGS.—A generic drug applicant that has submitted an ANDA containing a certification under section 505(j)(2)(A)(vii)(IV) of the Federal Food, Drug, and Cosmetic Act with respect to a listed drug and another generic drug applicant that has submitted an ANDA containing such a certification for the same listed drug shall each file the agreement in accordance with subsection (c). The agreement shall be filed prior to the date of the first commercial marketing of either of the generic drugs for which such ANDAs were submitted.

''(B) BIOSIMILAR BIOLOGICAL PRODUCTS.—A biosimilar biological product applicant that has submitted a biosimilar biological product application for which a statement under section 351(l)(3)(B)(ii)(I) of the Public Health Service Act has been provided with respect to a reference product and another biosimilar biological product applicant that has submitted a biosimilar biological product application for which such a statement for the same reference product has been provided shall each file the agreement in accordance with subsection (c). The agreement shall be filed prior to the date of the first commercial marketing of either of the biosimilar biological products for which such biosimilar biological product applications were submitted.''; and

(ii) in paragraph (2)—

(I) by striking ''between two generic drug applicants is an agreement'' and inserting ''is, as applicable, an agreement between 2 generic drug applicants''; and

(II) by inserting '', or an agreement between 2 biosimilar biological product applicants regarding the 1-year period referred to in section 351(k)(6)(A) of the Public Health Service Act as it applies to the biosimilar biological product applications with which the agreement is concerned'' before the period;

(3) in section 1115, by striking ''or generic drug applicant'' each place such term appears and inserting '', generic drug applicant, or biosimilar biological product applicant''; and

(4) in section 1117, by striking '', or any agreement between generic drug applicants'' and inserting ''or a biosimilar biological product applicant, any agreement between generic drug applicants, or any agreement between biosimilar biological product applicants''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. CARTER) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. CARTER of Georgia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials in the RECORD on the bill.

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

There was no objection.

Mr. CARTER of Georgia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as the only pharmacist in Congress and a practicing pharmacist for over 30 years, this issue of an industry forcing the American people at the pharmacy counter hits incredibly close to home for me.

Pharmacy benefit managers, also known as PBMs, have put forth restrictions that debase the drug supply chain in the United States.

PBMs have existed for decades, but they have grown through mergers and acquisitions to be the middlemen for much drug coverage on formularies.

The hope was that PBMs would reduce administrative burdens and be able to negotiate drug prices, yet here we are today voting on two bills to stop them from intentionally defrauding patients. It is unfortunate that we have even reached the point where there needs to be a law passed that prohibits this type of behavior.

I appreciate that we are here today voting to sign these two Senate bills banning gag clauses into law; however, I think these bills could go further.

My bill, the Prescription Transparency Act, which was introduced earlier this year, deemed any contract containing gag clauses null and void. Furthermore, it applied to every single insured patient. And it not only ensured that patients were notified of the lowest price, but also of any less expensive generic equivalents that might be available to the patient.

My other piece of legislation, the Know the Cost Act, not only bans gag clauses in prescription drug plans for Medicare Advantage, Medicare part D, and individual and group insurance plans, but also informs beneficiaries about the consequences of paying out of pocket.

My bill received letters of support from the American Medical Association, the American Psychiatric Association, the Global Healthy Living Foundation, the National Association of Chain Drug Stores, and Rite Aid, a clearly diverse group of stakeholders all hoping to lower the price of prescription drugs.

States around the country have taken action to address gag clauses, with over 20 States having banned them and countless more considering it.

While we have worked through these bills, we have seen the wide-ranging impact it has had. We have even heard in a committee hearing from colleagues like Congresswoman DINGELL, who was initially told that her prescription would be $1,300 but then talked to her pharmacist and got an equivalent for $40.

I want to repeat that.

We have even heard in a committee hearing from colleagues like Congresswoman DINGELL, who was initially told that her prescription would be $1,300 but then talked to her pharmacist and got an equivalent for $40.

The discrepancy in costs should really be a wake-up call for how formularies are being impacted. Let's get this legislation passed so we can take on the other issues in this space.

While I am pleased that we are taking these important steps toward reining in PBMs and drug costs, I think there is still far more work ahead.

Again, Madam Speaker, I want to thank you for including these bills on the legislative calendar for today. I sincerely hope that you take the resounding national support for banning gag clauses in consideration in the future and allow patients to regain control of their medical decisions back from multibillion-dollar middlemen.

Madam Speaker, I urge all Members to support this important legislation, and I reserve the balance of my time.

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

Madam Speaker, I rise today in support of the Patient Right to Know Drug Prices Act and the next bill we will be considering, the Know the Lowest Price Act. These two bills are the product of bipartisan efforts in the Energy

and Commerce Committee to ban so-called gag clauses, which prevent pharmacists from providing consumers information about cheaper prescription drug options.

I did want to mention I see that my colleague, Mr. DOGGETT from Texas, is here, and the Senate bills being considered today are companion legislation to a House bill that Congressman DOGGETT introduced with 32 colleagues earlier this year.

Specifically, gag clauses are contractual provisions that can limit pharmacists from informing consumers that their prescriptions may be purchased for a lower price if paid out of pocket instead of through their insurance plan. These bills increase consumer transparency and may help some consumers who get their insurance through the private market or through Medicare save money.

Madam Speaker, I would like to thank, again, Congressman DOGGETT and Mr. WELCH, also from our committee, for their long-time leadership on this issue. I see also that Mr. SARBANES is here, who has also been involved in this legislation in a major way.

I am glad to see we are voting on these policies today.

The Patient Right to Know Drug Prices Act also includes an important provision that ensures biologic and biosimilar drug manufacturers are required to inform the Federal Trade Commission of potentially anticompetitive agreements that may delay lower cost drugs from entering the market in the same manner that brand and generic drug manufacturers do today. This notification will allow the FTC to challenge any ''pay for delay'' agreements in court.

Madam Speaker, the language included in this bill is based on legislation introduced by Congressmen SARBANES and JOHNSON, and I thank them for their leadership on this important issue.

Now, I must say, Madam Speaker, while I believe both bills are commonsense measures that we should all support, I also strongly believe that this cannot and should not be Congress' only effort to reduce drug prices.

When I am home—and we have been home a lot, as you know, over the last couple of months—one of the number one issues that people are concerned about is the high cost of prescription drugs. We need to address that. I personally believe we should be negotiating the prices of drugs under Medicare, but there are many other measures, including encouraging more generics, that could accomplish the goal of trying to reduce drug prices.

These bills do nothing to address the biggest drivers of high drug costs in this country, namely, the high list prices set by drug companies for branded drugs. So we must address overall drug affordability, which these bills do not, but I continue to urge my colleagues to work together to find solutions that can actually lower drug prices in a meaningful way.

Madam Speaker, I reserve the balance of my time.

Mr. CARTER of Georgia. Madam Speaker, I yield as much time as he may consume to the gentleman from Oregon (Mr. WALDEN), the honorable chairman of the full Committee on Energy and Commerce.

Mr. WALDEN. Madam Speaker, I rise in support of the two bills that will bring some much-needed transparency into the drug supply chain process, and they will help patients afford the medicines that they really need.

The Patient Right to Know Drug Prices Act, sponsored by Senator SUSAN COLLINS, and the Know the Lowest Price Act of 2018, sponsored by Senator DEBBIE STABENOW, will, together, ban gag classes from Medicare and private insurance.

These clauses restrict a pharmacist's ability to inform a patient that their drug would be cheaper if they paid out of pocket than if they paid through their insurance. And while there is already a regulation banning this practice in Medicare part D, this legislation will end the practice across Medicare Advantage prescription drug plans, Medicare part D, and group and individual insurance plans.

These two bills mirror legislation authored by Representative BUDDY CARTER, who is carrying this legislation for the majority on the floor today. He is a very valuable member of our House Energy and Commerce Committee. And, by the way, he is the only pharmacist in the Congress, so he understands this from a very personal perspective from behind the counter.

He was joined in this effort by Representatives WELCH and CATHY MCMORRIS RODGERS, ANNA ESHOO, MORGAN GRIFFITH, DEBBIE DINGELL, GENE GREEN, and our chairman of the Subcommittee on Health, Dr. MICHAEL BURGESS.

I think all of us on the committee are very supportive of this effort. We, in fact, moved this bill, Madam Speaker, as you know, as an important part of our committee earlier this month, and it did pass unanimously. So I commend Mr. CARTER for his good work on this issue.

I first heard about the gag clause issue from a pharmacist in Grants Pass, Oregon, named Michele. That is in my district. She is an independent pharmacist. We were talking about a lot of these issues, about how we get drug prices down for consumers, and she told me that as a pharmacist, she was prevented, precluded under certain insurance contracts, from telling a patient that their cash price would be cheaper than going through their insurance.

Can you imagine such a thing in America?

Michele told me that she once even received a cease and desist letter for trying to help a child with a terminal illness access his medication—simply unacceptable, period.

□ 1615

Madam Speaker, I am glad we are taking concrete action today to address this important issue. And as we have heard already, these bills are coming over from the Senate. We had them in the House, marked them up in committee, and did our work. At the end of the day, I decided the important thing was not who had which bill. It was, how do we help consumers the quickest.

Taking the Senate bills, getting them down to the President's desk with the support of our colleagues who worked so hard in the House seemed like the best path. It is about putting consumers first. That is what we have done on the Energy and Commerce Committee, and I encourage our colleagues in the House to support this legislative effort.

Mr. PALLONE. Madam Speaker, I yield 5 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Madam Speaker, unfortunately, there is just no wonder drug that will cure prescription price gouging. And with many prices for drugs rising at 10 times the rate of inflation, and with an unaffordable drug being 100 percent ineffective for the many that cannot afford it, many Americans are really desperate.

In this Congress, we have another lost year of failing to address prescription price gouging. Now, on election eve, we take this miniscule step forward. A few of the many consumers who have been scrimping to get their medications, could at least find out if by paying cash, they can get a particular prescription at a lower price. No longer will gag provisions deny pharmacists the right to counsel about this issue.

After learning about this problem about two years ago, I consulted with experts, with patient advocates, with pharmacists about these clauses, and asked the CMS, the Centers for Medicare and Medicaid Services to prevent this administratively, which they could have done, but they failed to do so.

Finally, months ago this year, I filed two bills as companion legislation to the measures we are considering today by Senators COLLINS and STABENOW, and was joined by 32 Members of the other house in supporting and sponsoring those measures.

This Patient Right to Know Drug Prices Act, the House version of it, was endorsed back in June by the National Community Pharmacists Association, thereafter, by the National Association of Chain Drug Stores, and by the American Psychiatric Association.

Madam Speaker, I include in the RECORD their letters of support.

NATIONAL COMMUNITY PHARMACISTS ASSOCIATION,
June 28, 2018.

Re National Community Pharmacists Association (NCPA) Support of H.R. 6143 & 6144.

Hon. LLOYD DOGGETT,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE DOGGETT: The National Community Pharmacists Association (NCPA) is writing today in strong support of the Patient Right to Know Drug Prices Act and the Know the Lowest Price Act of 2018, H.R. 6143 and 6144, two bills that would ban provisions in contracts between pharmacy benefit managers (PBMs) and pharmacies (so called ''gag clauses'') that prohibit pharmacists from being able to inform patients of cheaper alternatives for their medication.

NCPA represents the interests of America's community pharmacists, including the owners of more than 22,000 independent community pharmacies. Together, they represent an $80 billion health care marketplace and employ more than 250,000 individuals on a full or part-time basis.

''Gag clauses'' refer to contract provisions and/or requirements embedded in lengthy provider manuals that include overly broad confidentiality requirements, and non-disparagement clauses, as well as requirements that pharmacies charge insured patients what the PBM says at point of sale, leaving pharmacies with little to no ability to inform patients of actual drug costs. Such provisions have the effect of chilling a range of pharmacist communications with patients and others for fear of retaliation by the PBM.

NCPA strongly supports passage of the Patient Right to Know Drug Prices Act and the Know the Lowest Price Act of 2018 to help ensure that patients are not being charged inflated prices for their drugs. Thank you for your leadership in addressing this issue, and we look forward to working with you to advance these pieces of legislation.

Sincerely,
KARRY K. LA VIOLETTE,
Senior Vice President of Government Affairs & Director of the Advocacy Center.

NATIONAL ASSOCIATION OF CHAIN DRUG STORES,
Arlington, VA, July 16, 2018.

Hon. LLOYD DOGGETT,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE DOGGETT: The National Association of Chain Drug Stores (NACDS) is pleased to support your legislation, the Know the Lowest Price Act of 2018 (H.R. 6144), to prohibit PDP sponsors, Medicare Advantage Organizations, and pharmacy benefit managers (PBMS) from restricting pharmacies from informing individuals regarding the prices for certain drugs and biologicals.

NACDS believe gag clauses should not be allowed in contracts between health plans and pharmacies. Such clauses prevent pharmacists from informing patients when a medication can be purchased at a lower price without using insurance. The prohibition and/or removal of gag clauses in contracts between Part D plans, Medicare Advantage plans, PBMs, and pharmacies will enhance patient access to medications, enable pharmacists to have improved relationships with patients, and keep healthcare costs for patients to a minimum.

Pharmacies are the face of neighborhood healthcare and are a highly trusted source of healthcare information, products, and services. Your legislation helps ensure that Medicare beneficiaries can continue to trust their local pharmacies for accurate and helpful information regarding their prescription drug costs.

Again, we appreciate your leadership on this critically important healthcare issue.

Sincerely,
TOM O'DONNELL,
Senior Vice President, Government Affairs and Public Policy.

AUGUST 16, 2018.

Hon. LLOYD DOGGETT,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE DOGGETT: On behalf of the American Psychiatric Association (APA), the national medical specialty association representing more than 37,800 psychiatric physicians, I write in support of your bill H.R. 6143, the Patient Right to Know Drug Prices Act. H.R. 6143 seeks to enhance transparency in the pricing of prescription drugs by forbidding insurers and pharmacy benefit managers (PBMs) from imposing ''gag clauses'' in their contracts with pharmacies. These clauses forbid pharmacies from disclosing to patients the difference between the amount of the drug's copay under their insurance plan and the amount they would pay for the drug without using their insurance. As providers, we are deeply concerned about the barriers these clauses impose on a patient's access to affordable medications. Federal preemption of these clauses is among the proposals included in President Trump's blueprint to lower drug prices and reduce out-of-pocket costs for patients.

As you know, the list prices for prescription drugs continue to rise. PBMs seek to lower those prices by negotiating discounts directly with drug manufacturers. However, the amount of these discounts may result in an insurance plan's copay for a drug exceeding the actual cost of purchasing the drug out-of-pocket because the copay is typically calculated based on factors other than the actual price of the drug. Unfortunately, because the amount of these discounts is not publicly available, consumers do not know when their insurance plan copay is higher than the actual price of the drug and often assume that their copay represents only a portion of the best possible price of the drug.

According to a recent study of 2013 drug pricing and payment data, consumers overpaid for their prescription drugs by $135 million. Almost a quarter (23%) of all prescriptions filled in 2013 involved a patient copayment that exceeded the average price of the drug by more than $2.00. Prescriptions for drugs commonly used to treat mental health disorders are prone to this overpayment phenomenon. The medications cited as having the highest frequency of overpaid prescriptions include drugs commonly used to treat insomnia, depression, and some side effects of psychiatric medications.

Thank you for your ongoing commitment to finding bipartisan ways to enhance transparency in the prices consumers pay for their health care. Accordingly, we welcome an opportunity to aid your efforts to advance H.R. 6143, the Patient Right to Know Drug Prices Act from the Energy & Commerce Committee.

Sincerely,
SAUL LEVIN, MD, MPA, FRCP–E,
CEO and Medical Director, American Psychiatric Association.

Mr. DOGGETT. Madam Speaker, I am pleased that finally our House Republican colleagues have agreed to approve this proposal today. With families nationwide concerned about soaring drug prices, this legislation would end a restrictive, anticompetitive, and anticonsumer provision for those who rely on ObamaCare in the marketplace and for group employer ERISA plans.

I must note, however, that of all the many bills I have either introduced or supported from other colleagues dealing with excessive medication costs, this is the most narrow of the proposals out of all of them.

Instead of really saving lives, some may view this as simply a life preserver for those who have ignored prescription price gouging for the past two years. Approving this modest, narrow bill is not a substitute for tackling the pervasive problem of prescription price gouging.

Pharmacists are not the only ones who are, apparently, gagged. Right here in this Congress, some seem to be unable to find their voice and vote for real reform that would lower drug prices when we are outnumbered by two pharmaceutical lobbyists for every Member of this House of Representatives.

Repeated attempts to pass measures that would lower prices have been blocked. Republicans even blocked my amendment to the opioid legislation to authorize the Trump administration to negotiate the price of naloxone, the lifesaving opioid overdose reversal drug whose prices soared by 700 percent.

During the past week, Big Pharma, with considerable help from the Republican majority leader, sought to hitch a ride on this very same opioid legislation to get an unrelated $4 billion gift. It is enough to make you gag. Hopefully, we have got that stopped.

Passage of this bill today is one modest step that we can take, but so much more is needed. That this bill even counts as progress, demonstrates how far we have to go. And while this bill brings some transparency to the pharmacy counter, the transparency which is most needed is comprehensive legislation like the Transparency Drug Pricing Act that I have introduced, to shed some light on where the prices get set. And that is by the manufacturer who hides the whole process through discounts, rebates, and fees.

Now, we all know that President Trump solved the problem with his Rose Garden press conference early in the summer when he announced that prices are going down. But I have yet to find anybody who has benefited from that announcement. And, in fact, the Associated Press just analyzed drug prices since that announcement and they couldn't find any company that had made any significant reduction on prices.

And when questioning the executives of 24 large drug companies, the AP didn't find a single one committed to cutting prices.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PALLONE. Madam Speaker, I yield an additional 1 minute to the gentleman from Texas.

Mr. DOGGETT. Madam Speaker, the attitude was best captured by one pharmaceutical executive who within

the last month said that he had a, ''moral requirement . . . to sell the product for the highest price.''

Today's two minor prescription drugs bills are being passed in this process that is called ''suspension.'' But let's not create any further suspense for families that are in need on their healthcare costs. Let's approve real, comprehensive prescription drug pricing reform in a new Congress that is not indifferent to the needs of American healthcare consumers.

Mr. PALLONE. Madam Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise today in support of the Patient Right to Know Drug Prices Act, an important bill that will ensure consumers can get the lowest price for their drugs.

This bill is also aligned with the bipartisan Biosimilars Competition Act, a bill that I introduced that will shine a light on secret agreements called pay-for-delay deals. Pay-for-delay deals are great deals for the drug companies, but they are bad deals for consumers. Pay-for-delay refers to a practice where brand-name drug or biologic manufacturers make agreements with competing manufacturers to keep their lower-cost drugs off the market in exchange for a settlement.

Brand-name drugs often have exorbitant costs compared to their generic counterparts. Although they make up approximately—listen to the statistics—although they make up approximately 10 percent of all drugs dispensed in America, brand-name drugs make up 72 percent of U.S. drug spending. A 2013 FTC report estimates that these pay-for-delay agreements cost consumers $3.5 billion each year.

FTC currently has the authority—and this is good—to review agreements like these between conventional drug manufacturers. But this authority does not extend to the manufacturers of biologic and biosimilar drugs, which are new, cutting-edge drugs that are often extremely expensive.

This means that right now, we have no way of knowing how many of these backroom deals occur between manufacturers of biologic and biosimilar drugs. That is why I introduced the Biosimilars Competition Act, a bipartisan bill, which would combat these agreements that keep drug prices high and have the effect of harming patients.

These provisions would require manufacturers of biologics and biosimilar drugs to report pay-for-delay agreements and file them with the FTC and the Department of Justice for review of antitrust and anticompetitive behavior.

Granting the FTC the authority to monitor these deals and punish bad actors, will deter many of these backroom deals from being made in the first place, and will help crack down on unfair deals that give millions of dollars to big pharmaceutical companies, while forcing American consumers to pay more for lifesaving drugs.

Madam Speaker, I urge my colleagues to support these new requirements because they are good for consumers. They will increase transparency in drug pricing, and add more competition to the drug market, both of which will help lower drug costs at the pharmacy.

Mr. PALLONE. Madam Speaker, I have no additional speakers, and I yield myself the balance of my time.

Madam Speaker, let me just say these are commonsense initiatives that help address the drug pricing issue. As I have said before, we still need to do a lot more, and we haven't this Congress. But I do agree that these bills will be helpful in that regard.

Madam Speaker, I urge support for this legislation, and I yield back the balance of my time.

Mr. CARTER of Georgia. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I want to thank my colleagues on the other side of the aisle, and I want to assure them that this is only the beginning of what we intend to do and what I intend to do to help to lower prescription drug prices here in America.

Madam Speaker, I want to thank also my colleagues on this side of the aisle for all of their help. I ask for support of this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. CARTER) that the House suspend the rules and pass the bill, S. 2554.

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.

KNOW THE LOWEST PRICE ACT OF 2018

Mr. BURGESS. Madam Speaker, I move to suspend the rules and pass the bill (S. 2553) to amend title XVIII of the Social Security Act to prohibit health plans and pharmacy benefit managers from restricting pharmacies from informing individuals regarding the prices for certain drugs and biologicals.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2553

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 ''Know the Lowest Price Act of 2018''.

SEC. 2. PROHIBITION ON LIMITING CERTAIN INFORMATION ON DRUG PRICES.

(a) IN GENERAL.—Section 1860D–4 of the Social Security Act (42 U.S.C. 1395w–104) is amended by adding at the end the following new subsection:

''(m) PROHIBITION ON LIMITING CERTAIN INFORMATION ON DRUG PRICES.—A PDP sponsor and a Medicare Advantage organization shall ensure that each prescription drug plan or MA–PD plan offered by the sponsor or organization does not restrict a pharmacy that dispenses a prescription drug or biological from informing, nor penalize such pharmacy for informing, an enrollee in such plan of any differential between the negotiated price of, or copayment or coinsurance for, the drug or biological to the enrollee under the plan and a lower price the individual would pay for the drug or biological if the enrollee obtained the drug without using any health insurance coverage.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to plan years beginning on or after January 1, 2020.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BURGESS) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BURGESS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and insert extraneous materials into the RECORD on the bill.

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

There was no objection.

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

Madam Speaker, I rise in support of S. 2553, the Know the Lowest Price Act of 2018. This bill would prohibit health plans and pharmacy benefit managers under Medicare or Medicare Advantage from restricting pharmacies from informing individuals about prices for certain drugs and biologics at the pharmacy counter, a practice commonly referred to as a gag clause.

These clauses prohibit pharmacists from informing patients that paying in cash will result in lower out-of-pocket costs than the insurer's cost-sharing arrangement unless the patient directly asks. This is a policy that the Energy and Commerce Committee has pursued in H.R. 6733, the Know the Cost Act of 2018. We held a legislative hearing and a markup in the Health Subcommittee before ultimately passing the bill out of the full committee.

Once again, I want to commend Representative BUDDY CARTER for championing this policy. His bill would have banned gag clauses in group and commercial health insurance plans, as well as for prescription drug plan sponsors for Medicare part D, or Medicare Advantage plans.

As an original cosponsor of H.R. 6733, I believe these bills banning gag clauses are essential in both lowering drug costs for individuals and freeing pharmacists to do what many consider to be the right thing.

I am surprised Congress has not acted sooner to ban health insurance plans from using gag clauses. I am glad to see these bills on the House floor today. This will allow pharmacists to

look out for their patients' pocketbooks and help them get their medications at the lowest possible price.

This bipartisan policy has been a shared priority for many Members on the Energy and Commerce Committee. Our Senate counterparts had a shared interest in this sound and reasonable policy, and recently advanced it out of their Chamber.

The issue of gag clauses was further brought up to the forefront by the Trump administration's drug pricing blueprint which was released this May. The President proposed eliminating gag clauses as a solution in his plan to address rising drug prices.

□ 1630

I, too, believe that allowing pharmacists to disclose the cost-saving potential of paying out-of-pocket to patients at the point of sale is an important piece of the drug pricing puzzle. While gag clauses are already prohibited in Medicare through regulation, it makes sense that we protect our seniors by putting this language in statute and sending S. 2553 to the President's desk.

This legislation should serve as an example of how the House and the Senate can work together to accomplish a goal to swiftly pass and send to the President for his signature.

There have been news stories across the country from the New York Times—two investigations in my market—and CBS 11 in the Dallas-Fort Worth area about how consumers can save money at the pharmacy counter by getting around gag clauses and directly asking their pharmacist: Is this cheaper for me to pay cash and not use my insurance?

Kelly Selby, a community pharmacist and pharmacy owner in north Texas, has told me about the problems that gag clauses cause at his own pharmacy. He says that a gag clause has a chilling effect as a pharmacy owner and a pharmacist, and that the pharmacy benefit managers will call you after you break a gag clause and threaten you with canceling their contract. Even if pharmacists have what is in the best interest to their customers at heart, Mr. Selby told me that, overnight, he could lose 40 percent of his business, taken away by the power of pharmacy benefit managers.

It is unfair for pharmacists across our country like Kelly to have to choose between hiding useful cost information from their patients and losing their other contacts.

Eliminating gag clauses is an integral part of driving down healthcare costs and prescription drug prices, an issue that hits home with each and every one of our constituents. It may not solve the entire drug pricing dilemma, but it is an essential piece. When this bill becomes law, it will make a real difference in the lives of patients across the country.

Mr. Speaker, I support S. 2553, and I urge fellow Members to support this legislation. Let's send it to the President's desk for his signature.

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

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

Mr. Speaker, I already spoke in support of both this bill, S. 2553, and the previous one, S. 2554, so, at this time, I yield such time as he may consume to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I continue to hear from neighbors in my part of Texas and beyond who are unable to afford their prescription drugs, lifesaving drugs. They are cutting back on necessities, cutting pills in half, or cutting into what little savings they may have.

After seeking administrative action to address this gag order problem with no success, I introduced with Senators STABENOW and COLLINS here in the House, along with 32 colleagues, a House bill to do what their measures do today.

Despite repeated requests, the House Ways and Means Committee, which enjoys jurisdiction over this matter as a Medicare bill, along with the Commerce Committee, declined to consider them.

This particular bill that we are considering now will allow those Medicare beneficiaries, seniors and individuals with disabilities, to turn to a professional pharmacist to learn if there is information available that, on a particular drug, they might be able to get a less expensive alternative by paying cash.

While pleased that this modest Know the Lowest Price bill will become law, we have had too much aiming low and shooting low in this Congress that has really been indifferent to the overall plight of seniors burdened with exorbitant prescription drug costs.

What a low bar that has been set. Patients want real change on this matter. Yet, we do the least possible to address this problem. We take baby steps when bold steps are required. To borrow from Mark Twain, I believe seniors can recognize the difference between lightning and a lightning bug, like we are getting today.

While this may enable some to learn the lowest available price, I believe what we need to find out about is the highest price that is being extorted in too many cases. The sky seems to be the limit. Whatever can be obtained from someone who is sick or dying seems to be the price point.

We may be able to cure some cancers and diseases—we want to encourage a price that will encourage continued innovation—but it need not come at the levels that are being charged too many people today only because this Congress is unwilling to curb the government monopoly that it has granted.

Pharmaceutical pricing is a tangled knot. There is no one panacea. Every step forward is a good step forward.

I formed a House Prescription Drug Task Force three years ago to begin to look at administrative and legislative steps in how we encourage innovation without being exploited by monopoly prices.

I think there is much more we can do, much more for someone like Bob from San Antonio, who has suffered from crippling arthritis for decades. He has seen the prescription that he relies on skyrocket from about $200 a year to $22,000 in co-payments annually. He finally had to switch to a less expensive drug and lives with the fear that it will not adequately cover his pain, even though it has become too painful to afford it.

Patients like Bob need much more than modest bills. We need a Congress that does not repeatedly cave in to the Big Pharma lobbyists. What is happening this week, this very week, is yet another reminder of the choice that has been made between a special interest and the needs of seniors.

With the active assistance of the Majority Leader, Big Pharma tried to exploit bipartisan opioid legislation and further burden patients with a provision undoing what had been a bipartisan agreement that helped plug the so-called donut hole and lowered patients' out-of-pocket drug spending in Medicare.

Pharma's plan would save them $4 billion, but the costs would have been shifted either to our seniors and individuals with disabilities directly or through the premiums that they pay.

Unable to defend this heist on its merits of flawed and misleading advertisements, and a hoard of lobbyists who have been here to try to get that $4 billion, I hope that we have it stopped. Hopefully, in fact—speak of hope—in a new Congress, we can see some action on what really might make a difference, and that is the ability of Medicare to negotiate for our seniors to get lower prices in much the same way the Veterans Administration does for our veterans.

I have introduced, along with almost 90 sponsors, the Medicare Negotiation and Competitive Licensing Act to harness the purchasing power of the government through the Health and Human Services Secretary. If negotiations fail, the Secretary would use good old American competition to lower them, bringing in generics, bidding, and competition, a real American way to solve what is a serious American problem.

Patients should not have to fight their insurer or a drug company when they need to be fighting their disease. Patients need this Congress to reclaim its voice and to not be gagged any longer. It can no longer let Big Pharma and its agenda define the debate. Instead, we need to end Big Pharma's exploitation of patients in order to get windfall profits.

Mr. BURGESS. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Georgia (Mr. CARTER).

Mr. CARTER of Georgia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to mark this as an important day for this Congress taking real steps to lower the cost of drugs for Americans.

I am proud to have been the lead sponsor for H.R. 6733, the Know the Cost Act of 2018, a bill that includes the core elements of this bill and expands patient protections.

Currently, pharmacists are prevented from telling their patients about a lower cost out-of-pocket option rather than utilizing insurance coverage. These gag clause provisions are included in provider manuals and contracts that require broad confidentiality agreements for pharmacists.

Often, these contracts offered by the pharmacy benefit manager, the PBM, are a take-it-or-leave-it situation where the pharmacist doesn't have any other options. If they opt not to take the contract, they are often left out of servicing large segments of the patient market.

Gag clauses can come in many forms, such as confidentiality agreements between pharmacists and plan sponsors, nondisparagement clauses, and even prohibitions on contacting sponsors, the media, and elected officials. As a result, pharmacists cannot have a transparent relationship with their patients or provide them necessary information that could help guide their best treatment options.

Senator STABENOW's bill, the Know the Lowest Price Act of 2018, bans these types of gag clauses in Medicare Advantage drug plans. Although this bill does not contain requirements for beneficiary notification that my bill, the Know the Cost Act of 2018, included, it is still an important step forward.

Banning gag clauses has received national support from State legislatures, both Chambers of Congress, HHS, and the President.

As the only pharmacist currently serving in Congress, I know all too well about the constraints placed on pharmacists as part of the take-it-or-leave-it contracts, where the pharmacist has no other option if they want to continue providing care for their patients in their community.

Mr. Speaker, I thank all of my colleagues on both sides of the aisle for their help in bringing this legislation forward. I particularly thank Chairman BURGESS. Also, a shout-out to our staff, who has done an outstanding job of bringing this all together.

Mr. Speaker, I ask all my colleagues to vote in favor of this bill.

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

Mr. Speaker, in closing, I support these two bills, this one and the previous one. I do think that they are good, bipartisan measures. But I do want to repeat what Mr. DOGGETT said, that this Congress and the next have to do a lot more to deal with the issue of prescription drug prices. Probably the most effective thing, which I support, is negotiated prices under Medicare, as well as trying to do more with generic drugs.

Mr. Speaker, I urge support for the bill, and I yield back the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, I urge Members to support this important legislation, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in support of S. 2553, the "Know the Lowest Price Act of 2018."

S. 2553 amends title XVIII of the Social Security Act to prohibit health plans and pharmacy benefit managers from restricting pharmacies from informing individuals regarding the prices for certain drugs and biologicals.

A Prescription Drug Plan (PDP) sponsor and a Medicare Advantage (MA) organization shall ensure that each prescription drug plan or Medicare Advantage Prescription Drug (MA–PD) plan offered by the sponsor or organization does not restrict a pharmacy that dispenses a prescription drug or biological from informing, nor penalize such pharmacy for informing, an enrollee in such plan of any differential between the negotiated price of, or copayment or coinsurance for, the drug or biological to the enrollee under the plan and a lower price the individual would pay for the drug or biological if the enrollee obtained the drug without using any health insurance coverage.

The U.S. Department of Health and Human Services (HHS) calculated that if generic substitution worked program-wide, then Part D could potentially save $5.9 billion a year.

Using generic drugs instead of their brand-name equivalents could have saved the Medicare Part D program approximately $3 billion in 2016 alone.

In 2016, beneficiaries paid $1.1 billion in out-of-pocket costs of brand-name drugs, which was almost twice as much as out-of-pocket costs for generics.

The high cost of prescriptions hits older Americans on fixed incomes particularly hard, especially for medications designed to treat serious or chronic conditions where the patient's cost-share can be expensive.

This bill prohibits these outrageous contract arrangements between Medicare private plans, PBMs and pharmacies and help seniors save money when they pick up their prescriptions.

Seniors should not have to choose between paying their bills and taking their medication.

We should make it our mission to put medicine within reach of patients.

I urge all of my colleagues to vote in favor of S. 2553.

The SPEAKER pro tempore (Mr. RUTHERFORD). The question is on the motion offered by the gentleman from Texas (Mr. BURGESS) that the House suspend the rules and pass the bill, S. 2553.

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.

RESPONSIBLE DISPOSAL REAUTHORIZATION ACT OF 2018

Mr. MCKINLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2278) to extend the authorization of the Uranium Mill Tailing Radiation Control Act of 1978 relating to the disposal site in Mesa County, Colorado, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2278

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 ''Responsible Disposal Reauthorization Act of 2018''.

SEC. 2. AUTHORIZATION.

Section 112(a)(1)(B) of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7922(a)(1)(B)) is amended by striking ''September 30, 2023'' and inserting ''September 30, 2030''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. MCKINLEY) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. MCKINLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material into the RECORD on the bill.

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

There was no objection.

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

Mr. Speaker, H.R. 2278 was introduced by my Colorado colleague, SCOTT TIPTON, and cosponsored by my Energy and Commerce colleague from Colorado, DIANA DEGETTE.

H.R. 2278 extends the authorization of the Uranium Mill Tailing Radiation Control Act of 1978 as it relates to the disposal site in Mesa County, Colorado.

The legislation was considered by the Subcommittee on Environment and marked up through regular order. It was reported by the full committee with a bipartisan amendment and passed on a voice vote.

Mining and processing uranium generates a byproduct known as uranium mill tailings. Congress passed the Uranium Mill Tailings Radiation Control Act 40 years ago to establish the framework for DOE to dispose of mill tailings, which are left over from the nuclear defense activities and the development of our nuclear commercial industry.

The act also authorizes the Grand Junction, Colorado, site to serve as a disposal location.

□ 1645

This is the only DOE uranium mill tailing disposal site remaining open in the Nation, and so it is necessary for the final disposition of mill tailings discovered throughout this country.

H.R. 2278 extends the site's current authorization until 2030. The extension will enable the site to plan long-term operations to protect the public health and the environment.

Mr. Speaker, I urge all Members to support this important legislation, and I reserve the balance of my time.

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

Mr. Speaker, I rise in support of H.R. 2278, the Responsible Disposal Reauthorization Act of 2018. H.R. 2278 is bipartisan legislation to address the safe disposal of uranium mill tailings, a sandy byproduct of the uranium milling process.

In Grand Junction, Colorado, uranium mill tailings were offered to the community as fill material before the health risks of the radioactive material were fully understood. The tailings were subsequently used in the construction of local homes, roads, sidewalks, parks, and schools.

The Uranium Mill Tailings Radiation Control Act provided for the cleanup of those tailings in 1978 and created 19 disposal cells for the radioactive waste. The last of the cells available to accept this material for disposal, the Cheney cell in Grand Junction, Colorado, is set to close in September 2023. This bill extends the cell's closure date to September 2030 or until the cell is filled, whichever day comes first.

Mr. Speaker, Congress has already extended the closure date of the disposal cell several times. I support this legislation to keep the site operational, and I reserve the balance of my time.

Mr. MCKINLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. TIPTON), who is the sponsor of the bill.

Mr. TIPTON. Mr. Speaker, I would like to thank my colleague from West Virginia for the time.

The Department of Energy's Cheney disposal cell in Mesa, Colorado, is a critical component of DOE legacy management's mission to be able to protect public health and the environment. The cell receives radioactive waste materials that were produced decades ago during the uranium milling process. The waste materials continue to be uncovered during road construction, bridge replacement, home foundation excavation, and other construction activities in several towns in western Colorado. Once the waste materials are discovered, they must be properly disposed of at the Cheney cell.

The authorization for the Cheney disposal cell expires at the end of 2023 or when the site is filled to capacity. Currently, the remaining capacity in the cell is approximately 234,000 cubic yards, and, therefore, an extended authorization is required. H.R. 2278 would extend that authorization until 2030.

The Colorado Department of Public Health and Environment supports extending the reauthorization for the Cheney cell and will remain a strong partner in DOE's legacy management program.

I would like to thank my colleague from Colorado, Ms. DIANA DEGETTE, for her support on this legislation. I would also like to thank the Energy and Commerce Environment Subcommittee chairman, JOHN SHIMKUS, and Ranking Member PAUL Tonko, as well as the full committee chairman, GREG WALDEN, and Ranking Member PALLONE for recognizing the importance of the Cheney disposal cell and working to bring this bill to the floor.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. PALLONE. Mr. Speaker, in closing, I urge my colleagues to support the legislation, and I yield back the balance of my time.

Mr. MCKINLEY. Mr. Speaker, in closing, again, this is the last remaining disposal site that we need to keep open.

I appreciate the support, and I applaud the work of my colleague from Colorado (Mr. TIPTON) for his efforts and DIANA DEGETTE and the bipartisan nature of that cooperation between the two of them to get this done.

Mr. Speaker, I call upon the Members to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. MCKINLEY) that the House suspend the rules and pass the bill, H.R. 2278, as amended.

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

The title of the bill was amended so as to read: ''A bill to extend the authorization of the Uranium Mill Tailings Radiation Control Act of 1978 relating to the disposal site in Mesa County, Colorado.''.

A motion to reconsider was laid on the table.

SMALL BUSINESS ACCESS TO CAPITAL AND EFFICIENCY ACT

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6348) to adjust the real estate appraisal thresholds under the section 504 program to bring them into line with the thresholds used by the Federal banking regulators, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6348

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 ''Small Business Access to Capital and Efficiency Act'' or the ''Small Business ACE Act''.

SEC. 2. APPRAISAL THRESHOLDS.

Section 502(3)(E)(ii) of the Small Business Investment Act of 1958 (15 U.S.C. 696(3)(E)(ii)) is amended—

(1) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively, and adjusting the margins of such items accordingly;

(2) by striking ''With respect to'' and inserting the following:

''(I) IN GENERAL.—With respect to'';

(3) in item (aa), as so redesignated, by striking ''is more than $250,000'' and inserting ''is more than the Federal banking regulator appraisal threshold'';

(4) in item (bb), as so redesignated, by striking ''is $250,000 or less'' and inserting ''is equal to or less than the Federal banking regulator appraisal threshold''; and

(5) by adding at the end the following:

''(II) FEDERAL BANKING REGULATOR APPRAISAL THRESHOLD DEFINED.—For purposes of this clause, the term 'Federal banking regulator appraisal threshold' means the lesser of the threshold amounts set by the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation for when a federally related transaction that is a commercial real estate transaction requires an appraisal prepared by a State licensed or certified appraiser.''.

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

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, the House Small Business Committee strives to create an environment where small businesses can thrive and create jobs. Unfortunately, small businesses are often hampered by conflicting Federal rules and regulations. This is the case when it comes to the appraisal threshold for commercial real estate.

Earlier this year, Federal financial regulators, including the Federal Reserve, the Federal Deposit Insurance Corporation, and the Office of the Comptroller of the Currency, increased the commercial real estate appraisal threshold from $250,000 to $500,000. Unfortunately, the Small Business Administration's threshold for the real estate-heavy 504/CDC loan program is set in statute at $250,000. The conflicting numbers produce confusion for and burdens on small business owners and the organizations that strive to assist them.

H.R. 6348, the Small Business Access to Capital and Efficiency Act, also known as the Small Business ACE Act, modernizes and benchmarks the SBA's 504/CDC threshold value with the value set by the Federal financial regulators. This commonsense legislation will prevent future threshold changes from hampering small businesses that utilize SBA's many lending products.

I want to thank Mr. CURTIS of Utah for leading the efforts on this bill, as well as Ranking Member VELÁZQUEZ

and Mr. EVANS. It has broad bipartisan support.

Mr. Speaker, I urge my colleagues to vote ''yes'' on H.R. 6348, and I reserve the balance of my time.

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

Mr. Speaker, I rise in strong support of H.R. 6348, the Small Business ACE Act.

This important legislation updates SBA's outdated real estate appraisal threshold for the 504 loan program. It is vital for our country's small businesses that we keep current laws in sync with what is going on in the commercial market.

More importantly, this commonsense fix ensures as many small business borrowers as possible can affordably access the capital they need to grow their businesses and create jobs.

Finally, I would like to take a moment to recognize the chairman for his continued willingness to work across the aisle. He and his staff have set a bipartisan tone that I think all of us on this committee can be proud of. As a result, we are carrying out our responsibilities in a timely manner with input from both Republican and Democratic Members.

Mr. Speaker, I urge Members to support this piece of legislation, and I reserve the balance of my time.

Mr. CHABOT. Mr. Speaker, I want to thank the gentlewoman for her indications that we work very much in a bipartisan manner in our committee.

Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. CURTIS), whom I thank for his leadership in this effort.

Mr. CURTIS. Mr. Speaker, I would like to thank the chairman and ranking member for supporting the Small Business Access to Capital and Efficiency Act, or Small Business ACE Act. I am also grateful to the gentleman from Pennsylvania (Mr. EVANS) for joining as a cosponsor and for my colleagues on the Small Business Committee for advancing this bipartisan legislation.

Mr. Speaker, the Small Business ACE Act is critical to reducing burdensome red tape and regulations that fall so disproportionately on small business. Small businesses are the lifeblood of our economy across the country and certainly in my home State of Utah where they make up over 99 percent of all Utah businesses and contribute two-thirds of all job growth. Without a doubt, the strength of our economy depends on these small businesses.

Although the economy continues to improve, small businesses and entrepreneurs often face challenges accessing capital. To assist creditworthy innovators, the Small Business Administration offers numerous lending programs, including the 504 loan program. Without using a single taxpayer dollar, the program has helped many well-known businesses throughout the United States and Utah.

In the past 20 years, the 504 program has supported over 4,500 entrepreneurs and nearly 64,000 jobs in Utah alone. However, despite the program's positive status, Federal red tape and conflicting regulations have hampered its development, weighing it down with roadblocks and uncertainty. As a result, many small businesses still have difficulty accessing capital.

The Small Business ACE Act will help fix this by eliminating Federal regulations burdening the program and harmonizing conflicting real estate appraisal thresholds that have prevented eligible small businesses from accessing capital.

I am pleased that my bill has broad support from important stakeholders, like the National Association of Development Companies, Mountain West Small Business Finance, and Utah Certified Development Company, that know better than anyone just how essential the 504 small business lending program is and how critical it is that we improve it. By reducing burdens on small businesses, we help ensure not only their individual success, but the success for our Nation's economy.

Mr. Speaker, I am proud to put forth this commonsense legislation, and I urge my colleagues to support it.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. EVANS), who is the ranking member on the Subcommittee of Economic Growth, Tax and Capital Access.

Mr. EVANS. Mr. Speaker, I would like to thank the chairman and the ranking member for their bipartisan leadership.

I am pleased to join with my colleague, Congressman JOHN CURTIS from Utah, in putting forth this important piece of legislation. I am pleased to join as the cosponsor of Congressman CURTIS on H.R. 6348, the Small Business Access to Capital and Efficiency Act, which adjusts the real estate appraisal threshold under the section 504 program to bring them into line with thresholds used by the Federal banking regulator. This bill also passed out of the Small Business Committee in July.

The city of Philadelphia has a robust real estate industry which employs appraisers, lenders, construction workers, bankers, and numerous others. The point is the industry is responsible for jobs, jobs, and more jobs. Currently, the Small Business Act mandates this.

Mr. Speaker, I urge my colleagues to support this particular bill. This is very important to our country.

Mr. CHABOT. Mr. Speaker, I would like to thank the gentleman from Pennsylvania (Mr. EVANS) for his leadership on this.

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

Ms. VELÁZQUEZ. Mr. Speaker, in closing, with this legislation, we are only responding to the reality of the situation in the commercial lending market.

This is a commonsense fix with bipartisan support that will ensure small businesses are not unfairly burdened with appraisal requirements. Doing so allows small firms to allocate their working capital as wisely and efficiently as possible.

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

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume to close.

Mr. Speaker, to conclude, the SBA's 504/CDC loan program is vital to many creditworthy small businesses that cannot obtain credit elsewhere. To reduce confusion from conflicting Federal rules, H.R. 6348 will update and bring SBA's commercial real estate threshold to the same level as other Federal financial regulators.

□ 1700

We must continue to work together to free small business owners from conflicting Federal regulations. I urge my colleagues to support this bipartisan reform instituted in H.R. 6348.

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 Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 6348.

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.

7(a) REAL ESTATE APPRAISAL HARMONIZATION ACT

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6347) to adjust the real estate appraisal thresholds under the 7(a) program to bring them into line with the thresholds used by the Federal banking regulators, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6347

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 ''7(a) Real Estate Appraisal Harmonization Act''.

SEC. 2. APPRAISAL THRESHOLDS.

Section 7(a)(29) of the Small Business Act (15 U.S.C. 636(a)(29)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins of such clauses accordingly;

(2) by striking ''With respect to'' and inserting the following:

''(A) IN GENERAL.—With respect to'';

(3) in clause (i), as so redesignated, by striking ''for more than $250,000'' and inserting '', if such loan is in an amount greater than the Federal banking regulator appraisal threshold'';

(4) in clause (ii), as so redesignated, by striking ''for $250,000 or less'' and inserting '', if such loan is in an amount equal to or

less than the Federal banking regulator appraisal threshold''; and

(5) by adding at the end the following:

''(B) FEDERAL BANKING REGULATOR APPRAISAL THRESHOLD DEFINED.—For purposes of this paragraph, the term 'Federal banking regulator appraisal threshold' means the lesser of the threshold amounts set by the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation for when a federally related transaction that is a commercial real estate transaction requires an appraisal prepared by a State licensed or certified appraiser.''.

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

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. CHABOT. 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 the bill under consideration.

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

There was no objection.

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

Mr. Speaker, similar to the SBA's 504/CDC loan program, the SBA's 7(a) loan program assists small businesses that have a business plan in place for success but do not have the ability to obtain credit elsewhere. Through a partnership with financial institutions, the SBA provides a government guarantee to help the small business grow and create jobs. Importantly, this program has been running on zero cost to the American taxpayers for years.

While the economy has been improving, conflicting Federal rules and regulations often present uncertainty and confusion for small businesses and those within the 7(a) loan program.

When an SBA 7(a) loan is used in a commercial real estate transaction, a formal State licensed or certified appraisal is statutorily required on all transactions above $250,000. However, the value set by Federal financial regulators has recently been increased from $250,000 to $500,000. To provide clarity for small businesses, H.R. 6347 modernizes and mirrors the SBA's commercial real estate appraisal threshold with the value set by Federal financial regulators.

Similar to H.R. 6348, H.R. 6347 does not provide an exact dollar threshold. Rather, it ties the SBA's 7(a) threshold to the value set by Federal financial regulators. This benchmark provision will prevent conflict as the threshold value is updated in the future.

I would like to thank Mr. EVANS and Mr. CURTIS for working in a bipartisan manner to find a solution to this problem that is impacting small businesses. The bill has broad bipartisan support.

Mr. Speaker, I urge my colleagues to vote ''yes'' on H.R. 6347, and I reserve the balance of my time.

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

Mr. Speaker, I rise in support of H.R. 6347, the 7(a) Real Estate Harmonization Act, which updates SBA's outdated real estate appraisal threshold for the 7(a) loan guarantee program.

The 7(a) loan program, the SBA's flagship lending product, is a vital source of capital for thousands of small businesses unable to secure financing through traditional lending. Today's bill brings the 7(a) program's real estate appraisal threshold in line with other Federal banking regulators, namely the Fed, OCC, and FDIC. In doing so, it eliminates the burden lenders currently face in having to meet two different standards. I want to thank the gentleman from Pennsylvania (Mr. EVANS) for his leadership on this important issue.

Mr. Speaker, I urge Members to support this bipartisan piece of legislation, and I reserve the balance of my time.

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

Ms. VELÁZQUEZ. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. EVANS), who is the sponsor of the bill.

Mr. EVANS. Mr. Speaker, I thank the chairman and the ranking member for their support of this bill.

As I mentioned earlier, this bill is important for modernization and moving toward the future. In the city of Philadelphia, we have a lot of opportunities. It is most important that we rise in competitiveness from where we are today. As the ranking member has stated very clearly, this again just makes the opportunities more competitive.

I think it is most important in this environment today that we are sensitive to small businesses because they are the backbone of our future. It is important to understand that in a city like Philadelphia, which has 26 percent poverty—one of the largest major cities in this country—we need to add this to the toolbox. The importance of growing businesses, particularly small businesses, is extremely important to us all.

So I stand here today and join with my colleagues and ask that we support this legislation that will be very important in the toolbox of small businesses.

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

This past spring, Federal banking regulators updated their threshold level for when a State licensed or certified appraisal is required, raising it to $500,000. In order to remain consistent with the rest of the market, SBA's levels should match the market. This bill does this by harmonizing the real estate appraisal threshold for the SBA's 7(a) program with the rest of the marketplace.

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

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

Mr. Speaker, I would first like to commend the gentleman from Pennsylvania (Mr. EVANS) for his leadership on this bill.

Small businesses do not employ an army of tax and accounting specialists. All too often, the small business owner must sacrifice time and energy away from growing his or her business to comply with Federal rules and regulations. While we are making progress on reducing regulations, at times, Federal rules conflict.

As we have heard today, H.R. 6347 aims to reduce the confusion that exists for small businesses that utilize the Small Business Administration's 7(a) loan program when it comes to the commercial real estate appraisal threshold.

Mr. Speaker, I urge my colleagues to support the bipartisan updates proposed in this measure, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EMMER). The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 6347.

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.

SMALL BUSINESS ADVOCACY IMPROVEMENTS ACT OF 2018

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6316) to clarify the primary functions and duties of the Office of Advocacy of the Small Business Administration, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6316

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 ''Small Business Advocacy Improvements Act of 2018''.

SEC. 2. AMENDMENT TO PRIMARY FUNCTIONS AND DUTIES OF THE OFFICE OF ADVOCACY OF THE SMALL BUSINESS ADMINISTRATION.

(a) PRIMARY FUNCTIONS.—Section 202 of Public Law 94–305 (15 U.S.C. 634b) is amended—

(1) in paragraph (1), by inserting ''and the international economy'' after ''economy'';

(2) in paragraph (9), by striking ''complete'' and inserting ''compete''; and

(3) in paragraph (12), by striking ''serviced-disabled'' and inserting ''service-disabled''.

(b) DUTIES.—Section 203(a) of Public Law 94–305 (15 U.S.C. 634c) is amended—

(1) in paragraph 5, by striking ''and'' at the end;

(2) in paragraph 6, by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(7) represent the views and interests of small businesses before foreign governments and international entities for the purpose of contributing to regulatory and trade initiatives which may affect small businesses.''.

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

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. CHABOT. 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 the bill under consideration.

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

There was no objection.

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

I rise today in support of H.R. 6316, the Small Business Advocacy Improvements Act of 2018, which clarifies the role of the Office of Advocacy of the United States Small Business Administration.

The Office of Advocacy is charged with representing small businesses before Federal agencies whose policies and activities may affect small businesses. It also examines the role of small business in the American economy and the contributions small businesses can make in improving competition. This office plays a vital role in ensuring that small businesses are heard when the Federal Government makes policy decisions that will impact them.

Currently, the law is silent regarding the Office of Advocacy's ability to study the role of small business in international economies, which is an important avenue for small businesses as they seek opportunities to expand overseas. This bill would clarify that the Office of Advocacy should include international economies as part of its research functions.

The law is also silent regarding the Office of Advocacy's authority to represent small businesses before foreign governments and international entities. It is important for small businesses to have their views and interests on regulatory and trade initiatives represented in the international space.

This bill clarifies the Office of Advocacy's ability to represent small business views and interests before foreign governments and other international entities for the purpose of contributing to regulatory and trade initiatives.

I want to thank Mr. COMER and Ms. ADAMS for working on this issue and producing a simple solution to clarify the Office of Advocacy's role.

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

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

Mr. Speaker, I rise in support of H.R. 6316, the Small Business Advocacy Improvements Act.

There are nearly 30 million small businesses in the United States, representing more than 99 percent of all businesses. These small firms employ nearly 50 percent of all private sector employees in the U.S. The SBA's Office of Advocacy represents an important tool for these businesses because it is their voice that the office embodies in all matters of government.

Clarifying the authority of advocacy to examine international economic data and represent small business interests in international discussions, particularly in trade negotiations, raises the ability of small American firms to participate in a global market.

Mr. Speaker, that is why I urge my colleagues to vote ''yes,'' and I reserve the balance of my time.

Mr. CHABOT. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. COMER), and I thank him for his leadership on this bill.

Mr. COMER. Mr. Speaker, I rise today in support of H.R. 6316, the Small Business Advocacy Improvements Act of 2018.

I am proud to be the sponsor of this bipartisan legislation. The Office of Advocacy at the United States Small Business Administration plays a vital role in ensuring Federal agencies take into account how their policies impact small businesses.

While the Office of Advocacy has done excellent work on behalf of our Nation's small businesses, the current law is silent on whether it can research and advocate on behalf of small business on international matters. This is a problem that we can easily fix.

Given the Office of Advocacy's knowledge and research on how regulations impact small businesses, it is appropriate for the office to advocate and research small business interests on international matters. This bill advances the Office of Advocacy's mission to advocate for America's small businesses and clarifies its authority on international small business issues.

Mr. Speaker, I urge my colleagues to support this important bipartisan bill.

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

There is no question that we need to support our small businesses across the country, no matter their location or industry, when they are attempting to break into international commerce. Today's bill leverages the unique position and knowledge of the SBA's Office of Advocacy to amplify the voice of small firms in international settings.

I commend Congressman COMER and Congresswoman ADAMS in taking the important step to break down international barriers for small entrepreneurs entering into the world of trade.

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

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

Mr. Speaker, I would like to, again, thank Mr. COMER and Ms. ADAMS for their leadership on this measure.

The Office of Advocacy is a critical Federal agency charged with representing America's 30 million small firms across the Federal Government. They have done outstanding work on behalf of our Nation's small businesses. But as we have discussed, current law is silent on whether it can research and advocate on behalf of small business on international matters. This bipartisan legislation offers a simple solution to allow the Office of Advocacy to expand their role in international matters.

Mr. Speaker, I urge my colleagues to support this bipartisan legislation, and I yield back the balance of my time.

□ 1715

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 6316.

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.

SMALL BUSINESS RUNWAY EXTENSION ACT OF 2018

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6330) to amend the Small Business Act to modify the method for prescribing size standards for business concerns.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6330

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 ''Small Business Runway Extension Act of 2018''.

SEC. 2. MODIFICATION TO METHOD FOR PRESCRIBING SIZE STANDARDS FOR BUSINESS CONCERNS.

Section 3(a)(2)(C)(ii)(II) of the Small Business Act (15 U.S.C. 632(a)(2)(C)(ii)(II)) is amended by striking ''3 years'' and inserting ''5 years''.

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

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. CHABOT. 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 the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I thank Mr. KNIGHT and Ms. CLARKE for this leading bipartisan legislation, which takes a critical step toward addressing the challenge that small contractors face when entering the middle market.

The primary objective of the SBA's small business programs is to encourage the growth and vibrancy of the Federal supplier base, boost competition, protect against supplier consolidation, and spur innovation. These noble goals are thwarted when small businesses find themselves competing in the open market prematurely before they have the tools they need to succeed.

Given the increasing size of Federal contract awards made today, one or two big awards won by a small contractor could easily force them out of the category of small business. Since many do not have the infrastructure or competitiveness to go head to head against firms many times their size, they often fail or become consumed into a larger competitor's supply chain. These results contravene the mission and purpose of the small business programs, further widening the divide between large and small contractors.

Competitiveness takes time, hard work, and significant resources to build. However, difficult as it is to build competitiveness, it is just as easily lost. H.R. 6330 provides a solution to this problem, allowing small businesses extra time to potentially retain their ''small'' size status while they continue to develop their competitive edge.

Mr. Speaker, I urge my colleagues to support H.R. 6330, and I reserve the balance of my time.

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

Mr. Speaker, I rise in support of H.R. 6330, the Small Business Runway Extension Act of 2018.

Over the years, Congress has created numerous Federal programs, set-asides, tax preferences, and SBA loan programs to help small businesses succeed. However, the advantages conferred by this program have led to heated debate over who is truly a small business and what an acceptable small business size standard is.

The answer is an important one, as it can be underinclusive, thereby pushing a firm outside the standard, or it can be overinclusive, allowing large firms to compete in these programs. The end result is the same: small firms deprived of Federal contracting opportunities.

This bill addresses the pressure placed on those businesses not able to compete against large entities from being prematurely placed outside their size standard by providing a more inclusive review of 5 years of their gross receipts.

Mr. Speaker, I urge Members to support this very important legislation, and I reserve the balance of my time.

Mr. CHABOT. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. KNIGHT) and thank him for his leadership in this important measure.

Mr. KNIGHT. Mr. Speaker, I thank my chairman for his support on this and many other issues that we see in our Small Business Committee.

Mr. Speaker, I urge my colleagues to support H.R. 6330, the Small Business Runway Extension Act of 2018.

This bill is simple. It is commonsense. It is a measure designed to promote the sustainability, growth, and development of small Federal contractors into the open marketplace.

Under existing law, the Small Business Administration calculates the size of a company by taking the average of the past 3 years of gross receipts. A company's average must be within established industry parameters set by the SBA in order to be considered a small business and be eligible to receive access to SBA's small business programs, resources, and assistance.

My bill is very simple. It extends that time period out to 5 years. This additional time allows all small businesses an opportunity to mature before graduating out of the SBA's small business programs.

Over the course of this Congress, we have conducted hearings, held roundtables, and heard stories of the overwhelming mid-market challenges forcing many successful small contractors to close their doors or stall their growth. Prospects for a newly graduated firm successfully integrating into the open marketplace are rapidly declining due to the widening gap between small and large contractors.

Small firms are opting out—either voluntarily or, in many cases, involuntarily—from joining the Federal marketplace because of this rift. This outcome depletes our industrial base, reduces competition, and inhibits economic growth.

Mr. Speaker, do we really want our small businesses to look at their ability to expand and their ability to be a larger and more prosperous business and say: I can't do this because I am going to move out of the SBA, so what I should do is maybe close my doors or just restrict our growth.

That is not what America is all about. That is not what we want out of our small businesses. We want them to expand. We want them to bring new and innovative things to the marketplace. And we want them to expand and have jobs for our kids and for the next generation.

Mr. Speaker, I think that this is a reasonable look at what we are trying to do, and I urge support of H.R. 6330.

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

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume to close.

Mr. Speaker, this legislation gives small businesses more time to adjust to not being a small business anymore. We want our small businesses to thrive and grow and break through to the mid-tier and big business strata. Oftentimes, that is difficult.

H.R. 6330 gives these firms just a little more time to adapt to their new business environment, so they can compete more efficiently and continue to grow and create more jobs for more Americans.

I again thank Mr. KNIGHT for his leadership on this.

Mr. Speaker, I urge my colleagues to support this bipartisan piece of legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 6330.

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.

INCENTIVIZING FAIRNESS IN SUBCONTRACTING ACT

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6367) to amend the Small Business Act to specify what credit is given for certain subcontractors and to provide a dispute process for non-payment to subcontractors, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6367

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 ''Incentivizing Fairness in Subcontracting Act''.

SEC. 2. SMALL BUSINESS LOWER-TIER SUBCONTRACTING.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended—

(1) by amending paragraph (16) to read as follows:

''(16) CREDIT FOR CERTAIN SMALL BUSINESS CONCERN SUBCONTRACTORS.—

''(A) IN GENERAL.—For purposes of determining whether or not a prime contractor has attained the percentage goals specified in paragraph (6)—

''(i) if the subcontracting goals pertain only to a single contract with the Federal agency, the prime contractor may elect to receive credit for small business concerns performing as first tier subcontractors or subcontractors at any tier pursuant to the subcontracting plans required under paragraph (6)(D) in an amount equal to the dollar value of work awarded to such small business concerns; and

''(ii) if the subcontracting goals pertain to more than one contract with one or more Federal agencies, or to one contract with more than one Federal agency, the prime contractor may only count first tier subcontractors that are small business concerns.

''(B) COLLECTION AND REVIEW OF DATA ON SUBCONTRACTING PLANS.—The head of each contracting agency shall ensure that—

''(i) the agency collects and reports data on the extent to which contractors of the agency meet the goals and objectives set forth in subcontracting plans submitted pursuant to this subsection; and

''(ii) the agency periodically reviews data collected and reported pursuant to subparagraph

(A) for the purpose of ensuring that such contractors comply in good faith with the requirements of this subsection and subcontracting plans submitted by the contractors pursuant to this subsection.

''(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall permit lower-tier subcontracting goaling requirements of prime contractors that are eligible to receive lower-tier subcontracting credit under this paragraph.''; and

(2) by adding at the end the following:

''(18) DISPUTE PROCESS FOR NON-PAYMENT TO SUBCONTRACTORS.—

''(A) NOTICE TO AGENCY.—With respect to a contract with a Federal agency, a subcontractor of a prime contractor on such contract may, if the subcontractor has not received payment for work performed within 90 days of the completion of such work, notify the Office of Small and Disadvantaged Business Utilization ('OSDBU') of the Federal agency and the prime contractor of such lack of payment, if such notice is provided to the agency within the 15-day period following the end of such 90 days.

''(B) AGENCY DETERMINATION.—

''(i) IN GENERAL.—Upon receipt of a notice described under subparagraph (A), the OSDBU shall verify whether such lack of payment has occurred and determine whether such lack of payment is due to an undue restriction placed on the prime contractor by an action of the Federal agency.

''(ii) RESPONSE DURING DETERMINATION.—During the period in which the OSDBU is making the determination under clause (i), the prime contractor may respond to both the subcontractor and the OSDBU with relevant verifying documentation to either prove payment or allowable status of nonpayment.

''(C) CURE PERIOD.—If the OSDBU verifies the lack of payment under subparagraph (B) and determines that such lack of payment is not due to an action of the Federal agency, the OSDBU shall notify the prime contractor and provide the prime contractor with a 15-day period in which the prime contractor may make the payment owed to the subcontractor.

''(D) RESULT OF NONPAYMENT.—If, after notifying the prime contractor under subparagraph (C), the OSDBU determines that the prime contractor has not fully paid the amount owed within the 15-day cure period described under subparagraph (C), the OSDBU shall ensure that such failure to pay is reflected in the Contractor Performance Assessment Reporting system.''.

SEC. 3. MAINTENANCE OF RECORDS WITH RESPECT TO CREDIT UNDER A SUBCONTRACTING PLAN.

Section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)) is amended—

(1) by redesignating subparagraphs (G) and (H) as subparagraphs (H) and (I), respectively; and

(2) by inserting after subparagraph (F) the following:

''(G) a recitation of the types of records the successful offeror or bidder will maintain to demonstrate that procedures have been adopted to substantiate the credit the successful offeror or bidder will elect to receive under paragraph (16)(A)(i);''.

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

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. CHABOT. 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 the bill under consideration.

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

There was no objection.

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

Mr. Speaker, before we begin discussion of this legislation, I would like to thank Mr. LAWSON from Florida and Mr. KELLY from Mississippi for their leadership in addressing an issue that is a cause of great concern for small subcontractors; namely, prime contractor compliance with their subcontracting plans.

Large prime contractors have a statutory obligation to develop and submit a subcontracting plan as part of their bid and proposal package. In this plan, prime contractors are required to outline their intention to award a certain percentage of subcontracting dollars to small businesses.

Unfortunately, it has been a challenge to ensure that prime contractors are held accountable to these plans. Recently, the Department of Defense Inspector General's Office issued a report that found post-award compliance activities, specifically the oversight of subcontracting plans, is not a high priority for contracting officers. This finding is not limited to the military and can be generalized to apply across the Federal Government.

As the number of prime contracts suitable for small business continues to decline, subcontracting becomes increasingly important for small contractors trying to gain a foothold in the Federal market.

H.R. 6367, as amended, proposes to strengthen subcontracting measures by requiring large primes to maintain records proving they are subcontracting to small businesses, as required by their subcontracting plans.

Furthermore, this bill establishes an alternative avenue of redress for small subcontractors, allowing them to engage the appropriate Federal agency's small business advocate office if they believe payment is being withheld unfairly by a large prime contractor.

Because of these important measures undertaken to protect small contractors, I urge my colleagues to support H.R. 6367, as amended. I also, again, thank my colleagues for their leadership in this measure, and I reserve the balance of my time.

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

Mr. Speaker, I rise in support of H.R. 6367, the Incentivizing Fairness in Subcontracting Act of 2018.

Mr. Speaker, in fiscal year 2017, the Federal Government purchased goods and services worth over $508 billion through over 22 million contract actions. Yet, not all this money stayed with the original prime contractor and, instead, trickles down to subcontractors.

Subcontracts are growing in importance as an avenue for small businesses to work with the government, so it is important that barriers to entry are reduced. By improving the tools that exist for small businesses to become subcontractors, today's measures will draw in more small businesses that are not regular government contractors.

This is a critical step to expanding the industrial base and including more small firms. Most importantly, it ensures more small contractors have just recourse through the Office of Small and Disadvantaged Business Utilization if payment is not received within 90 days of completion. Timely payment protects small contractors who do not have the overhead margins to continue operating without being paid.

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

Mr. CHABOT. Mr. Speaker, I have no further speakers on this particular legislation, and I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. LAWSON), the ranking member of the Subcommittee on Health and Technology and sponsor of the bill.

Mr. LAWSON of Florida. Mr. Speaker, I rise to support my bill, H.R. 6367, the Incentivizing Fairness in Subcontracting Act of 2018.

This bill will clarify what credit is given for certain subcontractors and to provide a dispute process for nonpayment to subcontractors. Simply put, this bill will help contractors receive the credit they need to satisfy Federal requirements.

Small businesses put in a tremendous amount of effort to receive Federal contracting jobs. There are tons of requirements, paperwork, and costs that go into applying and being awarded these opportunities.

Unfortunately, even after a Federal contract is awarded, small businesses still struggle. Whether it is a delay in payment due to the lack of an administrative dispute process or not being able to count lower tier subcontractors toward goals, many contractors face obstacles during the implementation of their contracts, creating the need for safe harbors to guarantee that they can move forward in the most effective and efficient manner.

□ 1730

H.R. 6367 will do just that. This is a bill that provides the clarity and resources needed to help contractors work at full capacity.

This bill is endorsed by the National Electrical Contractors Association, an association whose 4,000 members are 85 percent small businesses. NECA is the voice of about a $160 billion industry responsible for bringing electrical power, lighting, and communication to buildings and communities across the United States.

I am proud to work with Ranking Member VELÁZQUEZ, the chairman, and the Congressman from Mississippi (Mr. KELLY). This is an important step in

guaranteeing that our contractors are treated fairly when carrying out their contracts.

Mr. CHABOT. Mr. Speaker, I continue to reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume, and I am prepared to close.

Mr. Speaker, I thank the gentleman from Florida (Mr. LAWSON) and his cosponsor, Mr. KELLY, for introducing this important legislation. H.R. 6367 protects our small contractors by updating the subcontracting goaling regime through increased flexibility and accountability.

Establishing incentives to count lowtier subcontracting awards and a dispute process for subcontractors to utilize in the event of nonpayment ensures a healthy Federal procurement marketplace.

Today's legislation spreads the economic power of Federal procurement to more companies and the communities they are located.

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

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume to close.

Mr. Speaker, as we have discussed, there are less prime contracting opportunities that are available for small businesses nowadays. It is in the subcontracting arena that is often the best and only way for a small contractor to engage with the Federal Government, but the lack of accountability and Federal oversight harms small subcontractors that rely on these opportunities to survive.

This is a lose-lose situation for both America's small businesses seeking to do work for the Federal Government and for the government itself. We want our citizens to get the best bang for their buck, and the more competition there is, the better it is for all of us. The greater oversight reforms in this legislation take a big step in ensuring small firms are protected.

I once again thank the gentleman from Florida (Mr. LAWSON) for his leadership on this measure, and I urge my colleagues to support this bipartisan, commonsense piece of legislation.

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

The SPEAKER pro tempore (Mr. PALMER). The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 6367, 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.

ENCOURAGING SMALL BUSINESS INNOVATORS

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6368) to encourage R&D small business set-asides, to encourage SBIR and STTR participants to serve as mentors under the Small Business Administration's mentor-protege program, to promote the use of interagency contracts, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6368

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 ''Encouraging Small Business Innovators''.

SEC. 2. INCLUDING TESTING AND EVALUATION IN THE DEFINITION OF R&D.

Section 9(e)(5) of the Small Business Act (15 U.S.C. 638(e)(5)) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(2) by striking ''means any activity'' and inserting the following: ''means—

''(A) any activity''; and

(3) by adding at the end the following: ''and

''(B) any testing or evaluation in connection with such an activity;''.

SEC. 3. ENCOURAGING PARTICIPATION IN THE MENTOR-PROTEGE PROGRAM.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(tt) ENCOURAGING PARTICIPATION IN THE MENTOR-PROTEGE PROGRAM.—The Administrator shall provide an increase to the past performance rating of any small business concern that has participated in the SBIR or STTR program that serves as a mentor under section 45 to a small business concern that seeks to participate in the SBIR or STTR program.''.

SEC. 4. PROMOTING THE USE OF GOVERNMENT-WIDE AND OTHER INTERAGENCY CONTRACTS.

(a) PROMOTING INTERAGENCY ACQUISITIONS.—Section 865 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417) is amended—

(1) in subsection (b)(1)—

(A) by striking ''all interagency acquisitions'';

(B) in subparagraph (A)—

(i) by adding ''all interagency assisted acquisitions'' before ''include''; and

(ii) by adding ''and'' at the end;

(C) by striking subparagraph (B);

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

(E) in subparagraph (B), as so redesignated, by adding ''all interagency assisted acquisitions'' before ''include''; and

(2) in subsection (d), by adding at the end the following:

''(5) The term 'assisted acquisition' means a type of interagency acquisition where a servicing agency performs acquisition activities on a requesting agency's behalf, such as awarding and administering a contract, task order, or delivery order.''.

(b) GSA ASSISTANCE WITH CERTAIN SMALL BUSINESS CONTRACT AWARDS.—

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by section 4, is further amended by adding at the end the following:

''(uu) GSA ASSISTANCE WITH CERTAIN SMALL BUSINESS CONTRACT AWARDS.—The Administrator of the General Services Administration may assist another agency with the process of awarding a contract to a small business concern under the SBIR or STTR program or under a small business set-aside.''.

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

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, this bipartisan legislation was introduced by the gentleman from New York (Mr. ESPAILLAT) and cosponsored by the gentleman from South Carolina (Mr. NORMAN), so it is bipartisan. I thank the gentlemen, both of them, for their leadership on this important issue.

This legislation would make small but important changes to the Small Business Innovation Research, or SBIR, and the Small Business Technology Transfer, or STTR, programs.

A healthy and vibrant Federal marketplace is important to our Nation. Competition breeds innovation, which is critical in our national defense to save lives on the battlefield or healthcare advancements to improve and prolong lives.

The SBIR and STTR programs are often one of the first places small innovators and manufacturers venture into the Federal contracting arena. The process can be daunting for small firms completely new to contracting with the Federal Government.

H.R. 6368 provides an avenue for more experienced SBIR and STTR companies to mentor newer companies to help them adjust to how the Federal Government does business. By doing so, it aims to strengthen the industrial base by bringing new firms into the contracting process.

The bill also rewards mentors with a past-performance rating boost so they can be more advantaged when applying for a full research and development set-aside or sole-source contracts going forward outside of the program.

Additionally, this legislation provides clarity in the use of government-side interagency acquisitions permitted through the fiscal year 2009 National Defense Authorization Act, or NDAA, by updating and harmonizing the terminology used in acquisitions.

Finally, the bill expressly allows the GSA, General Services Administration, to assist agencies with contract awards and vehicle creation for small businesses receiving sole-source or set-aside contracts in the SBIR and STTR programs.

Historically, there have been lengthy delays in the programs at various stages, including award notification, payment, and advancement. The bill aims to reduce these delays by allowing the GSA to assist participating agencies in the SBIR and STTR contract creation and management.

I urge my colleagues to support this bipartisan legislation, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, September 18, 2018.

Hon. STEVE CHABOT,
Chairman, Committee on Small Business, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I write concerning H.R. 6368, the Encouraging Small Business Innovators Act of 2018. This bill contains provisions within the jurisdiction of the Committee on Oversight and Government Reform. As a result of your having consulted with me concerning the provisions of the bill that fall within our Rule X jurisdiction, I agree to forgo consideration of the bill, so the bill may proceed expeditiously to the House floor.

The Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 6368, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and we will be appropriately consulted and involved as the bill or similar legislation moves forward so we may address any remaining issues within our Rule X jurisdiction. Further, I request your support for the appointment of conferees from the Committee on Oversight and Government Reform during any House-Senate conference on this or related legislation.

Finally, I would appreciate a response confirming this understanding and ask that a copy of our exchange of letters on this matter be included in the bill report filed by the Committee on Small Business, as well as in the Congressional Record during floor consideration thereof.

Sincerely,

TREY GOWDY.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SMALL BUSINESS,
Washington, DC, September 18, 2018.

Hon. TREY GOWDY,
Chairman, Committee on Oversight and Government Reform, House of Representatives, Washington, DC.

DEAR CHAIRMAN GOWDY: In reference to your letter of September 18, 2018, I write to confirm our mutual understanding regarding H.R. 6368, the ''Encouraging Small Business Innovators Act of 2018.''

I appreciate the House Committee on Oversight and Government Reform's waiver of consideration of provisions under its jurisdiction and its subject matter as specified in your letter. I acknowledge that the waiver was granted only to expedite floor consideration of H.R. 6368 and does not in any way waive or diminish the House Committee on Oversight and Government Reform's jurisdictional interests over this or similar legislation. I will support a request from the House Committee on Oversight and Government Reform for appointment to any House-Senate conference on H.R. 6368 or similar legislation.

Again, thank you for your assistance with these matters.

Sincerely,

STEVE CHABOT,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,
Washington, DC, September 18, 2018.

Hon. STEVE CHABOT,
Chairman, Committee on Small Business, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing concerning H.R. 6368, ''Encouraging Small Business Innovators,'' which was ordered reported by your Committee on July 18, 2018.

H.R. 6368 contains provisions within the Committee on Science, Space, and Technology's Rule X jurisdiction. As a result of your having consulted with the Committee and in order to expedite this bill for floor consideration, the Committee on Science, Space, and Technology will forego action on the bill. This is being done on the basis of our mutual understanding that doing so will in no way diminish or alter the jurisdiction of the Committee on Science, Space, and Technology with respect to the appointment of conferees, or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation.

I would appreciate your response to this letter confirming this understanding, and request that you include a copy of this letter and your response in the Congressional Record during the floor consideration of this bill. Thank you in advance for your cooperation.

Sincerely,

LAMAR SMITH,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SMALL BUSINESS,
Washington, DC, September 18, 2018.

Hon. LAMAR SMITH,
Chairman, Committee on Science, Space, and Technology, House of Representatives, Washington, DC.

DEAR CHAIRMAN SMITH: In reference to your letter of September 18, 2018, I write to confirm our mutual understanding regarding H.R. 6368, the ''Encouraging Small Business Innovators Act of 2018.''

I appreciate the House Committee on Science, Space, and Technology's waiver of consideration of provisions under its jurisdiction and its subject matter as specified in your letter. I acknowledge that the waiver was granted only to expedite floor consideration of H.R. 6368 and does not in any way waive or diminish the House Committee on Science, Space, and Technology's jurisdictional interests over this or similar legislation. I will support a request from the House Committee on Science, Space, and Technology for appointment to any House-Senate conference on H.R. 6368 or similar legislation.

Again, thank you for your assistance with these matters.

Sincerely,

STEVE CHABOT,
Chairman.

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

Mr. Speaker, I rise in support of H.R. 6368, Encouraging Small Business Innovators.

For almost 40 years, our Nation has experienced increased innovation and job creation through the Small Business Innovation Research program, or SBIR, and the Small Business Technology Transfer program, or STTR. Research conducted by SBIR and STTR awardees has helped address our country's most technological and research-based challenges while generating tremendous economic growth and employment opportunities.

By incentivizing more experienced SBIR/STTR companies to mentor newer companies and rewarding mentors through a past-performance rating increase, Congressman ESPAILLAT's legislation positively promotes integrating these program participants into the larger Federal marketplace. That is why I urge Members to support this legislation.

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

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

Ms. VELÁZQUEZ. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. ESPAILLAT), the sponsor of the bill.

Mr. ESPAILLAT. Mr. Speaker, before I begin, I thank Ranking Member VELÁZQUEZ and Chairman CHABOT for their leadership in the Small Business Committee, and the colead in this bill, the Congressman from South Carolina (Mr. NORMAN).

Mr. Speaker, I rise today in support of H.R. 6368, Encouraging Small Business Innovators.

Mr. Speaker, access to capital remains limited for underrepresented minority- and women-owned small businesses. I hear this concern from many in New York City whose ventures in science and technology are full of promise and potential for success.

However, a 2013 report commissioned by the Small Business Administration found that women-owned businesses do not have equal access to capital from the private sector as compared to their male peers. The Small Business Administration's own Office of Advocacy has said that ''there are fewer minority-owned businesses representing high-patenting industries than in all industries.''

Through the Small Business Innovation Research and the Small Business Technology Transfer programs, the Small Business Administration works with partners in 11 Federal agencies, ranging from agriculture to NASA, to support small businesses, and especially those that are minority and disadvantaged owned.

These programs are committed to fostering and encouraging participation and innovation and entrepreneurship by socially and economically disadvantaged individuals and expanding private-sector commercialization of innovations resulting from federally funded research and development. But this is limited only to research and development. There is no consideration given for testing and evaluation.

What good is a product or a method when you don't know if it works effectively, efficiently, or can be used in variable ways?

H.R. 6368 addresses this problem by including testing and evaluation among the activities that SBIR and STTR participants can apply for. This is how we can encourage more underrepresented entrepreneurs and their expertise into a process where they can

develop new products, ideas, and gain respected external validators.

H.R. 6368 also incentivizes mentorship with previous SBIR and STTR companies that have found success in the programs to share and impart that knowledge and experience.

Today's bill is endorsed by the National Defense Industrial Association, an association whose majority are small businesses.

Mr. Speaker, I urge my colleagues to support this bipartisan legislation.

Mr. CHABOT. Mr. Speaker, I continue to reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I thank the gentleman from New York (Mr. ESPAILLAT) for introducing today's bill to spur increased contracting activities in the SBIR/STTR programs, and I ask all my colleagues to support this important piece of legislation.

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

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume to close.

Mr. Speaker, I, first of all, thank the gentlewoman, the ranking member, for her leadership on this, and Mr. ESPAILLAT, as well, and Mr. NORMAN for working together in a bipartisan manner.

Mr. Speaker, the SBIR and STTR play pivotal roles in the development of new technologies while giving Federal agencies innovative and cost-effective ways to solve operational problems. They are highly popular and have helped thousands of small businesses create new technologies, commercialize their ideas, and generate new jobs.

The reforms contained in H.R. 6368 will bring more firms into the programs and make it easier for them to win contracts. This is a win-win for small businesses and the Federal Government as competition breeds innovation, and innovation leads to saving taxpayer dollars.

Mr. Speaker, I urge my colleagues to support the bipartisan and commonsense reforms of H.R. 6368, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in support of H.R. 6368, the "Encouraging Small Business Innovators Act," which encourages R&D small business set-asides, to incentivize Small Business Innovation Research Program (SBIR) and Small Business Technology Transfer Program (STTR) participants to serve as mentors under the Small Business Administration's mentor-protégé program.

The SBIR program is a highly competitive program that encourages domestic small businesses to engage in Federal Research/Research and Development (R/R&D) that has the potential for commercialization.

Through a competitive awards-based program, SBIR enables small businesses to explore their technological potential and provides the incentive to profit from its commercialization.

By including qualified small businesses in the nation's R&D arena, high-tech innovation is stimulated and the United States gains entrepreneurial capacity as it meets its specific research and development needs.

STTR is another program that expands funding opportunities in the federal innovation research and development (R&D) arena.

Central to the STTR program is expansion of the public/private sector partnerships to include the joint venture opportunities for small businesses and nonprofit research institutions.

The unique feature of the STTR program is the requirement for the small business to formally collaborate with a research institution in Phase I and Phase II.

STTR's most important role is to bridge the gap between performance of basic science and commercialization of resulting innovations.

As a member of Congress, I have worked to advance policies that promote business opportunities and business growth because I believe that this is at the heart of the American dream—small businesses are the backbone of the American economy.

To this end, I have authored numerous Legislative proposals empowering small businesses such as the American Rising Act and the Transitioning Heroes Act, to name a few to provide opportunities for small businesses.

I have also hosted events to create a platform for entrepreneurial and small business participants to hear from experts in the industry and to network with supplier outreach representatives from major government agencies and corporations.

By finding the right mentors like SBIR and STTR, small business owners and incubators can learn valuable tools to aid in leading small businesses to success.

For these reasons, I urge my colleagues to stand with me in the support of H.R. 6368.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 6368, 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. CHABOT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Lasky, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 48. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 1551.

□ 1745

EXPANDING CONTRACTING OPPORTUNITIES FOR SMALL BUSINESSES ACT OF 2018

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6369) to amend the Small Business Act to eliminate the inclusion of option years in the award price for sole source contracts, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6369

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 ''Expanding Contracting Opportunities for Small Businesses Act of 2018''.

SEC. 2. AMENDMENTS TO CONTRACTING AUTHORITY FOR CERTAIN SMALL BUSINESS CONCERNS.

(a) QUALIFIED HUBZONE SMALL BUSINESS CONCERNS.—Subparagraph (A) of section 31(b)(2) of the Small Business Act (15 U.S.C. 657a(b)(2)) is amended to read as follows:

''(A) SOLE SOURCE CONTRACTS.—A contracting officer may award sole source contracts under this section to any qualified HUBZone small business concern, if—

''(i) the qualified HUBZone small business concern is determined to be a responsible contractor with respect to performance of such contract opportunity;

''(ii) the contracting officer does not have a reasonable expectation that two or more qualified HUBZone small business concerns will submit offers for the contracting opportunity;

''(iii) the anticipated award price of the contract will not exceed—

''(I) $7,000,000, in the case of a contract opportunity assigned a standard industrial classification code for manufacturing; or

''(II) $4,000,000, in the case of all other contract opportunities; and

''(iv) in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price.''.

(b) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.—Subsection (a) of section 36 of the Small Business Act (15 U.S.C. 657f) is amended to read as follows:

''(a) SOLE SOURCE CONTRACTS.—In accordance with this section, a contracting officer may award a sole source contract to any small business concern owned and controlled by service-disabled veterans if—

''(1) such concern is determined to be a responsible contractor with respect to performance of such contract opportunity;

''(2) the contracting officer does not have a reasonable expectation that two or more small business concerns owned and controlled by service-disabled veterans will submit offers for the contracting opportunity;

''(3) the anticipated award price of the contract will not exceed—

''(A) $7,000,000, in the case of a contract opportunity assigned a standard industrial classification code for manufacturing; or

''(B) $4,000,000, in the case of any other contract opportunity;

''(4) in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price;

''(5) the contracting officer has notified the Administration of the intent to make such award and requested that the Administration determine the concern's eligibility for award; and

''(6) the Administration has determined that such concern is eligible for award.''.

(c) CERTAIN SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY WOMEN.—Section 8(m) of the Small Business Act (15 U.S.C. 637(m)) is amended—

(1) by amending paragraph (7) to read as follows:

''(7) AUTHORITY FOR SOLE SOURCE CONTRACTS FOR ECONOMICALLY DISADVANTAGED SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY

WOMEN.—A contracting officer may award a sole source contract under this subsection to any small business concern owned and controlled by women described in paragraph (2)(A) and certified under paragraph (2)(E) if—

''(A) such concern is determined to be a responsible contractor with respect to performance of the contract opportunity;

''(B) the contracting officer does not have a reasonable expectation that two or more businesses described in paragraph (2)(A) will submit offers;

''(C) the anticipated award price of the contract will not exceed—

''(i) $7,000,000, in the case of a contract opportunity assigned a standard industrial classification code for manufacturing; or

''(ii) $4,000,000, in the case of any other contract opportunity;

''(D) in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price;

''(E) the contracting officer has notified the Administration of the intent to make such award and requested that the Administration determine the concern's eligibility for award; and

''(F) the Administration has determined that such concern is eligible for award.''; and

(2) by amending paragraph (8) to read as follows:

''(8) AUTHORITY FOR SOLE SOURCE CONTRACTS FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY WOMEN IN SUBSTANTIALLY UNDERREPRESENTED INDUSTRIES.—A contracting officer may award a sole source contract under this subsection to any small business concern owned and controlled by women certified under paragraph (2)(E) that is in an industry in which small business concerns owned and controlled by women are substantially underrepresented (as determined by the Administrator under paragraph (3)) if—

''(A) such concern is determined to be a responsible contractor with respect to performance of the contract opportunity;

''(B) the contracting officer does not have a reasonable expectation that two or more businesses in an industry that has received a waiver under paragraph (3) will submit offers;

''(C) the anticipated award price of the contract will not exceed—

''(i) $7,000,000, in the case of a contract opportunity assigned a standard industrial classification code for manufacturing; or

''(ii) $4,000,000, in the case of any other contract opportunity;

''(D) in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price;

''(E) the contracting officer has notified the Administration of the intent to make such award and requested that the Administration determine the concern's eligibility for award; and

''(F) the Administration has determined that such concern is eligible for award.''.

(d) ELIMINATION OF THE INCLUSION OF OPTION YEARS IN THE AWARD PRICE FOR CONTRACTS.—Section 8 of the Small Business Act (15 U.S.C. 637) is amended by striking ''(including options)'' each place such term appears.

SEC. 3. SBA CERTIFICATION PROGRAM NOTIFICATION.

The Administrator of the Small Business Administration shall notify the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate when the Administrator has implemented each of the following:

(1) A program to certify small business concerns owned and controlled by women.

(2) A program to certify small business concerns owned and controlled by service-disabled veterans.

SEC. 4. GAO REPORT.

(a) STUDY.—With respect to the Small Business Administration's procurement programs for women-owned small business concerns and for small business concerns owned and controlled by service-disabled veterans, the Comptroller General of the United States shall conduct an evaluation of the policies and practices used by the Administration and other Federal agencies to provide assurance that contracting officers are properly classifying sole source awards under those programs in the Federal Procurement Data System and that sole source contracts awarded under those programs are being awarded to eligible concerns.

(b) REPORT.—No later than 18 months after the Small Business Administration implements the certification programs described under section 3, the Comptroller General shall issue a report to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate containing the findings made in carrying out the study required under subsection (a).

(c) SBA CONSIDERATION OF GAO REPORT.—

(1) IN GENERAL.—The Administrator of the Small Business Administration shall review the report issued under subsection (b) and take such actions as the Administrator may determine appropriate to address any concerns raised in such report and any recommendations contained in such report.

(2) REPORT TO CONGRESS.—After the review described under paragraph (1), the Administrator shall issue a report to the Congress—

(A) stating that no additional actions were necessary to address any concerns or recommendations contained in the report; or

(B) describing the actions taken by the Administrator to resolve such concerns or implement such recommendations.

SEC. 5. REMOVAL OF ELIGIBILITY DETERMINATION UPON IMPLEMENTATION OF CERTIFICATION PROGRAMS.

Effective upon the notification described under section 3, the Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 8(m)—

(A) in paragraph (7)—

(i) in subparagraph (C), by adding ''and'' at the end;

(ii) in subparagraph (D), by striking the semicolon at the end and inserting a period; and

(iii) by striking subparagraphs (E) and (F); and

(B) in paragraph (8)—

(i) in subparagraph (C), by adding ''and'' at the end;

(ii) in subparagraph (D), by striking the semicolon at the end and inserting a period; and

(iii) by striking subparagraphs (E) and (F); and

(2) in section 36(a)—

(A) in paragraph (3), by adding ''and'' at the end;

(B) in paragraph (4), by striking the semicolon at the end and inserting a period; and

(C) by striking paragraphs (5) and (6).

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

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. CHABOT. 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 the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I would like to thank Dr. MARSHALL and Mr. SCHNEIDER for their leadership on this bill.

The Small Business Act currently allows Federal agencies to award sole-source contracts to women-owned; service-disabled veteran-owned; HUBZone; and socially and economically disadvantaged small businesses. However, these awards can only be made in the narrowest of circumstances, rightly protecting the ability of small businesses to compete against each other.

Even though Federal contracting officers have this procurement tool in their toolbox, the reality is that small business sole-source contracting is rare and may be underutilized. This can, in part, be attributed to the fact that the maximum dollar threshold for Federal sole-source contracts designated in statute has fallen far behind the typical size of contract awards made today.

As contracts increase in size and scope, the usefulness of small business sole-source contracts diminishes, to the detriment of small contractors eligible to receive such awards.

H.R. 6369, as amended, adjusts the dollar threshold to actually reflect the size of contracts that are commonly used across the government today. This modest change will provide agencies with an accessible pathway to achieving their small business goals in categories they have historically been unable to meet.

Additionally, and importantly, this bill institutes a new oversight process which will help reduce the chances of sole-source awards being made to ineligible firms by requiring positive confirmation by the Small Business Administration that this small business is, in fact, eligible to receive the award before it is issued by the Federal agency.

I urge my colleagues to support H.R. 6369, as amended, and I reserve the balance of my time.

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

I rise in support of H.R. 6369, the Expanding Contracting Opportunities for Small Businesses Act of 2018.

The Small Business Act sets forth a government-wide 23 percent goal of Federal contracts that should be awarded to small businesses. Each Federal agency is charged with setting its own small business goals which are to reflect the maximum possible opportunity for small businesses within that agency.

By promoting the use of sole-source contracts to small businesses, this bill adds to the government's pool of suppliers. This results in higher-quality goods and increased job creation for the economy as these direct awards require the small businesses to do the majority of the work and not subcontract out.

I urge Members to support this legislation, and I reserve the balance of my time.

Mr. CHABOT. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. MARSHALL), the leader on this particular legislation.

Mr. MARSHALL. Mr. Speaker, I rise today to urge my colleagues to support H.R. 6369, the Expanding Contracting Opportunities for Small Business Act of 2018.

Not only will this bill provide opportunities for women-owned, service-disabled veteran-owned, HUBZone, and socially and economically disadvantaged small businesses, this legislation also helps Federal agencies achieve and exceed their small business goals.

Small business sole-source contracting can be a valuable tool for both Federal agencies and small businesses, but our current statute is outdated.

Federal procurement practices are rapidly changing, and the sole-source authority provided by the Small Business Act has not kept up with the changes of today's procurement landscape. By adjusting the statutory sole-source dollar thresholds, H.R. 6369 incentivizes contracting officers' use of small business sole-source contracting in order to help agencies swiftly meet their goals.

While it is critical that agencies maximize opportunities to small businesses, it is equally important that they have procedures in place to assure that awards are made only to eligible and qualified firms. This bill will apply a new oversight procedure that requires agencies to coordinate with the SBA prior to awarding a sole-source contract, ensuring that firms receiving awards are, in fact, qualified and eligible.

I am proud of H.R. 6369 and its mission to promote small business growth, strengthen oversight, and incentivize Federal agencies to work with small businesses. I encourage my colleagues to support this bill.

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

Mr. Speaker, I want to thank the gentleman from Kansas for introducing this important legislation to provide flexibility to contracting officers when awarding sole-source contracts.

H.R. 6369 promotes the use of sole-source contracts to small business concerns through the SBA contracting programs by raising the dollar threshold of these contract types to account for inflation. This bill will make valuable strides to a more equitable playing field for small contractors. I urge Members to support this bill.

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

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume to close.

Mr. Speaker, this bill provides greater opportunities for women-owned, service-disabled veteran-owned, HUBZone, and socially and economically disadvantaged small businesses.

Additionally, it will help Federal agencies achieve and exceed their small business goals. It reinforces oversight, and gives Federal agencies a greater motivation to work with small firms.

Therefore, I urge my colleagues to support the bipartisan and commonsense reforms in H.R. 6369, as amended.

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 Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 6369, 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. CHABOT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

CLARITY ON SMALL BUSINESS PARTICIPATION IN CATEGORY MANAGEMENT ACT OF 2018

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6382) to amend the Small Business Act to require the Administrator of the Small Business Administration to report certain information to the Congress and to the President, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6382

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 ''Clarity on Small Business Participation in Category Management Act of 2018''.

SEC. 2. REPORTING.

Section 15(h) of the Small Business Act (15 U.S.C. 644(h)) is amended by adding at the end the following:

''(4) BEST IN CLASS SMALL BUSINESS PARTICIPATION REPORTING.—

''(A) ADDENDUM.—The Administrator, in addition to the requirements under paragraph (2), shall include in the report required by such paragraph, for each best in class designation—

''(i) the total amount of spending government wide in such designation;

''(ii) the number of small business concerns awarded contracts and the dollar amount of contracts within such category awarded to each of the following—

''(I) HUBZone small business concerns;

''(II) small business concerns owned and controlled by women;

''(III) small business concerns owned and controlled by service-disabled veterans; and

''(IV) socially and economically disadvantaged small business concerns.

''(B) BEST IN CLASS.—The term 'best in class' has the meaning given to it by the Director of the Office of Management and Budget.

''(C) EFFECTIVE DATE.—The Administrator shall be required to report on the information described by subparagraph (A) beginning on the date that such information is available in the Federal Procurement Data System, the System for Award Management, or any successor to such systems.''.

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

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. CHABOT. 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 the bill under consideration.

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

There was no objection.

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

I would like to thank Ms. ADAMS for leading this important piece of legislation.

Category management is a procurement initiative that is currently being rolled out across the Federal Government. It can be a positive tool, allowing the Federal Government to better understand its purchasing habits and identify cost savings where appropriate. However, setting mandatory targets to manage agency spending may result in unintended consequences.

Specifically, there is concern that this initiative may have the effect of reducing competition to only a few select vendors. As we continue to see increased use of these best-in-class vehicles by Federal agencies, it is important to remember that it is not the job of the government to pick winners and losers. We must be vigilant and ensure that maximum opportunities are given to small businesses, even as we continue to pursue cost savings across the Federal Government.

H.R. 6382, as amended, takes that critical first step by tracking the potential impacts of category management on small businesses. The bill requires the SBA to report exactly how much of these dollars spent through best-in-class vehicles are awarded to small businesses. Obtaining this data and identifying trends or patterns affecting small businesses will become increasingly important as category management continues to be used in years to come.

This is a commonsense piece of oversight legislation, and I urge my colleagues to support the measure.

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

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

I rise in support of H.R. 6382, the Clarity on Small Business Participation in Category Management Act of 2018.

Our committee has long acknowledged small businesses' critical role in

the $500 billion a year Federal marketplace. When small firms are awarded Federal contracts, the result is a win-win.

While category management is billed as the strategy to get agencies the lowest price, we have heard the contrary in our committee, in that more contracts are being consolidated out of the reach of small businesses.

By requiring that contracting activity under this new regime be reported in the annual goaling report from agencies to Congress, today's bill protects the industrial base by creating a mechanism for much needed accountability.

I am proud to be a cosponsor of H.R. 6382, and commend Congresswoman ADAMS for her work to provide accountability to the category management regime.

I urge Members to support this legislation, and I reserve the balance of my time.

Mr. CHABOT. Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 5 minutes to the gentlewoman from North Carolina (Ms. ADAMS), who is the sponsor of the bill and ranking member of the Subcommittee on Investigations, Oversight and Regulations.

Ms. ADAMS. Mr. Speaker, I rise in support of my bill, H.R. 6382, the Clarity on Small Business Participation in Category Management Act.

Small businesses are the heart of American enterprise, and we must ensure a level playing field for all of them to compete for Federal contracts. My legislation is the first step to addressing the many concerns of the small business community regarding the current administration's efforts to expand the use of category management.

Although category management has been billed as the procurement strategy that can get Federal agencies the lowest price, the actual numbers tell a very different story. In fact, the data shows us that small business vendors on the Multiple Award Schedule continually provided agencies with lower prices than those offered by category management contract holders.

However, due to the changes under this administration, many Federal agencies and contracting officers can no longer take advantage of increased competition and lower prices because some category management vehicles are the only option available.

Unfortunately, the current trend of this administration is to increase the number of agencies heading in this misguided direction. This will result in wasteful spending of taxpayer dollars because a reduction of competing vendors means Federal agencies will pay more than necessary for goods and services.

Furthermore, the harmful effect of the use of the category management business model could mean further exclusion of minorities, women, veterans, and other already disadvantaged small business owners in the Federal marketplace.

My bill requires the Small Business Administration to include in their annual report information on best-in-class contractors, which are the companies that largely benefit from category management.

This bill would also provide lawmakers with information on whether category management is reducing the role of small firms, women-owned firms, minority-owned companies, and veteran-owned enterprises in Federal contracting.

I am also proud to say that my bill is endorsed by the National Defense Industrial Association, an association whose 1,600 corporate members and over 85,000 individual members are 70 percent small business. NDIA works to help small companies grow and remain a strong part of the defense industrial base.

The ability for Congress to see this data allows us to determine the effectiveness of such contracting vehicles for small firms and to make needed changes where appropriate.

□ 1800

Mr. Speaker, I urge Members to support this legislation. I thank very much our chairman and our ranking member for their support.

Ms. VELÁZQUEZ. Mr. Speaker, I want to thank the gentlewoman from North Carolina (Ms. ADAMS) for introducing this important piece of legislation to provide much needed oversight of small business participation in the streamlined acquisition strategy known as category management.

Mr. Speaker, I urge all the Members to support this important piece of legislation.

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

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume to close.

Mr. Speaker, I would like to thank Ms. ADAMS for her leadership on this measure and congratulate her for its passage here shortly.

This legislation raises the profile of this important issue and requires that the SBA keep track of how much Federal spending is made through best-in-class vehicles. I applaud the administration for looking for ways to ensure taxpayer dollars are utilized in the most efficient ways possible.

At the same time, we must be watchful to safeguard small businesses' proper importance and place in the Federal marketplace. Enacting this legislation will help ensure that the correct data is collected and reported to help maintain that balance.

Mr. Speaker, I urge my colleagues to support this bipartisan legislation, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in support of H.R. 6382, the ''Clarity on Small Business Participation in Category Management Act of 2018''.

H.R. 6382 amends the Small Business Act to require the Administrator of the Small Business Administration to report certain information to the Congress and to the President.

This bill directs the administrator of the Small Business Administration to report to congress on: the total amount of spending government wide in such designation; the number of small business concerns awarded contracts and the dollar amount of contracts within such category awarded to each of the following—

1. HUBZone small business concerns;

2. Small business concerns owned and controlled by women;

3. Small business concerns owned and controlled by service-disabled veterans; and

4. Socially and economically disadvantaged small business concerns.

More than 99 percent of Houston's businesses are considered small.

In 2016, roughly seven businesses in the Houston District received a loan averaging $500,000 each weekday.

Small businesses are the lifeblood of our economy in Houston and across America.

Small business was key for the nation's recovery from the recession.

Between the middle of 2009 and the middle of 2013, 60 percent of the jobs created were from small businesses.

I am committed to producing tangible results in suffering communities through legislation that creates jobs, fosters minority business opportunities, and builds a foundation for the future.

Studies have shown that supporting small businesses is good for the American economy. For every $1 invested, small businesses will contribute $7 to the economy.

Every American deserves the right to be gainfully employed or own a successful business and I know we are all committed to that right and will not rest until all Americans have access to economic opportunity.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 6382, 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.

SMALL BUSINESS INNOVATION PROTECTION ACT OF 2017

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and pass the bill (S. 791) to amend the Small Business Act to expand intellectual property education and training for small businesses, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 791

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 ''Small Business Innovation Protection Act of 2017''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''Administrator'' means the Administrator of the SBA;

(2) the term ''Director'' means the Under Secretary of Commerce for Intellectual Property and Director of the USPTO;

(3) the term ''SBA'' means the Small Business Administration;

(4) the term ''small business concern'' has the meaning given the term in section 3(a) of the Small Business Act (15 U.S.C. 632(a));

(5) the term ''small business development center'' means a center described in section 21 of the Small Business Act (15 U.S.C. 648); and

(6) the term ''USPTO'' means the United States Patent and Trademark Office.

SEC. 3. FINDINGS.

Congress finds that—

(1) the USPTO and the SBA are positioned to—

(A) build upon several successful intellectual property and training programs aimed at small business concerns; and

(B) increase the availability of and the participation in the programs described in subparagraph (A) across the United States; and

(2) any education and training program administered by the USPTO and the SBA should be scalable so that the program is able to reach more small business concerns.

SEC. 4. SBA AND USPTO PARTNERSHIPS.

(a) IN GENERAL.—Beginning not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with the Director, shall develop partnership agreements that—

(1) provide for the—

(A) development of high-quality training, including in-person or modular training sessions, for small business concerns relating to domestic and international protection of intellectual property;

(B) leveraging of training materials already developed for the education of inventors and small business concerns; and

(C) participation of a nongovernmental organization; and

(2) provide training—

(A) through electronic resources, including Internet-based webinars; and

(B) at physical locations, including—

(i) a small business development center; and

(ii) the headquarters or a regional office of the USPTO.

SEC. 5. SMALL BUSINESS DEVELOPMENT CENTERS.

Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(1) in subparagraph (S), by striking ''and'' at the end;

(2) in subparagraph (T), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(U) in conjunction with the United States Patent and Trademark Office, providing training—

''(i) to small business concerns relating to—

''(I) domestic and international intellectual property protections; and

''(II) how the protections described in subclause (I) should be considered in the business plans and growth strategies of the small business concerns; and

''(ii) that may be delivered—

''(I) in person; or

''(II) through a website.''.

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

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise today in support of S. 791, the Small Business Innovation Protection Act of 2017.

As small-business entrepreneurs continue to expand both here and abroad, they must have the tools they need to protect their intellectual property. However, the process for obtaining intellectual property protections both in the U.S. and abroad can be daunting, even for the most experienced small-business owner.

We must ensure that small-business owners have the tools they need to protect their innovative ideas and products, as intellectual property protections are essential to promoting entrepreneurship and innovation.

Small-business owners often do not have the resources to protect their ideas and products, especially when they are competing in the international marketplace. Most simply cannot afford to retain attorneys to guide them through the difficult process of obtaining intellectual property protections, which leaves them vulnerable to their innovative ideas and products being stolen both here in the United States and internationally.

This legislation addresses this issue by developing a partnership between the Small Business Administration, the SBA, and the United States Patent and Trademark Office, USPTO, giving entrepreneurs the full breadth of knowledge of a Small Business Development Center system and the USPTO.

The bill utilizes existing resources at both agencies to better assist small-business owners and expand their outreach efforts to provide small businesses with the resources they need to address intellectual property issues.

Considering the important role that small-business entrepreneurs play in our global marketplace, it is our responsibility to ensure that they have the resources they need to better protect their intellectual property.

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

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 20, 2018.

Hon. STEVE CHABOT,
Chairman, Committee on Small Business, Washington, DC.

DEAR CHAIRMAN CHABOT, I write with respect to S. 791, the ''Small Business Innovation Protection Act.'' As a result of your having consulted with us on provisions within S. 791 that fall within the Rule X jurisdiction of the Committee on the Judiciary, I forego any further consideration of this bill so that it may proceed expeditiously to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of S. 791 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 so that we may address any remaining issues in our jurisdiction. 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 a response to this letter confirming this understanding with respect to S. 791 and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration of S. 791.

Sincerely,

BOB GOODLATTE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SMALL BUSINESS,
Washington, DC, September 20, 2018.

Hon. BOB GOODLATTE,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN GOODLATTE: In reference to your letter of September 20, 2018, I write to confirm our mutual understanding regarding S. 791, the ''Small Business Innovation Protection Act of 2017.''

I appreciate the House Committee on the Judiciary's waiver of consideration of provisions under its jurisdiction and its subject matter as specified in your letter. I acknowledge that the waiver was granted only to expedite floor consideration of S. 791 and does not in any way waive or diminish the House Committee on the Judiciary's jurisdictional interests over this or similar legislation. I will support a request from the House Committee on the Judiciary for appointment to any House-Senate conference on S. 791 or similar legislation.

Again, thank you for your assistance with these matters.

Sincerely,

STEVE CHABOT,
Chairman.

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

Mr. Speaker, I rise in support of S. 791, the Small Business Innovation Protection Act of 2017.

Innovation is an indispensable element driving economic growth and ensuring America's competitive edge in the global marketplace. In fact, it is so important that studies show the IP industry supports an estimated 30 percent of all jobs and contributes over $6 trillion to U.S. GDP.

While many entrepreneurs understand the benefits of holding IP rights, just as many do not know where to start or how to protect their ideas overseas. The USPTO reported that just 15 percent of small businesses that conduct overseas business understand they need to file for IP protection abroad.

This bill addresses the problem by creating a partnership between the two agencies best suited to take on this mission: the SBA and USPTO.

By leveraging existing IP education and training programs, and utilizing the immense network of SBDCs, small firms will have all the resources to better protect their interests both domestically and internationally.

I applaud Senator PETERS and Representative EVANS for recognizing the problem and working to advance the interests of our Nation's small businesses.

Mr. Speaker, I urge Members to vote ''yes,'' and I reserve the balance of my time.

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

Mr. Speaker, S. 791 is the Senate counterpart to legislation spearheaded on the House side by Mr. EVANS and Mr. FITZPATRICK, both of Pennsylvania. Once again, it is bipartisan legislation coming out of the Small Business Committee.

That bill, H.R. 2655, was also reported unanimously out of our committee this spring. I commend them on their work on this important issue.

This legislation helps small businesses receive better access to education and training opportunities both domestically and abroad.

A partnership between the Small Business Administration and the USPTO would help more small-business owners learn how they can use intellectual property to protect their ideas and products. This important partnership between the two agencies will help to reach more small-business owners and better prepare them for doing business both here and abroad.

It is vital that small-business owners have as many tools and resources as possible to help protect their innovative ideas from intellectual property theft.

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

Ms. VELÁZQUEZ. Mr. Speaker, in line with the bills we are debating today, this recognizes the special place small firms have in America's economy and provides them a simple tool to protect themselves and their ideas.

Today's bill leverages the current role of the USPTO and SBA to educate and protect innovative entrepreneurs at home and abroad. Doing so is paramount to remaining the global leader in innovation.

Mr. Speaker, I urge Members to support this bill.

Mr. Speaker, I would like to take this opportunity to thank the ranking member—the chairman, Mr. CHABOT, and the staff of both the minority and the majority side. It has been a great pleasure working on these nine bills.

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

Mr. CHABOT. Mr. Speaker, I would just advise the gentlewoman not to get ahead of herself there. It ain't happened yet, and I don't think it is going to happen. But nonetheless, we have had a wonderful working relationship over the years. I have been the chair; I have been the ranking member. The gentlewoman from New York has been the chair and the ranking member. We would like to keep it just the way it is now, but we will see in about 6 weeks.

Mr. Speaker, I have already given the closing statement, so I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, S. 791.

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.

STUDY OF UNDERREPRESENTED CLASSES CHASING ENGINEERING AND SCIENCE SUCCESS ACT OF 2018

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6758) to direct the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, in consultation with the Administrator of the Small Business Administration, to study and provide recommendations to promote the participation of women and minorities in entrepreneurship activities and the patent system, to extend by 8 years the Patent and Trademark Office's authority to set the amounts for the fees it charges, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6758

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 ''Study of Underrepresented Classes Chasing Engineering and Science Success Act of 2018'' or the ''SUCCESS Act''.

SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) Patents and other forms of intellectual property are important engines of innovation, invention, and economic growth.

(2) Many innovative small businesses, which create over 20 percent of the total number of new jobs created in the United States each year, depend on patent protections to commercialize new technologies.

(3) Universities and their industry partners also rely on patent protections to transfer innovative new technologies from the laboratory or classroom to commercial use.

(4) Recent studies have shown that there is a significant gap in the number of patents applied for and obtained by women and minorities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States has the responsibility to work with the private sector to close the gap in the number of patents applied for and obtained by women and minorities to harness the maximum innovative potential and continue to promote United States leadership in the global economy.

SEC. 3. REPORT.

(a) STUDY.—The Director, in consultation with the Administrator and any other head of an appropriate agency, shall conduct a study that—

(1) identifies publicly available data on the number of patents annually applied for and obtained by, and the benefits of increasing the number of patents applied for and obtained by women, minorities, and veterans and small businesses owned by women, minorities, and veterans; and

(2) provides legislative recommendations for how to—

(A) promote the participation of women, minorities, and veterans in entrepreneurship activities; and

(B) increase the number of women, minorities, and veterans who apply for and obtain patents.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Director shall submit to the Committees on the Judiciary and Small Business of the House of Representatives and the Committees on the Judiciary and Small Business and Entrepreneurship of the Senate a report on the results of the study conducted under subsection (a).

SEC. 4. EXTENSION OF FEE-SETTING AUTHORITY.

Section 10(i)(2) of the Leahy-Smith America Invents Act (Public Law 112–29; 125 Stat. 319; 35 U.S.C. 41 note) is amended by striking ''7-year'' and inserting ''15-year''.

SEC. 5. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Small Business Administration.

(2) AGENCY.—The term ''agency'' means a department, agency, or instrumentality of the United States Government.

(3) DIRECTOR.—The term ''Director'' means the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. CHABOT) and the gentleman from Georgia (Mr. JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. CHABOT. 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 materials on H.R. 6758, currently under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 6758, the SUCCESS Act.

Back in 2011, I was one of five Members of Congress who cosponsored the Leahy-Smith America Invents Act that the President eventually signed into law. In it, a provision was included to provide the Director of the United States Patent and Trademark Office with the authority to set fees to cover the cost of examining patent applications and registering trademarks.

Today, as a senior member of the House Judiciary Committee, I recognize the need to extend that authority another 8 years.

The PTO plays a critical role in the development of new technologies. The agency operates on fees it collects from patent and trademark applicants. To ensure that the PTO has the resources it needs to properly examine patent applications and register trademarks to study the issue of patenting by women, minority, and veteran entrepreneurs, and to perform the countless other activities it undertakes that are essential to maintaining America's competitiveness, Congress needs to reauthorize the PTO's authority to adjust its fees.

Additionally, we need to ensure that every American with a great new idea has access to the tools necessary for success in order for our Nation to realize its full potential and to secure an even brighter economic future for ourselves and our children.

The SUCCESS Act helps us achieve that goal by requiring that the PTO provide recommendations to Congress on how to increase the participation of women, minorities, and veterans in entrepreneurship activities in the patent system.

While American ingenuity is unparalleled, recent reports indicate that we have not tapped into all that the American people have to offer. Those reports indicate that while U.S. women earn almost half of all undergraduate degrees in science and engineering, and an estimated 39 percent of all new Ph.D.s in those fields, it appears that only between 10 percent and 20 percent of innovators listed on patents are women. A 2017 study showed that racial minorities fair even worse.

Mr. Speaker, I want to take this opportunity to thank Representatives COMSTOCK and ADAMS for introducing language that served as the inspiration for the study included in H.R. 6758. I want to also thank my fellow members on the Judiciary and Small Business Committees for being original cosponsors of this legislation.

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

Mr. JOHNSON of Georgia. Mr. Speaker, I yield myself as much time as I might consume.

Mr. Speaker, I am proud to be the lead Democratic cosponsor of H.R. 6758, the SUCCESS Act.

This bill takes the important step of extending for 8 more years the Patent and Trademark Office's authority to set its own fees. It is a timely bill, and it is a timely time that we are passing this bill, because the fee-setting authority for the USPTO expired on September 16 of 2018.

This bill will allow the USPTO to have the ability to set the amount it charges for each of the services it provides to patent and trademark applicants.

□ 1815

The ability to set its fees will also help the USPTO with its long-term planning. The fees are set to recover aggregate estimate costs of the patent and trademark operations, including all administrative costs.

This bill would renew the USPTO's fee-setting authority consistent with the framework of the America Invents Act, which was enacted in 2011. Section 29 of the America Invents Act called for the Director of the United States Patent and Trademark Office to ''establish methods for studying the diversity of patent applicants, including those applicants who are minorities, women, or veterans.''

This bill directs the Director of the USPTO, in consultation with the Administrator of the Small Business Administration, to conduct a study on the number of patents annually applied for and obtained by U.S. women, minorities, and veterans. The study would provide recommendations to promote the participation of women and minorities in entrepreneurship and in the patent system.

This data is necessary so Congress and the public can fully understand the demographic nature of the patent applicant pool. This study will be critical in developing policies to help underrepresented groups engage in entrepreneurial activities that are the backbone of our American economy.

Women, racial minorities, and low-income individuals are significantly underrepresented in the innovation ecosystem. For example, the Institute for Women's Policy Research reported in 2016 less than 20 percent of U.S. patents listed one or more women as inventors, and under 8 percent listed a woman as the primary inventor.

The exclusion of women, minorities, and other underserved communities is beneficial not just for inventors, but for the business sector as well.

For these reasons, I am proud to cosponsor this bill. I urge all of my colleagues to support this important legislation, and I reserve the balance of my time.

Mr. CHABOT. Mr. Speaker, we have no further speakers, and I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield such time as she may consume to the gentlewoman from North Carolina (Ms. ADAMS).

Ms. ADAMS. Mr. Speaker, I want to thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 6758, the SUCCESS Act.

As the world's leader for innovation and entrepreneurship, the United States has historically been a breeding ground for the best ideas and creative approaches that improve our quality of life and solve some of the world's most complex problems. However, currently, women, people of color, and low-income communities hold significantly fewer patents than other demographics. A recent study even showed that children born to parents in the top 1 percent of income are 10 times more likely to become an innovator and hold a patent than those born into low-income families. Innovation should not be a skill set only available to the superrich or those with the most resources.

The SUCCESS Act is an important first step to better understanding why the patent gaps exist. It will take a collective effort to create a more equitable system. With data collected via the SUCCESS Act, timely research and the number of programs across the Nation addressing underrepresentation, the Federal Government can better promote policies that increase the opportunity for those underrepresented groups to successfully qualify.

I strongly believe that it is our duty to ensure that all people have an equal opportunity to compete for patents and participate in the innovation economy. The future of American innovation is diverse, and the SUCCESS Act will help us begin to close the gap in patenting and ensure that all innovators, creatives, and patent seekers have a seat at the table.

Mr. Speaker, I urge Members to support this legislation.

Mr. JOHNSON of Georgia. Mr. Speaker, I am again asking that my colleagues support this very commonsense bill, and I yield back the balance of my time.

Mr. CHABOT. Mr. Speaker, I yield myself the balance of my time to close, and I will be very brief.

Mr. Speaker, I would just like to thank the gentleman from Georgia for his hard work on this legislation. We worked together on a number of bills in the past, and I really do appreciate the bipartisan effort in this area.

I urge my colleagues to support this important legislation, and I yield back the balance of my time.

Mr. NADLER. Mr. Speaker, I rise in strong support of H.R. 6758, the SUCCESS Act.

This bipartisan legislation would direct the U.S. Patent and Trademark Office and the Small Business Administration to study the underrepresentation of women, minorities, and veterans among patent holders. It would also require the agencies to recommend legislative solutions for increasing participation by these underrepresented groups in entrepreneurship activities, and increasing the number of them who apply for and obtain patents.

The SUCCESS Act would provide an important first step toward narrowing the race and gender gap among patent holders. One study estimated that per capita GDP could grow 4.6 percent if more women and African Americans were included in the initial stages of the innovation process. It also found that exposure to innovation during childhood has an important impact on a person's desire to become an inventor. That makes it critical that young people have diverse role models in all fields of study.

The bill was strengthened, in the Judiciary Committee, by the Gentleman from Illinois, Mr. SCHNEIDER, whose amendment added veterans to the list of underrepresented groups that will be studied. Promoting greater inclusion in the innovation ecosystem is good for our economy and good for underserved communities, and I am pleased to support the bill.

The SUCCESS Act would also extend the U.S. Patent and Trademark Office's fee setting authority for eight years. Since this authority was first granted to the PTO under the America Invents Act, seven years ago, it has helped put the agency on solid financial footing, and it has enabled the PTO to continue performing the important work of protecting Americans' intellectual property.

I appreciate the leadership of Mr. CHABOT and Mr. JOHNSON, the sponsors of this bill, and the other bipartisan cosponsors of this legislation. I want to particularly thank Ms. VELÁZQUEZ, the Ranking Member of the Small Business Committee, for all that she has done to bring attention to the lack of diversity among patent holders, and to the important issues highlighted in this bill.

I look forward to continuing to work with her, and the other bill sponsors to advance not only this legislation, but also other measures to address the underrepresentation of women, minorities, and veterans within the innovation ecosystem.

I urge my colleagues to support this bill.

Ms. JACKSON LEE. Mr. Speaker, I rise today in support of H.R. 6758, the ''Study of Underrepresented Classes Chasing Engineering and Science Success Act of 2018.''

H.R. 6758, also known as the SUCCESS Act, provides recommendations to promote the participation of women and minorities in entrepreneurship and the patent system.

H.R. 6758 extends, by eight years, the Patent and Trademark Office's authority to set its own fees.

As the legislation declares, it is the sense of Congress that the United States has the responsibility to work with the private sector to close the gap in the number of patents applied for and obtained by women and minorities to harness the maximum innovative potential and continue to promote United States leadership in the global economy.

H.R. 6758 requires the Director of the U.S. Patent and Trademark Office, in consultation with the Small Business Administration to conduct a study that identifies publicly available data on the number of patents annually applied for and obtained by, and the benefits of increasing the number of women and minority businesses owned by women and minorities.

The study directed by this bill will guide the legislative recommendations for how to promote the participation of women and minorities in entrepreneurship activities and for how to increase the number of women and minorities who apply for and obtain patents.

Additionally, H.R. 6758:

Requires the study conducted under section 3(a) to be submitted to the Committees on the Judiciary and Small Business of the House of Representatives and the Committees on the Judiciary and Small Business and Entrepreneurship of the Senate within one year of the date of enactment of the Act; and

Extends, for eight years, the authority for the U.S. Patent and Trademark Office to set its own fees under Section 10(i)(2) of the Leahy-Smith America Invents Act.

The Institute for Women's Policy Research reported that in 2016, less than 20 percent of U.S. patents listed one or more women as inventors, and under eight percent listed a woman as the primary inventor.

In 2017, the Equality of Opportunity Project found that white children are three times more likely to become inventors than black children, and that children from wealthy families are ten times more likely to have filed for a patent than children from families below the median income.

One study estimates that GDP per capita could rise up to 4.6 percent with the inclusion of more women and African Americans in the initial stages of the process of innovation.

These statistics prove that we need more activity and involvement from a diverse pool of entrepreneurs and inventors.

I urge all Members to join me in voting in favor of H.R. 6758.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 6758, as amended.

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

The title of the bill was amended so as to read: ''A bill to direct the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, in consultation with the Administrator of the Small Business Administration, to study and provide recommendations to promote the participation of women, minorities, and veterans in entrepreneurship activities and the patent system, to extend by 8 years the Patent and Trademark Office's authority to set the amounts for the fees it charges, and for other purposes.''.

A motion to reconsider was laid on the table.

ASHANTI ALERT ACT OF 2018

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5075) to encourage, enhance, and integrate Ashanti Alert plans throughout the United States, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5075

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 ''Ashanti Alert Act of 2018''.

SEC. 2. DEFINITIONS.

In this Act:

(1) MISSING ADULT.—The term ''missing adult'' means an individual who—

(A) is older than the age for which an AMBER alert may be issued in the State in which the individual is identified as a missing person;

(B) is identified by a law enforcement agency as a missing person; and

(C) meets the requirements to be designated as a missing adult, as determined by the State in which the individual is identified as a missing person.

(2) STATE.—The term ''State'' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(3) ASHANTI ALERT.—The term ''Ashanti Alert'' means an alert issued through the Ashanti Alert communications network, related to a missing adult.

SEC. 3. ASHANTI ALERT COMMUNICATIONS NETWORK.

(a) IN GENERAL.—The Attorney General shall, subject to the availability of appropriations, establish a national communications network, to be known as the Ashanti Alert communications network, within the Department of Justice to provide assistance to regional and local search efforts for missing adults through the initiation, facilitation, and promotion of local elements of the network (referred to in this Act as ''Ashanti Alert plans''), in coordination with States, units of local government, law enforcement agencies, and other concerned entities with expertise in providing services to adults.

(b) INTEGRATION WITH BLUE ALERT COMMUNICATIONS NETWORK.—In establishing the Ashanti Alert communications network under subsection (a), the Attorney General shall integrate the Ashanti Alert communications network into the Blue Alert communications network established under the Rafael Ramos and Wenjian Liu National Blue Alert Act of 2015 (34 U.S.C. 50501 et seq.), to maximize the efficiency of both networks.

SEC. 4. ASHANTI ALERT COORDINATOR.

(a) NATIONAL COORDINATOR WITHIN DEPARTMENT OF JUSTICE.—The Attorney General shall designate an individual of the Department of Justice to act as the national coordinator of the Ashanti Alert communications network. The individual so designated shall be known as the Ashanti Alert Coordinator of the Department of Justice (referred to in this Act as the ''Coordinator'').

(b) DUTIES OF THE COORDINATOR.—In acting as the national coordinator of the Ashanti Alert communications network, the Coordinator shall—

(1) work with States to encourage the development of additional Ashanti Alert plans in the network;

(2) establish voluntary guidelines for States to use in developing Ashanti Alert plans that will promote compatible and integrated Ashanti Alert plans throughout the United States, including—

(A) a list of the resources necessary to establish an Ashanti Alert plan;

(B) criteria for evaluating whether a situation warrants issuing an Ashanti Alert, taking into consideration the need for the use of such Alerts to be limited in scope because the effectiveness of the Ashanti Alert communications network may be affected by overuse, including criteria to determine—

(i) whether the mental capacity of an adult who is missing, and the circumstances of his or her disappearance, warrant the issuance of an Ashanti Alert; and

(ii) whether the individual who reports that an adult is missing is an appropriate and credible source on which to base the issuance of an Ashanti Alert;

(C) a description of the appropriate uses of the Ashanti Alert name to readily identify the nature of search efforts for missing adults; and

(D) recommendations on how to protect the privacy, dignity, independence, and autonomy of any missing adult who may be the subject of an Ashanti Alert;

(3) develop proposed protocols for efforts to recover missing adults and to reduce the number of adults who are reported missing, including protocols for procedures that are needed from the time of initial notification of a law enforcement agency that the adult is missing through the time of the return of the adult to family, guardian, or domicile, as appropriate, including—

(A) public safety communications protocol;

(B) case management protocol;

(C) command center operations;

(D) reunification protocol; and

(E) incident review, evaluation, debriefing, and public information procedures;

(4) work with States to ensure appropriate regional coordination of various elements of the network;

(5) establish an advisory group to assist States, units of local government, law enforcement agencies, and other entities involved in the Ashanti Alert communications network with initiating, facilitating, and promoting Ashanti Alert plans, which shall include—

(A) to the maximum extent practicable, representation from the various geographic regions of the United States; and

(B) members who are—

(i) representatives of adult citizen advocacy groups, law enforcement agencies, and public safety communications;

(ii) broadcasters, first responders, dispatchers, and radio station personnel; and

(iii) representatives of any other individuals or organizations that the Coordinator determines are necessary to the success of the Ashanti Alert communications network; and

(6) act as the nationwide point of contact for—

(A) the development of the network; and

(B) regional coordination of alerts for missing adults through the network.

(c) COORDINATION.—

(1) COORDINATION WITH OTHER AGENCIES.—The Coordinator shall coordinate and consult with the Secretary of Transportation, the Federal Communications Commission, the Assistant Secretary for Aging of the Department of Health and Human Services, and other appropriate offices of the Department of Justice in carrying out activities under this Act.

(2) STATE AND LOCAL COORDINATION.—The Coordinator shall consult with local broadcasters and State and local law enforcement agencies in establishing minimum standards under section 5 and in carrying out other activities under this Act, as appropriate.

(d) ANNUAL REPORTS.—Not later than one year after the date of enactment of this Act, and annually thereafter, the Coordinator shall submit to Congress a report on the activities of the Coordinator and the effectiveness and status of the Ashanti Alert plans of each State that has established or is in the process of establishing such a plan. Each such report shall include—

(1) a list of States that have established Ashanti Alert plans;

(2) a list of States that are in the process of establishing Ashanti Alert plans;

(3) for each State that has established such a plan, to the extent the data is available—

(A) the number of Ashanti Alerts issued;

(B) the number of individuals located successfully;

(C) the average period of time between the issuance of an Ashanti Alert and the location of the individual for whom such Alert was issued;

(D) the State agency or authority issuing Ashanti Alerts, and the process by which Ashanti Alerts are disseminated;

(E) the cost of establishing and operating such a plan;

(F) the criteria used by the State to determine whether to issue an Ashanti Alert; and

(G) the extent to which missing individuals for whom Ashanti Alerts were issued crossed State lines;

(4) actions States have taken to protect the privacy and dignity of the individuals for whom Ashanti Alerts are issued;

(5) ways that States have facilitated and improved communication about missing individuals between families, caregivers, law enforcement officials, and other authorities; and

(6) any other information the Coordinator determines to be appropriate.

SEC. 5. MINIMUM STANDARDS FOR ISSUANCE AND DISSEMINATION OF ALERTS THROUGH ASHANTI ALERT COMMUNICATIONS NETWORK.

(a) ESTABLISHMENT OF MINIMUM STANDARDS.—Subject to subsection (b), the Coordinator shall establish minimum standards for—

(1) the issuance of alerts through the Ashanti Alert communications network; and

(2) the extent of the dissemination of alerts issued through the network.

(b) LIMITATIONS.—

(1) VOLUNTARY PARTICIPATION.—The minimum standards established under subsection (a) of this section, and any other guidelines and programs established under section 4, shall be adoptable on a voluntary basis only.

(2) DISSEMINATION OF INFORMATION.—The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that appropriate information relating to the special needs of a missing adult (including health care needs) are disseminated to the appropriate law enforcement, public health, and other public officials.

(3) GEOGRAPHIC AREAS.—The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that the dissemination of an alert through the Ashanti Alert communications network be limited to the geographic areas which the missing adult could reasonably reach, considering the missing adult's circumstances and physical and mental condition, the modes of transportation available to the missing adult, and the circumstances of the disappearance.

(4) OTHER REQUIREMENTS.—The minimum standards shall include requirements that the missing person—

(A) suffers from a proven mental or physical disability, as documented by a source determined credible to an appropriate law enforcement entity; or

(B) is missing under circumstances that indicate, as determined by an appropriate law enforcement entity—

(i) that the person's physical safety may be endangered; or

(ii) that the person's disappearance may not have been voluntary, including an abduction or kidnapping.

(5) PRIVACY AND CIVIL LIBERTIES PROTECTIONS.—The minimum standards shall—

(A) ensure that alerts issued through the Ashanti Alert communications network comply with all applicable Federal, State, and local privacy laws and regulations; and

(B) include standards that specifically provide for the protection of the civil liberties and sensitive medical information of missing adults.

(6) STATE AND LOCAL VOLUNTARY COORDINATION.—In carrying out the activities under subsection (a), the Coordinator may not interfere with the current system of voluntary coordination between local broadcasters and State and local law enforcement agencies for purposes of the Ashanti Alert communications network.

SEC. 6. TRAINING AND EDUCATIONAL PROGRAMS.

The Coordinator shall make available to States, units of local government, law enforcement agencies, and other concerned entities that are involved in initiating, facilitating, or promoting Ashanti Alert plans, including broadcasters, first responders, dispatchers, public safety communications personnel, and radio station personnel—

(1) training and educational programs related to the Ashanti Alert communications network and the capabilities, limitations, and anticipated behaviors of missing adults, which shall be updated regularly to encourage the use of new tools, technologies, and resources in Ashanti Alert plans; and

(2) informational materials, including brochures, videos, posters, and web sites to support and supplement such training and educational programs.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Attorney General $3,000,000 to carry out the Ashanti Alert communications network as authorized under this Act for each of fiscal years 2019 through 2022.

SEC. 8. EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE.

Section 609Y(a) of the Justice Assistance Act of 1984 (34 U.S.C. 50112(a)) is amended by striking ''September 30, 2021'' and inserting ''September 30, 2022''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. CHABOT) and the gentlewoman from Texas (Ms. JACKSON LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous materials on H.R. 5075, currently under consideration.

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

There was no objection.

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

Mr. Speaker, we will vote today on H.R. 5075, the Ashanti Alert Act of 2018. This bill establishes a national alert network for missing adults at the Department of Justice. It will allow law enforcement to coordinate the use of communication systems to alert the public that an adult is missing.

In order to issue an alert, the missing adult must either suffer from a proven mental or physical disability, or law enforcement must certify the person's physical safety may be in danger, or their disappearance was not voluntary.

This Ashanti national alert network will be integrated into the existing Blue Alert system. The Blue Alert system issues alerts to notify the public of nearby suspects or threats to their community's law enforcement officials.

This legislation will also allow the Attorney General to designate a national coordinator to work with States to establish alert systems for missing adults and to develop voluntary guidelines States may use in creating their networks.

Mr. Speaker, I want to thank SCOTT TAYLOR for introducing this legislation. We appreciate Mr. TAYLOR being here today and appreciate his leadership in this effort.

I ask my colleagues to support this bill, and I reserve the balance of my time.

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

Mr. Speaker, let me say to the manager of this bill that I am delighted to stand with him on this very important legislative initiative. Having been in this body for a period of time, I am reminded of the AMBER Alert. I was here when it was initiated and passed by my friend Martin Frost, who was formerly in this body. And then I believe a lot of work was done on the Silver Alert by our colleague MAXINE WATERS. We all worked together, I remember, on amendments in the House Judiciary Committee on these very issues.

So I rise in support of H.R. 5075, the Ashanti Alert Act of 2018. It is a commonsense initiative to realize that whoever is missing, we need to help find those individuals.

This bill seeks to establish a national communications network within the Department of Justice to help locate missing adults by providing assistance to regional and local search efforts.

For our colleagues, obviously, the AMBER Alert dealt with children, and the Silver Alert dealt with senior citizens over, I believe, the age of 65. This bill would initiate, facilitate, and promote Ashanti Alert plans in coordination with States, units of local government, law enforcement agencies, and other concerned entities with expertise in providing services to adults. These are laudable goals and, as a Congress, ones which we have a duty to facilitate.

As of December 31, 2017, the National Crime Information Center database included records of 55,968 missing adults. In my own hometown, in the last 3 weeks, two adults went missing who were brother and sister. First, the brother went missing, and there was absolutely no sign of that individual. The sister went to look for that individual, and, of course, then they were both missing.

Tragically, we found, ultimately, that a relative had disposed of and killed both of them. If we had an alert system, maybe we would have been able to find them sooner.

In fact, many adults go missing each year who are not found until it is too late. Such was the case after whom this bill was named, Ashanti Billie.

At 19 years of age, she was abducted from her workplace in Virginia, taken across State lines, and later found dead in North Carolina. Ashanti Billie was too old for the issuance of an AMBER Alert on her behalf and too young for a Silver Alert.

This bill fills in the gap for people like Ashanti Billie, missing adults between the ages of 18 and 64, and it does so in coordination with the Blue Alert communications network, which Congress established. The Blue Alert establishes a nationwide network of Blue Alerts to warn about threats to police officers and help track down the suspects who carry them out.

While drawing on the Blue Alert Network, the Ashanti Alert Act requires implementing jurisdictions to the established plans and includes minimum standards and resources that help in this case. Had these resources been available when Ashanti was abducted, she may still be here with us today.

For these reasons, I support this legislation, and I reserve the balance of my time.

Mr. CHABOT. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. TAYLOR).

Mr. TAYLOR. Mr. Speaker, I rise today in support of my bill, H.R. 5075, the Ashanti Alert Act, named for Ashanti Billie, who was tragically taken from this world too soon last September at the hands of a violent criminal. And so now we have undertaken this action with this bill, a bipartisan one, because this is not a partisan issue.

The United States does not currently have an alert system for missing adults. If a child or a senior citizen goes missing, law enforcement is authorized to broadcast alerts on major channels or radio stations, and participating citizens share alerts across social media platforms, bringing much-needed attention and resources to bear. But still, no such alert exists for missing adults ages 18 to 65.

History shows that programs like the AMBER Alert are successful and help save lives. In 2016 alone, there were 179 AMBER Alerts issued in the United States. Over 85 of those cases resulted in recovery, and 43 of them were the direct result of an AMBER Alert. These programs are proven to work, and with the Ashanti Alert, we can close the gap, better protect our family, friends, and neighbors, and save lives with a legacy given to us by Ashanti Billie's sacrifice.

Like other alert systems, the Ashanti Alert lets law enforcement use the tools at their disposal to broadcast information about missing adults on such things as TV, radio, and social media. It also sets a minimum standard for issuing alerts: one, the person suffers from a proven mental or physical disability; two, if law enforcement believes their physical safety is in danger; or three, if they believe their disappearance may not have been voluntary.

The Ashanti Alert also integrates with the Blue Alert Network instead of AMBER so that information about missing adults and children are kept separate. This ensures that law enforcement efforts are not duplicated, which could mean the difference between locating a person and saving them.

The Commonwealth of Virginia, has already taken steps to address this issue. Last April, the Governor signed a bill into law in honor of Ashanti that establishes a statewide alert system for missing adults. But in order to save lives, the search for missing adults cannot end at a State line.

Indeed, according to the FBI's National Crime Information Center, there are still over 55,000 missing adults in this country. This is a national challenge, and it most definitely demands a national response.

Mr. Speaker, Ashanti Billie was a beautiful, young Black woman with a beaming smile. She was a hard worker. She would wake up before sunrise and head to the naval base and start her job. At night, she attended culinary classes at the Virginia Beach Art Institute. She had hopes and dreams and aspirations, and she was passionate about life and brought that positive energy to everyone who met her.

Mr. Speaker, 1 year ago today, early in the morning, I met with local constituents, Kimberly Wimbush and Michael Muhammad; the Billie family—parents, Tony and Brandy; and Dyotha Sweat from the NAACP. Being military veterans themselves, the Billie family didn't understand how this could happen. They were confused and very much worried.

□ 1830

Their young daughter, Ashanti, was missing, abducted from the Little Creek naval base.

Mr. Speaker, I knew right then that fateful morning, in my gut and in my heart, that this family would soon receive some tragic news. I knew this family and these friends needed my help. My heart and my team's hearts were with them.

Mr. Speaker, there are no words, no wishes, or no whispers that can bring back or ease the Billie family burden. But make no mistake about it, no amount of darkness can ever keep out a bright light.

I may have met with a shaken family that day, but on this day, they sit before us today, in this Chamber, strong, determined, and ready to solidify Ashanti's legacy.

Today's vote on Ashanti's legacy will give law enforcement all across our great Nation a new tool to bring resources to bear to locate missing adults who may be in danger, and will, no doubt, save lives.

Mr. Speaker, I encourage my colleagues' support.

Ms. JACKSON LEE. Mr. Speaker, could I inquire if the gentleman has any further speakers.

Mr. CHABOT. Mr. Speaker, I have no further speakers. It was my understanding that the gentlewoman would like to participate in a colloquy.

Ms. JACKSON LEE. Will the gentleman yield?

Mr. CHABOT. I yield to the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Speaker, I am concerned that H.R. 5075 does not explicitly include Native American tribes in the missing adult communications network that the bill would establish. It is my understanding that this network would be established and implemented by the same office at the Department of Justice that implements the Blue Alert system, which includes outreach to tribal partners to educate them on that network.

I would like to confirm with the chairman that it is the intent of Congress that this same outreach to tribes be conducted with respect to the missing adult communications network.

Mr. CHABOT. The gentlewoman is correct. This outreach to tribes shall be conducted in the same manner as the Blue Alert program, yes.

Ms. JACKSON LEE. I thank the gentleman.

Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, in closing, let me thank the proponent of this legislation, Mr. TAYLOR, for a very thoughtful initiative, one that is needed. It is tragic when we lose our constituents, but more importantly, when the families lose their loved ones.

Mr. Speaker, I support this legislation. By coordinating with existing

networks, H.R. 5075 will facilitate the establishment of a communications network for alerts concerning missing adults and have an impact far beyond what it will take to establish it.

I am heartened by Mr. CHABOT's clarification that this bill is intended to extend to tribal entities and Native American reservations.

This past May, we commemorated the second National Day of Awareness for Missing and Murdered Native Women and Girls to bring awareness about how this problem specifically affects Native American communities. I am hopeful that this bill can help address this very serious problem, and the overall bill that addresses the need for families to find their loved ones after the ages of children and before the ages of senior citizen. We can always do more to help local missing adults and to save them. There are families in my district right now who are suffering from the loss of their brother or sister.

Mr. Speaker, I rise in support of H.R. 5075, the "Ashanti Alert Act of 2018."

This bill seeks to establish a national communications network within the Department of Justice to help locate missing adults by providing assistance to regional and local search efforts. The bill would initiate, facilitate, and promote Ashanti Alert plans in coordination with states, units of local government, law enforcement agencies, and other concerned entities with expertise in providing services to adults.

These are laudable goals and, as a Congress, ones which we have a duty to facilitate. As of December 31, 2017, the National Crime Information Center database included records of 55,968 missing adults. In fact, many adults go missing each year who are not found—until it is too late.

Such was the case of the young woman after whom this bill is named—Ashanti Billie. At 19 years of age, she was abducted from her workplace in Virginia, taken across state lines, and later found dead in North Carolina. Ashanti Billie was too old for the issuance of an Amber Alert on her behalf, and too young for a Silver Alert.

The Ashanti Alert Act seeks to fill in the gap for people like Ashanti Billie—missing adults between the ages of 18 and 64. And it does so in coordination with the Blue Alert Communications Network, which Congress established in 2015, under the Blue Alert Act. The Blue Alert Act established a nationwide network of "blue alerts" to warn about threats to police officers and help track down the suspects who carry them out.

While drawing on the Blue Alert network, the Ashanti Alert Act requires implementing jurisdictions to establish plans that include minimum standards to ensure that resources are used adequately, accurately and efficiently. Had these resources been available when Ashanti Billie was abducted, she may still be here today.

For all these reasons, I enthusiastically support this legislation and encourage my colleagues to support it.

Mr. Speaker, I support this legislation. By coordinating with existing networks, H.R. 5075 will facilitate the establishment of a communications network for alerts concerning missing adults and have an impact far beyond what it will take to establish it.

And I am heartened by Mr. Goodlatte's clarification that this bill is intended to extend to tribal entities and Native American reservations.

This past May, we commemorated the second National Day of Awareness for Missing and Murdered Native Women and Girls—to bring awareness about how this problem specifically affects Native American communities. I am hopeful that this bill can help address this very serious problem.

We can always do more to help locate missing adults and to save lives.

Mr. Speaker, I urge my colleagues to support the Ashanti Alert Act of 2018, and I yield back the balance of my time.

Mr. CHABOT. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, in closing, on behalf of all Members of the House, I would like to offer my condolences to the family of Ashanti.

Mr. Speaker, I thank Mr. TAYLOR for his leadership in proposing this very important legislation. Hopefully, other people will benefit from its passage.

Mr. Speaker, I urge all my colleagues on both sides of the aisle to support it, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 5075, 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.

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. 6368, de novo;

H.R. 6369, de novo;

H.R. 6735, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

ENCOURAGING SMALL BUSINESS INNOVATORS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 6368) to encourage R&D small business set-asides, to encourage SBIR and STTR participants to serve as mentors under the Small Business Administration's mentor-protege program, to promote the use of interagency contracts, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill.

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. THOMPSON of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 389, nays 6, not voting 33, as follows:

[Roll No. 400]

YEAS—389

Abraham
Adams
Aderholt
Aguilar
Amodei
Arrington
Babin
Bacon
Balderson
Banks (IN)
Barr
Barragán
Barton
Bass
Beatty
Bera
Bergman
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Black
Blum
Blumenauer
Blunt Rochester
Bonamici
Bost
Boyle, Brendan F.
Brady (TX)
Brat
Brooks (AL)
Brooks (IN)
Brown (MD)
Brownley (CA)
Buchanan
Buck
Bucshon
Budd
Bustos
Butterfield
Byrne
Calvert
Carbajal
Cárdenas
Carson (IN)
Carter (GA)
Carter (TX)
Castor (FL)
Chabot
Cheney
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Cloud
Clyburn
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Connolly
Cook
Cooper
Correa
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crist
Crowley
Cuellar
Culberson
Curbelo (FL)
Curtis
Davidson
Davis (CA)
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
Denham
DeSaulnier
DesJarlais
Diaz-Balart
Doggett
Donovan
Doyle, Michael F.
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Engel
Espaillat
Estes (KS)
Esty (CT)
Evans
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foster
Foxx
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gallagher
Gallego
Garamendi
Garrett
Gianforte
Gibbs
Gohmert
Gomez
Gonzalez (TX)
Goodlatte
Gosar
Gottheimer
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hanabusa
Handel
Harper
Harris
Hartzler
Hastings
Heck
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Higgins (NY)
Hill
Himes
Holding
Hollingsworth
Hoyer
Hudson
Huffman
Huizenga
Hultgren
Hunter
Hurd
Issa
Jackson Lee
Jayapal
Jeffries
Jenkins (KS)
Johnson (GA)
Johnson (LA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Joyce (OH)
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger
Knight
Krishnamoorthi
Kuster (NH)
Kustoff (TN)
LaHood
LaMalfa
Lamb
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Lawson (FL)
Lee
Lesko
Levin
Lewis (GA)
Lewis (MN)
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Loudermilk
Love
Lowenthal
Lowey
Lucas
Luetkemeyer
Luján, Ben Ray
Lynch
MacArthur
Maloney, Carolyn B.
Maloney, Sean
Marchant
Marino
Marshall
Mast
Matsui

McCarthy
McCaul
McClintock
McCollum
McEachin
McGovern
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Meng
Messer
Mitchell
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Murphy (FL)
Nadler
Napolitano
Neal
Newhouse
Noem
Norcross
Norman
Nunes
O'Halleran
Olson
Palazzo
Pallone
Palmer
Panetta
Pascrell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Perry
Peters
Peterson
Pingree
Pittenger
Pocan
Poe (TX)
Poliquin
Polis
Posey
Price (NC)
Quigley
Raskin
Reed
Reichert
Rice (NY)
Rice (SC)
Richmond
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rokita
Rooney, Francis
Ros-Lehtinen
Rosen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce (CA)
Ruiz
Ruppersberger
Rush
Russell
Rutherford
Ryan (OH)
Sánchez
Sarbanes
Scalise
Schakowsky
Schiff
Schneider
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Smith (MO)
Smith (NE)
Smith (TX)
Smith (WA)
Smucker
Soto
Speier
Stefanik
Stivers
Suozzi
Swalwell (CA)
Takano
Taylor
Tenney
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tipton
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Wasserman Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NAYS—6

Amash
Biggs
Burgess
Grothman
Massie
Sanford

NOT VOTING—33

Allen
Barletta
Bishop (UT)
Blackburn
Brady (PA)
Capuano
Cartwright
Castro (TX)
Clay
Cummings
Davis, Danny
Deutch
Dingell
Ellison
Eshoo
Gaetz
Gowdy
Gutiérrez
Jenkins (WV)
Jordan
Labrador
Lujan Grisham, M.
Meeks
Nolan
O'Rourke
Ratcliffe
Renacci
Rohrabacher
Rooney, Thomas J.
Smith (NJ)
Stewart
Walz
Wilson (FL)

□ 1859

Mr. GROTHMAN changed his vote from ''yea'' to ''nay.''

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. ALLEN. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted YEA on Roll Call No. 400.

EXPANDING CONTRACTING OPPORTUNITIES FOR SMALL BUSINESSES ACT OF 2018

The SPEAKER pro tempore (Mr. MARSHALL). The unfinished business is the question on suspending the rules and passing the bill (H.R. 6369) to amend the Small Business Act to eliminate the inclusion of option years in the award price for sole source contracts, and for other purposes, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, 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. HUIZENGA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 392, nays 5, not voting 31, as follows:

[Roll No. 401]

YEAS—392

Abraham
Adams
Aderholt
Aguilar
Allen
Amodei
Arrington
Babin
Bacon
Balderson
Banks (IN)
Barr
Barragán
Barton
Bass
Beatty
Bera
Bergman
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Black
Blum
Blumenauer
Blunt Rochester
Bonamici
Bost
Boyle, Brendan F.
Brady (TX)
Brat
Brooks (AL)
Brooks (IN)
Brown (MD)
Brownley (CA)
Buchanan
Buck
Bucshon
Budd
Burgess
Bustos
Butterfield
Byrne
Calvert
Capuano
Carbajal
Cárdenas
Carson (IN)
Carter (GA)
Carter (TX)
Castor (FL)
Chabot
Cheney
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Cloud
Clyburn
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Connolly
Cook
Cooper
Correa
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crist
Crowley
Cuellar
Culberson
Curbelo (FL)
Curtis
Davidson
Davis (CA)
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
Denham
DeSaulnier
DesJarlais
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Doggett
Donovan
Doyle, Michael F.
Duffy
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Duncan (TN)
Dunn
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Engel
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Estes (KS)
Esty (CT)
Evans
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foster
Foxx
Frankel (FL)
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Fudge
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Gallego
Garamendi
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Gibbs
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Gonzalez (TX)
Goodlatte
Gosar
Gottheimer
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Griffith
Grijalva
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Harper
Harris
Hartzler
Hastings
Heck
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Higgins (NY)
Hill
Himes
Holding
Hollingsworth
Hoyer
Hudson
Huffman
Huizenga
Hultgren
Hunter
Hurd
Jackson Lee
Jayapal
Jeffries
Jenkins (KS)
Johnson (GA)
Johnson (LA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Joyce (OH)
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
King (NY)
Kinzinger
Knight
Krishnamoorthi
Kuster (NH)
Kustoff (TN)
LaHood
LaMalfa
Lamb
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
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Lesko
Levin
Lewis (GA)
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Lipinski
LoBiondo
Loebsack
Lofgren
Long
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Love
Lowenthal
Lowey
Lucas
Luetkemeyer
Luján, Ben Ray
Lynch
MacArthur
Maloney, Carolyn B.
Maloney, Sean
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Marino
Marshall
Mast
Matsui
McCarthy
McCaul
McClintock
McCollum
McEachin
McGovern
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Meng
Messer
Mitchell
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Murphy (FL)
Nadler
Napolitano
Neal
Newhouse
Noem
Norcross
Norman
Nunes
O'Halleran
Olson
Palazzo
Pallone
Palmer
Panetta
Pascrell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Perry
Peters
Peterson
Pingree
Pittenger
Pocan
Poe (TX)
Poliquin
Polis
Posey
Price (NC)
Quigley
Raskin
Reed
Reichert
Rice (NY)
Rice (SC)
Richmond
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rokita
Rooney, Francis
Ros-Lehtinen
Rosen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce (CA)
Ruiz
Ruppersberger
Rush
Russell
Rutherford
Ryan (OH)
Sánchez
Sarbanes
Scalise
Schakowsky
Schiff
Schneider
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (WA)
Smucker
Soto
Speier
Stefanik
Stivers
Suozzi
Swalwell (CA)
Takano
Taylor
Tenney
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tipton
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Wasserman Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Williams
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Wittman
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
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Zeldin

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Biggs
King (IA)
Massie
Sanford

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Blackburn
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Gowdy
Gutiérrez
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Meeks
Nolan
O'Rourke
Ratcliffe
Renacci
Rohrabacher
Rooney, Thomas J.
Smith (TX)
Stewart
Walz
Wilson (FL)

□ 1911

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.

PUBLIC-PRIVATE CYBERSECURITY COOPERATION ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 6735) to direct the Secretary of Homeland Security to establish a vulnerability disclosure policy for Department of Homeland Security internet websites, and for other purposes, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MCCAUL) that the House suspend the rules and pass the bill, as amended.

The 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.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 6157, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2019; PROVIDING FOR CONSIDERATION OF H. RES. 1071, RECOGNIZING THAT ALLOWING ILLEGAL IMMIGRANTS THE RIGHT TO VOTE DIMINISHES THE VOTING POWER OF UNITED STATES CITIZENS; AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. COLLINS of Georgia, from the Committee on Rules, submitted a privileged report (Rept. No. 115–976) on the resolution (H. Res. 1077) providing for consideration of the conference report to accompany the bill (H.R. 6157) making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; providing for consideration of the resolution (H. Res. 1071) recognizing that allowing illegal immigrants the right to vote devalues the franchise and diminishes the voting power of United States citizens; and providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

□ 1915

MODIFICATIONS OF CREDIT FOR PRODUCTION FROM ADVANCED NUCLEAR POWER

Mr. COLLINS of Georgia. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1551) to amend the Internal Revenue Code of 1986 to modify the credit for production from advanced nuclear power facilities, with the Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendment.

The Clerk read as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Orrin G. Hatch Music Modernization Act''.

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

SEC. 2. CUSTOMS USER FEES.

Section 13031(j)(3)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(A)) is amended by striking ''October 13, 2027'' and inserting ''October 20, 2027''.

TITLE I—MUSIC LICENSING MODERNIZATION

SEC. 101. SHORT TITLE.

This title may be cited as the ''Musical Works Modernization Act''.

SEC. 102. BLANKET LICENSE FOR DIGITAL USES AND MECHANICAL LICENSING COLLECTIVE.

(a) AMENDMENT.—Section 115 of title 17, United States Code, is amended—

(1) in subsection (a)—

(A) in the subsection heading, by inserting ''IN GENERAL'' after ''AVAILABILITY AND SCOPE OF COMPULSORY LICENSE'';

(B) by striking paragraph (1) and inserting the following:

''(1) ELIGIBILITY FOR COMPULSORY LICENSE.—

''(A) CONDITIONS FOR COMPULSORY LICENSE.—A person may by complying with the provisions of this section obtain a compulsory license to make and distribute phonorecords of a nondramatic musical work, including by means of digital phonorecord delivery. A person may obtain a compulsory license only if the primary purpose in making phonorecords of the musical work is to distribute them to the public for private use, including by means of digital phonorecord delivery, and—

''(i) phonorecords of such musical work have previously been distributed to the public in the United States under the authority of the copyright owner of the work, including by means of digital phonorecord delivery; or

''(ii) in the case of a digital music provider seeking to make and distribute digital phonorecord deliveries of a sound recording embodying a musical work under a compulsory license for which clause (i) does not apply—

''(I) the first fixation of such sound recording was made under the authority of the musical work copyright owner, and the sound recording copyright owner has the authority of the musical work copyright owner to make and distribute digital phonorecord deliveries embodying such work to the public in the United States; and

''(II) the sound recording copyright owner, or the authorized distributor of the sound recording copyright owner, has authorized the digital music provider to make and distribute digital phonorecord deliveries of the sound recording to the public in the United States.

''(B) DUPLICATION OF SOUND RECORDING.—A person may not obtain a compulsory license for the use of the work in the making of phonorecords duplicating a sound recording fixed by another, including by means of digital phonorecord delivery, unless—

''(i) such sound recording was fixed lawfully; and

''(ii) the making of the phonorecords was authorized by the owner of the copyright in the sound recording or, if the sound recording was fixed before February 15, 1972, by any person who fixed the sound recording pursuant to an express license from the owner of the copyright in the musical work or pursuant to a valid compulsory license for use of such work in a sound recording.''; and

(C) in paragraph (2), by striking ''A compulsory license'' and inserting ''MUSICAL ARRANGEMENT.—A compulsory license'';

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

''(b) PROCEDURES TO OBTAIN A COMPULSORY LICENSE.—

''(1) PHONORECORDS OTHER THAN DIGITAL PHONORECORD DELIVERIES.—A person who seeks to obtain a compulsory license under subsection (a) to make and distribute phonorecords of a musical work other than by means of digital phonorecord delivery shall, before, or not later than 30 calendar days after, making, and before distributing, any phonorecord of the work, serve notice of intention to do so on the copyright owner. If the registration or other public records of the Copyright Office do not identify the copyright owner and include an address at which notice can be served, it shall be sufficient to file the notice of intention with the Copyright Office. The notice shall comply, in form, content, and manner of service, with requirements that the Register of Copyrights shall prescribe by regulation.

''(2) DIGITAL PHONORECORD DELIVERIES.—A person who seeks to obtain a compulsory license under subsection (a) to make and distribute phonorecords of a musical work by means of digital phonorecord delivery—

''(A) prior to the license availability date, shall, before, or not later than 30 calendar days after, first making any such digital phonorecord delivery, serve a notice of intention to do so on the copyright owner (but may not file the notice with the Copyright Office, even if the public records of the Office do not identify the owner or the owner's address), and such notice shall comply, in form, content, and manner of service, with requirements that the Register of Copyrights shall prescribe by regulation; or

''(B) on or after the license availability date, shall, before making any such digital phonorecord delivery, follow the procedure described in subsection (d)(2), except as provided in paragraph (3).

''(3) RECORD COMPANY INDIVIDUAL DOWNLOAD LICENSES.—Notwithstanding paragraph (2)(B), a record company may, on or after the license availability date, obtain an individual download license in accordance with the notice requirements described in paragraph (2)(A) (except for the requirement that notice occur prior to the license availability date). A record company that obtains an individual download license as permitted under this paragraph shall provide statements of account and pay royalties as provided in subsection (c)(2)(I).

''(4) FAILURE TO OBTAIN LICENSE.—

''(A) PHONORECORDS OTHER THAN DIGITAL PHONORECORD DELIVERIES.—In the case of phonorecords made and distributed other than by means of digital phonorecord delivery, the

failure to serve or file the notice of intention required by paragraph (1) forecloses the possibility of a compulsory license under paragraph (1). In the absence of a voluntary license, the failure to obtain a compulsory license renders the making and distribution of phonorecords actionable as acts of infringement under section 501 and subject to the remedies provided by sections 502 through 506.

''(B) DIGITAL PHONORECORD DELIVERIES.—

''(i) IN GENERAL.—In the case of phonorecords made and distributed by means of digital phonorecord delivery:

''(I) The failure to serve the notice of intention required by paragraph (2)(A) or paragraph (3), as applicable, forecloses the possibility of a compulsory license under such paragraph.

''(II) The failure to comply with paragraph (2)(B) forecloses the possibility of a blanket license for a period of 3 years after the last calendar day on which the notice of license was required to be submitted to the mechanical licensing collective under such paragraph.

''(ii) EFFECT OF FAILURE.—In either case described in subclause (I) or (II) of clause (i), in the absence of a voluntary license, the failure to obtain a compulsory license renders the making and distribution of phonorecords by means of digital phonorecord delivery actionable as acts of infringement under section 501 and subject to the remedies provided by sections 502 through 506.'';

(3) by amending subsection (c) to read as follows:

''(c) GENERAL CONDITIONS APPLICABLE TO COMPULSORY LICENSE.—

''(1) ROYALTY PAYABLE UNDER COMPULSORY LICENSE.—

''(A) IDENTIFICATION REQUIREMENT.—To be entitled to receive royalties under a compulsory license obtained under subsection (b)(1) the copyright owner must be identified in the registration or other public records of the Copyright Office. The owner is entitled to royalties for phonorecords made and distributed after being so identified, but is not entitled to recover for any phonorecords previously made and distributed.

''(B) ROYALTY FOR PHONORECORDS OTHER THAN DIGITAL PHONORECORD DELIVERIES.—Except as provided by subparagraph (A), for every phonorecord made and distributed under a compulsory license under subsection (a) other than by means of digital phonorecord delivery, with respect to each work embodied in the phonorecord, the royalty shall be the royalty prescribed under subparagraphs (D) through (F), paragraph (2)(A), and chapter 8. For purposes of this subparagraph, a phonorecord is considered 'distributed' if the person exercising the compulsory license has voluntarily and permanently parted with its possession.

''(C) ROYALTY FOR DIGITAL PHONORECORD DELIVERIES.—For every digital phonorecord delivery of a musical work made under a compulsory license under this section, the royalty payable shall be the royalty prescribed under subparagraphs (D) through (F), paragraph (2)(A), and chapter 8.

''(D) AUTHORITY TO NEGOTIATE.—Notwithstanding any provision of the antitrust laws, any copyright owners of nondramatic musical works and any persons entitled to obtain a compulsory license under subsection (a) may negotiate and agree upon the terms and rates of royalty payments under this section and the proportionate division of fees paid among copyright owners, and may designate common agents on a nonexclusive basis to negotiate, agree to, pay or receive such royalty payments. Such authority to negotiate the terms and rates of royalty payments includes, but is not limited to, the authority to negotiate the year during which the royalty rates prescribed under this subparagraph, subparagraphs (E) and (F), paragraph (2)(A), and chapter 8 shall next be determined.

''(E) DETERMINATION OF REASONABLE RATES AND TERMS.—Proceedings under chapter 8 shall determine reasonable rates and terms of royalty payments for the activities specified by this section during the period beginning with the effective date of such rates and terms, but not earlier than January 1 of the second year following the year in which the petition requesting the proceeding is filed, and ending on the effective date of successor rates and terms, or such other period as the parties may agree. Any copyright owners of nondramatic musical works and any persons entitled to obtain a compulsory license under subsection (a) may submit to the Copyright Royalty Judges licenses covering such activities. The parties to each proceeding shall bear their own costs.

''(F) SCHEDULE OF REASONABLE RATES.—The schedule of reasonable rates and terms determined by the Copyright Royalty Judges shall, subject to paragraph (2)(A), be binding on all copyright owners of nondramatic musical works and persons entitled to obtain a compulsory license under subsection (a) during the period specified in subparagraph (E), such other period as may be determined pursuant to subparagraphs (D) and (E), or such other period as the parties may agree. The Copyright Royalty Judges shall establish rates and terms that most clearly represent the rates and terms that would have been negotiated in the marketplace between a willing buyer and a willing seller. In determining such rates and terms for digital phonorecord deliveries, the Copyright Royalty Judges shall base their decision on economic, competitive, and programming information presented by the parties, including—

''(i) whether use of the compulsory licensee's service may substitute for or may promote the sales of phonorecords or otherwise may interfere with or may enhance the musical work copyright owner's other streams of revenue from its musical works; and

''(ii) the relative roles of the copyright owner and the compulsory licensee in the copyrighted work and the service made available to the public with respect to the relative creative contribution, technological contribution, capital investment, cost, and risk.

''(2) ADDITIONAL TERMS AND CONDITIONS.—

''(A) VOLUNTARY LICENSES AND CONTRACTUAL ROYALTY RATES.—

''(i) IN GENERAL.—License agreements voluntarily negotiated at any time between one or more copyright owners of nondramatic musical works and one or more persons entitled to obtain a compulsory license under subsection (a) shall be given effect in lieu of any determination by the Copyright Royalty Judges. Subject to clause (ii), the royalty rates determined pursuant to subparagraphs (E) and (F) of paragraph (1) shall be given effect as to digital phonorecord deliveries in lieu of any contrary royalty rates specified in a contract pursuant to which a recording artist who is the author of a nondramatic musical work grants a license under that person's exclusive rights in the musical work under paragraphs (1) and (3) of section 106 or commits another person to grant a license in that musical work under paragraphs (1) and (3) of section 106, to a person desiring to fix in a tangible medium of expression a sound recording embodying the musical work.

''(ii) APPLICABILITY.—The second sentence of clause (i) shall not apply to—

''(I) a contract entered into on or before June 22, 1995, and not modified thereafter for the purpose of reducing the royalty rates determined pursuant to subparagraphs (E) and (F) of paragraph (1) or of increasing the number of musical works within the scope of the contract covered by the reduced rates, except if a contract entered into on or before June 22, 1995, is modified thereafter for the purpose of increasing the number of musical works within the scope of the contract, any contrary royalty rates specified in the contract shall be given effect in lieu of royalty rates determined pursuant to subparagraphs (E) and (F) of paragraph (1) for the number of musical works within the scope of the contract as of June 22, 1995; and

''(II) a contract entered into after the date that the sound recording is fixed in a tangible medium of expression substantially in a form intended for commercial release, if at the time the contract is entered into, the recording artist retains the right to grant licenses as to the musical work under paragraphs (1) and (3) of section 106.

''(B) SOUND RECORDING INFORMATION.—Except as provided in section 1002(e), a digital phonorecord delivery licensed under this paragraph shall be accompanied by the information encoded in the sound recording, if any, by or under the authority of the copyright owner of that sound recording, that identifies the title of the sound recording, the featured recording artist who performs on the sound recording, and related information, including information concerning the underlying musical work and its writer.

''(C) INFRINGEMENT REMEDIES.—

''(i) IN GENERAL.—A digital phonorecord delivery of a sound recording is actionable as an act of infringement under section 501, and is fully subject to the remedies provided by sections 502 through 506, unless—

''(I) the digital phonorecord delivery has been authorized by the sound recording copyright owner; and

''(II) the entity making the digital phonorecord delivery has obtained a compulsory license under subsection (a) or has otherwise been authorized by the musical work copyright owner, or by a record company pursuant to an individual download license, to make and distribute phonorecords of each musical work embodied in the sound recording by means of digital phonorecord delivery.

''(ii) OTHER REMEDIES.—Any cause of action under this subparagraph shall be in addition to those available to the owner of the copyright in the nondramatic musical work under subparagraph (J) and section 106(4) and the owner of the copyright in the sound recording under section 106(6).

''(D) LIABILITY OF SOUND RECORDING OWNERS.—The liability of the copyright owner of a sound recording for infringement of the copyright in a nondramatic musical work embodied in the sound recording shall be determined in accordance with applicable law, except that the owner of a copyright in a sound recording shall not be liable for a digital phonorecord delivery by a third party if the owner of the copyright in the sound recording does not license the distribution of a phonorecord of the nondramatic musical work.

''(E) RECORDING DEVICES AND MEDIA.—Nothing in section 1008 shall be construed to prevent the exercise of the rights and remedies allowed by this paragraph, subparagraph (J), and chapter 5 in the event of a digital phonorecord delivery, except that no action alleging infringement of copyright may be brought under this title against a manufacturer, importer or distributor of a digital audio recording device, a digital audio recording medium, an analog recording device, or an analog recording medium, or against a consumer, based on the actions described in such section.

''(F) PRESERVATION OF RIGHTS.—Nothing in this section annuls or limits—

''(i) the exclusive right to publicly perform a sound recording or the musical work embodied therein, including by means of a digital transmission, under paragraphs (4) and (6) of section 106;

''(ii) except for compulsory licensing under the conditions specified by this section, the exclusive rights to reproduce and distribute the sound recording and the musical work embodied therein under paragraphs (1) and (3) of section 106, including by means of a digital phonorecord delivery; or

''(iii) any other rights under any other provision of section 106, or remedies available under this title, as such rights or remedies exist before, on, or after the date of enactment of the Digital

Performance Right in Sound Recordings Act of 1995.

''(G) EXEMPT TRANSMISSIONS AND RETRANSMISSIONS.—The provisions of this section concerning digital phonorecord deliveries shall not apply to any exempt transmissions or retransmissions under section 114(d)(1). The exemptions created in section 114(d)(1) do not expand or reduce the rights of copyright owners under paragraphs (1) through (5) of section 106 with respect to such transmissions and retransmissions.

''(H) DISTRIBUTION BY RENTAL, LEASE, OR LENDING.—A compulsory license obtained under subsection (b)(1) to make and distribute phonorecords includes the right of the maker of such a phonorecord to distribute or authorize distribution of such phonorecord, other than by means of a digital phonorecord delivery, by rental, lease, or lending (or by acts or practices in the nature of rental, lease, or lending). With respect to each nondramatic musical work embodied in the phonorecord, the royalty shall be a proportion of the revenue received by the compulsory licensee from every such act of distribution of the phonorecord under this clause equal to the proportion of the revenue received by the compulsory licensee from distribution of the phonorecord under subsection (a)(1)(A)(ii)(II) that is payable by a compulsory licensee under that clause and under chapter 8. The Register of Copyrights shall issue regulations to carry out the purpose of this subparagraph.

''(I) PAYMENT OF ROYALTIES AND STATEMENTS OF ACCOUNT.—Except as provided in paragraphs (4)(A)(i) and (10)(B) of subsection (d), royalty payments shall be made on or before the twentieth day of each month and shall include all royalties for the month next preceding. Each monthly payment shall be made under oath and shall comply with requirements that the Register of Copyrights shall prescribe by regulation. The Register shall also prescribe regulations under which detailed cumulative annual statements of account, certified by a certified public accountant, shall be filed for every compulsory license under subsection (a). The regulations covering both the monthly and the annual statements of account shall prescribe the form, content, and manner of certification with respect to the number of records made and the number of records distributed.

''(J) NOTICE OF DEFAULT AND TERMINATION OF COMPULSORY LICENSE.—In the case of a license obtained under paragraph (1), (2)(A), or (3) of subsection (b), if the copyright owner does not receive the monthly payment and the monthly and annual statements of account when due, the owner may give written notice to the licensee that, unless the default is remedied not later than 30 days after the date on which the notice is sent, the compulsory license will be automatically terminated. Such termination renders either the making or the distribution, or both, of all phonorecords for which the royalty has not been paid, actionable as acts of infringement under section 501 and fully subject to the remedies provided by sections 502 through 506. In the case of a license obtained under subsection (b)(2)(B), license authority under the compulsory license may be terminated as provided in subsection (d)(4)(E).'';

(4) by amending subsection (d) to read as follows:

''(d) BLANKET LICENSE FOR DIGITAL USES, MECHANICAL LICENSING COLLECTIVE, AND DIGITAL LICENSEE COORDINATOR.—

''(1) BLANKET LICENSE FOR DIGITAL USES.—

''(A) IN GENERAL.—A digital music provider that qualifies for a compulsory license under subsection (a) may, by complying with the terms and conditions of this subsection, obtain a blanket license from copyright owners through the mechanical licensing collective to make and distribute digital phonorecord deliveries of musical works through one or more covered activities.

''(B) INCLUDED ACTIVITIES.—A blanket license—

''(i) covers all musical works (or shares of such works) available for compulsory licensing under this section for purposes of engaging in covered activities, except as provided in subparagraph (C);

''(ii) includes the making and distribution of server, intermediate, archival, and incidental reproductions of musical works that are reasonable and necessary for the digital music provider to engage in covered activities licensed under this subsection, solely for the purpose of engaging in such covered activities; and

''(iii) does not cover or include any rights or uses other than those described in clauses (i) and (ii).

''(C) OTHER LICENSES.—A voluntary license for covered activities entered into by or under the authority of 1 or more copyright owners and 1 or more digital music providers, or authority to make and distribute permanent downloads of a musical work obtained by a digital music provider from a sound recording copyright owner pursuant to an individual download license, shall be given effect in lieu of a blanket license under this subsection with respect to the musical works (or shares thereof) covered by such voluntary license or individual download authority and the following conditions apply:

''(i) Where a voluntary license or individual download license applies, the license authority provided under the blanket license shall exclude any musical works (or shares thereof) subject to the voluntary license or individual download license.

''(ii) An entity engaged in covered activities under a voluntary license or authority obtained pursuant to an individual download license that is a significant nonblanket licensee shall comply with paragraph (6)(A).

''(iii) The rates and terms of any voluntary license shall be subject to the second sentence of clause (i) and clause (ii) of subsection (c)(2)(A) and paragraph (9)(C), as applicable.

''(D) PROTECTION AGAINST INFRINGEMENT ACTIONS.—A digital music provider that obtains and complies with the terms of a valid blanket license under this subsection shall not be subject to an action for infringement of the exclusive rights provided by paragraphs (1) and (3) of section 106 under this title arising from use of a musical work (or share thereof) to engage in covered activities authorized by such license, subject to paragraph (4)(E).

''(E) OTHER REQUIREMENTS AND CONDITIONS APPLY.—Except as expressly provided in this subsection, each requirement, limitation, condition, privilege, right, and remedy otherwise applicable to compulsory licenses under this section shall apply to compulsory blanket licenses under this subsection.

''(2) AVAILABILITY OF BLANKET LICENSE.—

''(A) PROCEDURE FOR OBTAINING LICENSE.—A digital music provider may obtain a blanket license by submitting a notice of license to the mechanical licensing collective that specifies the particular covered activities in which the digital music provider seeks to engage, as follows:

''(i) The notice of license shall comply in form and substance with requirements that the Register of Copyrights shall establish by regulation.

''(ii) Unless rejected in writing by the mechanical licensing collective not later than 30 calendar days after the date on which the mechanical licensing collective receives the notice, the blanket license shall be effective as of the date on which the notice of license was sent by the digital music provider, as shown by a physical or electronic record.

''(iii) A notice of license may only be rejected by the mechanical licensing collective if—

''(I) the digital music provider or notice of license does not meet the requirements of this section or applicable regulations, in which case the requirements at issue shall be specified with reasonable particularity in the notice of rejection; or

''(II) the digital music provider has had a blanket license terminated by the mechanical licensing collective during the 3-year period preceding the date on which the mechanical licensing collective receives the notice pursuant to paragraph (4)(E).

''(iv) If a notice of license is rejected under clause (iii)(I), the digital music provider shall have 30 calendar days after receipt of the notice of rejection to cure any deficiency and submit an amended notice of license to the mechanical licensing collective. If the deficiency has been cured, the mechanical licensing collective shall so confirm in writing, and the license shall be effective as of the date that the original notice of license was provided by the digital music provider.

''(v) A digital music provider that believes a notice of license was improperly rejected by the mechanical licensing collective may seek review of such rejection in an appropriate district court of the United States. The district court shall determine the matter de novo based on the record before the mechanical licensing collective and any additional evidence presented by the parties.

''(B) BLANKET LICENSE EFFECTIVE DATE.—Blanket licenses shall be made available by the mechanical licensing collective on and after the license availability date. No such license shall be effective prior to the license availability date.

''(3) MECHANICAL LICENSING COLLECTIVE.—

''(A) IN GENERAL.—The mechanical licensing collective shall be a single entity that—

''(i) is a nonprofit entity, not owned by any other entity, that is created by copyright owners to carry out responsibilities under this subsection;

''(ii) is endorsed by, and enjoys substantial support from, musical work copyright owners that together represent the greatest percentage of the licensor market for uses of such works in covered activities, as measured over the preceding 3 full calendar years;

''(iii) is able to demonstrate to the Register of Copyrights that the entity has, or will have prior to the license availability date, the administrative and technological capabilities to perform the required functions of the mechanical licensing collective under this subsection and that is governed by a board of directors in accordance with subparagraph (D)(i); and

''(iv) has been designated by the Register of Copyrights, with the approval of the Librarian of Congress pursuant to section 702, in accordance with subparagraph (B).

''(B) DESIGNATION OF MECHANICAL LICENSING COLLECTIVE.—

''(i) INITIAL DESIGNATION.—Not later than 270 days after the enactment date, the Register of Copyrights shall initially designate the mechanical licensing collective as follows:

''(I) Not later than 90 calendar days after the enactment date, the Register shall publish notice in the Federal Register soliciting information to assist in identifying the appropriate entity to serve as the mechanical licensing collective, including the name and affiliation of each member of the board of directors described under subparagraph (D)(i) and each committee established pursuant to clauses (iii), (iv), and (v) of subparagraph (D).

''(II) After reviewing the information requested under subclause (I) and making a designation, the Register shall publish notice in the Federal Register setting forth—

''(aa) the identity of and contact information for the mechanical licensing collective; and

''(bb) the reasons for the designation.

''(ii) PERIODIC REVIEW OF DESIGNATION.—Following the initial designation of the mechanical licensing collective, the Register shall, every 5 years, beginning with the fifth full calendar year to commence after the initial designation, publish notice in the Federal Register in the month of January soliciting information concerning whether the existing designation should be continued, or a different entity meeting the criteria described in clauses (i) through (iii) of subparagraph (A) shall be designated. Following publication of such notice, the Register shall—

''(I) after reviewing the information submitted and conducting additional proceedings as appropriate, publish notice in the Federal Register of a continuing designation or new designation of the mechanical licensing collective, as the case may be, and the reasons for such a designation, with any new designation to be effective as of the first day of a month that is not less than 6 months and not longer than 9 months after the date on which the Register publishes the notice, as specified by the Register; and

''(II) if a new entity is designated as the mechanical licensing collective, adopt regulations to govern the transfer of licenses, funds, records, data, and administrative responsibilities from the existing mechanical licensing collective to the new entity.

''(iii) CLOSEST ALTERNATIVE DESIGNATION.—If the Register is unable to identify an entity that fulfills each of the qualifications set forth in clauses (i) through (iii) of subparagraph (A), the Register shall designate the entity that most nearly fulfills such qualifications for purposes of carrying out the responsibilities of the mechanical licensing collective.

''(C) AUTHORITIES AND FUNCTIONS.—

''(i) IN GENERAL.—The mechanical licensing collective is authorized to perform the following functions, subject to more particular requirements as described in this subsection:

''(I) Offer and administer blanket licenses, including receipt of notices of license and reports of usage from digital music providers.

''(II) Collect and distribute royalties from digital music providers for covered activities.

''(III) Engage in efforts to identify musical works (and shares of such works) embodied in particular sound recordings, and to identify and locate the copyright owners of such musical works (and shares of such works).

''(IV) Maintain the musical works database and other information relevant to the administration of licensing activities under this section.

''(V) Administer a process by which copyright owners can claim ownership of musical works (and shares of such works), and a process by which royalties for works for which the owner is not identified or located are equitably distributed to known copyright owners.

''(VI) Administer collections of the administrative assessment from digital music providers and significant nonblanket licensees, including receipt of notices of nonblanket activity.

''(VII) Invest in relevant resources, and arrange for services of outside vendors and others, to support the activities of the mechanical licensing collective.

''(VIII) Engage in legal and other efforts to enforce rights and obligations under this subsection, including by filing bankruptcy proofs of claims for amounts owed under licenses, and acting in coordination with the digital licensee coordinator.

''(IX) Initiate and participate in proceedings before the Copyright Royalty Judges to establish the administrative assessment under this subsection.

''(X) Initiate and participate in proceedings before the Copyright Office with respect to activities under this subsection.

''(XI) Gather and provide documentation for use in proceedings before the Copyright Royalty Judges to set rates and terms under this section.

''(XII) Maintain records of the activities of the mechanical licensing collective and engage in and respond to audits described in this subsection.

''(XIII) Engage in such other activities as may be necessary or appropriate to fulfill the responsibilities of the mechanical licensing collective under this subsection.

''(ii) RESTRICTIONS CONCERNING LICENSING AND ADMINISTRATIVE ACTIVITIES.—With respect to the administration of licenses, except as provided in clauses (i) and (iii) and subparagraph (E)(v), the mechanical licensing collective may only—

''(I) issue blanket licenses pursuant to subsection (d)(1); and

''(II) administer blanket licenses for reproduction or distribution rights in musical works for covered activities, including collecting and distributing royalties, pursuant to blanket licenses.

''(iii) ADDITIONAL ADMINISTRATIVE ACTIVITIES.—Subject to paragraph (11)(C), the mechanical licensing collective may also administer, including by collecting and distributing royalties, voluntary licenses issued by, or individual download licenses obtained from, copyright owners only for reproduction or distribution rights in musical works for covered activities, for which the mechanical licensing collective shall charge reasonable fees for such services.

''(iv) RESTRICTION ON LOBBYING.—The mechanical licensing collective may not engage in government lobbying activities, but may engage in the activities described in subclauses (IX), (X), and (XI) of clause (i).

''(D) GOVERNANCE.—

''(i) BOARD OF DIRECTORS.—The mechanical licensing collective shall have a board of directors consisting of 14 voting members and 3 nonvoting members, as follows:

''(I) Ten voting members shall be representatives of music publishers—

''(aa) to which songwriters have assigned exclusive rights of reproduction and distribution of musical works with respect to covered activities; and

''(bb) none of which may be owned by, or under common control with, any other board member.

''(II) Four voting members shall be professional songwriters who have retained and exercise exclusive rights of reproduction and distribution with respect to covered activities with respect to musical works they have authored.

''(III) One nonvoting member shall be a representative of the nonprofit trade association of music publishers that represents the greatest percentage of the licensor market for uses of musical works in covered activities, as measured for the 3-year period preceding the date on which the member is appointed.

''(IV) One nonvoting member shall be a representative of the digital licensee coordinator, provided that a digital licensee coordinator has been designated pursuant to paragraph (5)(B). Otherwise, the nonvoting member shall be the nonprofit trade association of digital licensees that represents the greatest percentage of the licensee market for uses of musical works in covered activities, as measured over the preceding 3 full calendar years.

''(V) One nonvoting member shall be a representative of a nationally recognized nonprofit trade association whose primary mission is advocacy on behalf of songwriters in the United States.

''(ii) BYLAWS.—

''(I) ESTABLISHMENT.—Not later than 1 year after the date on which the mechanical licensing collective is initially designated by the Register of Copyrights under subparagraph (B)(i), the collective shall establish bylaws to determine issues relating to the governance of the collective, including, but not limited to—

''(aa) the length of the term for each member of the board of directors;

''(bb) the staggering of the terms of the members of the board of directors;

''(cc) a process for filling a seat on the board of directors that is vacated before the end of the term with respect to that seat;

''(dd) a process for electing a member to the board of directors; and

''(ee) a management structure for daily operation of the collective.

''(II) PUBLIC AVAILABILITY.—The mechanical licensing collective shall make the bylaws established under subclause (I) available to the public.

''(iii) BOARD MEETINGS.—The board of directors shall meet not less frequently than biannually and discuss matters pertinent to the operations of the mechanical licensing collective, including the mechanical licensing collective budget.

''(iv) OPERATIONS ADVISORY COMMITTEE.—The board of directors of the mechanical licensing collective shall establish an operations advisory committee consisting of not fewer than 6 members to make recommendations to the board of directors concerning the operations of the mechanical licensing collective, including the efficient investment in and deployment of information technology and data resources. Such committee shall have an equal number of members of the committee who are—

''(I) musical work copyright owners who are appointed by the board of directors of the mechanical licensing collective; and

''(II) representatives of digital music providers who are appointed by the digital licensee coordinator.

''(v) UNCLAIMED ROYALTIES OVERSIGHT COMMITTEE.—The board of directors of the mechanical licensing collective shall establish and appoint an unclaimed royalties oversight committee consisting of 10 members, 5 of which shall be musical work copyright owners and 5 of which shall be professional songwriters whose works are used in covered activities.

''(vi) DISPUTE RESOLUTION COMMITTEE.—The board of directors of the mechanical licensing collective shall establish and appoint a dispute resolution committee that shall—

''(I) consist of not fewer than 6 members; and

''(II) include an equal number of representatives of musical work copyright owners and professional songwriters.

''(vii) MECHANICAL LICENSING COLLECTIVE ANNUAL REPORT.—

''(I) IN GENERAL.—Not later than June 30 of each year commencing after the license availability date, the mechanical licensing collective shall post, and make available online for a period of not less than 3 years, an annual report that sets forth information regarding—

''(aa) the operational and licensing practices of the collective;

''(bb) how royalties are collected and distributed;

''(cc) budgeting and expenditures;

''(dd) the collective total costs for the preceding calendar year;

''(ee) the projected annual mechanical licensing collective budget;

''(ff) aggregated royalty receipts and payments;

''(gg) expenses that are more than 10 percent of the annual mechanical licensing collective budget; and

''(hh) the efforts of the collective to locate and identify copyright owners of unmatched musical works (and shares of works).

''(II) SUBMISSION.—On the date on which the mechanical licensing collective posts each report required under subclause (I), the collective shall provide a copy of the report to the Register of Copyrights.

''(viii) INDEPENDENT OFFICERS.—An individual serving as an officer of the mechanical licensing collective may not, at the same time, also be an employee or agent of any member of the board of directors of the collective or any entity represented by a member of the board of directors, as described in clause (i).

''(ix) OVERSIGHT AND ACCOUNTABILITY.—

''(I) IN GENERAL.—The mechanical licensing collective shall—

''(aa) ensure that the policies and practices of the collective are transparent and accountable;

''(bb) identify a point of contact for publisher inquiries and complaints with timely redress; and

''(cc) establish an anti-comingling policy for funds not collected under this section and royalties collected under this section.

''(II) AUDITS.—

''(aa) IN GENERAL.—Beginning in the fourth full calendar year that begins after the initial

designation of the mechanical licensing collective by the Register of Copyrights under subparagraph (B)(i), and in every fifth calendar year thereafter, the collective shall retain a qualified auditor that shall—

''(AA) examine the books, records, and operations of the collective;

''(BB) prepare a report for the board of directors of the collective with respect to the matters described in item (bb); and

''(CC) not later than December 31 of the year in which the qualified auditor is retained, deliver the report described in subitem (BB) to the board of directors of the collective.

''(bb) MATTERS ADDRESSED.—Each report prepared under item (aa) shall address the implementation and efficacy of procedures of the mechanical licensing collective—

''(AA) for the receipt, handling, and distribution of royalty funds, including any amounts held as unclaimed royalties;

''(BB) to guard against fraud, abuse, waste, and the unreasonable use of funds; and

''(CC) to protect the confidentiality of financial, proprietary, and other sensitive information.

''(cc) PUBLIC AVAILABILITY.—With respect to each report prepared under item (aa), the mechanical licensing collective shall—

''(AA) submit the report to the Register of Copyrights; and

''(BB) make the report available to the public.

''(E) MUSICAL WORKS DATABASE.—

''(i) ESTABLISHMENT AND MAINTENANCE OF DATABASE.—The mechanical licensing collective shall establish and maintain a database containing information relating to musical works (and shares of such works) and, to the extent known, the identity and location of the copyright owners of such works (and shares thereof) and the sound recordings in which the musical works are embodied. In furtherance of maintaining such database, the mechanical licensing collective shall engage in efforts to identify the musical works embodied in particular sound recordings, as well as to identify and locate the copyright owners of such works (and shares thereof), and update such data as appropriate.

''(ii) MATCHED WORKS.—With respect to musical works (and shares thereof) that have been matched to copyright owners, the musical works database shall include—

''(I) the title of the musical work;

''(II) the copyright owner of the work (or share thereof), and the ownership percentage of that owner;

''(III) contact information for such copyright owner;

''(IV) to the extent reasonably available to the mechanical licensing collective—

''(aa) the international standard musical work code for the work; and

''(bb) identifying information for sound recordings in which the musical work is embodied, including the name of the sound recording, featured artist, sound recording copyright owner, producer, international standard recording code, and other information commonly used to assist in associating sound recordings with musical works; and

''(V) such other information as the Register of Copyrights may prescribe by regulation.

''(iii) UNMATCHED WORKS.—With respect to unmatched musical works (and shares of works) in the database, the musical works database shall include—

''(I) to the extent reasonably available to the mechanical licensing collective—

''(aa) the title of the musical work;

''(bb) the ownership percentage for which an owner has not been identified;

''(cc) if a copyright owner has been identified but not located, the identity of such owner and the ownership percentage of that owner;

''(dd) identifying information for sound recordings in which the work is embodied, including sound recording name, featured artist, sound recording copyright owner, producer, international standard recording code, and other information commonly used to assist in associating sound recordings with musical works; and

''(ee) any additional information reported to the mechanical licensing collective that may assist in identifying the work; and

''(II) such other information relating to the identity and ownership of musical works (and shares of such works) as the Register of Copyrights may prescribe by regulation.

''(iv) SOUND RECORDING INFORMATION.—Each musical work copyright owner with any musical work listed in the musical works database shall engage in commercially reasonable efforts to deliver to the mechanical licensing collective, including for use in the musical works database, to the extent such information is not then available in the database, information regarding the names of the sound recordings in which that copyright owner's musical works (or shares thereof) are embodied, to the extent practicable.

''(v) ACCESSIBILITY OF DATABASE.—The musical works database shall be made available to members of the public in a searchable, online format, free of charge. The mechanical licensing collective shall make such database available in a bulk, machine-readable format, through a widely available software application, to the following entities:

''(I) Digital music providers operating under the authority of valid notices of license, free of charge.

''(II) Significant nonblanket licensees in compliance with their obligations under paragraph (6), free of charge.

''(III) Authorized vendors of the entities described in subclauses (I) and (II), free of charge.

''(IV) The Register of Copyrights, free of charge (but the Register shall not treat such database or any information therein as a Government record).

''(V) Any other person or entity for a fee not to exceed the marginal cost to the mechanical licensing collective of providing the database to such person or entity.

''(vi) ADDITIONAL REQUIREMENTS.—The Register of Copyrights shall establish requirements by regulations to ensure the usability, interoperability, and usage restrictions of the musical works database.

''(F) NOTICES OF LICENSE AND NONBLANKET ACTIVITY.—

''(i) NOTICES OF LICENSES.—The mechanical licensing collective shall receive, review, and confirm or reject notices of license from digital music providers, as provided in paragraph (2)(A). The collective shall maintain a current, publicly accessible list of blanket licenses that includes contact information for the licensees and the effective dates of such licenses.

''(ii) NOTICES OF NONBLANKET ACTIVITY.—The mechanical licensing collective shall receive notices of nonblanket activity from significant nonblanket licensees, as provided in paragraph (6)(A). The collective shall maintain a current, publicly accessible list of notices of nonblanket activity that includes contact information for significant nonblanket licensees and the dates of receipt of such notices.

''(G) COLLECTION AND DISTRIBUTION OF ROYALTIES.—

''(i) IN GENERAL.—Upon receiving reports of usage and payments of royalties from digital music providers for covered activities, the mechanical licensing collective shall—

''(I) engage in efforts to—

''(aa) identify the musical works embodied in sound recordings reflected in such reports, and the copyright owners of such musical works (and shares thereof);

''(bb) confirm uses of musical works subject to voluntary licenses and individual download licenses, and the corresponding pro rata amounts to be deducted from royalties that would otherwise be due under the blanket license; and

''(cc) confirm proper payment of royalties due;

''(II) distribute royalties to copyright owners in accordance with the usage and other information contained in such reports, as well as the ownership and other information contained in the records of the collective; and

''(III) deposit into an interest-bearing account, as provided in subparagraph (H)(ii), royalties that cannot be distributed due to—

''(aa) an inability to identify or locate a copyright owner of a musical work (or share thereof); or

''(bb) a pending dispute before the dispute resolution committee of the mechanical licensing collective.

''(ii) OTHER COLLECTION EFFORTS.—Any royalties recovered by the mechanical licensing collective as a result of efforts to enforce rights or obligations under a blanket license, including through a bankruptcy proceeding or other legal action, shall be distributed to copyright owners based on available usage information and in accordance with the procedures described in subclauses (I) and (II) of clause (i), on a pro rata basis in proportion to the overall percentage recovery of the total royalties owed, with any pro rata share of royalties that cannot be distributed deposited in an interest-bearing account as provided in subparagraph (H)(ii).

''(H) HOLDING OF ACCRUED ROYALTIES.—

''(i) HOLDING PERIOD.—The mechanical licensing collective shall hold accrued royalties associated with particular musical works (and shares of works) that remain unmatched for a period of not less than 3 years after the date on which the funds were received by the mechanical licensing collective, or not less than 3 years after the date on which the funds were accrued by a digital music provider that subsequently transferred such funds to the mechanical licensing collective pursuant to paragraph (10)(B), whichever period expires sooner.

''(ii) INTEREST-BEARING ACCOUNT.—Accrued royalties for unmatched works (and shares thereof) shall be maintained by the mechanical licensing collective in an interest-bearing account that earns monthly interest—

''(I) at the Federal, short-term rate; and

''(II) that accrues for the benefit of copyright owners entitled to payment of such accrued royalties.

''(I) MUSICAL WORKS CLAIMING PROCESS.—When a copyright owner of an unmatched work (or share of a work) has been identified and located in accordance with the procedures of the mechanical licensing collective, the collective shall—

''(i) update the musical works database and the other records of the collective accordingly; and

''(ii) provided that accrued royalties for the musical work (or share thereof) have not yet been included in a distribution pursuant to subparagraph (J)(i), pay such accrued royalties and a proportionate amount of accrued interest associated with that work (or share thereof) to the copyright owner, accompanied by a cumulative statement of account reflecting usage of such work and accrued royalties based on information provided by digital music providers to the mechanical licensing collective.

''(J) DISTRIBUTION OF UNCLAIMED ACCRUED ROYALTIES.—

''(i) DISTRIBUTION PROCEDURES.—After the expiration of the prescribed holding period for accrued royalties provided in subparagraph (H)(i), the mechanical licensing collective shall distribute such accrued royalties, along with a proportionate share of accrued interest, to copyright owners identified in the records of the collective, subject to the following requirements, and in accordance with the policies and procedures established under clause (ii):

''(I) The first such distribution shall occur on or after January 1 of the second full calendar year to commence after the license availability date, with not less than 1 such distribution to take place during each calendar year thereafter.

''(II) Copyright owners' payment shares for unclaimed accrued royalties for particular reporting periods shall be determined in a transparent and equitable manner based on data indicating the relative market shares of such copyright owners as reflected in reports of usage provided by digital music providers for covered activities for the periods in question, including, in addition to usage data provided to the mechanical licensing collective, usage data provided to copyright owners under voluntary licenses and individual download licenses for covered activities, to the extent such information is available to the mechanical licensing collective. In furtherance of the determination of equitable market shares under this subparagraph—

''(aa) the mechanical licensing collective may require copyright owners seeking distributions of unclaimed accrued royalties to provide, or direct the provision of, information concerning the usage of musical works under voluntary licenses and individual download licenses for covered activities; and

''(bb) the mechanical licensing collective shall take appropriate steps to safeguard the confidentiality and security of usage, financial, and other sensitive data used to compute market shares in accordance with the confidentiality provisions prescribed by the Register of Copyrights under paragraph (12)(C).

''(ii) ESTABLISHMENT OF DISTRIBUTION POLICIES.—The unclaimed royalties oversight committee established under subparagraph (D)(v) shall establish policies and procedures for the distribution of unclaimed accrued royalties and accrued interest in accordance with this subparagraph, including the provision of usage data to copyright owners to allocate payments and credits to songwriters pursuant to clause (iv), subject to the approval of the board of directors of the mechanical licensing collective.

''(iii) PUBLIC NOTICE OF UNCLAIMED ACCRUED ROYALTIES.—The mechanical licensing collective shall—

''(I) maintain a publicly accessible online facility with contact information for the collective that lists unmatched musical works (and shares of works), through which a copyright owner may assert an ownership claim with respect to such a work (and a share of such a work);

''(II) engage in diligent, good-faith efforts to publicize, throughout the music industry—

''(aa) the existence of the collective and the ability to claim unclaimed accrued royalties for unmatched musical works (and shares of such works) held by the collective;

''(bb) the procedures by which copyright owners may identify themselves and provide contact, ownership, and other relevant information to the collective in order to receive payments of accrued royalties;

''(cc) any transfer of accrued royalties for musical works under paragraph (10)(B), not later than 180 days after the date on which the transfer is received; and

''(dd) any pending distribution of unclaimed accrued royalties and accrued interest, not less than 90 days before the date on which the distribution is made; and

''(III) as appropriate, participate in music industry conferences and events for the purpose of publicizing the matters described in subclause (II).

''(iv) SONGWRITER PAYMENTS.—Copyright owners that receive a distribution of unclaimed accrued royalties and accrued interest shall pay or credit a portion to songwriters (or the authorized agents of songwriters) on whose behalf the copyright owners license or administer musical works for covered activities, in accordance with applicable contractual terms, but notwithstanding any agreement to the contrary—

''(I) such payments and credits to songwriters shall be allocated in proportion to reported usage of individual musical works by digital music providers during the reporting periods covered by the distribution from the mechanical licensing collective; and

''(II) in no case shall the payment or credit to an individual songwriter be less than 50 percent of the payment received by the copyright owner attributable to usage of musical works (or shares of works) of that songwriter.

''(K) DISPUTE RESOLUTION.—The dispute resolution committee established under subparagraph (D)(vi) shall establish policies and procedures—

''(i) for copyright owners to address in a timely and equitable manner disputes relating to ownership interests in musical works licensed under this section and allocation and distribution of royalties by the mechanical licensing collective, subject to the approval of the board of directors of the mechanical licensing collective;

''(ii) that shall include a mechanism to hold disputed funds in accordance with the requirements described in subparagraph (H)(ii) pending resolution of the dispute; and

''(iii) except as provided in paragraph (11)(D), that shall not affect any legal or equitable rights or remedies available to any copyright owner or songwriter concerning ownership of, and entitlement to royalties for, a musical work.

''(L) VERIFICATION OF PAYMENTS BY MECHANICAL LICENSING COLLECTIVE.—

''(i) VERIFICATION PROCESS.—A copyright owner entitled to receive payments of royalties for covered activities from the mechanical licensing collective may, individually or with other copyright owners, conduct an audit of the mechanical licensing collective to verify the accuracy of royalty payments by the mechanical licensing collective to such copyright owner, as follows:

''(I) A copyright owner may audit the mechanical licensing collective only once in a year for any or all of the 3 calendar years preceding the year in which the audit is commenced, and may not audit records for any calendar year more than once.

''(II) The audit shall be conducted by a qualified auditor, who shall perform the audit during the ordinary course of business by examining the books, records, and data of the mechanical licensing collective, according to generally accepted auditing standards and subject to applicable confidentiality requirements prescribed by the Register of Copyrights under paragraph (12)(C).

''(III) The mechanical licensing collective shall make such books, records, and data available to the qualified auditor and respond to reasonable requests for relevant information, and shall use commercially reasonable efforts to facilitate access to relevant information maintained by third parties.

''(IV) To commence the audit, any copyright owner shall file with the Copyright Office a notice of intent to conduct an audit of the mechanical licensing collective, identifying the period of time to be audited, and shall simultaneously deliver a copy of such notice to the mechanical licensing collective. The Register of Copyrights shall cause the notice of audit to be published in the Federal Register not later than 45 calendar days after the date on which the notice is received.

''(V) The qualified auditor shall determine the accuracy of royalty payments, including whether an underpayment or overpayment of royalties was made by the mechanical licensing collective to each auditing copyright owner, except that, before providing a final audit report to any such copyright owner, the qualified auditor shall provide a tentative draft of the report to the mechanical licensing collective and allow the mechanical licensing collective a reasonable opportunity to respond to the findings, including by clarifying issues and correcting factual errors.

''(VI) The auditing copyright owner or owners shall bear the cost of the audit. In case of an underpayment to any copyright owner, the mechanical licensing collective shall pay the amounts of any such underpayment to such auditing copyright owner, as appropriate. In case of an overpayment by the mechanical licensing collective, the mechanical licensing collective may debit the account of the auditing copyright owner or owners for such overpaid amounts, or such owner or owners shall refund overpaid amounts to the mechanical licensing collective, as appropriate.

''(ii) ALTERNATIVE VERIFICATION PROCEDURES.—Nothing in this subparagraph shall preclude a copyright owner and the mechanical licensing collective from agreeing to audit procedures different from those described in this subparagraph, except that a notice of the audit shall be provided to and published by the Copyright Office as described in clause (i)(IV).

''(M) RECORDS OF MECHANICAL LICENSING COLLECTIVE.—

''(i) RECORDS MAINTENANCE.—The mechanical licensing collective shall ensure that all material records of the operations of the mechanical licensing collective, including those relating to notices of license, the administration of the claims process of the mechanical licensing collective, reports of usage, royalty payments, receipt and maintenance of accrued royalties, royalty distribution processes, and legal matters, are preserved and maintained in a secure and reliable manner, with appropriate commercially reasonable safeguards against unauthorized access, copying, and disclosure, and subject to the confidentiality requirements prescribed by the Register of Copyrights under paragraph (12)(C) for a period of not less than 7 years after the date of creation or receipt, whichever occurs later.

''(ii) RECORDS ACCESS.—The mechanical licensing collective shall provide prompt access to electronic and other records pertaining to the administration of a copyright owner's musical works upon reasonable written request of the owner or the authorized representative of the owner.

''(4) TERMS AND CONDITIONS OF BLANKET LICENSE.—A blanket license is subject to, and conditioned upon, the following requirements:

''(A) ROYALTY REPORTING AND PAYMENTS.—

''(i) MONTHLY REPORTS AND PAYMENT.—A digital music provider shall report and pay royalties to the mechanical licensing collective under the blanket license on a monthly basis in accordance with clause (ii) and subsection (c)(2)(I), except that the monthly reporting shall be due on the date that is 45 calendar days, rather than 20 calendar days, after the end of the monthly reporting period.

''(ii) DATA TO BE REPORTED.—In reporting usage of musical works to the mechanical licensing collective, a digital music provider shall provide usage data for musical works used under the blanket license and usage data for musical works used in covered activities under voluntary licenses and individual download licenses. In the report of usage, the digital music provider shall—

''(I) with respect to each sound recording embodying a musical work—

''(aa) provide identifying information for the sound recording, including sound recording name, featured artist, and, to the extent acquired by the digital music provider in connection with its use of sound recordings of musical works to engage in covered activities, including pursuant to subparagraph (B), sound recording copyright owner, producer, international standard recording code, and other information commonly used in the industry to identify sound recordings and match them to the musical works the sound recordings embody;

''(bb) to the extent acquired by the digital music provider in the metadata provided by sound recording copyright owners or other licensors of sound recordings in connection with the use of sound recordings of musical works to engage in covered activities, including pursuant to subparagraph (B), provide information concerning authorship and ownership of the applicable rights in the musical work embodied in the sound recording (including each songwriter, publisher name, and respective ownership share)

and the international standard musical work code; and

''(cc) provide the number of digital phonorecord deliveries of the sound recording, including limited downloads and interactive streams;

''(II) identify and provide contact information for all musical work copyright owners for works embodied in sound recordings as to which a voluntary license, rather than the blanket license, is in effect with respect to the uses being reported; and

''(III) provide such other information as the Register of Copyrights shall require by regulation.

''(iii) FORMAT AND MAINTENANCE OF REPORTS.—Reports of usage provided by digital music providers to the mechanical licensing collective shall be in a machine-readable format that is compatible with the information technology systems of the mechanical licensing collective and meets the requirements of regulations adopted by the Register of Copyrights. The Register shall also adopt regulations setting forth requirements under which records of use shall be maintained and made available to the mechanical licensing collective by digital music providers engaged in covered activities under a blanket license.

''(iv) ADOPTION OF REGULATIONS.—The Register of Copyrights shall adopt regulations—

''(I) setting forth requirements under which records of use shall be maintained and made available to the mechanical licensing collective by digital music providers engaged in covered activities under a blanket license; and

''(II) regarding adjustments to reports of usage by digital music providers, including mechanisms to account for overpayment and underpayment of royalties in prior periods.

''(B) COLLECTION OF SOUND RECORDING INFORMATION.—A digital music provider shall engage in good-faith, commercially reasonable efforts to obtain from sound recording copyright owners and other licensors of sound recordings made available through the service of such digital music provider information concerning—

''(i) sound recording copyright owners, producers, international standard recording codes, and other information commonly used in the industry to identify sound recordings and match them to the musical works the sound recordings embody; and

''(ii) the authorship and ownership of musical works, including songwriters, publisher names, ownership shares, and international standard musical work codes.

''(C) PAYMENT OF ADMINISTRATIVE ASSESSMENT.—A digital music provider and any significant nonblanket licensee shall pay the administrative assessment established under paragraph (7)(D) in accordance with this subsection and applicable regulations.

''(D) VERIFICATION OF PAYMENTS BY DIGITAL MUSIC PROVIDERS.—

''(i) VERIFICATION PROCESS.—The mechanical licensing collective may conduct an audit of a digital music provider operating under the blanket license to verify the accuracy of royalty payments by the digital music provider to the mechanical licensing collective as follows:

''(I) The mechanical licensing collective may commence an audit of a digital music provider not more frequently than once in any 3-calendar-year period to cover a verification period of not more than the 3 full calendar years preceding the date of commencement of the audit, and such audit may not audit records for any such 3-year verification period more than once.

''(II) The audit shall be conducted by a qualified auditor, who shall perform the audit during the ordinary course of business by examining the books, records, and data of the digital music provider, according to generally accepted auditing standards and subject to applicable confidentiality requirements prescribed by the Register of Copyrights under paragraph (12)(C).

''(III) The digital music provider shall make such books, records, and data available to the qualified auditor and respond to reasonable requests for relevant information, and shall use commercially reasonable efforts to provide access to relevant information maintained with respect to a digital music provider by third parties.

''(IV) To commence the audit, the mechanical licensing collective shall file with the Copyright Office a notice of intent to conduct an audit of the digital music provider, identifying the period of time to be audited, and shall simultaneously deliver a copy of such notice to the digital music provider. The Register of Copyrights shall cause the notice of audit to be published in the Federal Register not later than 45 calendar days after the date on which notice is received.

''(V) The qualified auditor shall determine the accuracy of royalty payments, including whether an underpayment or overpayment of royalties was made by the digital music provider to the mechanical licensing collective, except that, before providing a final audit report to the mechanical licensing collective, the qualified auditor shall provide a tentative draft of the report to the digital music provider and allow the digital music provider a reasonable opportunity to respond to the findings, including by clarifying issues and correcting factual errors.

''(VI) The mechanical licensing collective shall pay the cost of the audit, unless the qualified auditor determines that there was an underpayment by the digital music provider of not less than 10 percent, in which case the digital music provider shall bear the reasonable costs of the audit, in addition to paying the amount of any underpayment to the mechanical licensing collective. In case of an overpayment by the digital music provider, the mechanical licensing collective shall provide a credit to the account of the digital music provider.

''(VII) A digital music provider may not assert section 507 or any other Federal or State statute of limitations, doctrine of laches or estoppel, or similar provision as a defense to a legal action arising from an audit under this subparagraph if such legal action is commenced not more than 6 years after the commencement of the audit that is the basis for such action.

''(ii) ALTERNATIVE VERIFICATION PROCEDURES.—Nothing in this subparagraph shall preclude the mechanical licensing collective and a digital music provider from agreeing to audit procedures different from those described in this subparagraph, except that a notice of the audit shall be provided to and published by the Copyright Office as described in clause (i)(IV).

''(E) DEFAULT UNDER BLANKET LICENSE.—

''(i) CONDITIONS OF DEFAULT.—A digital music provider shall be in default under a blanket license if the digital music provider—

''(I) fails to provide 1 or more monthly reports of usage to the mechanical licensing collective when due;

''(II) fails to make a monthly royalty or late fee payment to the mechanical licensing collective when due, in all or material part;

''(III) provides 1 or more monthly reports of usage to the mechanical licensing collective that, on the whole, is or are materially deficient as a result of inaccurate, missing, or unreadable data, where the correct data was available to the digital music provider and required to be reported under this section and applicable regulations;

''(IV) fails to pay the administrative assessment as required under this subsection and applicable regulations; or

''(V) after being provided written notice by the mechanical licensing collective, refuses to comply with any other material term or condition of the blanket license under this section for a period of not less than 60 calendar days.

''(ii) NOTICE OF DEFAULT AND TERMINATION.—In case of a default by a digital music provider, the mechanical licensing collective may proceed to terminate the blanket license of the digital music provider as follows:

''(I) The mechanical licensing collective shall provide written notice to the digital music provider describing with reasonable particularity the default and advising that unless such default is cured not later than 60 calendar days after the date of the notice, the blanket license will automatically terminate at the end of that period.

''(II) If the digital music provider fails to remedy the default before the end of the 60-day period described in subclause (I), the license shall terminate without any further action on the part of the mechanical licensing collective. Such termination renders the making of all digital phonorecord deliveries of all musical works (and shares thereof) covered by the blanket license for which the royalty or administrative assessment has not been paid actionable as acts of infringement under section 501 and subject to the remedies provided by sections 502 through 506.

''(iii) NOTICE TO COPYRIGHT OWNERS.—The mechanical licensing collective shall provide written notice of any termination under this subparagraph to copyright owners of affected works.

''(iv) REVIEW BY FEDERAL DISTRICT COURT.—A digital music provider that believes a blanket license was improperly terminated by the mechanical licensing collective may seek review of such termination in an appropriate district court of the United States. The district court shall determine the matter de novo based on the record before the mechanical licensing collective and any additional supporting evidence presented by the parties.

''(5) DIGITAL LICENSEE COORDINATOR.—

''(A) IN GENERAL.—The digital licensee coordinator shall be a single entity that—

''(i) is a nonprofit, not owned by any other entity, that is created to carry out responsibilities under this subsection;

''(ii) is endorsed by and enjoys substantial support from digital music providers and significant nonblanket licensees that together represent the greatest percentage of the licensee market for uses of musical works in covered activities, as measured over the preceding 3 calendar years;

''(iii) is able to demonstrate that it has, or will have prior to the license availability date, the administrative capabilities to perform the required functions of the digital licensee coordinator under this subsection; and

''(iv) has been designated by the Register of Copyrights, with the approval of the Librarian of Congress pursuant to section 702, in accordance with subparagraph (B).

''(B) DESIGNATION OF DIGITAL LICENSEE COORDINATOR.—

''(i) INITIAL DESIGNATION.—The Register of Copyrights shall initially designate the digital licensee coordinator not later than 270 days after the enactment date, in accordance with the same procedure described for designation of the mechanical licensing collective in paragraph (3)(B)(i).

''(ii) PERIODIC REVIEW OF DESIGNATION.—Following the initial designation of the digital licensee coordinator, the Register of Copyrights shall, every 5 years, beginning with the fifth full calendar year to commence after the initial designation, determine whether the existing designation should be continued, or a different entity meeting the criteria described in clauses (i) through (iii) of subparagraph (A) should be designated, in accordance with the same procedure described for the mechanical licensing collective in paragraph (3)(B)(ii).

''(iii) INABILITY TO DESIGNATE.—If the Register of Copyrights is unable to identify an entity that fulfills each of the qualifications described in clauses (i) through (iii) of subparagraph (A) to serve as the digital licensee coordinator, the Register may decline to designate a digital licensee coordinator. The determination of the Register not to designate a digital licensee coordinator shall not negate or otherwise affect any provision of this subsection except to the limited extent that a provision references the digital licensee coordinator. In such case, the

reference to the digital licensee coordinator shall be without effect unless and until a new digital licensee coordinator is designated.

''(C) AUTHORITIES AND FUNCTIONS.—

''(i) IN GENERAL.—The digital licensee coordinator is authorized to perform the following functions, subject to more particular requirements as described in this subsection:

''(I) Establish a governance structure, criteria for membership, and any dues to be paid by its members.

''(II) Engage in efforts to enforce notice and payment obligations with respect to the administrative assessment, including by receiving information from and coordinating with the mechanical licensing collective.

''(III) Initiate and participate in proceedings before the Copyright Royalty Judges to establish the administrative assessment under this subsection.

''(IV) Initiate and participate in proceedings before the Copyright Office with respect to activities under this subsection.

''(V) Gather and provide documentation for use in proceedings before the Copyright Royalty Judges to set rates and terms under this section.

''(VI) Maintain records of its activities.

''(VII) Assist in publicizing the existence of the mechanical licensing collective and the ability of copyright owners to claim royalties for unmatched musical works (and shares of works) through the collective.

''(VIII) Engage in such other activities as may be necessary or appropriate to fulfill its responsibilities under this subsection.

''(ii) RESTRICTION ON LOBBYING.—The digital licensee coordinator may not engage in government lobbying activities, but may engage in the activities described in subclauses (III), (IV), and (V) of clause (i).

''(iii) ASSISTANCE WITH PUBLICITY FOR UNCLAIMED ROYALTIES.—The digital licensee coordinator shall make reasonable, good-faith efforts to assist the mechanical licensing collective in the efforts of the collective to locate and identify copyright owners of unmatched musical works (and shares of such works) by encouraging digital music providers to publicize the existence of the collective and the ability of copyright owners to claim unclaimed accrued royalties, including by—

''(I) posting contact information for the collective at reasonably prominent locations on digital music provider websites and applications; and

''(II) conducting in-person outreach activities with songwriters.

''(6) REQUIREMENTS FOR SIGNIFICANT NONBLANKET LICENSEES.—

''(A) IN GENERAL.—

''(i) NOTICE OF ACTIVITY.—Not later than 45 calendar days after the license availability date, or 45 calendar days after the end of the first full calendar month in which an entity initially qualifies as a significant nonblanket licensee, whichever occurs later, a significant nonblanket licensee shall submit a notice of nonblanket activity to the mechanical licensing collective. The notice of nonblanket activity shall comply in form and substance with requirements that the Register of Copyrights shall establish by regulation, and a copy shall be made available to the digital licensee coordinator.

''(ii) REPORTING AND PAYMENT OBLIGATIONS.—The notice of nonblanket activity submitted to the mechanical licensing collective shall be accompanied by a report of usage that contains the information described in paragraph (4)(A)(ii), as well as any payment of the administrative assessment required under this subsection and applicable regulations. Thereafter, subject to clause (iii), a significant nonblanket licensee shall continue to provide monthly reports of usage, accompanied by any required payment of the administrative assessment, to the mechanical licensing collective. Such reports and payments shall be submitted not later than 45 calendar days after the end of the calendar month being reported.

''(iii) DISCONTINUATION OF OBLIGATIONS.—An entity that has submitted a notice of nonblanket activity to the mechanical licensing collective that has ceased to qualify as a significant nonblanket licensee may so notify the collective in writing. In such case, as of the calendar month in which such notice is provided, such entity shall no longer be required to provide reports of usage or pay the administrative assessment, but if such entity later qualifies as a significant nonblanket licensee, such entity shall again be required to comply with clauses (i) and (ii).

''(B) REPORTING BY MECHANICAL LICENSING COLLECTIVE TO DIGITAL LICENSEE COORDINATOR.—

''(i) MONTHLY REPORTS OF NONCOMPLIANT LICENSEES.—The mechanical licensing collective shall provide monthly reports to the digital licensee coordinator setting forth any significant nonblanket licensees of which the collective is aware that have failed to comply with subparagraph (A).

''(ii) TREATMENT OF CONFIDENTIAL INFORMATION.—The mechanical licensing collective and digital licensee coordinator shall take appropriate steps to safeguard the confidentiality and security of financial and other sensitive data shared under this subparagraph, in accordance with the confidentiality requirements prescribed by the Register of Copyrights under paragraph (12)(C).

''(C) LEGAL ENFORCEMENT EFFORTS.—

''(i) FEDERAL COURT ACTION.—Should the mechanical licensing collective or digital licensee coordinator become aware that a significant nonblanket licensee has failed to comply with subparagraph (A), either may commence an action in an appropriate district court of the United States for damages and injunctive relief. If the significant nonblanket licensee is found liable, the court shall, absent a finding of excusable neglect, award damages in an amount equal to three times the total amount of the unpaid administrative assessment and, notwithstanding anything to the contrary in section 505, reasonable attorney's fees and costs, as well as such other relief as the court determines appropriate. In all other cases, the court shall award relief as appropriate. Any recovery of damages shall be payable to the mechanical licensing collective as an offset to the collective total costs.

''(ii) STATUTE OF LIMITATIONS FOR ENFORCEMENT ACTION.—Any action described in this subparagraph shall be commenced within the time period described in section 507(b).

''(iii) OTHER RIGHTS AND REMEDIES PRESERVED.—The ability of the mechanical licensing collective or digital licensee coordinator to bring an action under this subparagraph shall in no way alter, limit or negate any other right or remedy that may be available to any party at law or in equity.

''(7) FUNDING OF MECHANICAL LICENSING COLLECTIVE.—

''(A) IN GENERAL.—The collective total costs shall be funded by—

''(i) an administrative assessment, as such assessment is established by the Copyright Royalty Judges pursuant to subparagraph (D) from time to time, to be paid by—

''(I) digital music providers that are engaged, in all or in part, in covered activities pursuant to a blanket license; and

''(II) significant nonblanket licensees; and

''(ii) voluntary contributions from digital music providers and significant nonblanket licensees as may be agreed with copyright owners.

''(B) VOLUNTARY CONTRIBUTIONS.—

''(i) AGREEMENTS CONCERNING CONTRIBUTIONS.—Except as provided in clause (ii), voluntary contributions by digital music providers and significant nonblanket licensees shall be determined by private negotiation and agreement, and the following conditions apply:

''(I) The date and amount of each voluntary contribution to the mechanical licensing collective shall be documented in a writing signed by an authorized agent of the mechanical licensing collective and the contributing party.

''(II) Such agreement shall be made available as required in proceedings before the Copyright Royalty Judges to establish or adjust the administrative assessment in accordance with applicable statutory and regulatory provisions and rulings of the Copyright Royalty Judges.

''(ii) TREATMENT OF CONTRIBUTIONS.—Each voluntary contribution described in clause (i) shall be treated for purposes of an administrative assessment proceeding as an offset to the collective total costs that would otherwise be recovered through the administrative assessment. Any allocation or reallocation of voluntary contributions between or among individual digital music providers or significant nonblanket licensees shall be a matter of private negotiation and agreement among such parties and outside the scope of the administrative assessment proceeding.

''(C) INTERIM APPLICATION OF ACCRUED ROYALTIES.—In the event that the administrative assessment, together with any funding from voluntary contributions as provided in subparagraphs (A) and (B), is inadequate to cover current collective total costs, the collective, with approval of its board of directors, may apply unclaimed accrued royalties on an interim basis to defray such costs, subject to future reimbursement of such royalties from future collections of the assessment.

''(D) DETERMINATION OF ADMINISTRATIVE ASSESSMENT.—

''(i) ADMINISTRATIVE ASSESSMENT TO COVER COLLECTIVE TOTAL COSTS.—The administrative assessment shall be used solely and exclusively to fund the collective total costs.

''(ii) SEPARATE PROCEEDING BEFORE COPYRIGHT ROYALTY JUDGES.—The amount and terms of the administrative assessment shall be determined and established in a separate and independent proceeding before the Copyright Royalty Judges, according to the procedures described in clauses (iii) and (iv). The administrative assessment determined in such proceeding shall—

''(I) be wholly independent of royalty rates and terms applicable to digital music providers, which shall not be taken into consideration in any manner in establishing the administrative assessment;

''(II) be established by the Copyright Royalty Judges in an amount that is calculated to defray the reasonable collective total costs;

''(III) be assessed based on usage of musical works by digital music providers and significant nonblanket licensees in covered activities under both compulsory and nonblanket licenses;

''(IV) may be in the form of a percentage of royalties payable under this section for usage of musical works in covered activities (regardless of whether a different rate applies under a voluntary license), or any other usage-based metric reasonably calculated to equitably allocate the collective total costs across digital music providers and significant nonblanket licensees engaged in covered activities, and shall include as a component a minimum fee for all digital music providers and significant nonblanket licensees; and

''(V) take into consideration anticipated future collective total costs and collections of the administrative assessment, including, as applicable—

''(aa) any portion of past actual collective total costs of the mechanical licensing collective not funded by previous collections of the administrative assessment or voluntary contributions because such collections or contributions together were insufficient to fund such costs;

''(bb) any past collections of the administrative assessment and voluntary contributions that exceeded past actual collective total costs, resulting in a surplus; and

''(cc) the amount of any voluntary contributions by digital music providers or significant

nonblanket licensees in relevant periods, described in subparagraphs (A) and (B) of paragraph (7).

''(iii) INITIAL ADMINISTRATIVE ASSESSMENT.—The procedure for establishing the initial administrative assessment shall be as follows:

''(I) Not later than 270 days after the enactment date, the Copyright Royalty Judges shall commence a proceeding to establish the initial administrative assessment by publishing a notice in the Federal Register seeking petitions to participate.

''(II) The mechanical licensing collective and digital licensee coordinator shall participate in the proceeding described in subclause (I), along with any interested copyright owners, digital music providers or significant nonblanket licensees that have notified the Copyright Royalty Judges of their desire to participate.

''(III) The Copyright Royalty Judges shall establish a schedule for submission by the parties of information that may be relevant to establishing the administrative assessment, including actual and anticipated collective total costs of the mechanical licensing collective, actual and anticipated collections from digital music providers and significant nonblanket licensees, and documentation of voluntary contributions, as well as a schedule for further proceedings, which shall include a hearing, as the Copyright Royalty Judges determine appropriate.

''(IV) The initial administrative assessment shall be determined, and such determination shall be published in the Federal Register by the Copyright Royalty Judges, not later than 1 year after commencement of the proceeding described in this clause. The determination shall be supported by a written record. The initial administrative assessment shall be effective as of the license availability date, and shall continue in effect unless and until an adjusted administrative assessment is established pursuant to an adjustment proceeding under clause (iv).

''(iv) ADJUSTMENT OF ADMINISTRATIVE ASSESSMENT.—The administrative assessment may be adjusted by the Copyright Royalty Judges periodically, in accordance with the following procedures:

''(I) Not earlier than 1 year after the most recent publication of a determination of the administrative assessment by the Copyright Royalty Judges, the mechanical licensing collective, the digital licensee coordinator, or one or more interested copyright owners, digital music providers, or significant nonblanket licensees, may file a petition with the Copyright Royalty Judges in the month of May to commence a proceeding to adjust the administrative assessment.

''(II) Notice of the commencement of such proceeding shall be published in the Federal Register in the month of June following the filing of any petition, with a schedule of requested information and additional proceedings, as described in clause (iii)(III). The mechanical licensing collective and digital licensee coordinator shall participate in such proceeding, along with any interested copyright owners, digital music providers, or significant nonblanket licensees that have notified the Copyright Royalty Judges of their desire to participate.

''(III) The determination of the adjusted administrative assessment, which shall be supported by a written record, shall be published in the Federal Register during June of the calendar year following the commencement of the proceeding. The adjusted administrative assessment shall take effect January 1 of the year following such publication.

''(v) ADOPTION OF VOLUNTARY AGREEMENTS.—In lieu of reaching their own determination based on evaluation of relevant data, the Copyright Royalty Judges shall approve and adopt a negotiated agreement to establish the amount and terms of the administrative assessment that has been agreed to by the mechanical licensing collective and the digital licensee coordinator (or if none has been designated, interested digital music providers and significant nonblanket licensees representing more than half of the market for uses of musical works in covered activities), except that the Copyright Royalty Judges shall have the discretion to reject any such agreement for good cause shown. An administrative assessment adopted under this clause shall apply to all digital music providers and significant nonblanket licensees engaged in covered activities during the period the administrative assessment is in effect.

''(vi) CONTINUING AUTHORITY TO AMEND.—The Copyright Royalty Judges shall retain continuing authority to amend a determination of an administrative assessment to correct technical or clerical errors, or modify the terms of implementation, for good cause, with any such amendment to be published in the Federal Register.

''(vii) APPEAL OF ADMINISTRATIVE ASSESSMENT.—The determination of an administrative assessment by the Copyright Royalty Judges shall be appealable, not later than 30 calendar days after publication in the Federal Register, to the Court of Appeals for the District of Columbia Circuit by any party that fully participated in the proceeding. The administrative assessment as established by the Copyright Royalty Judges shall remain in effect pending the final outcome of any such appeal, and the mechanical licensing collective, digital licensee coordinator, digital music providers, and significant nonblanket licensees shall implement appropriate financial or other measures not later than 90 days after any modification of the assessment to reflect and account for such outcome.

''(viii) REGULATIONS.—The Copyright Royalty Judges may adopt regulations to govern the conduct of proceedings under this paragraph.

''(8) ESTABLISHMENT OF RATES AND TERMS UNDER BLANKET LICENSE.—

''(A) RESTRICTIONS ON RATESETTING PARTICIPATION.—Neither the mechanical licensing collective nor the digital licensee coordinator shall be a party to a proceeding described in subsection (c)(1)(E), except that the mechanical licensing collective or the digital licensee coordinator may gather and provide financial and other information for the use of a party to such a proceeding and comply with requests for information as required under applicable statutory and regulatory provisions and rulings of the Copyright Royalty Judges.

''(B) APPLICATION OF LATE FEES.—In any proceeding described in subparagraph (A) in which the Copyright Royalty Judges establish a late fee for late payment of royalties for uses of musical works under this section, such fee shall apply to covered activities under blanket licenses, as follows:

''(i) Late fees for past due royalty payments shall accrue from the due date for payment until payment is received by the mechanical licensing collective.

''(ii) The availability of late fees shall in no way prevent a copyright owner or the mechanical licensing collective from asserting any other rights or remedies to which such copyright owner or the mechanical licensing collective may be entitled under this title.

''(C) INTERIM RATE AGREEMENTS IN GENERAL.—For any covered activity for which no rate or terms have been established by the Copyright Royalty Judges, the mechanical licensing collective and any digital music provider may agree to an interim rate and terms for such activity under the blanket license, and any such rate and terms—

''(i) shall be treated as nonprecedential and not cited or relied upon in any ratesetting proceeding before the Copyright Royalty Judges or any other tribunal; and

''(ii) shall automatically expire upon the establishment of a rate and terms for such covered activity by the Copyright Royalty Judges, under subsection (c)(1)(E).

''(D) ADJUSTMENTS FOR INTERIM RATES.—The rate and terms established by the Copyright Royalty Judges for a covered activity to which an interim rate and terms have been agreed under subparagraph (C) shall supersede the interim rate and terms and apply retroactively to the inception of the activity under the blanket license. In such case, not later than 90 days after the effective date of the rate and terms established by the Copyright Royalty Judges—

''(i) if the rate established by the Copyright Royalty Judges exceeds the interim rate, the digital music provider shall pay to the mechanical licensing collective the amount of any underpayment of royalties due; or

''(ii) if the interim rate exceeds the rate established by the Copyright Royalty Judges, the mechanical licensing collective shall credit the account of the digital music provider for the amount of any overpayment of royalties due.

''(9) TRANSITION TO BLANKET LICENSES.—

''(A) SUBSTITUTION OF BLANKET LICENSE.—On the license availability date, a blanket license shall, without any interruption in license authority enjoyed by such digital music provider, be automatically substituted for and supersede any existing compulsory license previously obtained under this section by the digital music provider from a copyright owner to engage in 1 or more covered activities with respect to a musical work, except that such substitution shall not apply to any authority obtained from a record company pursuant to a compulsory license to make and distribute permanent downloads unless and until such record company terminates such authority in writing to take effect at the end of a monthly reporting period, with a copy to the mechanical licensing collective.

''(B) EXPIRATION OF EXISTING LICENSES.—Except to the extent provided in subparagraph (A), on and after the license availability date, licenses other than individual download licenses obtained under this section for covered activities prior to the license availability date shall no longer continue in effect.

''(C) TREATMENT OF VOLUNTARY LICENSES.—A voluntary license for a covered activity in effect on the license availability date will remain in effect unless and until the voluntary license expires according to the terms of the voluntary license, or the parties agree to amend or terminate the voluntary license. In a case where a voluntary license for a covered activity entered into before the license availability date incorporates the terms of this section by reference, the terms so incorporated (but not the rates) shall be those in effect immediately prior to the license availability date, and those terms shall continue to apply unless and until such voluntary license is terminated or amended, or the parties enter into a new voluntary license.

''(D) FURTHER ACCEPTANCE OF NOTICES FOR COVERED ACTIVITIES BY COPYRIGHT OFFICE.—On and after the enactment date—

''(i) the Copyright Office shall no longer accept notices of intention with respect to covered activities; and

''(ii) notices of intention filed before the enactment date will no longer be effective or provide license authority with respect to covered activities, except that, before the license availability date, there shall be no liability under section 501 for the reproduction or distribution of a musical work (or share thereof) in covered activities if a valid notice of intention was filed for such work (or share) before the enactment date.

''(10) PRIOR UNLICENSED USES.—

''(A) LIMITATION ON LIABILITY IN GENERAL.—A copyright owner that commences an action under section 501 on or after January 1, 2018, against a digital music provider for the infringement of the exclusive rights provided by paragraph (1) or (3) of section 106 arising from the unauthorized reproduction or distribution of a musical work by such digital music provider in the course of engaging in covered activities prior to the license availability date, shall, as the copyright owner's sole and exclusive remedy against the digital music provider, be eligible to

recover the royalty prescribed under subsection (c)(1)(C) and chapter 8, from the digital music provider, provided that such digital music provider can demonstrate compliance with the requirements of subparagraph (B), as applicable. In all other cases the limitation on liability under this subparagraph shall not apply.

''(B) REQUIREMENTS FOR LIMITATION ON LIABILITY.—The following requirements shall apply on the enactment date and through the end of the period that expires 90 days after the license availability date to digital music providers seeking to avail themselves of the limitation on liability described in subparagraph (A):

''(i) Not later than 30 calendar days after first making a particular sound recording of a musical work available through its service via one or more covered activities, or 30 calendar days after the enactment date, whichever occurs later, a digital music provider shall engage in good-faith, commercially reasonable efforts to identify and locate each copyright owner of such musical work (or share thereof). Such required matching efforts shall include the following:

''(I) Good-faith, commercially reasonable efforts to obtain from the owner of the corresponding sound recording made available through the digital music provider's service the following information:

''(aa) Sound recording name, featured artist, sound recording copyright owner, producer, international standard recording code, and other information commonly used in the industry to identify sound recordings and match them to the musical works they embody.

''(bb) Any available musical work ownership information, including each songwriter and publisher name, percentage ownership share, and international standard musical work code.

''(II) Employment of 1 or more bulk electronic matching processes that are available to the digital music provider through a third-party vendor on commercially reasonable terms, except that a digital music provider may rely on its own bulk electronic matching process if that process has capabilities comparable to or better than those available from a third-party vendor on commercially reasonable terms.

''(ii) The required matching efforts shall be repeated by the digital music provider not less than once per month for so long as the copyright owner remains unidentified or has not been located.

''(iii) If the required matching efforts are successful in identifying and locating a copyright owner of a musical work (or share thereof) by the end of the calendar month in which the digital music provider first makes use of the work, the digital music provider shall provide statements of account and pay royalties to such copyright owner in accordance with this section and applicable regulations.

''(iv) If the copyright owner is not identified or located by the end of the calendar month in which the digital music provider first makes use of the work, the digital music provider shall accrue and hold royalties calculated under the applicable statutory rate in accordance with usage of the work, from initial use of the work until the accrued royalties can be paid to the copyright owner or are required to be transferred to the mechanical licensing collective, as follows:

''(I) Accrued royalties shall be maintained by the digital music provider in accordance with generally accepted accounting principles.

''(II) If a copyright owner of an unmatched musical work (or share thereof) is identified and located by or to the digital music provider before the license availability date, the digital music provider shall—

''(aa) not later than 45 calendar days after the end of the calendar month during which the copyright owner was identified and located, pay the copyright owner all accrued royalties, such payment to be accompanied by a cumulative statement of account that includes all of the information that would have been provided to the copyright owner had the digital music provider been providing monthly statements of account to the copyright owner from initial use of the work in accordance with this section and applicable regulations, including the requisite certification under subsection (c)(2)(I);

''(bb) beginning with the accounting period following the calendar month in which the copyright owner was identified and located, and for all other accounting periods prior to the license availability date, provide monthly statements of account and pay royalties to the copyright owner as required under this section and applicable regulations; and

''(cc) beginning with the monthly royalty reporting period commencing on the license availability date, report usage and pay royalties for such musical work (or share thereof) for such reporting period and reporting periods thereafter to the mechanical licensing collective, as required under this subsection and applicable regulations.

''(III) If a copyright owner of an unmatched musical work (or share thereof) is not identified and located by the license availability date, the digital music provider shall—

''(aa) not later than 45 calendar days after the license availability date, transfer all accrued royalties to the mechanical licensing collective, such payment to be accompanied by a cumulative statement of account that includes all of the information that would have been provided to the copyright owner had the digital music provider been serving monthly statements of account on the copyright owner from initial use of the work in accordance with this section and applicable regulations, including the requisite certification under subsection (c)(2)(I), and accompanied by an additional certification by a duly authorized officer of the digital music provider that the digital music provider has fulfilled the requirements of clauses (i) and (ii) of subparagraph (B) but has not been successful in locating or identifying the copyright owner; and

''(bb) beginning with the monthly royalty reporting period commencing on the license availability date, report usage and pay royalties for such musical work (or share thereof) for such period and reporting periods thereafter to the mechanical licensing collective, as required under this subsection and applicable regulations.

''(v) A digital music provider that complies with the requirements of this subparagraph with respect to unmatched musical works (or shares of works) shall not be liable for or accrue late fees for late payments of royalties for such works until such time as the digital music provider is required to begin paying monthly royalties to the copyright owner or the mechanical licensing collective, as applicable.

''(C) ADJUSTED STATUTE OF LIMITATIONS.—Notwithstanding anything to the contrary in section 507(b), with respect to any claim of infringement of the exclusive rights provided by paragraphs (1) and (3) of section 106 against a digital music provider arising from the unauthorized reproduction or distribution of a musical work by such digital music provider in the course of engaging in covered activities that accrued not more than 3 years prior to the license availability date, such action may be commenced not later than the later of—

''(i) 3 years after the date on which the claim accrued; or

''(ii) 2 years after the license availability date.

''(D) OTHER RIGHTS AND REMEDIES PRESERVED.—Except as expressly provided in this paragraph, nothing in this paragraph shall be construed to alter, limit, or negate any right or remedy of a copyright owner with respect to unauthorized use of a musical work.

''(11) LEGAL PROTECTIONS FOR LICENSING ACTIVITIES.—

''(A) EXEMPTION FOR COMPULSORY LICENSE ACTIVITIES.—The antitrust exemption described in subsection (c)(1)(D) shall apply to negotiations and agreements between and among copyright owners and persons entitled to obtain a compulsory license for covered activities, and common agents acting on behalf of such copyright owners or persons, including with respect to the administrative assessment established under this subsection.

''(B) LIMITATION ON COMMON AGENT EXEMPTION.—Notwithstanding the antitrust exemption provided in subsection (c)(1)(D) and subparagraph (A) of this paragraph (except for the administrative assessment referenced in such subparagraph (A) and except as provided in paragraph (8)(C)), neither the mechanical licensing collective nor the digital licensee coordinator shall serve as a common agent with respect to the establishment of royalty rates or terms under this section.

''(C) ANTITRUST EXEMPTION FOR ADMINISTRATIVE ACTIVITIES.—Notwithstanding any provision of the antitrust laws, copyright owners and persons entitled to obtain a compulsory license under this section may designate the mechanical licensing collective to administer voluntary licenses for the reproduction or distribution of musical works in covered activities on behalf of such copyright owners and persons, subject to the following conditions:

''(i) Each copyright owner shall establish the royalty rates and material terms of any such voluntary license individually and not in agreement, combination, or concert with any other copyright owner.

''(ii) Each person entitled to obtain a compulsory license under this section shall establish the royalty rates and material terms of any such voluntary license individually and not in agreement, combination, or concert with any other digital music provider.

''(iii) The mechanical licensing collective shall maintain the confidentiality of the voluntary licenses in accordance with the confidentiality provisions prescribed by the Register of Copyrights under paragraph (12)(C).

''(D) LIABILITY FOR GOOD-FAITH ACTIVITIES.—The mechanical licensing collective shall not be liable to any person or entity based on a claim arising from its good-faith administration of policies and procedures adopted and implemented to carry out the responsibilities described in subparagraphs (J) and (K) of paragraph (3), except to the extent of correcting an underpayment or overpayment of royalties as provided in paragraph (3)(L)(i)(VI), but the collective may participate in a legal proceeding as a stakeholder party if the collective is holding funds that are the subject of a dispute between copyright owners. For purposes of this subparagraph, the term 'good-faith administration' means administration in a manner that is not grossly negligent.

''(E) PREEMPTION OF STATE PROPERTY LAWS.—The holding and distribution of funds by the mechanical licensing collective in accordance with this subsection shall supersede and preempt any State law (including common law) concerning escheatment or abandoned property, or any analogous provision, that might otherwise apply.

''(F) RULE OF CONSTRUCTION.—Except as expressly provided in this subsection, nothing in this subsection shall negate or limit the ability of any person to pursue an action in Federal court against the mechanical licensing collective or any other person based upon a claim arising under this title or other applicable law.

''(12) REGULATIONS.—

''(A) ADOPTION BY REGISTER OF COPYRIGHTS AND COPYRIGHT ROYALTY JUDGES.—The Register of Copyrights may conduct such proceedings and adopt such regulations as may be necessary or appropriate to effectuate the provisions of this subsection, except for regulations concerning proceedings before the Copyright Royalty Judges to establish the administrative assessment, which shall be adopted by the Copyright Royalty Judges.

''(B) JUDICIAL REVIEW OF REGULATIONS.—Except as provided in paragraph (7)(D)(vii), regulations adopted under this subsection shall be

subject to judicial review pursuant to chapter 7 of title 5.

''(C) PROTECTION OF CONFIDENTIAL INFORMATION.—The Register of Copyrights shall adopt regulations to provide for the appropriate procedures to ensure that confidential, private, proprietary, or privileged information contained in the records of the mechanical licensing collective and digital licensee coordinator is not improperly disclosed or used, including through any disclosure or use by the board of directors or personnel of either entity, and specifically including the unclaimed royalties oversight committee and the dispute resolution committee of the mechanical licensing collective.

''(13) SAVINGS CLAUSES.—

''(A) LIMITATION ON ACTIVITIES AND RIGHTS COVERED.—This subsection applies solely to uses of musical works subject to licensing under this section. The blanket license shall not be construed to extend or apply to activities other than covered activities or to rights other than the exclusive rights of reproduction and distribution licensed under this section, or serve or act as the basis to extend or expand the compulsory license under this section to activities and rights not covered by this section on the day before the enactment date.

''(B) RIGHTS OF PUBLIC PERFORMANCE NOT AFFECTED.—The rights, protections, and immunities granted under this subsection, the data concerning musical works collected and made available under this subsection, and the definitions under subsection (e) shall not extend to, limit, or otherwise affect any right of public performance in a musical work.''; and

(5) by adding at the end the following:

''(e) DEFINITIONS.—As used in this section:

''(1) ACCRUED INTEREST.—The term 'accrued interest' means interest accrued on accrued royalties, as described in subsection (d)(3)(H)(ii).

''(2) ACCRUED ROYALTIES.—The term 'accrued royalties' means royalties accrued for the reproduction or distribution of a musical work (or share thereof) in a covered activity, calculated in accordance with the applicable royalty rate under this section.

''(3) ADMINISTRATIVE ASSESSMENT.—The term 'administrative assessment' means the fee established pursuant to subsection (d)(7)(D).

''(4) AUDIT.—The term 'audit' means a royalty compliance examination to verify the accuracy of royalty payments, or the conduct of such an examination, as applicable.

''(5) BLANKET LICENSE.—The term 'blanket license' means a compulsory license described in subsection (d)(1)(A) to engage in covered activities.

''(6) COLLECTIVE TOTAL COSTS.—The term 'collective total costs'—

''(A) means the total costs of establishing, maintaining, and operating the mechanical licensing collective to fulfill its statutory functions, including—

''(i) startup costs;

''(ii) financing, legal, audit, and insurance costs;

''(iii) investments in information technology, infrastructure, and other long-term resources;

''(iv) outside vendor costs;

''(v) costs of licensing, royalty administration, and enforcement of rights;

''(vi) costs of bad debt; and

''(vii) costs of automated and manual efforts to identify and locate copyright owners of musical works (and shares of such musical works) and match sound recordings to the musical works the sound recordings embody; and

''(B) does not include any added costs incurred by the mechanical licensing collective to provide services under voluntary licenses.

''(7) COVERED ACTIVITY.—The term 'covered activity' means the activity of making a digital phonorecord delivery of a musical work, including in the form of a permanent download, limited download, or interactive stream, where such activity qualifies for a compulsory license under this section.

''(8) DIGITAL MUSIC PROVIDER.—The term 'digital music provider' means a person (or persons operating under the authority of that person) that, with respect to a service engaged in covered activities—

''(A) has a direct contractual, subscription, or other economic relationship with end users of the service, or, if no such relationship with end users exists, exercises direct control over the provision of the service to end users;

''(B) is able to fully report on any revenues and consideration generated by the service; and

''(C) is able to fully report on usage of sound recordings of musical works by the service (or procure such reporting).

''(9) DIGITAL LICENSEE COORDINATOR.—The term 'digital licensee coordinator' means the entity most recently designated pursuant to subsection (d)(5).

''(10) DIGITAL PHONORECORD DELIVERY.—The term 'digital phonorecord delivery' means each individual delivery of a phonorecord by digital transmission of a sound recording that results in a specifically identifiable reproduction by or for any transmission recipient of a phonorecord of that sound recording, regardless of whether the digital transmission is also a public performance of the sound recording or any musical work embodied therein, and includes a permanent download, a limited download, or an interactive stream. A digital phonorecord delivery does not result from a real-time, noninteractive subscription transmission of a sound recording where no reproduction of the sound recording or the musical work embodied therein is made from the inception of the transmission through to its receipt by the transmission recipient in order to make the sound recording audible. A digital phonorecord delivery does not include the digital transmission of sounds accompanying a motion picture or other audiovisual work as defined in section 101.

''(11) ENACTMENT DATE.—The term 'enactment date' means the date of the enactment of the Musical Works Modernization Act.

''(12) INDIVIDUAL DOWNLOAD LICENSE.—The term 'individual download license' means a compulsory license obtained by a record company to make and distribute, or authorize the making and distribution of, permanent downloads embodying a specific individual musical work.

''(13) INTERACTIVE STREAM.—The term 'interactive stream' means a digital transmission of a sound recording of a musical work in the form of a stream, where the performance of the sound recording by means of such transmission is not exempt under section 114(d)(1) and does not in itself, or as a result of a program in which it is included, qualify for statutory licensing under section 114(d)(2). An interactive stream is a digital phonorecord delivery.

''(14) INTERESTED.—The term 'interested', as applied to a party seeking to participate in a proceeding under subsection (d)(7)(D), is a party as to which the Copyright Royalty Judges have not determined that the party lacks a significant interest in such proceeding.

''(15) LICENSE AVAILABILITY DATE.—The term 'license availability date' means January 1 following the expiration of the 2-year period beginning on the enactment date.

''(16) LIMITED DOWNLOAD.—The term 'limited download' means a digital transmission of a sound recording of a musical work in the form of a download, where such sound recording is accessible for listening only for a limited amount of time or specified number of times.

''(17) MATCHED.—The term 'matched', as applied to a musical work (or share thereof), means that the copyright owner of such work (or share thereof) has been identified and located.

''(18) MECHANICAL LICENSING COLLECTIVE.—The term 'mechanical licensing collective' means the entity most recently designated as such by the Register of Copyrights under subsection (d)(3).

''(19) MECHANICAL LICENSING COLLECTIVE BUDGET.—The term 'mechanical licensing collective budget' means a statement of the financial position of the mechanical licensing collective for a fiscal year or quarter thereof based on estimates of expenditures during the period and proposals for financing those expenditures, including a calculation of the collective total costs.

''(20) MUSICAL WORKS DATABASE.—The term 'musical works database' means the database described in subsection (d)(3)(E).

''(21) NONPROFIT.—The term 'nonprofit' means a nonprofit created or organized in a State.

''(22) NOTICE OF LICENSE.—The term 'notice of license' means a notice from a digital music provider provided under subsection (d)(2)(A) for purposes of obtaining a blanket license.

''(23) NOTICE OF NONBLANKET ACTIVITY.—The term 'notice of nonblanket activity' means a notice from a significant nonblanket licensee provided under subsection (d)(6)(A) for purposes of notifying the mechanical licensing collective that the licensee has been engaging in covered activities.

''(24) PERMANENT DOWNLOAD.—The term 'permanent download' means a digital transmission of a sound recording of a musical work in the form of a download, where such sound recording is accessible for listening without restriction as to the amount of time or number of times it may be accessed.

''(25) QUALIFIED AUDITOR.—The term 'qualified auditor' means an independent, certified public accountant with experience performing music royalty audits.

''(26) RECORD COMPANY.—The term 'record company' means an entity that invests in, produces, and markets sound recordings of musical works, and distributes such sound recordings for remuneration through multiple sales channels, including a corporate affiliate of such an entity engaged in distribution of sound recordings.

''(27) REPORT OF USAGE.—The term 'report of usage' means a report reflecting an entity's usage of musical works in covered activities described in subsection (d)(4)(A).

''(28) REQUIRED MATCHING EFFORTS.—The term 'required matching efforts' means efforts to identify and locate copyright owners of musical works as described in subsection (d)(10)(B)(i).

''(29) SERVICE.—The term 'service', as used in relation to covered activities, means any site, facility, or offering by or through which sound recordings of musical works are digitally transmitted to members of the public.

''(30) SHARE.—The term 'share', as applied to a musical work, means a fractional ownership interest in such work.

''(31) SIGNIFICANT NONBLANKET LICENSEE.—The term 'significant nonblanket licensee'—

''(A) means an entity, including a group of entities under common ownership or control that, acting under the authority of one or more voluntary licenses or individual download licenses, offers a service engaged in covered activities, and such entity or group of entities—

''(i) is not currently operating under a blanket license and is not obligated to provide reports of usage reflecting covered activities under subsection (d)(4)(A);

''(ii) has a direct contractual, subscription, or other economic relationship with end users of the service or, if no such relationship with end users exists, exercises direct control over the provision of the service to end users; and

''(iii) either—

''(I) on any day in a calendar month, makes more than 5,000 different sound recordings of musical works available through such service; or

''(II) derives revenue or other consideration in connection with such covered activities greater than $50,000 in a calendar month, or total revenue or other consideration greater than $500,000 during the preceding 12 calendar months; and

''(B) does not include—

''(i) an entity whose covered activity consists solely of free-to-the-user streams of segments of

sound recordings of musical works that do not exceed 90 seconds in length, are offered only to facilitate a licensed use of musical works that is not a covered activity, and have no revenue directly attributable to such streams constituting the covered activity; or

''(ii) a 'public broadcasting entity' as defined in section 118(f).

''(32) SONGWRITER.—The term 'songwriter' means the author of all or part of a musical work, including a composer or lyricist.

''(33) STATE.—The term 'State' means each State of the United States, the District of Columbia, and each territory or possession of the United States.

''(34) UNCLAIMED ACCRUED ROYALTIES.—The term 'unclaimed accrued royalties' means accrued royalties eligible for distribution under subsection (d)(3)(J).

''(35) UNMATCHED.—The term 'unmatched', as applied to a musical work (or share thereof), means that the copyright owner of such work (or share thereof) has not been identified or located.

''(36) VOLUNTARY LICENSE.—The term 'voluntary license' means a license for use of a musical work (or share thereof) other than a compulsory license obtained under this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS TO SECTION 801.—Section 801(b) of title 17, United States Code, is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following:

''(8) To determine the administrative assessment to be paid by digital music providers under section 115(d). The provisions of section 115(d) shall apply to the conduct of proceedings by the Copyright Royalty Judges under section 115(d) and not the procedures described in this section, or section 803, 804, or 805.''.

(c) EFFECTIVE DATE OF AMENDED RATE SETTING STANDARD.—The amendments made by subsection (a)(3) and section 103(g)(2) shall apply to any proceeding before the Copyright Royalty Judges that is commenced on or after the date of the enactment of this Act.

(d) TECHNICAL AND CONFORMING AMENDMENTS TO TITLE 37, PART 385 OF THE CODE OF FEDERAL REGULATIONS.—Not later than 270 days after the date of enactment of this Act, the Copyright Royalty Judges shall amend the regulations for section 115 of title 17, United States Code, in part 385 of title 37, Code of Federal Regulations, to conform the definitions used in such part to the definitions of the same terms described in section 115(e) of title 17, United States Code, as added by subsection (a). In so doing, the Copyright Royalty Judges shall make adjustments to the language of the regulations as necessary to achieve the same purpose and effect as the original regulations with respect to the rates and terms previously adopted by the Copyright Royalty Judges.

(e) COPYRIGHT OFFICE ACTIVITIES.—The Register of Copyrights shall engage in public outreach and educational activities—

(1) regarding the amendments made by subsection (a) to section 115 of title 17, United States Code, including the responsibilities of the mechanical licensing collective designated under those amendments;

(2) which shall include educating songwriters and other interested parties with respect to the process established under section 115(d)(3)(C)(i)(V) of title 17, United States Code, as added by subsection (a), by which—

(A) a copyright owner may claim ownership of musical works (and shares of such works); and

(B) royalties for works for which the owner is not identified or located shall be equitably distributed to known copyright owners; and

(3) which the Register shall make available online.

(f) UNCLAIMED ROYALTIES STUDY AND RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 2 years after the date on which the Register of Copyrights initially designates the mechanical licensing collective under section 115(d)(3)(B)(i) of title 17, United States Code, as added by subsection (a)(4), the Register, in consultation with the Comptroller General of the United States, and after soliciting and reviewing comments and relevant information from music industry participants and other interested parties, shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that recommends best practices that the collective may implement in order to—

(A) identify and locate musical work copyright owners with unclaimed accrued royalties held by the collective;

(B) encourage musical work copyright owners to claim the royalties of those owners; and

(C) reduce the incidence of unclaimed royalties.

(2) CONSIDERATION OF RECOMMENDATIONS.—The mechanical licensing collective shall carefully consider, and give substantial weight to, the recommendations submitted by the Register of Copyrights under paragraph (1) when establishing the procedures of the collective with respect to the—

(A) identification and location of musical work copyright owners; and

(B) distribution of unclaimed royalties.

SEC. 103. AMENDMENTS TO SECTION 114.

(a) UNIFORM RATE STANDARD.—Section 114(f) of title 17, United States Code, is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

''(1)(A) Proceedings under chapter 8 shall determine reasonable rates and terms of royalty payments for transmissions subject to statutory licensing under subsection (d)(2) during the 5-year period beginning on January 1 of the second year following the year in which the proceedings are to be commenced pursuant to subparagraph (A) or (B) of section 804(b)(3), as the case may be, or such other period as the parties may agree. The parties to each proceeding shall bear their own costs.

''(B) The schedule of reasonable rates and terms determined by the Copyright Royalty Judges shall, subject to paragraph (2), be binding on all copyright owners of sound recordings and entities performing sound recordings affected by this paragraph during the 5-year period specified in subparagraph (A), or such other period as the parties may agree. Such rates and terms shall distinguish among the different types of services then in operation and shall include a minimum fee for each such type of service, such differences to be based on criteria including the quantity and nature of the use of sound recordings and the degree to which use of the service may substitute for or may promote the purchase of phonorecords by consumers. The Copyright Royalty Judges shall establish rates and terms that most clearly represent the rates and terms that would have been negotiated in the marketplace between a willing buyer and a willing seller. In determining such rates and terms, the Copyright Royalty Judges—

''(i) shall base their decision on economic, competitive, and programming information presented by the parties, including—

''(I) whether use of the service may substitute for or may promote the sales of phonorecords or otherwise may interfere with or may enhance the sound recording copyright owner's other streams of revenue from the copyright owner's sound recordings; and

''(II) the relative roles of the copyright owner and the transmitting entity in the copyrighted work and the service made available to the public with respect to relative creative contribution, technological contribution, capital investment, cost, and risk; and

''(ii) may consider the rates and terms for comparable types of audio transmission services and comparable circumstances under voluntary license agreements.

''(C) The procedures under subparagraphs (A) and (B) shall also be initiated pursuant to a petition filed by any sound recording copyright owner or any transmitting entity indicating that a new type of service on which sound recordings are performed is or is about to become operational, for the purpose of determining reasonable terms and rates of royalty payments with respect to such new type of service for the period beginning with the inception of such new type of service and ending on the date on which the royalty rates and terms for eligible nonsubscription services and new subscription services, or preexisting subscription services and preexisting satellite digital audio radio services, as the case may be, most recently determined under subparagraph (A) or (B) and chapter 8 expire, or such other period as the parties may agree.''; and

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

(b) REPEAL.—Subsection (i) of section 114 of title 17, United States Code, is repealed.

(c) USE IN MUSICAL WORK PROCEEDINGS.—

(1) IN GENERAL.—License fees payable for the public performance of sound recordings under section 106(6) of title 17, United States Code, shall not be taken into account in any administrative, judicial, or other governmental proceeding to set or adjust the royalties payable to musical work copyright owners for the public performance of their works except in such a proceeding to set or adjust royalties for the public performance of musical works by means of a digital audio transmission other than a transmission by a broadcaster, and may be taken into account only with respect to such digital audio transmission.

(2) DEFINITIONS.—In this subsection:

(A) TRANSMISSION BY A BROADCASTER.—The term ''transmission by a broadcaster'' means a nonsubscription digital transmission made by a terrestrial broadcast station on its own behalf, or on the behalf of a terrestrial broadcast station under common ownership or control, that is not part of an interactive service or a music-intensive service comprising the transmission of sound recordings customized for or customizable by recipients or service users.

(B) TERRESTRIAL BROADCAST STATION.—The term ''terrestrial broadcast station'' means a terrestrial, over-the-air radio or television broadcast station, including an FM translator (as defined in section 74.1201 of title 47, Code of Federal Regulations, and licensed as such by the Federal Communications Commission) whose primary business activities are comprised of, and whose revenues are generated through, terrestrial, over-the-air broadcast transmissions, or the simultaneous or substantially-simultaneous digital retransmission by the terrestrial, over-the-air broadcast station of its over-the-air broadcast transmissions.

(d) RULE OF CONSTRUCTION.—Subsection (c)(2) shall not be given effect in interpreting provisions of title 17, United States Code.

(e) USE IN SOUND RECORDING PROCEEDINGS.—The repeal of section 114(i) of title 17, United States Code, by subsection (b) shall not be taken into account in any proceeding to set or adjust the rates and fees payable for the use of sound recordings under section 112(e) or 114(f) of such title that is pending on, or commenced on or after, the date of enactment of this Act.

(f) DECISIONS AND PRECEDENTS NOT AFFECTED.—The repeal of section 114(i) of title 17, United States Code, by subsection (b) shall not have any effect upon the decisions, or the precedents established or relied upon, in any proceeding to set or adjust the rates and fees payable for the use of sound recordings under section 112(e) or 114(f) of such title before the date of enactment of this Act.

(g) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SECTION 114.—Section 114(f) of title 17, United States Code, as amended by subsection (a), is further amended in paragraph (4)(C), as

so redesignated, in the first sentence, by striking ''under paragraph (4)'' and inserting ''under paragraph (3)''.

(2) SECTION 801.—Section 801(b) of title 17, United States Code, is amended—

(A) in paragraph (1), by striking ''The rates applicable'' and all that follows though ''prevailing industry practices.''; and

(B) in paragraph (7)(B), by striking ''114(f)(3)'' and inserting ''114(f)(2)''.

(3) SECTION 803.—Section 803(c)(2)(E)(i)(II) of title 17, United States Code, is amended—

(A) by striking ''or 114(f)(2)(C)''; and

(B) by striking ''114(f)(4)(B)'' and inserting ''114(f)(3)(B)''.

(4) SECTION 804.—Section 804(b)(3)(C) of title 17, United States Code, is amended—

(A) in clause (i), by striking ''and 114(f)(2)(C)'';

(B) in clause (iii)(II), by striking ''114(f)(4)(B)(ii)'' and inserting ''114(f)(3)(B)(ii)''; and

(C) in clause (iv), by striking ''or 114(f)(2)(C), as the case may be''.

(h) EFFECTIVE DATE OF AMENDED RATE SETTING STANDARD.—The amendments made by subsection (a)(1) shall apply to any proceeding before the Copyright Royalty Judges that is commenced on or after the date of the enactment of this Act.

(i) TIMING OF RATE DETERMINATIONS.—Section 804(b)(3)(B) of title 17, United States Code, is amended, in the third sentence, by inserting the following after ''fifth calendar year'': '', except that—(i) with respect to preexisting subscription services, the terms and rates finally determined for the rate period ending on December 31, 2022, shall remain in effect through December 31, 2027, and there shall be no proceeding to determine terms and rates for preexisting subscription services for the period beginning on January 1, 2023, and ending on December 31, 2027; and'' ''(ii) with respect to pre-existing satellite digital audio radio services, the terms and rates set forth by the Copyright Royalty Judges on December 14, 2017, in their initial determination for the rate period ending on December 31, 2022, shall be in effect through December 31, 2027, without any change based on a rehearing under section 803(c)(2) and without the possibility of appeal under section 803(d), and there shall be no proceeding to determine terms and rates for preexisting satellite digital audio radio services for the period beginning on January 1, 2023, and ending on December 31, 2027''.

SEC. 104. RANDOM ASSIGNMENT OF RATE COURT PROCEEDINGS.

Section 137 of title 28, United States Code, is amended—

(1) by striking ''The business'' and inserting ''(a) IN GENERAL.—The business''; and

(2) by adding at the end the following:

''(b) RANDOM ASSIGNMENT OF RATE COURT PROCEEDINGS.—

''(1) IN GENERAL.—

''(A) DEFINITION.—In this paragraph, the term 'performing rights society' has the meaning given the term in section 101 of title 17.

''(B) DETERMINATION OF LICENSE FEE.—Except as provided in subparagraph (C), in the case of any performing rights society subject to a consent decree, any application for the determination of a license fee for the public performance of music in accordance with the applicable consent decree shall be made in the district court with jurisdiction over that consent decree and randomly assigned to a judge of that district court according to the rules of that court for the division of business among district judges, provided that any such application shall not be assigned to—

''(i) a judge to whom continuing jurisdiction over any performing rights society for any performing rights society consent decree is assigned or has previously been assigned; or

''(ii) a judge to whom another proceeding concerning an application for the determination of a reasonable license fee is assigned at the time of the filing of the application.

''(C) EXCEPTION.—Subparagraph (B) does not apply to an application to determine reasonable license fees made by individual proprietors under section 513 of title 17.

''(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall modify the rights of any party to a consent decree or to a proceeding to determine reasonable license fees, to make an application for the construction of any provision of the applicable consent decree. Such application shall be referred to the judge to whom continuing jurisdiction over the applicable consent decree is currently assigned. If any such application is made in connection with a rate proceeding, such rate proceeding shall be stayed until the final determination of the construction application. Disputes in connection with a rate proceeding about whether a licensee is similarly situated to another licensee shall not be subject to referral to the judge with continuing jurisdiction over the applicable consent decree.''.

SEC. 105. PERFORMING RIGHTS SOCIETY CONSENT DECREES.

(a) DEFINITION.—In this section, the term ''performing rights society'' has the meaning given the term in section 101 of title 17, United States Code.

(b) NOTIFICATION OF REVIEW.—

(1) IN GENERAL.—The Department of Justice shall provide timely briefings upon request of any Member of the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives regarding the status of a review in progress of a consent decree between the United States and a performing rights society.

(2) CONFIDENTIALITY AND DELIBERATIVE PROCESS.—In accordance with applicable rules relating to confidentiality and agency deliberative process, the Department of Justice shall share with such Members of Congress detailed and timely information and pertinent documents related to the consent decree review.

(c) ACTION BEFORE MOTION TO TERMINATE.—

(1) IN GENERAL.—Before filing with the appropriate district court of the United States a motion to terminate a consent decree between the United States and a performing rights society, including a motion to terminate a consent decree after the passage of a specified period of time, the Department of Justice shall—

(A) notify Members of Congress and committees of Congress described in subsection (b); and

(B) provide to such Members of Congress and committees information regarding the impact of the proposed termination on the market for licensing the public performance of musical works should the motion be granted.

(2) NOTIFICATION.—

(A) IN GENERAL.—During the notification described in paragraph (1), and not later than a reasonable time before the date on which the Department of Justice files with the appropriate district court of the United States a motion to terminate a consent decree between the United States and a performing rights society, the Department of Justice should submit to the chairmen and ranking members of the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a written notification of the intent of the Department of Justice to file the motion.

(B) CONTENTS.—The notification provided in subparagraph (A) shall include a written report to the chairmen and ranking members of the Committee on the Judiciary of Senate and the Committee on the Judiciary of the House of Representatives setting forth—

(i) an explanation of the process used by the Department of Justice to review the consent decree;

(ii) a summary of the public comments received by the Department of Justice during the review by the Department; and

(iii) other information provided to Congress under paragraph (1)(B).

(d) SCOPE.—This section applies only to a consent decree between the United States and a performing rights society.

SEC. 106. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the date of enactment of this Act.

TITLE II—CLASSICS PROTECTION AND ACCESS

SEC. 201. SHORT TITLE.

This title may be cited as the ''Classics Protection and Access Act''.

SEC. 202. UNAUTHORIZED USE OF PRE-1972 SOUND RECORDINGS.

(a) PREEMPTION OF STATE LAW RIGHTS; PROTECTION FOR UNAUTHORIZED USE.—Title 17, United States Code, is amended—

(1) in section 301, by striking subsection (c) and inserting the following:

''(c) Notwithstanding the provisions of section 303, and in accordance with chapter 14, no sound recording fixed before February 15, 1972, shall be subject to copyright under this title. With respect to sound recordings fixed before February 15, 1972, the preemptive provisions of subsection (a) shall apply to activities that are commenced on and after the date of enactment of the Classics Protection and Access Act. Nothing in this subsection may be construed to affirm or negate the preemption of rights and remedies pertaining to any cause of action arising from the nonsubscription broadcast transmission of sound recordings under the common law or statutes of any State for activities that do not qualify as covered activities under chapter 14 undertaken during the period between the date of enactment of the Classics Protection and Access Act and the date on which the term of prohibition on unauthorized acts under section 1401(a)(2) expires for such sound recordings. Any potential preemption of rights and remedies related to such activities undertaken during that period shall apply in all respects as it did the day before the date of enactment of the Classics Protection and Access Act.''; and

(2) by adding at the end the following:

''CHAPTER 14—UNAUTHORIZED USE OF PRE-1972 SOUND RECORDINGS

''§ 1401. Unauthorized use of pre-1972 sound recordings

''(a) IN GENERAL.—

''(1) UNAUTHORIZED ACTS.—Anyone who, on or before the last day of the applicable transition period under paragraph (2), and without the consent of the rights owner, engages in covered activity with respect to a sound recording fixed before February 15, 1972, shall be subject to the remedies provided in sections 502 through 505 and 1203 to the same extent as an infringer of copyright or a person that engages in unauthorized activity under chapter 12.

''(2) TERM OF PROHIBITION.—

''(A) IN GENERAL.—The prohibition under paragraph (1)—

''(i) subject to clause (ii), shall apply to a sound recording described in that paragraph—

''(I) through December 31 of the year that is 95 years after the year of first publication; and

''(II) for a further transition period as prescribed under subparagraph (B) of this paragraph; and

''(ii) shall not apply to any sound recording after February 15, 2067.

''(B) TRANSITION PERIODS.—

''(i) PRE-1923 RECORDINGS.—In the case of a sound recording first published before January 1, 1923, the transition period described in subparagraph (A)(i)(II) shall end on December 31 of the year that is 3 years after the date of enactment of this section.

''(ii) 1923–1946 RECORDINGS.—In the case of a sound recording first published during the period beginning on January 1, 1923, and ending on December 31, 1946, the transition period described in subparagraph (A)(i)(II) shall end on the date that is 5 years after the last day of the period described in subparagraph (A)(i)(I).

''(iii) 1947–1956 RECORDINGS.—In the case of a sound recording first published during the period beginning on January 1, 1947, and ending on December 31, 1956, the transition period described in subparagraph (A)(i)(II) shall end on the date that is 15 years after the last day of the period described in subparagraph (A)(i)(I).

''(iv) POST-1956 RECORDINGS.—In the case of a sound recording fixed before February 15, 1972, that is not described in clause (i), (ii), or (iii), the transition period described in subparagraph (A)(i)(II) shall end on February 15, 2067.

''(3) RULE OF CONSTRUCTION.—For the purposes of this subsection, the term 'anyone' includes any State, any instrumentality of a State, and any officer or employee of a State or instrumentality of a State acting in the official capacity of the officer or employee, as applicable.

''(b) CERTAIN AUTHORIZED TRANSMISSIONS AND REPRODUCTIONS.—A public performance by means of a digital audio transmission of a sound recording fixed before February 15, 1972, or a reproduction in an ephemeral phonorecord or copy of a sound recording fixed before February 15, 1972, shall, for purposes of subsection (a), be considered to be authorized and made with the consent of the rights owner if—

''(1) the transmission or reproduction would satisfy the requirements for statutory licensing under section 112(e)(1) or section 114(d)(2), or would be exempt under section 114(d)(1), as the case may be, if the sound recording were fixed on or after February 15, 1972; and

''(2) the transmitting entity pays the statutory royalty for the transmission or reproduction pursuant to the rates and terms adopted under sections 112(e) and 114(f), and complies with other obligations, in the same manner as required by regulations adopted by the Copyright Royalty Judges under sections 112(e) and 114(f) for sound recordings that are fixed on or after February 15, 1972, except in the case of a transmission that would be exempt under section 114(d)(1).

''(c) CERTAIN NONCOMMERCIAL USES OF SOUND RECORDINGS THAT ARE NOT BEING COMMERCIALLY EXPLOITED.—

''(1) IN GENERAL.—Noncommercial use of a sound recording fixed before February 15, 1972, that is not being commercially exploited by or under the authority of the rights owner shall not violate subsection (a) if—

''(A) the person engaging in the noncommercial use, in order to determine whether the sound recording is being commercially exploited by or under the authority of the rights owner, makes a good faith, reasonable search for, but does not find, the sound recording—

''(i) in the records of schedules filed in the Copyright Office as described in subsection (f)(5)(A); and

''(ii) on services offering a comprehensive set of sound recordings for sale or streaming;

''(B) the person engaging in the noncommercial use files a notice identifying the sound recording and the nature of the use in the Copyright Office in accordance with the regulations issued under paragraph (3)(B); and

''(C) during the 90-day period beginning on the date on which the notice described in subparagraph (B) is indexed into the public records of the Copyright Office, the rights owner of the sound recording does not, in its discretion, opt out of the noncommercial use by filing notice thereof in the Copyright Office in accordance with the regulations issued under paragraph (5).

''(2) RULES OF CONSTRUCTION.—For purposes of this subsection—

''(A) merely recovering costs of production and distribution of a sound recording resulting from a use otherwise permitted under this subsection does not itself necessarily constitute a commercial use of the sound recording;

''(B) the fact that a person engaging in the use of a sound recording also engages in commercial activities does not itself necessarily render the use commercial; and

''(C) the fact that a person files notice of a noncommercial use of a sound recording in accordance with the regulations issued under paragraph (3)(B) does not itself affect any limitation on the exclusive rights of a copyright owner described in section 107, 108, 109, 110, or 112(f) as applied to a claim under subsection (a) of this section pursuant to subsection (f)(1)(A) of this section.

''(3) NOTICE OF COVERED ACTIVITY.—Not later than 180 days after the date of enactment of this section, the Register of Copyrights shall issue regulations that—

''(A) provide specific, reasonable steps that, if taken by a filer, are sufficient to constitute a good faith, reasonable search under paragraph (1)(A) to determine whether a recording is being commercially exploited, including the services that satisfy the good faith, reasonable search requirement under paragraph (1)(A) for purposes of the safe harbor described in paragraph (4)(A); and

''(B) establish the form, content, and procedures for the filing of notices under paragraph (1)(B).

''(4) SAFE HARBOR.—

''(A) IN GENERAL.—A person engaging in a noncommercial use of a sound recording otherwise permitted under this subsection who establishes that the person made a good faith, reasonable search under paragraph (1)(A) without finding commercial exploitation of the sound recording by or under the authority of the rights owner shall not be found to be in violation of subsection (a).

''(B) STEPS SUFFICIENT BUT NOT NECESSARY.—Taking the specific, reasonable steps identified by the Register of Copyrights in the regulations issued under paragraph (3)(A) shall be sufficient, but not necessary, for a filer to satisfy the requirement to conduct a good faith, reasonable search under paragraph (1)(A) for purposes of subparagraph (A) of this paragraph.

''(5) OPTING OUT OF COVERED ACTIVITY.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Register of Copyrights shall issue regulations establishing the form, content, and procedures for the rights owner of a sound recording that is the subject of a notice under paragraph (1)(B) to, in its discretion, file notice opting out of the covered activity described in the notice under paragraph (1)(B) during the 90-day period beginning on the date on which the notice under paragraph (1)(B) is indexed into the public records of the Copyright Office.

''(B) RULE OF CONSTRUCTION.—The fact that a rights holder opts out of a noncommercial use of a sound recording by filing notice thereof in the Copyright Office in accordance with the regulations issued under subparagraph (A) does not itself enlarge or diminish any limitation on the exclusive rights of a copyright owner described in section 107, 108, 109, 110, or 112(f) as applied to a claim under subsection (a) of this section pursuant to subsection (f)(1)(A) of this section.

''(6) CIVIL PENALTIES FOR CERTAIN ACTS.—

''(A) FILING OF NOTICES OF NONCOMMERCIAL USE.—Any person who willfully engages in a pattern or practice of filing a notice of noncommercial use of a sound recording as described in paragraph (1)(B) fraudulently describing the use proposed, or knowing that the use proposed is not permitted under this subsection, shall be assessed a civil penalty in an amount that is not less than $250, and not more than $1000, for each such notice, in addition to any other remedies that may be available under this title based on the actual use made.

''(B) FILING OF OPT-OUT NOTICES.—

''(i) IN GENERAL.—Any person who files an opt-out notice as described in paragraph (1)(C), knowing that the person is not the rights owner or authorized to act on behalf of the rights owner of the sound recording to which the notice pertains, shall be assessed a civil penalty in an amount not less than $250, and not more than $1,000, for each such notice.

''(ii) PATTERN OR PRACTICE.—Any person who engages in a pattern or practice of making filings as described in clause (i) shall be assessed a civil penalty in an amount not less than $10,000 for each such filing.

''(C) DEFINITION.—For purposes of this paragraph, the term 'knowing'—

''(i) does not require specific intent to defraud; and

''(ii) with respect to information about ownership of the sound recording in question, means that the person—

''(I) has actual knowledge of the information;

''(II) acts in deliberate ignorance of the truth or falsity of the information; or

''(III) acts in grossly negligent disregard of the truth or falsity of the information.

''(d) PAYMENT OF ROYALTIES FOR TRANSMISSIONS OF PERFORMANCES BY DIRECT LICENSING OF STATUTORY SERVICES.—

''(1) IN GENERAL.—A public performance by means of a digital audio transmission of a sound recording fixed before February 15, 1972, shall, for purposes of subsection (a), be considered to be authorized and made with the consent of the rights owner if the transmission is made pursuant to a license agreement voluntarily negotiated at any time between the rights owner and the entity performing the sound recording.

''(2) PAYMENT OF ROYALTIES TO NONPROFIT COLLECTIVE UNDER CERTAIN LICENSE AGREEMENTS.—

''(A) LICENSES ENTERED INTO ON OR AFTER DATE OF ENACTMENT.—To the extent that a license agreement described in paragraph (1) entered into on or after the date of enactment of this section extends to a public performance by means of a digital audio transmission of a sound recording fixed before February 15, 1972, that meets the conditions of subsection (b)—

''(i) the licensee shall, with respect to such transmission, pay to the collective designated to distribute receipts from the licensing of transmissions in accordance with section 114(f), 50 percent of the performance royalties for that transmission due under the license; and

''(ii) the royalties paid under clause (i) shall be fully credited as payments due under the license.

''(B) CERTAIN AGREEMENTS ENTERED INTO BEFORE ENACTMENT.—To the extent that a license agreement described in paragraph (1), entered into during the period beginning on January 1 of the year in which this section is enacted and ending on the day before the date of enactment of this section, or a settlement agreement with a preexisting satellite digital audio radio service (as defined in section 114(j)) entered into during the period beginning on January 1, 2015, and ending on the day before the date of enactment of this section, extends to a public performance by means of a digital audio transmission of a sound recording fixed before February 15, 1972, that meets the conditions of subsection (b)—

''(i) the rights owner shall, with respect to such transmission, pay to the collective designated to distribute receipts from the licensing of transmissions in accordance with section 114(f) an amount that is equal to the difference between—

''(I) 50 percent of the difference between—

''(aa) the rights owner's total gross performance royalty fee receipts or settlement monies received for all such transmissions covered under the license or settlement agreement, as applicable; and

''(bb) the rights owner's total payments for outside legal expenses, including any payments of third-party claims, that are directly attributable to the license or settlement agreement, as applicable; and

''(II) the amount of any royalty receipts or settlement monies under the agreement that are distributed by the rights owner to featured and nonfeatured artists before the date of enactment of this section; and

''(ii) the royalties paid under clause (i) shall be fully credited as payments due under the license or settlement agreement, as applicable.

''(3) DISTRIBUTION OF ROYALTIES AND SETTLEMENT MONIES BY COLLECTIVE.—The collective described in paragraph (2) shall, in accordance with subparagraphs (B) through (D) of section 114(g)(2), and paragraphs (5) and (6) of section 114(g), distribute the royalties or settlement monies received under paragraph (2) under a license or settlement described in paragraph (2), which shall be the only payments to which featured and nonfeatured artists are entitled by virtue of the transmissions described in paragraph (2), except for settlement monies described in paragraph (2) that are distributed by the rights owner to featured and nonfeatured artists before the date of enactment of this section.

''(4) PAYMENT OF ROYALTIES UNDER LICENSE AGREEMENTS ENTERED BEFORE ENACTMENT OR NOT OTHERWISE DESCRIBED IN PARAGRAPH (2).—

''(A) IN GENERAL.—To the extent that a license agreement described in paragraph (1) entered into before the date of enactment of this section, or any other license agreement not as described in paragraph (2), extends to a public performance by means of a digital audio transmission of a sound recording fixed before February 15, 1972, that meets the conditions of subsection (b), the payments made by the licensee pursuant to the license shall be made in accordance with the agreement.

''(B) ADDITIONAL PAYMENTS NOT REQUIRED.—To the extent that a licensee has made, or will make in the future, payments pursuant to a license as described in subparagraph (A), the provisions of paragraphs (2) and (3) shall not require any additional payments from, or additional financial obligations on the part of, the licensee.

''(C) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prohibit the collective designated to distribute receipts from the licensing of transmissions in accordance with section 114(f) from administering royalty payments under any license not described in paragraph (2).

''(e) PREEMPTION WITH RESPECT TO CERTAIN PAST ACTS.—

''(1) IN GENERAL.—This section preempts any claim of common law copyright or equivalent right under the laws of any State arising from a digital audio transmission or reproduction that is made before the date of enactment of this section of a sound recording fixed before February 15, 1972, if—

''(A) the digital audio transmission would have satisfied the requirements for statutory licensing under section 114(d)(2) or been exempt under section 114(d)(1), or the reproduction would have satisfied the requirements of section 112(e)(1), as the case may be, if the sound recording were fixed on or after February 15, 1972; and

''(B) either—

''(i) except in the case of a transmission that would have been exempt under section 114(d)(1), not later than 270 days after the date of enactment of this section, the transmitting entity pays statutory royalties and provides notice of the use of the relevant sound recordings in the same manner as required by regulations adopted by the Copyright Royalty Judges for sound recordings that are fixed on or after February 15, 1972, for all the digital audio transmissions and reproductions satisfying the requirements for statutory licensing under sections 112(e)(1) and 114(d)(2) during the 3 years before that date of enactment; or

''(ii) an agreement voluntarily negotiated between the rights owner and the entity performing the sound recording (including a litigation settlement agreement entered into before the date of enactment of this section) authorizes or waives liability for any such transmission or reproduction and the transmitting entity has paid for and reported such digital audio transmission under that agreement.

''(2) RULE OF CONSTRUCTION FOR COMMON LAW COPYRIGHT.—For purposes of paragraph (1), a claim of common law copyright or equivalent right under the laws of any State includes a claim that characterizes conduct subject to that paragraph as an unlawful distribution, act of record piracy, or similar violation.

''(3) RULE OF CONSTRUCTION FOR PUBLIC PERFORMANCE RIGHTS.—Nothing in this section may be construed to recognize or negate the existence of public performance rights in sound recordings under the laws of any State.

''(f) LIMITATIONS ON REMEDIES.—

''(1) FAIR USE; USES BY LIBRARIES, ARCHIVES, AND EDUCATIONAL INSTITUTIONS.—

''(A) IN GENERAL.—The limitations on the exclusive rights of a copyright owner described in sections 107, 108, 109, 110, and 112(f) shall apply to a claim under subsection (a) with respect to a sound recording fixed before February 15, 1972.

''(B) RULE OF CONSTRUCTION FOR SECTION 108(H).—With respect to the application of section 108(h) to a claim under subsection (a) with respect to a sound recording fixed before February 15, 1972, the phrase 'during the last 20 years of any term of copyright of a published work' in such section 108(h) shall be construed to mean at any time after the date of enactment of this section.

''(2) ACTIONS.—The limitations on actions described in section 507 shall apply to a claim under subsection (a) with respect to a sound recording fixed before February 15, 1972.

''(3) MATERIAL ONLINE.—Section 512 shall apply to a claim under subsection (a) with respect to a sound recording fixed before February 15, 1972.

''(4) PRINCIPLES OF EQUITY.—Principles of equity apply to remedies for a violation of this section to the same extent as such principles apply to remedies for infringement of copyright.

''(5) FILING REQUIREMENT FOR STATUTORY DAMAGES AND ATTORNEYS' FEES.—

''(A) FILING OF INFORMATION ON SOUND RECORDINGS.—

''(i) FILING REQUIREMENT.—Except in the case of a transmitting entity that has filed contact information for that transmitting entity under subparagraph (B), in any action under this section, an award of statutory damages or of attorneys' fees under section 504 or 505 may be made with respect to an unauthorized use of a sound recording under subsection (a) only if—

''(I) the rights owner has filed with the Copyright Office a schedule that specifies the title, artist, and rights owner of the sound recording and contains such other information, as practicable, as the Register of Copyrights prescribes by regulation; and

''(II) the use occurs after the end of the 90-day period beginning on the date on which the information described in subclause (I) is indexed into the public records of the Copyright Office.

''(ii) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Register of Copyrights shall issue regulations that—

''(I) establish the form, content, and procedures for the filing of schedules under clause (i);

''(II) provide that a person may request that the person receive timely notification of a filing described in subclause (I); and

''(III) set forth the manner in which a person may make a request under subclause (II).

''(B) FILING OF CONTACT INFORMATION FOR TRANSMITTING ENTITIES.—

''(i) FILING REQUIREMENT.—Not later than 30 days after the date of enactment of this section, the Register of Copyrights shall issue regulations establishing the form, content, and procedures for the filing of contact information by any entity that, as of the date of enactment of this section, performs a sound recording fixed before February 15, 1972, by means of a digital audio transmission.

''(ii) TIME LIMIT ON FILINGS.—The Register of Copyrights may accept filings under clause (i) only until the 180th day after the date of enactment of this section.

''(iii) LIMITATION ON STATUTORY DAMAGES AND ATTORNEYS' FEES.—

''(I) LIMITATION.—An award of statutory damages or of attorneys' fees under section 504 or 505 may not be made against an entity that has filed contact information for that entity under clause (i) with respect to an unauthorized use by that entity of a sound recording under subsection (a) if the use occurs before the end of the 90-day period beginning on the date on which the entity receives a notice that—

''(aa) is sent by or on behalf of the rights owner of the sound recording;

''(bb) states that the entity is not legally authorized to use that sound recording under subsection (a); and

''(cc) identifies the sound recording in a schedule conforming to the requirements prescribed by the regulations issued under subparagraph (A)(ii).

''(II) UNDELIVERABLE NOTICES.—In any case in which a notice under subclause (I) is sent to an entity by mail or courier service and the notice is returned to the sender because the entity either is no longer located at the address provided in the contact information filed under clause (i) or has refused to accept delivery, or the notice is sent by electronic mail and is undeliverable, the 90-day period under subclause (I) shall begin on the date of the attempted delivery.

''(C) SECTION 412.—Section 412 shall not limit an award of statutory damages under section 504(c) or attorneys' fees under section 505 with respect to a covered activity in violation of subsection (a).

''(6) APPLICABILITY OF OTHER PROVISIONS.—

''(A) IN GENERAL.—Subject to subparagraph (B), no provision of this title shall apply to or limit the remedies available under this section except as otherwise provided in this section.

''(B) APPLICABILITY OF DEFINITIONS.—Any term used in this section that is defined in section 101 shall have the meaning given that term in section 101.

''(g) APPLICATION OF SECTION 230 SAFE HARBOR.—For purposes of section 230 of the Communications Act of 1934 (47 U.S.C. 230), subsection (a) shall be considered to be a 'law pertaining to intellectual property' under subsection (e)(2) of such section 230.

''(h) APPLICATION TO RIGHTS OWNERS.—

''(1) TRANSFERS.—With respect to a rights owner described in subsection (l)(2)(B)—

''(A) subsections (d) and (e) of section 201 and section 204 shall apply to a transfer described in subsection (l)(2)(B) to the same extent as with respect to a transfer of copyright ownership; and

''(B) notwithstanding section 411, that rights owner may institute an action with respect to a violation of this section to the same extent as the owner of an exclusive right under a copyright may institute an action under section 501(b).

''(2) APPLICATION OF OTHER PROVISIONS.—The following provisions shall apply to a rights owner under this section to the same extent as any copyright owner:

''(A) Section 112(e)(2).

''(B) Section 112(e)(7).

''(C) Section 114(e).

''(D) Section 114(h).

''(i) EPHEMERAL RECORDINGS.—An authorized reproduction made under this section shall be subject to section 112(g) to the same extent as a reproduction of a sound recording fixed on or after February 15, 1972.

''(j) RULE OF CONSTRUCTION.—A rights owner of, or featured recording artist who performs on, a sound recording under this chapter shall be deemed to be an interested copyright party, as defined in section 1001, to the same extent as a copyright owner or featured recording artist under chapter 10.

''(k) TREATMENT OF STATES AND STATE INSTRUMENTALITIES, OFFICERS, AND EMPLOYEES.—Any State, and any instrumentality, officer, or employee described in subsection (a)(3), shall be subject to the provisions of this section in the

same manner and to the same extent as any nongovernmental entity.

''(l) DEFINITIONS.—In this section:

''(1) COVERED ACTIVITY.—The term 'covered activity' means any activity that the copyright owner of a sound recording would have the exclusive right to do or authorize under section 106 or 602, or that would violate section 1201 or 1202, if the sound recording were fixed on or after February 15, 1972.

''(2) RIGHTS OWNER.—The term 'rights owner' means—

''(A) the person that has the exclusive right to reproduce a sound recording under the laws of any State, as of the day before the date of enactment of this section; or

''(B) any person to which a right to enforce a violation of this section may be transferred, in whole or in part, after the date of enactment of this section, under—

''(i) subsections (d) and (e) of section 201; and

''(ii) section 204.''.

(b) CONFORMING AMENDMENT.—The table of chapters for title 17, United States Code, is amended by adding at the end the following:

''14. Unauthorized use of pre-1972 sound recordings ..... 1401''.

TITLE III—ALLOCATION FOR MUSIC PRODUCERS

SEC. 301. SHORT TITLE.

This title may be cited as the ''Allocation for Music Producers Act'' or the ''AMP Act''.

SEC. 302. PAYMENT OF STATUTORY PERFORMANCE ROYALTIES.

(a) LETTER OF DIRECTION.—Section 114(g) of title 17, United States Code, is amended by adding at the end the following:

''(5) LETTER OF DIRECTION.—

''(A) IN GENERAL.—A nonprofit collective designated by the Copyright Royalty Judges to distribute receipts from the licensing of transmissions in accordance with subsection (f) shall adopt and reasonably implement a policy that provides, in circumstances determined by the collective to be appropriate, for acceptance of instructions from a payee identified under subparagraph (A) or (D) of paragraph (2) to distribute, to a producer, mixer, or sound engineer who was part of the creative process that created a sound recording, a portion of the payments to which the payee would otherwise be entitled from the licensing of transmissions of the sound recording. In this section, such instructions shall be referred to as a 'letter of direction'.

''(B) ACCEPTANCE OF LETTER.—To the extent that a collective described in subparagraph (A) accepts a letter of direction under that subparagraph, the person entitled to payment pursuant to the letter of direction shall, during the period in which the letter of direction is in effect and carried out by the collective, be treated for all purposes as the owner of the right to receive such payment, and the payee providing the letter of direction to the collective shall be treated as having no interest in such payment.

''(C) AUTHORITY OF COLLECTIVE.—This paragraph shall not be construed in such a manner so that the collective is not authorized to accept or act upon payment instructions in circumstances other than those to which this paragraph applies.''.

(b) ADDITIONAL PROVISIONS FOR RECORDINGS FIXED BEFORE NOVEMBER 1, 1995.—Section 114(g) of title 17, United States Code, as amended by subsection (a), is further amended by adding at the end the following:

''(6) SOUND RECORDINGS FIXED BEFORE NOVEMBER 1, 1995.—

''(A) PAYMENT ABSENT LETTER OF DIRECTION.—A nonprofit collective designated by the Copyright Royalty Judges to distribute receipts from the licensing of transmissions in accordance with subsection (f) (in this paragraph referred to as the 'collective') shall adopt and reasonably implement a policy that provides, in circumstances determined by the collective to be appropriate, for the deduction of 2 percent of all the receipts that are collected from the licensing of transmissions of a sound recording fixed before November 1, 1995, but which is withdrawn from the amount otherwise payable under paragraph (2)(D) to the recording artist or artists featured on the sound recording (or the persons conveying rights in the artists' performance in the sound recording), and the distribution of such amount to 1 or more persons described in subparagraph (B) of this paragraph, after deduction of costs described in paragraph (3) or (4), as applicable, if each of the following requirements is met:

''(i) CERTIFICATION OF ATTEMPT TO OBTAIN A LETTER OF DIRECTION.—The person described in subparagraph (B) who is to receive the distribution has certified to the collective, under penalty of perjury, that—

''(I) for a period of not less than 120 days, that person made reasonable efforts to contact the artist payee for such sound recording to request and obtain a letter of direction instructing the collective to pay to that person a portion of the royalties payable to the featured recording artist or artists; and

''(II) during the period beginning on the date on which that person began the reasonable efforts described in subclause (I) and ending on the date of that person's certification to the collective, the artist payee did not affirm or deny in writing the request for a letter of direction.

''(ii) COLLECTIVE ATTEMPT TO CONTACT ARTIST.—After receipt of the certification described in clause (i) and for a period of not less than 120 days before the first distribution by the collective to the person described in subparagraph (B), the collective attempts, in a reasonable manner as determined by the collective, to notify the artist payee of the certification made by the person described in subparagraph (B).

''(iii) NO OBJECTION RECEIVED.—The artist payee does not, as of the date that was 10 business days before the date on which the first distribution is made, submit to the collective in writing an objection to the distribution.

''(B) ELIGIBILITY FOR PAYMENT.—A person shall be eligible for payment under subparagraph (A) if the person—

''(i) is a producer, mixer, or sound engineer of the sound recording;

''(ii) has entered into a written contract with a record company involved in the creation or lawful exploitation of the sound recording, or with the recording artist or artists featured on the sound recording (or the persons conveying rights in the artists' performance in the sound recording), under which the person seeking payment is entitled to participate in royalty payments that are based on the exploitation of the sound recording and are payable from royalties otherwise payable to the recording artist or artists featured on the sound recording (or the persons conveying rights in the artists' performance in the sound recording);

''(iii) made a creative contribution to the creation of the sound recording; and

''(iv) submits to the collective—

''(I) a written certification stating, under penalty of perjury, that the person meets the requirements in clauses (i) through (iii); and

''(II) a true copy of the contract described in clause (ii).

''(C) MULTIPLE CERTIFICATIONS.—Subject to subparagraph (D), in a case in which more than 1 person described in subparagraph (B) has met the requirements for a distribution under subparagraph (A) with respect to a sound recording as of the date that is 10 business days before the date on which the distribution is made, the collective shall divide the 2 percent distribution equally among all such persons.

''(D) OBJECTION TO PAYMENT.—Not later than 10 business days after the date on which the collective receives from the artist payee a written objection to a distribution made pursuant to subparagraph (A), the collective shall cease making any further payment relating to such distribution. In any case in which the collective has made 1 or more distributions pursuant to subparagraph (A) to a person described in subparagraph (B) before the date that is 10 business days after the date on which the collective receives from the artist payee an objection to such distribution, the objection shall not affect that person's entitlement to any distribution made before the collective ceases such distribution under this subparagraph.

''(E) OWNERSHIP OF THE RIGHT TO RECEIVE PAYMENTS.—To the extent that the collective determines that a distribution will be made under subparagraph (A) to a person described in subparagraph (B), such person shall, during the period covered by such distribution, be treated for all purposes as the owner of the right to receive such payments, and the artist payee to whom such payments would otherwise be payable shall be treated as having no interest in such payments.

''(F) ARTIST PAYEE DEFINED.—In this paragraph, the term 'artist payee' means a person, other than a person described in subparagraph (B), who owns the right to receive all or part of the receipts payable under paragraph (2)(D) with respect to a sound recording. In a case in which there are multiple artist payees with respect to a sound recording, an objection by 1 such payee shall apply only to that payee's share of the receipts payable under paragraph (2)(D), and shall not preclude payment under subparagraph (A) from the share of an artist payee that does not so object.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 114(g) of title 17, United States Code, as amended by subsections (a) and (b), is further amended—

(1) in paragraph (2), by striking ''An agent designated'' and inserting ''Except as provided for in paragraph (6), a nonprofit collective designated by the Copyright Royalty Judges'';

(2) in paragraph (3)—

(A) by striking ''nonprofit agent designated'' and inserting ''nonprofit collective designated by the Copyright Royalty Judges'';

(B) by striking ''another designated agent'' and inserting ''another designated nonprofit collective''; and

(C) by striking ''agent'' and inserting ''collective'' each subsequent place it appears;

(3) in paragraph (4)—

(A) by striking ''designated agent'' and inserting ''nonprofit collective''; and

(B) by striking ''agent'' and inserting ''collective'' each subsequent place it appears; and

(4) by adding at the end the following:

''(7) PREEMPTION OF STATE PROPERTY LAWS.—The holding and distribution of receipts under section 112 and this section by a nonprofit collective designated by the Copyright Royalty Judges in accordance with this subsection and regulations adopted by the Copyright Royalty Judges, or by an independent administrator pursuant to subparagraphs (B) and (C) of section 114(g)(2), shall supersede and preempt any State law (including common law) concerning escheatment or abandoned property, or any analogous provision, that might otherwise apply.''.

SEC. 303. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of enactment of this Act.

(b) DELAYED EFFECTIVE DATE.—Paragraphs (5)(B) and (6)(E) of section 114(g) of title 17, United States Code, as added by section 302, shall take effect on January 1, 2020.

TITLE IV—SEVERABILITY

SEC. 401. SEVERABILITY.

If any provision of this Act or any amendment made by this Act, or any application of such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of the provisions of this Act and the amendments made by this Act, and the application of the provision or amendment to any other person or circumstance, shall not be affected.

Mr. COLLINS of Georgia (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading of the amendment.

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

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

DIRECTING THE CLERK OF THE HOUSE OF REPRESENTATIVES TO MAKE CORRECTIONS IN THE ENROLLMENT OF H.R. 1551

Mr. COLLINS of Georgia. Mr. Speaker, I ask unanimous consent to take from the Speaker's table (S. Con. Res. 48) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 1551, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

S. CON. RES. 48

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill H.R. 1551, the Clerk of the House of Representatives shall make the following corrections:

(1) Amend the long title so as to read: ''An Act to modernize copyright law, and for other purposes.''.

(2) In section 1(a), strike ''Orrin G. Hatch'' and insert ''Orrin G. Hatch–Bob Goodlatte''.

Passed the Senate September 25, 2018.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

MARRAKESH TREATY IMPLEMENTATION ACT

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (S. 2559) to amend title 17, United States Code, to implement the Marrakesh Treaty, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

S. 2559

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 ''Marrakesh Treaty Implementation Act''.

SEC. 2. IMPLEMENTATION AMENDMENTS.

(a) IN GENERAL.—Chapter 1 of title 17, United States Code, is amended—

(1) in section 121—

(A) in subsection (a)—

(i) by inserting ''in the United States'' after ''distribute'';

(ii) by striking '', nondramatic'';

(iii) by inserting ''or of a previously published musical work that has been fixed in the form of text or notation'' after ''literary work'';

(iv) by striking ''specialized formats'' and inserting ''accessible formats''; and

(v) by striking ''blind or other persons with disabilities'' and inserting ''eligible persons'';

(B) in subsection (b)(1)—

(i) in subparagraph (A)—

(I) by inserting ''in the United States'' after ''distributed'';

(II) by striking ''a specialized format'' and inserting ''an accessible format''; and

(III) by striking ''blind or other persons with disabilities'' and inserting ''eligible persons''; and

(ii) in subparagraph (B), by striking ''a specialized format'' and inserting ''an accessible format'';

(C) in subsection (c)(3), by striking ''specialized formats'' and inserting ''accessible formats''; and

(D) in subsection (d)—

(i) by striking paragraphs (2) and (4);

(ii) by redesignating paragraph (1) as paragraph (2);

(iii) by redesignating paragraph (3) as paragraph (4);

(iv) by inserting before paragraph (2), as so redesignated, the following:

''(1) 'accessible format' means an alternative manner or form that gives an eligible person access to the work when the copy or phonorecord in the accessible format is used exclusively by the eligible person to permit him or her to have access as feasibly and comfortably as a person without such disability as described in paragraph (3);'';

(v) by inserting after paragraph (2), as so redesignated, the following:

''(3) 'eligible person' means an individual who, regardless of any other disability—

''(A) is blind;

''(B) has a visual impairment or perceptual or reading disability that cannot be improved to give visual function substantially equivalent to that of a person who has no such impairment or disability and so is unable to read printed works to substantially the same degree as a person without an impairment or disability; or

''(C) is otherwise unable, through physical disability, to hold or manipulate a book or to focus or move the eyes to the extent that would be normally acceptable for reading; and''; and

(vi) in paragraph (4), as so redesignated, by striking ''; and'' at the end and inserting a period; and

(2) by inserting after section 121 the following:

''§ 121A. Limitations on exclusive rights: reproduction for blind or other people with disabilities in Marrakesh Treaty countries

''(a) Notwithstanding the provisions of sections 106 and 602, it is not an infringement of copyright for an authorized entity, acting pursuant to this section, to export copies or phonorecords of a previously published literary work or of a previously published musical work that has been fixed in the form of text or notation in accessible formats to another country when the exportation is made either to—

''(1) an authorized entity located in a country that is a Party to the Marrakesh Treaty; or

''(2) an eligible person in a country that is a Party to the Marrakesh Treaty,

if prior to the exportation of such copies or phonorecords, the authorized entity engaged in the exportation did not know or have reasonable grounds to know that the copies or phonorecords would be used other than by eligible persons.

''(b) Notwithstanding the provisions of sections 106 and 602, it is not an infringement of copyright for an authorized entity or an eligible person, or someone acting on behalf of an eligible person, acting pursuant to this section, to import copies or phonorecords of a previously published literary work or of a previously published musical work that has been fixed in the form of text or notation in accessible formats.

''(c) In conducting activities under subsection (a) or (b), an authorized entity shall establish and follow its own practices, in keeping with its particular circumstances, to—

''(1) establish that the persons the authorized entity serves are eligible persons;

''(2) limit to eligible persons and authorized entities the distribution of accessible format copies by the authorized entity;

''(3) discourage the reproduction and distribution of unauthorized copies;

''(4) maintain due care in, and records of, the handling of copies of works by the authorized entity, while respecting the privacy of eligible persons on an equal basis with others; and

''(5) facilitate effective cross-border exchange of accessible format copies by making publicly available—

''(A) the titles of works for which the authorized entity has accessible format copies or phonorecords and the specific accessible formats in which they are available; and

''(B) information on the policies, practices, and authorized entity partners of the authorized entity for the cross-border exchange of accessible format copies.

''(d) Nothing in this section shall be construed to establish—

''(1) a cause of action under this title; or

''(2) a basis for regulation by any Federal agency.

''(e) Nothing in this section shall be construed to limit the ability to engage in any activity otherwise permitted under this title.

''(f) For purposes of this section—

''(1) the terms 'accessible format', 'authorized entity', and 'eligible person' have the meanings given those terms in section 121; and

''(2) the term 'Marrakesh Treaty' means the Marrakesh Treaty to Facilitate Access to Published Works by Visually Impaired Persons and Persons with Print Disabilities concluded at Marrakesh, Morocco, on June 28, 2013.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 1 of title 17, United States Code, is amended by inserting after the item relating to section 121 the following:

''121A. Limitations on exclusive rights: reproduction for blind or other people with disabilities in Marrakesh Treaty countries.''.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 2327

Mr. STIVERS. Mr. Speaker, I ask unanimous consent that I may hereafter be considered to be the first sponsor of H.R. 2327, a bill originally introduced by Representative RON DESANTIS of Florida, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

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

There was no objection.

PREVENTING CHILD EXPLOITATION ACT OF 2018

Mrs. ROBY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6847) to amend title 18, United States Code, to expand and strengthen Federal sex offenses, to reauthorize certain programs established by the Adam Walsh Child Protection and Safety Act of 2006, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6847

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Preventing Child Exploitation Act of 2018''.

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

TITLE I—STRENGTHENING FEDERAL SEX OFFENSE LAWS

SEC. 101. EXPANDING THE DEFINITION OF ILLICIT SEXUAL CONDUCT.

Section 2423(f)(1) of title 18, United States Code, is amended—

(1) by striking ''a sexual act (as defined in section 2246) with'' and inserting ''any conduct involving''; and

(2) by striking ''if the sexual act'' and inserting ''if the conduct''.

SEC. 102. EXPANDING THE DEFINITION OF FEDERAL SEX OFFENSE.

Section 3559 of title 18, United States Code, is amended—

(1) in subsection (e)(2)(A)—

(A) by inserting after ''2244(a)(1)'' the following ''or 2244(a)(5)'';

(B) by striking the ''or'' before ''2423(a)'';

(C) by striking ''into prostitution''; and

(D) by inserting ''or 2423(c) (relating to illicit sexual conduct)'' before the semicolon at the end; and

(2) in subsection (e)(3), by striking ''or 2423(a)'' and inserting '', 2423(a), or 2423(c)''.

SEC. 103. FAILURE OF SEX OFFENDERS TO REGISTER.

Section 2250(d) of title 18, United State Code, is amended—

(1) by inserting after ''Federal law (including the Uniform Code of Military Justice),'' the following: ''State law,''; and

(2) by adding at the end the following:

''(3) DEFINITION.—In this section, the term 'crime of violence' has the meaning given such term in section 16.''.

SEC. 104. PRIOR MILITARY OFFENSES INCLUDED FOR PURPOSES OF RECIDIVIST SENTENCING PROVISIONS.

(a) AGGRAVATED SEXUAL ABUSE.—Section 2241(c) of title 18, United States Code, is amended by inserting after ''State offense'' the following: ''or an offense under the Uniform Code of Military Justice''.

(b) SEXUAL EXPLOITATION OF CHILDREN.—Section 2251(e) of title 18, United States Code, is amended by striking ''section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under'' each place it appears and inserting ''the Uniform Code of Military Justice or''.

(c) CERTAIN ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—Section 2252 of title 18, United States Code, is amended—

(1) in subsection (b)(1), by striking ''section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under'' and inserting ''the Uniform Code of Military Justice or''; and

(2) in subsection (b)(2), by striking ''section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under'' and inserting ''the Uniform Code of Military Justice or''.

(d) CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A of title 18, United States Code, is amended—

(1) in subsection (b)(1), by striking ''section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under'' and inserting ''the Uniform Code of Military Justice or''; and

(2) in subsection (b)(2), by striking ''section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under'' and inserting ''the Uniform Code of Military Justice or''.

(e) REPEAT OFFENDERS.—Section 2426(b)(1)(B) of title 18, United States Code, is amended by inserting after ''State law'' the following: ''or the Uniform Code of Military Justice''.

(f) SENTENCING CLASSIFICATION.—Section 3559 of title 18, United States Code, is amended—

(1) in subsection (e)(2)(B)—

(A) by striking ''State sex offense'' and inserting ''State or Military sex offense''; and

(B) by inserting after ''under State law'' the following: ''or the Uniform Code of Military Justice''; and

(2) in subsection (e)(2)(C), by inserting after ''State'' the following: ''or Military''.

SEC. 105. SEXUAL EXPLOITATION OF CHILDREN.

Section 2251 of title 18, United States Code, is amended—

(1) by amending subsections (a) and (b) to read as follows:

''(a) Any person who, in a circumstance described in subsection (f), knowingly—

''(1) employs, uses, persuades, induces, entices, or coerces a minor to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct, or transmitting a live visual depiction of such conduct;

''(2) produces or causes to be produced a visual depiction of a minor engaged in any sexually explicit conduct where the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct;

''(3) transmits or causes to be transmitted a live visual depiction of a minor engaged in any sexually explicit conduct;

''(4) has a minor assist any other person to engage in any sexually explicit conduct during the commission of an offense set forth in paragraphs (1) through (3) of this subsection; or

''(5) transports any minor in or affecting interstate or foreign commerce with the intent that such minor be used in the production or live transmission of a visual depiction of a minor engaged in any sexually explicit conduct,

shall be punished as provided under subsection (e).

''(b) Any parent, legal guardian, or person having custody or control of a minor who, in a circumstance described in subsection (f), knowingly permits such minor to engage in, or to assist any other person to engage in, sexually explicit conduct knowing that a visual depiction of such conduct will be produced or transmitted shall be punished as provided under subsection (e).'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, any sexually explicit conduct'' and inserting ''engages in any conduct described in paragraphs (1) through (5) of subsection (a)''; and

(ii) by striking '', for the purpose of producing any visual depiction of such conduct,'';

(B) in paragraph (2)(A), by inserting after ''transported'' the following: ''or transmitted''; and

(C) in paragraph (2)(B), by inserting after ''transports'' the following; ''or transmits'';

(3) by adding at the end the following:

''(f) The circumstances referred to in subsections (a) and (b) are—

''(1) that the person knows or has reason to know that such visual depiction will be—

''(A) transported or transmitted using any means or facility of interstate or foreign commerce;

''(B) transported or transmitted in or affecting interstate or foreign commerce; or

''(C) mailed;

''(2) the visual depiction was produced or transmitted using materials that have been

mailed, or shipped or transported in or affecting interstate or foreign commerce by any means, including by computer;

''(3) such visual depiction has actually been—

''(A) transported or transmitted using any means or facility of interstate or foreign commerce;

''(B) transported or transmitted in or affecting interstate or foreign commerce; or

''(C) mailed; or

''(4) any part of the offense occurred in a territory or possession of the United States or within the special maritime and territorial jurisdiction of the United States.

''(g) Notwithstanding any other provision of this section, no criminal charge under subsection (a)(3) may be brought against an electronic communication service provider or remote computing service provider unless such provider has intentionally transmitted or caused to be transmitted a visual depiction with actual knowledge that such depiction is of a minor engaged in sexually explicit conduct, nor may any such criminal charge be brought if barred by the provisions of section 2258B.''.

SEC. 106. LIMITED LIABILITY FOR CERTAIN PERSONS WHEN RESPONDING TO SEARCH WARRANTS OR OTHER LEGAL PROCESS.

Section 2258B of title 18, United States Code, is amended—

(1) in subsection (a), by inserting ''from the response to a search warrant or other legal process or'' before ''from the performance''; and

(2) in subsection (b)(2)(C), by inserting ''the response to a search warrant or other legal process or to'' before ''the performance of any responsibility''.

TITLE II—ADAM WALSH REAUTHORIZATION ACT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Adam Walsh Reauthorization Act of 2018''.

SEC. 202. SEX OFFENDER MANAGEMENT ASSISTANCE (SOMA) PROGRAM REAUTHORIZATION.

Section 126(d) of the Adam Walsh Child Protection and Safety Act of 2006 (34 U.S.C. 20928(d)) is amended to read as follows:

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General $20,000,000 for each of the fiscal years 2018 through 2022, to be available only for the SOMA program.''.

SEC. 203. REAUTHORIZATION OF FEDERAL ASSISTANCE WITH RESPECT TO VIOLATIONS OF REGISTRATION REQUIREMENTS.

Section 142(b) of the Adam Walsh Child Protection and Safety Act of 2006 (34 U.S.C. 20941(b)) is amended to read as follows:

''(b) For each of fiscal years 2018 through 2022, of amounts made available to the United States Marshals Service, not less than $60,000,000 shall be available to carry out this section.''.

SEC. 204. DURATION OF SEX OFFENDER REGISTRATION REQUIREMENTS FOR CERTAIN JUVENILES.

Subparagraph (B) of section 115(b)(2) of the Adam Walsh Child Protection and Safety Act of 2006 (34 U.S.C. 20915(b)(2)) is amended by striking ''25 years'' and inserting ''15 years''.

SEC. 205. PUBLIC ACCESS TO JUVENILE SEX OFFENDER INFORMATION.

Section 118(c) of the Adam Walsh Child Protection and Safety Act of 2006 (34 U.S.C. 20920(c)) is amended—

(1) by striking ''and'' after the semicolon in paragraph (3);

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

''(4) any information about a sex offender for whom the offense giving rise to the duty to register was an offense for which the offender was adjudicated delinquent; and''.

SEC. 206. PROTECTION OF LOCAL GOVERNMENTS FROM STATE NONCOMPLIANCE PENALTY UNDER SORNA.

Section 125 of the Adam Walsh Child Protection and Safety Act of 2006 (34 U.S.C. 20927(a)) is amended—

(1) by striking ''jurisdiction'' each place it appears and inserting ''State'';

(2) in subsection (a)—

(A) by striking ''subpart 1 of part E'' and inserting ''section 505(c)''; and

(B) by striking ''(42 U.S.C. 3750 et seq.)'' and inserting ''(34 U.S.C. 10156(c))''; and

(3) by adding at the end the following:

''(e) CALCULATION OF ALLOCATION TO UNITS OF LOCAL GOVERNMENT.—Notwithstanding the formula under section 505(c) of the Omnibus Crime Control and Safe Streets Act 1968 (34 U.S.C. 10156(c)), a State which is subject to a reduction in funding under subsection (a) shall—

''(1) calculate the amount to be made available to units of local government by the State pursuant to the formula under section 505(c) using the amount that would otherwise be allocated to that State for that fiscal year under section 505(c) of that Act, and make such amount available to such units of local government; and

''(2) retain for the purposes described in section 501 any amount remaining after the allocation required by paragraph (1).''.

SEC. 207. ADDITIONAL INFORMATION TO BE INCLUDED IN ANNUAL REPORT ON ENFORCEMENT OF REGISTRATION REQUIREMENTS.

Section 635 of the Adam Walsh Child Protection and Safety Act of 2006 (34 U.S.C. 20991) is amended—

(1) by striking ''Not later than July 1 of each year'' and inserting ''On January 1 of each year,'';

(2) in paragraph (3), by inserting before the semicolon at the end the following: '', and an analysis of any common reasons for noncompliance with such Act'';

(3) in paragraph (4), by striking ''and'' at the end;

(4) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(5) by adding after paragraph (5) the following:

''(6) the number of sex offenders registered in the National Sex Offender Registry;

''(7) the number of sex offenders registered in the National Sex Offender Registry who—

''(A) are adults;

''(B) are juveniles; and

''(C) are adults, but who are required to register as a result of conduct committed as a juvenile; and

''(8) to the extent such information is obtainable, of the number of sex offenders registered in the National Sex Offender Registry who are juveniles—

''(A) the percentage of such offenders who were adjudicated delinquent; and

''(B) the percentage of such offenders who were prosecuted as adults.''.

SEC. 208. ENSURING SUPERVISION OF RELEASED SEXUALLY DANGEROUS PERSONS.

(a) PROBATION OFFICERS.—Section 3603 of title 18, United States Code, is amended in paragraph (8)(A) by striking ''or 4246'' and inserting '', 4246, or 4248''.

(b) PRETRIAL SERVICES OFFICERS.—Section 3154 of title 18, United States Code, is amended in paragraph (12)(A) by striking ''or 4246'' and inserting '', 4246, or 4248''.

SEC. 209. TRIBAL ACCESS PROGRAM.

The Attorney General is authorized to provide technical assistance, including equipment, to tribal governments for the purpose of enabling such governments to access, enter information into, and obtain information from, Federal criminal information databases, as authorized under section 534(d) of title 28, United States Code. The Department of Justice Working Capital Fund (established under section 527 of title 28, United States Code) may be reimbursed by federally recognized tribes for technical assistance provided pursuant to this section.

SEC. 210. ALTERNATIVE MECHANISMS FOR IN-PERSON VERIFICATION.

Section 116 of the Adam Walsh Child Protection and Safety Act of 2006 (34 U.S.C. 20918) is amended—

(1) by striking ''A sex offender shall'' and inserting the following:

''(a) IN GENERAL.—Except as provided in subsection (b), a sex offender shall''; and

(2) by adding at the end the following:

''(b) ALTERNATIVE VERIFICATION METHOD.—A jurisdiction may allow a sex offender to comply with the requirements under subsection (a) by an alternative verification method approved by the Attorney General, except that each offender shall appear in person not less than one time per year. The Attorney General shall approve an alternative verification method described in this subsection prior to its implementation by a jurisdiction in order to ensure that such method provides for verification that is sufficient to ensure the public safety.''.

SEC. 211. CLARIFICATION OF AGGRAVATED SEXUAL ABUSE.

Section 111(8) of the Adam Walsh Child Protection and Safety Act of 2006 (34 U.S.C. 20911(8)) is amended by inserting ''subsection (a) or (b) of'' before ''section 2241 of title 18, United States Code''.

SEC. 212. COMPREHENSIVE EXAMINATION OF SEX OFFENDER ISSUES.

Section 634(c) of the Adam Walsh Child Protection and Safety Act of 2006 is amended by adding at the end the following:

''(3) ADDITIONAL REPORT.—Not later than 1 year after the date of enactment of the Adam Walsh Reauthorization Act of 2018, the National Institute of Justice shall submit to Congress a report on the public safety impact, recidivism, and collateral consequences of long-term registration of juvenile sex offenders, based on the information collected for the study under subsection (a) and any other information the National Institute of Justice determines necessary for such report.''.

SEC. 213. ASSISTING STATES WITH JUVENILE REGISTRATION.

Section 125 of the Adam Walsh Child Protection and Safety Act of 2006 (34 U.S.C. 20927) is amended by adding at the end the following:

''(e) SUBSTANTIAL IMPLEMENTATION FOR JUVENILE REGISTRATION REQUIREMENTS.—

''(1) IN GENERAL.—In the case of a jurisdiction that uses a discretionary process for determining whether registration under this Act is required for juveniles 14 years of age or older who are adjudicated delinquent for sex offenses described in section 111(8), the Attorney General, in assessing whether the jurisdiction has substantially implemented this title with respect to the registration of such juveniles, may examine the policies and practices that the jurisdiction has in place—

''(A) related to the prosecution as adults, of juveniles who commit sex offenses described in section 111(8);

''(B) related to the registration under this Act of juveniles adjudicated delinquent for such an offense; and

''(C) related to the identification, tracking, monitoring, or managing of juveniles adjudicated delinquent for such offenses who reside in the jurisdiction, including policies and practices to ensure that the records of

their identities and sex offenses are available as needed for public safety purposes.

''(2) SUBMISSION BY JURISDICTION.—A jurisdiction described in paragraph (1) shall submit to the Attorney General an explanation for how the discretionary process used by the jurisdiction with respect to the registration of juveniles under this Act should be considered substantial implementation of this title.

''(3) DETERMINATION.—The Attorney General may determine that a jurisdiction has substantially implemented this title if the Attorney General determines that the policies and practices described in paragraph (1) have resulted or will result in the registration, identification, tracking, monitoring, or management of juveniles who commit sex offenses described in section 111(8), and in the availability of the identities and sex offenses of such juveniles as needed for public safety purposes, in a manner that does not substantially disserve the purposes of this title.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Alabama (Mrs. ROBY) and the gentlewoman from Texas (Ms. JACKSON LEE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Alabama.

GENERAL LEAVE

Mrs. ROBY. 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 H.R. 6847, currently under consideration.

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

There was no objection.

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

Mr. Speaker, I am pleased we are voting today on the Preventing Child Exploitation Act, which rolls together four bills the House considered and passed last year but the Senate failed to take up and pass. Each of them will make important changes to Federal law to protect children.

I would like to thank my colleagues—Mr. RATCLIFFE, Mr. JOHNSON, and Mr. SENSENBRENNER—for their excellent work in crafting and introducing these bills with me and their critical efforts to move them through the House earlier this Congress.

The first part of H.R. 6847 is the bill I introduced, the ''Roby bill.'' It closes a significant loophole in pursuing offenders who engage in sex tourism and prey on children abroad. Specifically, the bill ensures that the definition of ''illicit sexual conduct'' includes all potential situations where an adult defendant may abuse a child under these circumstances. No longer will they be able to go and prey on foreign children without facing the possibility of significant punishment at home. They will also not be able to escape enhanced sentences for doing so.

The bill also closes loopholes that permit those who sexually degrade, humiliate, and abuse children under 12 to avoid sentencing enhancements for repeat offenses.

Congress always intended for children to have the greatest protections, and we must ensure that our laws reflect that intent.

The next part of H.R. 6847, the ''Ratcliffe bill,'' closes yet another loophole regarding offenders who commit violent crimes while they are in noncompliant status as sex offenders. Currently, this enhancement applies only to those who committed crimes of violence under Federal, Tribal, D.C., or military law, and the law of any territory or possession of the United States.

This bill adds State crimes of violence as predicate convictions, thus ensuring all sex offenders who have been convicted of crimes of violence face heightened punishment where they fail to register.

Presently, certain recidivist provisions are not consistent with respect to conduct covered when someone has a prior sex conviction under Federal and State law, as opposed to military law. For instance, under current law, an offender with certain prior military child pornography convictions would not qualify for a sentencing enhancement that someone convicted under a Federal statute would, even if their conduct was the same. This bill fixes this and makes sure that those recidivist enhancements are applied consistently.

The third part of H.R. 6847, the ''Johnson bill,'' fixes a judicially created loophole in the Federal production of child pornography statute. In United States versus Palomino-Coronado, the Fourth Circuit reversed a conviction for production of child pornography for insufficient evidence, allowing a defendant to walk free from production of child pornography charges despite photographic evidence he created that he had engaged in sexual abuse of a 7-year-old child.

In doing so, the court suggested that a defendant must initiate sexually illicit conduct with the specific intent to create child pornography. This decision has extremely undesirable consequences in the prosecution of the production of child pornography. It has created a new defense whereby a defendant can merely deny a preformed, specific intent to record a sexual offense of a minor and escape Federal conviction.

That is an outrageous result, and Congress' intervention is required to fix the statute. The creation of child pornography must be adequately deterred, and this fix ensures that it will be.

Finally, H.R. 6847 includes the Adam Walsh Reauthorization Act, introduced by Crime Subcommittee Chairman SENSENBRENNER, the author of the original Walsh Act. The bill reauthorizes the Sex Offender Management Assistance Program and provides funding for the United States Marshals Service, which is tasked with identifying and apprehending unregistered sex offenders. It also adds new provisions that aim to improve the Sex Offender Registration and Notification Act and make it easier for States to comply.

Thus far, 17 States, 108 Tribes, and 3 territories are in substantial compliance with the law. The intent of this bill is to ensure many more jurisdictions come into compliance.

Over the past several years, DOJ has worked closely with the States to achieve this goal by promulgating flexible guidelines via the continued hard work of the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking, or the SMART Office.

This bill takes several concrete steps to encourage compliance. For example, it addresses concerns many have addressed about juvenile offenders. It is important to keep in mind that only juveniles who have committed the most serious sex offenses are subject to registration under SORNA. Nevertheless, this bill lessens the amount of time a juvenile who commits certain offenses and keeps a clean record must be on the registry. If these youths keep a clean record for 15 years, they may petition to leave the registry.

Additionally, the bill codifies 2016 DOJ guidelines which permit the SMART Office to deem a State in substantial compliance with the act even if it maintains a discretionary juvenile registry.

Further, the bill alleviates the cost of implementation by explicitly permitting alternative means for in-person check-ins for registrants and lessening the number of required check-ins. This is a reasonable amendment that will help States with significant rural populations achieve compliance.

I want to thank all my colleagues. I am glad to have had the opportunity to introduce the comprehensive child protection bill, which, as I have already noted, will strengthen Federal law to protect children. I also want to, again, thank Mr. RATCLIFFE, Mr. JOHNSON, and Mr. SENSENBRENNER for their work.

There can be no keener revelation of a society's soul than the way in which it treats its children. I implore my colleagues to take that to heart and support this vital, well-crafted, commonsense legislation. I urge every person in this room to consider this bill, not just as a Member of Congress, but as a parent, a grandparent, an aunt, an uncle, or a friend. Please join me today in supporting this bill and protecting our children.

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

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

Mr. Speaker, I am pleased to be on the floor with a fellow colleague in the Judiciary Committee, and we have a similar passion for children over the years.

I am pleased to be able to acknowledge the work that the Walsh family, tragically, has had to do in honor of their son, Adam Walsh, and their reauthorization act, which has had a major impact on child violent crimes. So, in this set of bills is H.R. 1188, which I intend to speak on as it relates to protecting our children, but also are bills

H.R. 1761, H.R. 1842, and H.R. 1862, which we know would expand unjust mandatory minimum sentences.

□ 1930

So the Adam Walsh Act established the Sex Offender Registration Notification Act, often referred to as SORNA, as the national system for the registration of sex offenders.

Everyone knows the tragic story of young Adam Walsh and the Walsh family that has committed themselves to years of fighting against violent sex offenders who have impacted our children. The Adam Walsh Reauthorization Act, however, that is included in H.R. 6847, reflects changes recommended to SORNA by the Judiciary Committee when it last reauthorized the Adam Walsh Act in 2012 to improve the requirements for States to register sex offenders. States that fail to substantially implement SORNA are subject to a 10 percent reduction in Federal grants under the Edward Byrne Memorial Justice Assistance Grant.

Commendably, the reauthorization provisions that are included in this overall omnibus bill will allow States discretion in determining whether juvenile sex offender information will be publicly accessible via the internet, a step forward as it relates to comprehensive criminal justice reform addressing questions that recognize the difference for juveniles, and it would reduce the time that certain but not all juvenile sex offenders adjudicated as delinquent are required to register from 25 years to 15 years.

I welcome these changes as steps in the right direction, which is what happens when we work in a bipartisan manner, to address some of the existing concerns with SORNA, which I supported as H.R. 1188 last year.

Now, what has happened is that we have H.R. 6847 that incorporates a number of other bills with problematic provisions that would add new offenses to the criminal code requiring mandatory life imprisonment for certain repeat sex offenders.

No one is coddling or condoning or supporting any of these heinous acts or individuals. Under section 3559(e) of title 18 of the U.S. Code, a defendant who has been previously convicted of a felony, Federal or State, sex offense committed against a child and who is guilty of a predicate Federal sex offense against a child must be sentenced to life imprisonment.

H.R. 6847 would amend H.R. 3559 to add more Federal predicate offenses on which to base imposition of a life sentence, namely, sexual contact with a minor. Missing is the fact of not allowing judges to be involved in the sentencing of these particular offenses.

This bill would also remove the requirement that a Federal predicate offense relating to coercion or enticement of a minor be related to prostitution. As a result, this bill would allow coercion or enticement of a minor into any criminal sexual activity to serve as a basis for imposition of a mandatory life sentence. Repeat offenders, of course, would be subject to increased penalties, and, for some offenses, life imprisonment is appropriate.

Again, however, it is taking away the discretion of the judge in the review of these matters. Yet Congress should not mandate life imprisonment as the only sentencing option.

Another set of problematic provisions within H.R. 6847, unfortunately, results in the expanded imposition of mandatory minimum sentencing, and so this leads many to be concerned and to be against.

In another addition to the Federal crimes of violence already included in the statute providing penalties for failing to register as a sex offender, H.R. 6847 would add State crimes of violence as predicate offenses that, in turn, would require the imposition of a mandatory 5-year sentence to be served consecutively to any sentence imposed for failing to register or comply with sex offender registration, again, taking away the discretion of the court.

The bill would also add prior military child sex offenses to several recidivist sentencing provisions, most of which carry mandatory minimum penalties of at least 15 years to life.

Lastly, the bill would amend section 2251 to create two new offenses that prohibit causing the production of a visual depiction of a minor engaged in sexually explicit conduct and the transmission or causing the transmission of a live visual depiction of a minor engaged in sexually explicit conduct, such as live-streaming.

In effect, these provisions would add a new class of offenders subject to mandatory minimum sentencing, specifically 15 to 30 years in prison. Yet this bill fails to provide any Romeo and Juliet exceptions. Consequently, the penalties apply even when conduct is consensual and when the victim and offender are close in age.

For example, if a 19-year-old and 17-year-old videoed themselves engaged in a sexual act and email the video to their own email account, the 19-year-old would be subject to mandatory minimums set by section 2251 as amended by this bill. That is why I offered an amendment when this issue was last heard before our committee.

My amendment would have been the Romeo and Juliet, which would have simply amended the provision that defines which juvenile adjudications of delinquency qualify as offenses which trigger mandatory registration.

As harsh as we need to be on these offenses, I am also concerned that we look to the reform of the juvenile system and not criminalize acts between juveniles. It would have added a new requirement that an adjudication for an otherwise qualifying offense would trigger the registration only if the judge presiding over the delinquency proceedings finds that the registration is necessary to protect the public safety based on a variety of factors.

We all have the same common goal, and that common goal is to protect our children; but, unfortunately, there are children who are actors in this, and we want to allow the judge to discern what harsh penalties they should get. Frankly, my Romeo and Juliet amendment would have responded to two kids doing what kids sometimes do. Unfortunately, those provisions were not included.

For far too long, the Federal criminal justice system has relied on an unsustainable system of mass incarceration that is largely driven by inflexible mandatory minimum sentences. Mandatory minimums are not necessary to impose appropriate sentences.

The judge at sentencing has all the information he or she needs to impose a sentence commensurate with the crime committed and the culpability of the offender. Therefore, I note the issues that we have with a good bill and then the imposition of mandatory minimums.

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

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

Ms. JACKSON LEE. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT), the ranking member of the Committee on Education and the Workforce and former member of the House Judiciary Committee.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I rise in opposition to H.R. 6847. The legislation exposes additional persons to preexisting mandatory minimum sentences of 15, 25, 35, or even mandatory life in prison. While I support the underlying goal of punishing sex offenders and I agree that they should be punished harshly, I stand against mandatory minimums.

For decades now, extensive research and evidence has demonstrated that mandatory minimums fail to reduce crime; they discriminate against minorities; they waste the taxpayer's money; and they often require a judge to impose sentences so bizarre that they violate common sense.

Unfortunately, there are already too many mandatory minimums in the Federal code. If we ever expect to do anything about that problem and actually address this driver of mass incarceration, the first step we have to take is to stop passing or expanding mandatory minimums.

The mandatory minimums in the code today did not get there all at once. They got there one at a time, each one part of a larger bill, which, on balance, would seem like a good idea.

Giving lip service to the suggestion that you would have preferred that the mandatory minimum not be in the bill but then vote for the bill anyway not only creates the new mandatory minimum, but it also guarantees that those who support mandatory minimums would include them in the next

crime bill. Therefore, the only way to stop passing new mandatory minimums is to stop passing bills that contain or broaden the application of mandatory minimums.

This bill is particularly appalling because it would impose mandatory minimum sentences on teenagers who are doing what many teenagers do. For example, teenage sexting is widespread, that is, texting sexually explicit pictures. Under this bill, teenagers who privately send photos of a sexual nature to each other may be prosecuted, and, if convicted, the judge must sentence them to at least 15 years in prison.

The bill explicitly states that some of these mandatory minimums will apply equally to attempts or conspiracies. That means if a teenager attempts to obtain a photo of sexually explicit conduct by requesting it from his teenage girlfriend, the judge must sentence that teenager to at least 15 years for making that attempt. Or if a teenager encourages a friend to ask another classmate to send the sexually explicit image, the friend agrees to do so and asks her, they are both guilty of conspiracy and the judge must sentence both of them to at least 15 years in prison.

Now, the term ''sexually explicit conduct'' actually includes simulated conduct. This means if a teenager asks another teenager for a photo simulating sex, then that minor, even if the minor is fully clothed, the law is violated. The teenager must get 15 years in prison.

The bill does not allow the judge to consider the fact that the conduct may be consensual conduct between minors or consensual between a 17-year-old or an 18-year-old. These circumstances are irrelevant when the sentence is mandatory.

In many cases covered by the bill, the draconian penalties are appropriate; in others, the penalties are just absurd. But because they are mandatory in the bill, they would have to be imposed anyway.

This bill wouldn't be controversial if it did not expand mandatory minimum sentences, but, unfortunately, it does. I, therefore, urge my colleagues to oppose this legislation.

Mrs. ROBY. Mr. Speaker, I continue to reserve the balance of my time

Ms. JACKSON LEE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, those who commit crimes against children—as I started out, I have been engaged in the tragedy of Adam Walsh from almost the very beginning and certainly support that legislation, but we realize that we must be very vigilant as relates to our children. There is no quarrel with that.

There is a question of mandatory minimums and the importance of giving our courts that discretion. So those who commit crimes against children deserve to be punished, and repeat offenders most certainly deserve to face increased penalties.

Nevertheless, there is a mass of us who have seen the results of mandatory minimums that result in mass incarceration. I oppose mandatory minimum sentencing and, therefore, this legislation. I believe that judges are best suited to determine just and appropriate punishment in these matters. It would have been more appropriate to separate out the Adam Walsh reauthorization legislation.

Even conservative groups agree that expanding the imposition of mandatory minimum sentences is costly and unjust. Yet, without mandatory minimum sentences, individuals convicted of serious offenses would still receive appropriately lengthy sentences.

Mr. Speaker, let me say that again. Yet, without mandatory minimum sentences, individuals convicted of serious offenses would still receive appropriately lengthy sentences.

How can we underestimate the judgment of our Federal courts and others who see these cases and know the dastardliness of them? We should not create a one-size-fits-all policy approach.

For the foregoing reasons, I would like to have these bills divided so that we can move on good bills and begin to work together for the appropriate way to punish, and punish strongly, but not build on the mountain of mass incarceration.

Mr. Speaker, I rise in opposition to H.R. 6847, the ''Preventing Child Exploitation Act of 2018,'' for several reasons.

Regrettably, I must oppose this bill because, although it substantially includes the text of H.R. 1188, the ''Adam Walsh Reauthorization Act,'' which both the House Judiciary Committee and the House passed last year, H.R. 6847 also includes the text of three other bills, H.R. 1761, H.R. 1842, and H.R. 1862 that, although the House passed last year, would expand the scope of unjust mandatory minimum sentencing provisions.

The Adam Walsh Act established the Sex Offender Registration and Notification Act—often referred to as ''SORNA''—as a national system for the registration of sex offenders.

The Adam Walsh Reauthorization Act, as included in H.R. 6847, reflects changes recommended to SORNA by the Judiciary Committee when it last reauthorized the Adam Walsh Act in 2012 to improve the requirements for states to register sex offenders.

States that fail to substantially implement SORNA are subject to a 10% reduction in federal grants under the Edward Byrne Memorial Justice Assistance Grant Program.

Commendably, the reauthorization provisions included in H.R. 6847 would allow states discretion in determining whether juvenile sex offender information will be publicly accessible via the Internet.

And, it would reduce the time that certain, but not all, juvenile sex offenders adjudicated as delinquent are required to register from 25 years to 15 years.

I welcome these changes as steps in the right direction to address some of the existing concerns with SORNA, which is why I supported H.R. 1188 last year.

Unfortunately, H.R. 6847 also incorporates a problematic provision that would add new offenses to the Criminal Code requiring mandatory life imprisonment for certain repeat sex offenders.

Under Section 3559(e) of Title 18 of the U.S. Code, a defendant who has been previously convicted of a felony federal or state sex offense committed against a child—and who is guilty of a predicate federal sex offense against a child—must be sentenced to life in prison.

H.R. 6847 would amend Section 3559 to add more federal predicate offenses on which to base imposition of a life sentence, namely sexual contact with a minor under the age of 12, aggravated sexual contact with minors between the ages of 12 and 15, and illicit sexual conduct with a minor abroad by a U.S. citizen.

The bill would also remove the requirement that a federal predicate offense relating to coercion or enticement of a minor be related to prostitution.

As a result, this bill would allow coercion or enticement of a minor into any criminal sexual activity to serve as a basis for imposition of a mandatory life sentence.

Repeat offenders should, of course, be subject to increased penalties, and for some offenses life imprisonment is appropriate. Yet, Congress should not mandate life imprisonment as the only sentencing option.

Another set of problematic provisions within H.R. 6847 unfortunately results in the expanded imposition of mandatory minimum sentences.

In addition to the federal crimes of violence already included in the statute providing penalties for failing to register as a sex offender, H.R. 6847 would add state crimes of violence as predicate offenses that, in turn, would require the imposition of a mandatory 5-year prison sentence to be served consecutively to any sentence imposed for failing to register or comply with sex offender registration.

And, the bill would also add prior military child sex offenses to several recidivist sentencing provisions, most of which carry mandatory minimum penalties of at least 15 years or life.

Lastly, H.R. would amend section 2251 to create two new offenses that would prohibit causing the production of a visual depiction of a minor engaged in sexually explicit conduct; and the transmission, or causing the transmission of, a live visual depiction of a minor engaged in sexually explicit conduct, such as live streaming. In effect, these provisions would add new classes of offenders subject to mandatory minimum sentencing, specifically 15 to 30 years in prison. Yet, this bill fails to provide any ''Romeo and Juliet'' exceptions.

Consequently, the penalties apply even when conduct is consensual and when the victim and offender are close in age. For example, if a 19-year-old and a 17-year-old videoed themselves engaged in a sexual act, then emailed the video to their own email accounts, the 19-year-old would be subject to the mandatory minimums set by Section 2251, as amended by this bill.

Unfortunately, the commendable provisions to reauthorize the Adam Walsh Act in H.R. 6847 are weighed down by the bill's inclusion of various problematic proposals that will expand mandatory minimum sentencing.

For far too long, the federal criminal justice system has relied on an unsustainable system of mass-incarceration that is largely driven by inflexible mandatory minimum sentencing.

Mandatory minimums are not necessary to impose appropriate sentences. The judge at

sentencing has all the information he or she needs to impose a sentence commensurate with the crime committed and the culpability of the offender.

Therefore, I must oppose this bill and urge my colleagues to do the same.

Those who commit crimes against children deserve to be punished and repeat offenders most certainly deserve to face increased penalties.

Nevertheless, I oppose mandatory minimum sentencing and, therefore, I must oppose this legislation. I believe that judges are best suited to determine just and appropriate punishments in these matters.

Even conservative groups agree that expanding the imposition of mandatory minimum sentences is costly and unjust. Yet, without mandatory minimum sentences, individuals convicted of serious offenses would still receive appropriately lengthy sentences, but we should not create a one-size-fits-all policy approach.

For the foregoing reasons, I urge my colleagues to oppose H.R. 6847.

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

Mrs. ROBY. Mr. Speaker, I yield myself such time as I may consume to close.

Mr. Speaker, first, we need to make clear that this bill does not expand law to go after teenagers for sexting. Under present law, technically, such changes may be possible. However, we know of no instance where the Department of Justice has pursued such cases.

When these bills were initially passed, the press falsely claimed that they would make it possible for DOJ to go after teen sexting. This is completely reckless journalism. Apparently, these journalists did not participate in any sort of fact checking, which would have merely consisted of opening a U.S. Criminal Code book. They also continually cite State cases as examples of Federal prosecutors acting aggressively, which is similarly extremely misleading. If our friends across the aisle would like to draw our attention to any cases where the Federal Government prosecuted consensual teen sexting, we would be happy to look at them.

Last year, we offered to work on a provision to provide an affirmative defense in this chapter of the code, despite no evidence that it is necessary, but we were not taken up on our offer.

□ 1945

None of these bills, Mr. Speaker, create new mandatory minimum sentences. Instead, they modify the existing statutory framework to ensure the existing enhancements are applied equitably and to close certain loopholes.

Some of the conduct covered is modestly expanded, but that is done commensurate with the crime. These recidivism enhancements are for these predatory crimes, especially where the defendant has previously sexually abused a child, which is the case for the enhancement in 18 U.S.C. 3559(e).

Society's laws need to address the problems of the day and protect the public, especially our children. Sex crimes against children are ubiquitous. Their number, as we heard in our child protection hearing last month, is growing.

Additionally, the offenses are becoming more depraved, and the victims are getting younger. There is no sign of slowing down, and present law does not appear to be keeping up with the numbers.

The gravity and growing prevalence of these crimes merit an appropriate societal response to have a proper deterrent effect. The enhancements provide this deterrent effect.

In addition, these child sex crimes are vastly underreported. In these sexual exploitation crimes, the victims are often very young and very impressionable. They are often scarred for life as a result of horrific abuse. The punishment must fit the crime, especially where it involves our children.

Again, my appeal to my colleagues is to consider this bill, not just as a Member of Congress, but, again, as a parent, a grandparent, an aunt, an uncle, and a friend. I urge my colleagues to adopt this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Alabama (Mrs. ROBY) that the House suspend the rules and pass the bill, H.R. 6847, 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.

EXPRESSING THE SENSE OF CONGRESS THAT CHILD SAFETY IS THE FIRST PRIORITY OF CUSTODY AND VISITATION ADJUDICATIONS

Mr. RUTHERFORD. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 72) expressing the sense of Congress that child safety is the first priority of custody and visitation adjudications, and that State courts should improve adjudications of custody where family violence is alleged, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 72

Whereas approximately 15 million children are exposed each year to domestic violence and/or child abuse, which are often linked;

Whereas child sexual abuse is significantly under-documented, and under-addressed in the legal system;

Whereas child abuse is a major public health issue in the United States, with total lifetime estimated financial costs associated with just one year of confirmed cases of child maltreatment (including physical abuse, sexual abuse, psychological abuse and neglect) amounting to approximately $124 billion;

Whereas according to the Centers for Disease Control and Prevention, federally launched, funded and tracked longitudinal research into ''adverse childhood experiences'' (the ACEs study) has shown that ''children who experience abuse and neglect are also at increased risk for adverse health effects and certain chronic diseases as adults, including heart disease, cancer, chronic lung disease, liver disease, obesity, high blood pressure, high cholesterol, and high levels of C-reactive protein'';

Whereas research confirms that allegations of domestic violence, child abuse, and child sexual abuse are often discounted when raised in child custody litigation;

Whereas research shows that abusive parents are often granted custody or unprotected parenting time by courts, placing children at ongoing risk;

Whereas research confirms that a child's risk of abuse increases after a perpetrator of domestic violence separates from a domestic partner, even when the perpetrator has not previously abused the child;

Whereas researchers have documented a minimum of 653 children murdered in the United States since 2008 by a parent involved in a divorce, separation, custody, visitation, or child support proceeding, often after access was provided by family courts over the objections of a protective parent;

Whereas scientifically unsound theories are frequently applied to reject parents' and children's reports of abuse;

Whereas in cases involving allegations of family violence courts should rely on the assistance of third-party professionals only when they possess the proper experience or expertise for assessing family violence and trauma, and apply scientifically sound and evidence-based theories;

Whereas most States lack standards defining required expertise and experience for court-affiliated or appointed fee-paid professionals in custody litigation or the required contents of custody-related expert reports; and

Whereas custody litigation involving abuse allegations is sometimes prohibitively expensive, resulting in parental bankruptcy, as a result of court-mandated payments to appointed fee-paid professionals, in addition to attorneys' fees: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) child safety is the first priority of custody and parenting adjudications, and courts should resolve safety risks and claims of family violence first, as a fundamental consideration, before assessing other best interest factors;

(2) all evidence admitted in custody and parenting adjudications should be subject to evidentiary admissibility standards;

(3) evidence from court-affiliated or appointed fee-paid professionals regarding adult or child abuse allegations in custody cases should be admitted only when the professional possesses documented expertise and experience in the relevant types of abuse, trauma, and the behaviors of victims and perpetrators;

(4) States should define required standards of expertise and experience for appointed fee-paid professionals who provide evidence to the court on abuse, trauma and behaviors of victims and perpetrators, should specify requirements for the contents of such professional reports, and should require courts to find that any appointed professionals meet those standards;

(5) States should consider models under which court-appointed professionals are paid directly by the courts, with potential reimbursement by the parties after due consideration of the parties' financial circumstances; and

(6) Congress should schedule hearings on family courts' practices with regard to the objective, fair, and unbiased adjudication of children's safety and civil rights.

The SPEAKER pro tempore (Mr. BUDD). Pursuant to the rule, the gentleman from Florida (Mr. RUTHERFORD) and the gentlewoman from Texas (Ms. JACKSON LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. RUTHERFORD. 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. Con. Res. 72, currently under consideration.

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

There was no objection.

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

Mr. Speaker, I am pleased we are voting today on this resolution, which expresses the sense of Congress that child safety should be the top priority of custody and visitation adjudications, and that State courts should improve adjudications of custody where family violence is alleged.

Custody adjudications are especially difficult cases, fraught with emotion and complex relationships. States must ensure that the judges presiding over these cases are trained to understand these dynamics and apply appropriate evidentiary standards to parties' evidence.

Most importantly, States should ensure that in these disputes, children's safety comes first.

We have seen tragedies happen throughout the United States where the courts failed the children involved in custody disputes. Over the past decade, the Center for Judicial Excellence has documented 653 child homicides across the United States by a parent involved in a conflict related to divorce, separation, custody, visitation, or child support.

Last year, Ana Estevez's 5-year-old son, Piqui, was murdered by her ex-husband. Despite her efforts to obtain sole custody of Piqui due to her ex-husband's history of abuse, her plea was rejected.

Her estranged husband picked up Piqui, as part of their joint custody arrangement, and took him to Disneyland. That was the last time Ms. Estevez saw her son.

His body was found 2 months later, and her estranged husband eventually confessed to the murder, a tragedy that should never have happened.

Today, we take a step in expressing to States that they must pay special attention to these cases. We hope States will heed this resolution and resolve to evaluate their family court systems and implement measures to put child safety first.

I thank the gentleman from Texas (Mr. SESSIONS) for bringing this resolution before us. I urge my colleagues to support this resolution, and I reserve the balance of my time.

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

Mr. Speaker, I rise in support of the House concurrent resolution. I thank my colleague on the Judiciary Committee for his leadership.

I want to indicate that, first and foremost, this bipartisan resolution expresses the sense of Congress that child safety should be the top priority of any custody and parenting court adjudications, and that courts should resolve safety risks and claims of domestic violence first, before taking any other interest into consideration.

The resolution also underscores Congress' strong support for the use of scientific-based evidence in family court, including reliance on expert professionals with expertise in relevant types of abuse, trauma, and behaviors of victims and perpetrators by, among other things, establishing specific standards for the preparation of professional reports.

This resolution also encourages States to consider models through which such professional experts can be appointed and paid directly by the courts as needed, and expresses the sense of Congress that we hold hearings examining family court practices with regard to the fair adjudication of children's safety and civil rights.

I think many of us as Members of Congress who deal in family issues, and as the founder and co-chair of the Congressional Children's Caucus, and being a student of the Family Protective Services—Child Protective Services, I have seen more than one case where a child is returned to a family and gets caught up in the unfortunate practices of that family situation, that home situation. Yes, they wind up losing their life, children as young as 1 and 2 and 3 years old, helpless, without being able to help themselves.

H. Con. Res. 72 acknowledges that the Inter-American Commission on Human Rights has found that the United States has failed in its legal obligation to protect women and children from domestic violence.

It certainly seems appropriate, as we debate this, that I ask my colleagues on the other side of the aisle, and it is not too late, to join me in putting the Violence Against Women Act on the floor of the House with over 160 cosponsors that specifically address the question of domestic violence, domestic abuse. So many of our collaborating groups from all over the country, both conservative and otherwise, are arguing and advocating for the passage of the Violence Against Women Act before its expiration on September 30, 2018. It would be a complement to this sense of Congress.

In recognition of the fact that the problem of domestic violence is among the most serious social problems in this country, the resolution makes a number of important findings in this regard. Child abuse, in and of itself, is a major public health issue. It costs billions of dollars annually and, unfortunately, the loss of children's lives.

But the cost of child abuse cannot be measured in simple monetary terms because, as a study by the Centers for Disease Control tells us, children who experience adverse childhood experiences are at a greater risk to develop certain chronic diseases like heart disease and cancer. The consequences for children who experience abuse and neglect are long-lasting, long-reaching, and cannot be measured easily.

As this resolution finds, child sexual abuse, too, as horrific as it is, is a matter that goes routinely underdocumented and underaddressed. Time and again, research confirms that allegations of domestic violence, child abuse, and child sexual abuse are often discounted when it comes to child custody litigation.

This is with family members or guardians of a particular child. Tragically, abusive parents are often granted custody or unprotected parenting time, which places children at constant risk. The risk of abuse to the child increases when a perpetrator of domestic violence separates from a domestic partner.

Most disturbing is the resolution's finding that documents a minimum of 568 murders of children in the United States in a 10-year period by a parent involved in divorce, separation, custody, visitation, or child support proceedings. In many of these instances, the family courts granted access to the child by the abusive parent over the objection of the protective parent.

Finally, this resolution recognizes the need for courts to appoint well-qualified professionals, at court expense, who will apply scientifically sound and evidence-based theories to assist in the adjudication of custody litigation. Because such assistance is not routinely provided, parents seeking to vindicate their rights in custody disputes often incur overwhelming debt and may even need to file for bankruptcy relief as a result. In the United States, this should be unacceptable.

For these reasons, I encourage my colleagues to join me in supporting H. Con. Res. 72.

Mr. Speaker, I rise in support of House Concurrent Resolution 72.

First and foremost, this bipartisan resolution expresses the sense of Congress that child safety should be the top priority of any custody and parenting court adjudications and that courts should resolve safety risks and claims of domestic violence first, before taking other interests into consideration.

The resolution also underscores Congress's strong support for the use of scientific-based evidence in family court, including reliance on expert professionals with expertise in relevant types of abuse, trauma, and behaviors of victims and perpetrators by, among other things, establishing specific standards for the preparation of professional reports.

This resolution also encourages States to consider models through which such professional experts can be appointed and paid directly by the courts, as needed.

And, it expresses the sense of Congress that we hold hearings examining family court practices with regards to the fair adjudication of children's safety and civil rights.

House Concurrent Resolution 72 acknowledges that the Inter-American Commission on Human Rights has found that the United States has failed in its legal obligation to protect women and children from domestic violence.

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As this resolution finds, child sexual abuse, too, as horrific as it is, is a matter that goes routinely under-documented and under-addressed. But, time and again, research confirms that allegations of domestic violence, child abuse, and child sexual abuse are often discounted when it comes to child custody litigation. Tragically, abusive parents are often granted custody or unprotected parenting time, which places children at constant risk, and the risk of abuse to the child increases when a perpetrator of domestic violence separates from a domestic partner.

Most disturbing is the resolution's finding that documents a minimum of 568 murders of children in the United States in a 10-year period by a parent involved in divorce, separation, custody, visitation, or child support proceedings. In many of these instances, the family courts granted access to the child by the abusive parent, over the objection of the protective parent.

Finally, this resolution recognizes the need for courts to appoint well-qualified professionals, at court expense, who will apply scientifically sound and evidence-based theories, to assist in the adjudication of custody litigation. Because such assistance is not routinely provided, parents seeking to vindicate their rights in custody disputes often incur overwhelming debt and may even need to file for bankruptcy relief as a result. In the United States, this should be unacceptable.

For these reasons, I encourage my colleagues to join me in supporting House Concurrent Resolution 72.

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

Mr. RUTHERFORD. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, I want to thank the distinguished gentleman, who spent his career not only as a sheriff, but a duly-elected constitutional Member in Florida, but also to the distinguished gentlewoman from Houston, Texas, who has served as an attorney serving the people of Houston, Texas.

Mr. Speaker, I rise tonight to make sure that as we respectfully address this issue, H. Con. Res. 72, which urges States to look at improved family court proceedings of child custody cases, ensuring that child safety is a top priority, it makes clear that Congress will use its oversight authority to engage in this issue also.

We do not come at this issue lightly, Mr. Speaker. As a matter of fact, the Domestic Violence Legal Empowerment and Appeals Project has provided a great deal of information, not only to Members of Congress, but by visiting the Members, making sure that they understand that their work with the Center for Judicial Excellence and the Protective Parents Association of California have made sure that they saw these issues clearly and talked to Members of Congress about our ideas, not only as we fund Federal programs, but as we understand in our discussions with States that we prioritize and help them look at what is, seemingly, a national crisis.

This national crisis is about how our children are dealt with in the court system and looked at. Specifically, this is a concurrent resolution that urges States to develop family court procedures to resolve claims of abuse and family violence before making any other determination in the case, allowing courts to focus on these allegations affecting child safety independently.

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What did I just say? Well, what I just said is many times in court proceedings where there is a family violence circumstance, where there is stress in a family, there are examples that either side might talk about what is in the best interest of the child.

And courts across this country, whether at their local court, whether a state court, we are asking them to understand that this national crisis deals with children that are being placed in a circumstance that might not be in their best interest, and it calls on States to prohibit the use of discredited or unscientific theories in their family courts. In other words, there are many times provisions in a court or a bias of a court to take one side or the other.

Finally, it highlights the problems that some litigants—these are people back in their own home States—face regarding mandatory fees, and Congress is asking the States to look at these.

Many times, as the distinguished gentlewoman from Houston talked about, there are fee structures which keep families from fully participating to protect their children because of the cost. This is an important issue.

Tragically, millions of children are impacted in the United States of America. They call it domestic violence or child abuse, but the bottom line is that the resulting harm is lasting to our children. Physical, sexual, or emotional abuse, this trauma stays with our children for some period of time and many times it lasts for a lifetime.

It also imposes billions of dollars on society where these children need to be handled, dealt with, and worked through a system for them to understand what happened in their childhood would create some difficulties later in their life.

Simply put, we believe that family courts need better expertise. Better expertise not only in terms of the legal counsel that is involved, but perhaps outside professionals who would address these issues.

In my home State of Texas, we have had to reevaluate the circumstances, not just of divorce, but of domestic violence where a child is involved, trying to focus more directly on the needs of the child and then having that family, two sides for sure, who would come together to see what is in the best interest of that child.

Family courts need to address abuse, and once again, many times it is not uncommon for them to have to address these through the frailties of a system, frailties of people who give testimony, and perhaps theories that are not always in the best interest of the child that might be proposed in court.

So one story in particular has it of a young girl named Kyra who tragically lost her life at the age of 2 in 2016 while her family was going through the court system. The focus became the battle, not the child, and the child fell in between the processes and, unfortunately, the tragedy occurred because of this huge disagreement between the family to where her father brutally murdered her before setting the house on fire and killing himself.

The tragedy involved, rather than highlighting the differences between these two, of the safety of the child. And the safety of the child and of the mother is vitally important.

At least 653 child murders by a parent involved in a divorce, separation, custody, or visitation, child support have been documented in the United States over the last 10 years. That is a tragedy. That is a nightmare that is happening directly before us.

This is why we believe that listening to outside groups, such as the Domestic Violence Legal Empowerment and Appeals Project and the Judicial Excellence Coalition have come to Congress to say, we would like for you to see what is happening back in your States, back in your communities, back where you are from, Members of Congress, and see if you can shine a spotlight on showing how important children and women are, not just in our society, but in the court system.

So what I would say is I would like to thank my colleagues, the gentleman who started this, the gentleman from Pennsylvania, Congressman Pat Meehan, for his dedication to this issue, as well as my dear friend from New York, Congresswoman CAROLYN B. MALONEY,

for her leadership as she has joined me on so many issues where we deal with women's health and women's safety, children's health, children's safety, including disabled children and people who cannot protect themselves.

Mr. Speaker, whether you live in Florida, Texas, Pennsylvania, or wherever you might be in this country, it is important for us to understand that the focus on children's safety in court matters is essential to the Nation's health and support for the future.

Mr. Speaker, I want to thank the distinguished gentleman and the chairman of the committee, Chairman GOODLATTE, for allowing this to come forth at this time.

Mr. Speaker, I thank the distinguished gentleman from Florida for yielding me this time.

Mr. RUTHERFORD. Mr. Speaker, I reserve the balance of my time to close.

Ms. JACKSON LEE. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, first of all, let me certainly thank Mr. SESSIONS, my colleague out of Texas, for his very important words and moving commentary. I thank Congressman RUTHERFORD for his service and commitment, and the other cosponsors of this legislation, because it really has more impact.

Let me conclude my remarks by acknowledging a tragedy in my district. As a hardworking mother was separating from her spouse, it had not yet gotten to the court, but it is evidence of what can happen. The remarks of the dad were, ''Bring them over for me to see them one more time.''

And even though the relationship between mom and dad was hostile, mom wanted to be cooperative, and brought them over and left them for a moment as she went to her small business.

The next call she got was the shrill of police and neighbors screaming, and his call to her, the parent's call, the father's call, and he said, ''Now come over and see your two dead children, because I have killed them.''

So this is constant throughout the Nation, and we need intervention and we need recognition of the tragedies that can happen.

So as I previously stated, I strongly support passage of H. Con. Res 72. It is a sober acknowledgement of how family courts in the United States are failing to protect the very children they are sworn to protect in cases involving domestic violence, and obviously these cases have histories of domestic violence. But also as a legislative body, we have far more effective ways to deal with these problems. They can complement H. Con. Res. 72.

So I would like to, again, reinforce the bill that was introduced last July—this July, that I introduced, over 150 cosponsors, I believe. I introduced a robust bill to reauthorize the Violence Against Women Act.

This VAWA reauthorization seeks to address the problem of domestic violence from a holistic perspective by attacking the problem from many different angles with resources, recognizing all the different components that are now before us. We need to reauthorize VAWA, not in any watered down fashion, and we need to do it in complement to H. Con. Res. 72. And if we hope to make any dent in this very serious problem and to protect women and children and men who are abused and victimized day in and day out, this is how we need to do it, pass bills like the concurrent resolution and also VAWA.

Mr. Speaker, I urge my colleagues to support this resolution and join me in this bipartisan effort as well to pass VAWA.

As I previously stated, I strongly support passage of House Concurrent Resolution 72. It is a sober acknowledgement of how family courts in the United States are failing to protect the very children they are sworn to protect, in cases involving domestic violence.

But, as a legislative body, we have far more effective ways to deal with these problems than merely passing concurrent resolutions. Last July, I introduced a robust bill to reauthorize the Violence Against Women Act. This VAWA reauthorization seeks to address the problem of domestic violence from a holistic perspective, by attacking the problem from many different angles. We need to reauthorize VAWA—not in any watered-down fashion—if we hope to make any dent into this very serious problem and to protect women, children and men who are abused and victimized day in and day out.

I urge my colleagues to support House Concurrent Resolution 72.

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

Mr. RUTHERFORD. Mr. Speaker, I first want to thank the gentlewoman for her comments and for her hard work on this resolution. I also want to thank Chairman SESSIONS for bringing this forward today.

I want to encourage all of my colleagues here to vote in the affirmative for H. Con. Res. 72.

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 Florida (Mr. RUTHERFORD) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 72, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

KERRIE OROZCO FIRST RESPONDERS FAMILY SUPPORT ACT

Mr. RUTHERFORD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6580) to amend the Immigration and Nationality Act to provide for expedited naturalization processes for the alien spouses of first responders who die as a result of their employment, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6580

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 ''Kerrie Orozco First Responders Family Support Act''.

SEC. 2. NATURALIZATION FOR IMMEDIATE RELATIVES OF FIRST RESPONDERS.

Section 319 of the Immigration and Nationality Act (8 U.S.C. 1430) is amended by adding at the end the following:

''(f) IMMEDIATE RELATIVES OF FIRST RESPONDERS.—

''(1) IN GENERAL.—Any person who is the surviving spouse, child, or parent of a United States citizen, whose citizen spouse, parent, or child dies as a result of injury or disease incurred in or aggravated by employment as a first responder, and who, in the case of a surviving spouse, was living in marital union with the citizen spouse at the time of his death, may be naturalized upon compliance with all the requirements of this title, except that no prior residence or specified physical presence within the United States shall be required.

''(2) DEFINITION.—For purposes of this subsection, the term 'first responder' means Federal, State, and local government fire, law enforcement, and emergency response personnel.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. RUTHERFORD) and the gentlewoman from Washington (Ms. JAYAPAL) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. RUTHERFORD. 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 materials on H.R. 6580, currently under consideration.

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

There was no objection.

Mr. RUTHERFORD. Mr. Speaker, I yield as much time as he may consume to the gentleman from Nebraska (Mr. BACON), my home State.

Mr. BACON. Mr. Speaker, I thank the gentleman from Florida (Mr. RUTHERFORD), our distinguished representative from Florida, my good friend, for yielding some time.

Mr. Speaker, I rise today to urge my colleagues to support H.R. 6580, the Kerrie Orozco First Responders Act.

This legislation, named after a fallen Omaha police officer, Kerrie Orozco, is a first responders bill that will give our heroes peace of mind every day when they leave their home for work to keep us safe. This legislation is simple, common sense, and compassionate.

Under current law, the surviving family members of first responders who have pending immigration applications face delays in the naturalization process. This could weigh heavily on our

first responders because of the undue burden upon them as they protect our communities.

Should they be killed, would their family members who are not U.S. citizens lose their ability to remain in the country?

This legislation would allow the immediate relatives of first responders who die in the line of duty to continue to process their immigration application in a timely manner despite the death of their loved one.

We owe it to our first responders to ensure their family is taken care of should they pay the ultimate sacrifice of keeping our citizens safe. Supporting this bill will protect those who protect us and it will give them peace of mind.

This legislation will extend the same privileges to our first responders that are currently afforded to our military servicemembers. This bill honors our first responders, it values family.

This bill is for Hector Orozco and all of the widows and widowers of our fallen first responders. This bill tells our law enforcement officers, our firefighters that we have your back.

Mr. Speaker, I urge adoption of H.R. 6580.

Ms. JAYAPAL. Mr. Speaker, I yield myself as much time as I may consume.

I rise today in support of H.R. 6580, the Kerrie Orozco First Responders Family Support Act.

Mr. Speaker, I thank the sponsor for introducing this bill.

The bill, as is made clear by its title, is a tribute to Ms. Orozco, a police officer in Omaha, Nebraska.

On May 20, 2015, after 7 years of service in the Omaha Police Department, Kerrie was fatally shot in the line of duty while serving a felony arrest warrant.

She was survived by her husband, Hector Orozco, and her two stepchildren, Natalie and Santiago.

H.R. 6580 gives tribute to the sacrifice made by Kerrie and her family by recognizing the sacrifices made by all first responders who are killed in the line of duty as well as their surviving family members.

The bill honors their sacrifice by speeding up the citizenship process for the surviving immigrant's spouses, children, and parents of slain first responders.

□ 2015

Specifically, the bill would waive certain physical resident requirements for surviving immediate family members who are already on the road to becoming citizens.

Current law requires such individuals to reside in the United States as lawful permanent residents for 5 years before becoming eligible to apply for naturalization. This bill would waive that 5-year requirement and, thus, allow surviving family members to naturalize more quickly. It is modeled on the Military Personnel Citizenship Processing Act, which became law in 2008 after receiving unanimous support in both Houses of Congress. That bill provides similar benefits to the surviving immigrant family members of U.S. armed services members who were killed in action.

H.R. 6580 simply recognizes that domestic first responders also serve this country at great sacrifice both to themselves and their families. This bill is the least we can do to recognize their service and their sacrifice.

I congratulate Representative BACON for introducing this bill and ensuring its vote on the floor. Mr. Speaker, I also want to thank Judiciary Committee Chairman BOB GOODLATTE and Ranking Member JERRY NADLER for their support of this important piece of legislation.

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

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

Mr. Speaker, I rise in support of H.R. 6580, the Kerrie Orozco First Responders Family Support Act. This legislation is short, but it will have an immense impact on the lives of close family members of certain first responders who die as a result of injury and illness occurring in the line of duty.

The Immigration and Nationality Act currently requires that, in order to naturalize and become a United States citizen, a lawful permanent resident must reside continuously in the United States for 5 years prior to naturalization. For spouses, that residency requirement is 3 years. H.R. 6580 waives that residency requirement altogether for the surviving spouse, child, or parent of a Federal, State, or local first responder who dies as a result of injury or illness incurred during line of duty activities as a first responder.

There is precedent in immigration law for such a waiver. In fact, the language of H.R. 6580 is patterned on the current law, which waives the same residency requirements for the surviving spouse, child, or parent of a military servicemember killed while in Active-Duty service in the Armed Forces.

First responders routinely place their lives in peril to help those of us who are in need, and when they are killed or injured carrying out their duties, we owe their families a deep debt of gratitude. H.R. 6580 is a small price to pay in return for the sacrifice that first responders make every day.

The legislation was named after Kerrie Orozco, an Omaha, Nebraska, police officer, killed while serving an arrest warrant on May 20, 2015. At the time of Officer Orozco's death, her husband was in the process of becoming a U.S. citizen. H.R. 6580 will speed up that process and make sure other surviving immediate relatives in the same situation are afforded the same opportunity.

Mr. Speaker, I appreciate the work of the gentleman from Nebraska (Mr. BACON) on this important piece of legislation.

I urge my colleagues to support the bill, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in support of H.R. 6580, the "Kerrie Orozco First Responders Family Support Act," which amends the Immigration and Nationality Act of 1965 to provide for expedited naturalization processes for the alien spouses of first responders who die because of their employment.

This act is named for Kerrie Orozco who died in the line of duty in May 2015, just a few weeks after giving birth to a premature infant.

Officer Kerrie Orozco was a seven-year veteran of the Omaha Police Department and a new mother.

As a member of the Metro Area Fugitive Task Force, she was conducting surveillance just before 1 p.m. that Wednesday, May 20, 2015, when the suspect being pursued fired at officers after being spotted.

She is remembered not only for her police work but also for her extensive involvement in community service.

She was active in coaching baseball and had been coaching since 2009 at the North Omaha Boys and Girls Club.

She volunteered with Special Olympics and was president of the Police Officer Ball to benefit Special Olympics in Nebraska.

Kerrie was a Girl Scout Leader, participated with Shop with a Cop, and assisted with the Latino Police Officers Easter Egg Hunt.

Shop With A Cop is an annual event where 50 children from the Open Door Mission shop for their families and for themselves with an officer at a few local Walmart stores in Omaha.

When she went to work on May 20, 2015, she did not know that she would not be returning home that night.

Her husband is still waiting for his U.S. Citizenship while he deals with the heartbreak of his wife's death.

For most immigrants, becoming a United States' citizen is the culmination of many years of hard work.

Being a citizen offers new opportunity to have a greater say and a stronger voice in determining our country's future.

There is room in our country for law-abiding individuals from all over the world to come and be a part of the goodness and greatness that the United States of America has to offer.

Our first responders put their lives on the line every time they enter the line of duty.

As the senior member of the House Committees on Judiciary and Homeland Security and Ranking Member of the Judiciary Subcommittee on Crime, Terrorism, Homeland Security and Investigations, I am humbled to call first responders my friends and also my protectors.

I am committed to working tirelessly to assure that they have full support of Congress in getting the resources and training they need to protect our communities but also to ensure the welfare of their families.

This legislation provides the same courtesy that is given to the families of men and women in uniform who are killed.

The burden on families that have lost a family member is cumbersome enough on its own.

By enacting this legislation, we can provide an uplifting moment in their period of grief and sorrow for this generation of spouses and hopefully ameliorating the situation of future spouses in similar circumstances.

For these reasons, I urge my colleagues to stand with me in the support of H.R. 6580.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. RUTHERFORD) that the House suspend the rules and pass the bill, H.R. 6580, as amended.

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

The title of the bill was amended so as to read: ''A bill to amend the Immigration and Nationality Act to provide for naturalization processes for the immediate relatives of first responders who die as a result of their employment, and for other purposes.''.

A motion to reconsider was laid on the table.

RECIPROCAL ACCESS TO TIBET ACT OF 2018

Mr. RUTHERFORD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1872) to promote access for United States officials, journalists, and other citizens to Tibetan areas of the People's Republic of China, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1872

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 ''Reciprocal Access to Tibet Act of 2018''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Government of the People's Republic of China does not grant United States diplomats and other officials, journalists, and other citizens access to China on a basis that is reciprocal to the access that the Government of the United States grants Chinese diplomats and other officials, journalists, and citizens.

(2) The Government of China imposes greater restrictions on travel to Tibetan areas than to other areas of China.

(3) Officials of China have stated that Tibet is open to foreign visitors.

(4) The Government of China is promoting tourism in Tibetan areas, and at the Sixth Tibet Work Forum in August 2015, Premier Li Keqiang called for Tibet to build ''major world tourism destinations''.

(5) The Government of China requires foreigners to obtain permission from the Tibet Foreign and Overseas Affairs Office or from the Tibet Tourism Bureau to enter the Tibet Autonomous Region, a restriction that is not imposed on travel to any other provincial-level jurisdiction in China.

(6) The Department of State reports that—

(A) officials of the Government of the United States submitted 39 requests for diplomatic access to the Tibet Autonomous Region between May 2011 and July 2015, but only four were granted; and

(B) when such requests are granted, diplomatic personnel are closely supervised and given few opportunities to meet local residents not approved by authorities.

(7) The Government of China delayed United States consular access for more than 48 hours after an October 28, 2013, bus crash in the Tibet Autonomous Region, in which three citizens of the United States died and more than a dozen others, all from Walnut, California, were injured, undermining the ability of the Government of the United States to provide consular services to the victims and their families, and failing to meet China's obligations under the Convention on Consular Relations, done at Vienna April 24, 1963 (21 UST 77).

(8) Following a 2015 earthquake that trapped dozens of citizens of the United States in the Tibet Autonomous Region, the United States Consulate General in Chengdu faced significant challenges in providing emergency consular assistance due to a lack of consular access.

(9) The Country Reports on Human Rights Practices for 2015 of the Department of State stated ''With the exception of a few highly controlled trips, the Chinese government also denied multiple requests by foreign diplomats for permission to visit the TAR.''.

(10) Tibetan-Americans, attempting to visit their homeland, report having to undergo a discriminatory visa application process, different from what is typically required, at the Chinese embassy and consulates in the United States, and often find their requests to travel denied.

(11) The Country Reports on Human Rights Practices for 2016 of the Department of State stated ''The few visits to the TAR by diplomats and journalists that were allowed were tightly controlled by local authorities.''.

(12) A September 2016 article in the Washington Post reported that ''The Tibet Autonomous Region . . . is harder to visit as a journalist than North Korea.''.

(13) The Government of China has failed to respond positively to requests from the Government of the United States to open a consulate in Lhasa, Tibet Autonomous Region.

(14) The Foreign Correspondents Club of China reports that—

(A) 2008 rules prevent foreign reporters from visiting the Tibet Autonomous Region without prior permission from the Government of such Region;

(B) such permission has only rarely been granted; and

(C) although the 2008 rules allow journalists to travel freely in other parts of China, Tibetan areas outside such Region remain ''effectively off-limits to foreign reporters''.

(15) The Department of State reports that in addition to having to obtain permission to enter the Tibet Autonomous Region, foreign tourists—

(A) must be accompanied at all times by a government-designated tour guide;

(B) are rarely granted permission to enter the region by road;

(C) are largely barred from visiting around the March anniversary of a 1959 Tibetan uprising; and

(D) are banned from visiting the area where Larung Gar, the world's largest center for the study of Tibetan Buddhism, and the site of a large-scale campaign to expel students and demolish living quarters, is located.

(16) Foreign visitors also face restrictions in their ability to travel freely in Tibetan areas outside the Tibet Autonomous Region.

(17) The Government of the United States generally allows journalists and other citizens of China to travel freely within the United States. The Government of the United States requires diplomats from China to notify the Department of State of their travel plans, and in certain situations, the Government of the United States requires such diplomats to obtain approval from the Department of State before travel. However, where approval is required, it is almost always granted expeditiously.

(18) The United States regularly grants visas to Chinese diplomats and other officials, scholars, and others who travel to the United States to discuss, promote, and display the perspective of the Government of China on the situation in Tibetan areas, even as the Government of China restricts the ability of citizens of the United States to travel to Tibetan areas to gain their own perspective.

(19) Chinese diplomats based in the United States generally avail themselves of the freedom to travel to United States cities and lobby city councils, mayors, and governors to refrain from passing resolutions, issuing proclamations, or making statements of concern on Tibet.

(20) The Government of China characterizes statements made by officials of the United States about the situation in Tibetan areas as inappropriate interference in the internal affairs of China.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations and the Committee on the Judiciary of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives.

(2) TIBETAN AREAS.—The term ''Tibetan areas'' includes—

(A) the Tibet Autonomous Region; and

(B) the areas that the Chinese Government designates as Tibetan Autonomous, as follows:

(i) Kanlho (Gannan) Tibetan Autonomous Prefecture, and Pari (Tianzhu) Tibetan Autonomous County located in Gansu Province.

(ii) Golog (Guoluo) Tibetan Autonomous Prefecture, Malho (Huangnan) Tibetan Autonomous Prefecture, Tsojang (Haibei) Tibetan Autonomous Prefecture, Tsolho (Hainan) Tibetan Autonomous Prefecture, Tsonub (Haixi) Mongolian and Tibetan Autonomous Prefecture, and Yulshul (Yushu) Tibetan Autonomous Prefecture, located in Qinghai Province.

(iii) Garze (Ganzi) Tibetan Autonomous Prefecture, Ngawa (Aba) Tibetan and Qiang Autonomous Prefecture, and Muli (Mili) Tibetan Autonomous County, located in Sichuan Province.

(iv) Dechen (Diqing) Tibetan Autonomous Prefecture, located in Yunnan Province.

SEC. 4. ANNUAL REPORT ON ACCESS TO TIBETAN AREAS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for the following five years, the Secretary of State shall submit to the appropriate congressional committees, and make available to the public on the website of the Department of State, a report that includes an assessment of the level of access Chinese authorities granted diplomats and other officials, journalists, and tourists from the United States to Tibetan areas, including—

(1) a comparison with the level of access granted to other areas of China;

(2) a comparison between the levels of access granted to Tibetan and non-Tibetan areas in relevant provinces;

(3) a comparison of the level of access in the reporting year and the previous reporting year; and

(4) a description of the required permits and other measures that impede the freedom to travel in Tibetan areas.

(b) CONSOLIDATION.—After the issuance of the first report required by subsection (a),

the Secretary of State is authorized to incorporate subsequent reports required by subsection (a) into other publicly available, annual reports produced by the Department of State, provided they are submitted to the appropriate congressional committees in a manner specifying that they are being submitted in fulfillment of the requirements of this Act.

SEC. 5. INADMISSIBILITY OF CERTAIN ALIENS.

(a) INELIGIBILITY FOR VISAS.—No individual whom the Secretary of State has determined to be substantially involved in the formulation or execution of policies related to access for foreigners to Tibetan areas may be eligible to receive a visa to enter the United States or be admitted to the United States if the Secretary of State determines that—

(1)(A) the requirement for specific official permission for foreigners to enter the Tibetan Autonomous Region remains in effect; or

(B) such requirement has been replaced by a regulation that has a similar effect and requires foreign travelers to gain a level of permission to enter the Tibet Autonomous Region that is not required for travel to other provinces in China; and

(2) restrictions on travel by diplomats and other officials, journalists, and citizens of the United States to areas designated as ''Tibetan Autonomous'' in the provinces of Sichuan, Qinghai, Yunnan, and Gansu of China are greater than any restrictions on travel by such officials and citizens to areas in such provinces that are not so designated.

(b) CURRENT VISAS REVOKED.—The Secretary of State shall revoke, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), the visa or other documentation to enter or be present in the United States issued for an alien who would be ineligible to receive such a visa or documentation under subsection (a).

(c) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, and annually thereafter for the following five years, the Secretary of State shall provide to the appropriate congressional committees a report identifying the individuals who have had visas denied or revoked pursuant to this section during the preceding year and, to the extent practicable, a list of Chinese officials who were substantially involved in the formulation or execution of policies to restrict access of United States diplomats and other officials, journalists, and citizens of the United States to Tibetan areas. The report required by this subsection shall be submitted in unclassified form, but may include a classified annex.

(d) WAIVER FOR NATIONAL INTEREST.—

(1) IN GENERAL.—The Secretary of State may waive the application of subsection (a) or (b) in the case of an alien if the Secretary determines that such a waiver—

(A) is necessary to permit the United States to comply with the Agreement Regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947 (TIAS 1676), or any other applicable international obligation of the United States; or

(B) is in the national interest of the United States.

(2) NOTIFICATION.—Upon granting a waiver under paragraph (1), the Secretary of State shall submit to the appropriate congressional committees a document detailing the evidence and justification for the necessity of such waiver, including, if such waiver is granted pursuant to paragraph (1)(B), how such waiver relates to the national interest of the United States.

SEC. 6. SENSE OF CONGRESS.

It is the sense of Congress that the Secretary of State, when granting diplomats and other officials from China access to parts of the United States, including consular access, should take into account the extent to which the Government of China grants diplomats and other officials from the United States access to parts of China, including the level of access afforded to such diplomats and other officials to Tibetan areas.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. RUTHERFORD) and the gentlewoman from Washington (Ms. JAYAPAL) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. RUTHERFORD. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous materials on H.R. 1872, currently under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 1872, the Reciprocal Access to Tibet Act of 2018, addresses an issue of longstanding and increasing concern regarding China's treatment of Tibetans living in the Tibet Autonomous Region, also known as TAR, and other Tibetan areas controlled by China.

In 1950, the Chinese People's Liberation Army went into Tibet in order to establish control over the region. In the years since then, as noted by the U.S. Department of State, the Chinese Government has ''imposed severe restrictions on Tibetans' ability to exercise their human rights and fundamental freedoms.'' Such restrictions occur with regard to religious practice, freedom of travel, freedom to practice cultural and language preferences, and other aspects of everyday life.

In addition, the Chinese Government routinely engages in human rights abuses, such as extrajudicial killings, torture, and arbitrary arrest. In fact, the Chinese Government's actions are so severe that, in recent years, over 150 Tibetans have self-immolated in a last-ditch effort to get the rest of the world to focus on this problem.

In order to prevent documentation of the religious freedom restrictions and other human rights abuses to the outside world, the Government of China has severely limited access by foreign nationals to these Tibetan regions. Such limitations prevent access to U.S. officials seeking diplomatic and consular access, journalists, human rights workers, and even tourists. When rare access is granted, activities are closely monitored by the PRC and information dissemination is restricted.

Matteo Mecacci, the president of the International Campaign for Tibet, has stated that the Chinese leadership is seeking to enforce complete isolation of Tibet, often described as being worse than in North Korea, where at least some foreign media are based. Independent international observers are shut out of Tibet or allowed to visit only under strictly controlled circumstances, while numerous delegations of party officials face no obstacles in traveling to Western democracies to spread their propaganda.

In fact, travel by Chinese nationals, including those with direct and substantial involvement in the formulation of policies to restrict access to Tibet, is routinely allowed by governments all over the world, including the United States. During fiscal year 2017, for instance, nearly 1.5 million tourist visas were issued by the United States to Chinese nationals. Those visas are valid for 10 years, during which the Chinese nationals can visit the United States multiple times. During that same period, the United States issued nearly 4,500 diplomatic visas to Chinese officials.

H.R. 1872 prohibits an individual who is ''substantially involved in the formulation or execution of policies related to access for foreigners to Tibetan areas'' from being granted a U.S. visa if the Secretary determines that: one, the requirement for specific official permission for foreigners to enter the Tibet Autonomous Region remains in effect; or, two, such requirement has been replaced by a regulation that has a similar effect and requires foreign travelers to gain a level of permission to enter the Tibet Autonomous Region that is not required for travel to other provinces in China; and, three, restrictions on travel by officials, journalists, and citizens of the United States to areas designated as ''Tibetan Autonomous'' in the provinces of Sichuan, Qinghai, Yunnan, Gansu of China are greater than any restrictions on travel by such officials and citizens to areas in such provinces that are not so designated. Any visas currently held by such individuals will be revoked under the bill.

The bill then requires the State Department to report annually to the House and Senate Judiciary Committees as well as the House Foreign Affairs Committee and the Senate Foreign Relations Committee on the number of actions taken regarding visas pursuant to this legislation.

According to the State Department, in recent years, there have been very small inroads made with regard to access to the Tibetan areas. And while some have expressed the concern that maybe this bill could make the Chinese Government roll back some of those inroads, moving this bill is the right thing to do. It is time that Congress takes a stand with regard to access by foreign nationals to the Tibetan regions.

Mr. Speaker, I want to thank Congressman MCGOVERN for his work on this issue.

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

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, August 31, 2018.

Hon. BOB GOODLATTE,
Chairman, Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN GOODLATTE: Thank you for consulting with the Foreign Affairs Committee regarding H.R. 1872, the Reciprocal Access to Tibet Act, and for considering our input during your markup of the bill. I agree that the Foreign Affairs Committee may be discharged from further consideration of that measure, so that it may proceed expeditiously to the House floor.

I am writing to confirm our mutual understanding that forgoing further action on this measure does not in any way diminish, alter, or prejudice the jurisdiction of the Committee on Foreign Affairs, its jurisdictional prerogatives on this bill or similar legislation, or its right to seek an appropriate number of conferees to any House-Senate conference involving this bill.

I ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration of H.R. 1872.

Sincerely,

EDWARD R. ROYCE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 20, 2018.

Hon. EDWARD R. ROYCE,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR CHAIRMAN ROYCE: Thank you for consulting with the Committee on the Judiciary and agreeing to be discharged from further consideration of H.R. 1872, the ''Reciprocal Access to Tibet Act,'' so that the bill may proceed expeditiously to the House floor.

I agree that your foregoing further action on this measure does not in any way diminish or alter the jurisdiction of your committee or prejudice its jurisdictional prerogatives on this bill or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation.

I will seek to place our letters on H.R. 1872 into the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,

BOB GOODLATTE,
Chairman.

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

Mr. Speaker, I rise today in strong support of the Reciprocal Access to Tibet bill, introduced by my colleague JIM MCGOVERN, who has been working on this issue for such a long time as our ranking member on the Rules Committee and the co-chair of the Lantos Human Rights Commission. I would like to thank him for his hard work and dedication to this issue and on this bill.

The Reciprocal Access to Tibet Act is about fairness, human rights, and careful U.S. diplomacy at its core. For too long, China has restricted access to Tibet, preventing U.S. diplomats and journalists from observing human rights abuses in Tibet and preventing Tibetan Americans from visiting their home country. This bill seeks to reset that table.

H.R. 1872 is premised on the idea that reciprocity forms the basis of diplomatic law and the practice of mutual exchanges between countries. This bill simply requires that, if Chinese officials, journalists, and other citizens are able to travel freely in the United States, it is only fair that their American counterparts are also able to do the same; and if Americans are not granted the same access to Tibet that the Chinese enjoy in the United States, then there should be consequences.

This is more than reasonable and long overdue. Tibet is so difficult to visit that a Washington Post journalist said in 2016, Tibet ''is harder to visit as a journalist than North Korea.''

Mr. Speaker, I had the great honor last year of traveling with our minority leader, NANCY PELOSI, and Congressman MCGOVERN to Dharamsala last year to visit with His Holiness, the Dalai Lama. It was a deeply, deeply moving meeting with him, with the Tibetan Government in exile, and the 10,000-plus people who came to a public celebration event while we were there.

The world knows that His Holiness is a man of peace and tremendous integrity. He has laid out a 5-year roadmap for negotiations with China, and he is willing to work with China to find a way forward. For any peace plan to get a footing, we have to work closely with our global partners to push this issue at this time because, if His Holiness should die, and he will eventually do so, a period of greater instability is likely to ensure making the human rights issues and the possible solutions still more intractable. The timing of U.S. actions here is extremely important.

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

Mr. RUTHERFORD. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank my friend, my colleague from Florida, for the time.

Mr. Speaker, when the Dalai Lama was awarded the Congressional Gold Medal in the year 2007—and this was through legislation that I had the privilege of authoring with Tom Lantos, our esteemed late chairman of the Foreign Affairs Committee and the only Holocaust survivor to have served in this body—when we passed that in the House and we had the celebration of the Dalai Lama right down the hall, the plight of the people of Tibet was at the forefront of U.S. policy toward China.

□ 2030

But in the years since, as China has gained both in strength and in power, I have grown increasingly worried that Tibet has been pushed to the periphery, to the edges. It is an afterthought.

I was worried that China's bullying and intimidation tactics, on display throughout the world, had extended so far that our United States Congress no longer had the will, no longer had the desire, to speak out in support of Tibet.

But with this bill, Mr. Speaker, authored by my good friend and my colleague, Congressman JIM MCGOVERN, we are finally reversing that trend. We are sending a clear message, a true signal, to the regime in Beijing that the United States has indeed not forgotten about the people of Tibet, that Congress will not accept Beijing's bullying and its intimidation, and that we will stand up in support of human rights for the people of Tibet.

From demolishing Buddhist temples to jailing more and more prisoners of conscience, Beijing's policies in Tibet are not only immoral and unjust, but are threatening the stability of a crucial area for U.S. interests. We must put pressure on China to stop its repression.

This bill demonstrates that Tibetan human rights continue to be an important factor in our relations with Beijing, and I encourage all of my colleagues to give Mr. MCGOVERN full support for this bill.

Ms. JAYAPAL. Mr. Speaker, I am proud to yield such time as he may consume to the gentleman from Massachusetts (Mr. MCGOVERN), my colleague, the sponsor of this bill, and a great fighter for human rights.

Mr. MCGOVERN. Mr. Speaker, I thank my colleague from Washington for yielding me the time and for her leadership on this legislation. I appreciate it very much. And I am grateful to my colleagues from Florida, as well, for their support and for their leadership.

Mr. Speaker, today is a great day for human rights. The House is about to approve our bipartisan bill, the Reciprocal Access to Tibet Act, that will impose real consequences for China's bad behavior in Tibet.

America's foreign policy ought to send a message that we value human rights, that we stand with those working for freedom, that those values compel us to speak out when we see something that is wrong, and that we will hold accountable those who violate the basic human rights we all are entitled to. That is exactly what this bill today is all about.

The basis of diplomatic law is mutual access and reciprocity. But while Chinese diplomats, journalists, and tourists travel freely within the United States, the Government of the People's Republic of China has erected many barriers to travel in areas of China inhabited by ethnic Tibetans.

U.S. diplomats, journalists, and tourists must obtain permission to enter the Tibet Autonomous Region, a requirement that does not exist for any other provincial-level entity of China. Visitors also face obstacles to their ability to travel to Tibetan areas outside the TAR.

But under this bill, Chinese authorities who are involved in the design and implementation of policies that restrict travel to Tibetan areas become

ineligible to receive a visa or be admitted to the United States. This is a victory for human rights of Tibetans and Americans.

Restricted access to Tibet has many negative consequences for Tibetans in China and for citizens of the United States. Tibetans are left isolated from the rest of the world. Their well-documented suffering under Chinese rule—arbitrary detention, torture and ill-treatment, extensive government surveillance, restrictions on the use of their language and their religious and cultural practices—all these violations of fundamental human rights are hidden from sight. Preventing diplomats, journalists, and tourists from traveling to Tibet makes it much harder to assess the full scope of these abuses.

I know firsthand how important access to Tibet is because I had the opportunity to join Leader PELOSI and several other Members of Congress for a visit there in November of 2015. I saw the tight control the government exercises over virtually all aspects of the daily lives of Tibetans. And I had people thank me for being there, remembering them, and fighting for their rights.

On the other side, China's travel restrictions deny Americans the right to visit one of the most beautiful places on Earth and to experience Tibetan culture in all its richness. In emergencies, Americans may be denied help, due to China's restrictive policies.

I am reminded that in an October 2013 bus crash in the TAR, which left three Americans dead and many others injured, U.S. consular officers faced a delay in obtaining permission to travel to the region. This severely hindered their ability to serve American citizens in distress.

Following a 2015 earthquake that trapped dozens of U.S. citizens in the TAR, the U.S. consulate general faced significant challenges in providing emergency consular assistance. This is simply unacceptable.

If China wants its citizens and officials to continue to travel freely in the U.S., Americans, including Tibetan Americans, must be able to travel freely in China, including Tibet, beginning now. This bill will move us in the right direction on this basic but very important issue.

Let me also take a moment to recognize several organizations with which I have had the privilege to work on behalf of the human rights of all Tibetans. I thank Human Rights Watch, the Office of Tibet, Students for a Free Tibet, and most especially the International Campaign on Tibet. Without their commitment and persistence, this bill would not be on the floor today.

With this bill, we are taking an important step forward on behalf of the human rights of Tibetans; we are reaffirming our support for the leadership of His Holiness the Dalai Lama; and we are sending a message to the Government of China that human rights are not negotiable. Supporting human rights is the moral thing to do; it is the right thing to do; and it is the American thing to do for Tibetans in China and everywhere else in the world.

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

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

Mr. Speaker, the actions called for in this bill are measured and calibrated, measured in that they follow the line of traditional diplomacy of taking careful steps without the dangers of over-escalation, but calibrated to achieve a real opening, to wisely use U.S. power to open up an opportunity for the two sides to take their next steps.

There are many Tibetan Americans throughout the United States whose family members still reside within Tibet, and they are watching this Chamber closely for signs that the United States is willing to help, willing to allow them to return to visit their families, and hoping fervently for a solution to the pain and suffering in Tibet and with the diaspora that has been experienced by generations.

This is the time for bold U.S. leadership, and I do believe that is what this bill offers tonight. Our timely consideration of this bill takes an important step forward in leveling the global playing field. This bill seeks to make simple policy changes to enforce reciprocity between our two countries, to make clear that China cannot bar our people from Tibet and continue to expect open access to our country. Allowing for the freedom of movement for people in both of our nations sets an important precedent going forward.

Mr. Speaker, let me just say that this has been an incredibly important bipartisan collaboration that we have had. I am very grateful to my colleague from Florida for her work on this, and I am also very grateful to Chairman GOODLATTE and to Ranking Member NADLER for their work on this.

Mr. Speaker, I am proud to yield 1 minute to the gentlewoman from California (Ms. PELOSI), the minority leader, who has been a tireless champion on this issue for decades, has led many of us to meet with His Holiness, has worked with His Holiness to come here, and has been a champion for human rights around the world.

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman from Washington State who, from day one, has been a champion for human rights in our country and throughout the world. I was proud to travel with her to visit with His Holiness the Dalai Lama, where this issue has been on the forefront for many years and currently.

I thank Mr. HULTGREN for his leadership and for being part of this legislation, and also CHRIS SMITH and Frank Wolf before him. We have been working on this for a long time.

On a previous trip, we visited Tibet, and we called Mr. MCGOVERN the spiritual leader of our trip because everywhere he went in Tibet, and then also in the rest of China, he brought up this issue of reciprocity. It has a human rights aspect to it, but it also is a practical matter that if we want to improve communication and relationships and the rest, if the Tibetan—it is the Chinese Government, but in the form of the Tibetan—local government there wants more people to go to school and visit Tibet and all, as a practical matter, it would be very important for us to have a diplomatic presence in Lhasa.

Mr. Speaker, I rise in support of the Reciprocal Access to Tibet Act as a strong, bipartisan bill. We are very proud of that. It takes an important step forward to advance the future of freedom, dignity, and prosperity for the Tibetan people.

Mr. Speaker, I congratulate and acknowledge the leadership of Congressman JIM MCGOVERN, as I mentioned, who is co-chair of the Tom Lantos Human Rights Commission. Ten years ago, he became the chair of that commission. He was working on this issue even before then.

His leadership honors the legacy of Tom Lantos, our colleague, and the responsibility of Congress to defend human rights and dignity around the world. That has always been not only bipartisan, but bicameral on this issue.

This bill holds China officials accountable for their repressive campaign to cut off Tibet from America and the world. It promotes free, unfettered travel for American diplomats, journalists, and tourists to Tibet, and fosters strong bonds between our peoples. And it sends a clear signal that China's meddling in Tibet's affairs is unacceptable and cannot continue.

For six decades, the Tibetan people have stood defiant in the face of oppression and brutality from an authoritarian China. The people of Tibet have courageously spoken out for their freedom, and the rest of the world has been stirred to action by their clarion call for justice and dignity. All freedom-loving people must continue to speak out until every Tibetan can learn, worship, and live free from persecution and abuse.

I might add, sadly, that we would hope that there would be respect for the dignity and the faith of the Uighurs in China as well.

In November 2015, I led a congressional delegation—as I mentioned, the first congressional delegation in a long time to enter Tibet—with Congressman MCGOVERN in Jokhang Temple, Potala Palace, and Sera Monastery, and witnessed the strength of the Tibetan people and the beauty of their culture.

Last year, again, I led another bipartisan delegation to Nepal and India, where we were blessed to be received by His Holiness the Dalai Lama, and Congresswoman JAYAPAL was part of that. We had the opportunity to see the aspirations of the Tibetan people firsthand, now living in India, especially in the eyes of the Tibetan schoolchildren in Dharamshala.

These people are there, separated from their parents for the most part, because they are not allowed to practice their faith, speak their language, or enjoy their culture in Tibet because that is suppressed.

Today, those aspirations remain in peril as China continues to silence the voices crying out for freedom in Tibet and across the region. Every day, Tibetans, Uighurs—again, the Uighurs are the Muslims in the western areas of China—and the people of Hong Kong and all throughout China are subjected to the threat of oppression and persecution simply for wishing to practice their faith and pursue a more democratic future.

□ 2045

Mr. Speaker, if we don't speak out for human rights in China because of our commercial relationship with them, we lose all moral authority to speak out for human rights anyplace in the world. As Members of Congress, we have a responsibility to stand with the Tibetan people as they fight to be free to practice their faith traditions, speak their language, and celebrate their cultures. This bill takes a strong step toward that mission, and I urge my colleagues to join in a strong bipartisan ''yes'' on this vote.

Again, I want to commend my colleagues on the other side of the aisle who have for a very long time been such leaders on the issues of human rights throughout the world, including in China, and for whom this particular bill has emerged as one manifestation of where we can make a reasonable, measured difference in our relationship.

So I thank Mr. HULTGREN and Mr. MCGOVERN for their leadership in bringing this forth. I thank the Judiciary Committee and my colleague who was so important on our trip. So it is really a joy to see the gentleman on the floor leading this debate. I thank the gentleman for bringing his eloquence, his compassion, his concern, and his leadership to this important issue.

Mr. Speaker, I urge a ''yes'' vote.

Ms. JAYAPAL. Mr. Speaker, I am prepared to close. I have no further speakers.

Mr. Speaker, I would just say that we are incredibly proud to be, hopefully, passing this legislation tonight with such bipartisan support and reminding the world that the United States stands for human rights. We stand for the human rights of Tibetans, and I thank my colleagues on the other side for their work on this.

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

Mr. RUTHERFORD. Mr. Speaker, I thank the minority leader for her comments on this issue and strong bipartisan support for human rights, not only in Tibet but all over the globe. Really, this is a great moment, I think, for this body.

I will repeat again that it is time that Congress takes a stand with regard to access by foreign nationals to the Tibetan regions. Again, I want to thank Congressman MCGOVERN for his work on this issue.

Mr. Speaker, I urge my colleagues to support H.R. 1872, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in support of H.R. 1872, the "Reciprocal Access to Tibet Act of 2017," which promotes access for United States officials, journalists, and other citizens to Tibetan areas of the People's Republic of China.

As a co-sponsor of this bill, I am acutely aware of the importance of this legislation.

The Reciprocal Access to Tibet Act of 2017," is the first step in opening access to Tibet because it would restrict access to China as long as the government of China restricts access to Tibet.

The act requires the State Department to submit an annual, publicly available report to Congress that includes a list of individuals holding specified senior Chinese leadership positions and an assessment of the level of access Chinese authorities granted U.S. diplomats, journalists, and tourists to Tibetan areas in China.

In turn, the listed persons shall be ineligible to enter or to be present in the United States if specified restrictions on foreign travelers entering Tibetan areas remain in effect.

When we grant Chinese diplomats' access to parts of the United States, we should take into account the extent to which China grants U.S. diplomats access to parts of China, including the Tibetan areas.

For far too long have we allowed Chinese officials to enjoy our freedoms of movement and expression while we condoned with our silence their draconian restrictions on those very freedoms.

China considers any evidence of Chinese or Tibetans showing loyalty to or being in communication with the Tibetan government in exile to be illegal and subject to harsh punishment.

Chinese authorities tightly restrict travel and news media in Tibet.

Individuals who use the internet, social media, or other means to disseminate dissenting views or share politically sensitive content face arrest and harsh penalties.

Tibetan cultural expression, which the authorities associate with separatism, is subject to especially harsh restrictions; those incarcerated in recent years have included scores of Tibetan writers, intellectuals, and musicians.

As a nation that stands for basic freedoms of faith and expression, it is imperative that we do not remain bystanders in the perpetual struggle for justice and human rights.

This bill is created for the benefit of not only U.S. officials and workers in human rights who have no access into Tibet, but also Tibetans living in oppression and in exile who desperately hope every day for a breath of freedom in the Chinese security apparatus.

For these reasons, I urge my colleagues to stand with me in the support of H.R. 1872.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. RUTHERFORD) that the House suspend the rules and pass the bill, H.R. 1872, as amended.

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

The title of the bill was amended so as to read: ''A bill to promote access for United States diplomats and other officials, journalists, and other citizens to Tibetan areas of the People's Republic of China, and for other purposes.''.

A motion to reconsider was laid on the table.

MIGRATORY BIRD FRAMEWORK AND HUNTING OPPORTUNITIES FOR VETERANS ACT

Mr. MCCLINTOCK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6013) to amend the Migratory Bird Treaty Act to establish January 31 of each year as the Federal closing date for duck hunting season and to establish special duck hunting days for youths, veterans, and active military personnel, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6013

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 ''Migratory Bird Framework and Hunting Opportunities for Veterans Act''.

SEC. 2. FEDERAL CLOSING DATE FOR HUNTING OF DUCKS, MERGANSERS, AND COOTS.

Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended by adding at the end the following:

''(c) FEDERAL FRAMEWORK CLOSING DATE FOR HUNTING OF DUCKS, MERGANSERS, AND COOTS.—

''(1) IN GENERAL.—In promulgating regulations under subsection (a) relating to the Federal framework for outside dates within which the States may select seasons for migratory bird hunting, except as provided in paragraph (2), the Secretary shall, with respect to the hunting season for ducks, mergansers, and coots—

''(A) adopt the recommendation of each respective flyway council (as defined in section 20.152 of title 50, Code of Federal Regulations) for the Federal framework if considered by the Secretary to be consistent with science-based and sustainable adaptive harvest management, but the framework closing date shall be January 31 of each year; and

''(B) allow the States to establish the closing date for the hunting season in accordance with the Federal framework.

''(2) SPECIAL DUCK HUNTING DAYS FOR YOUTHS, VETERANS, AND ACTIVE MILITARY PERSONNEL.—

''(A) IN GENERAL.—Notwithstanding the closing date under paragraph (1) and subject to subparagraphs (B) and (C), the Secretary shall allow States to select 2 days for youths and 2 days for veterans (as defined in section 101 of title 38, United States Code), and members of the Armed Forces on active duty, including members of the National Guard and Reserves on active duty (other than for training), to hunt ducks, mergansers, and coots. Such days shall be treated as an addition to the regular hunting season lengths selected by the States.

''(B) REQUIREMENTS.—In selecting days under subparagraph (A), a State shall ensure that—

''(i) the days selected—

''(I) do not fall within the regular hunting season for ducks, mergansers, and coots;

''(II) with regard to youth days, are on a weekend, holiday or other day in which schools are not in session; and

''(III) are not more than 14 days before or after the hunting season for duck, mergansers, and coots; and

''(ii) the total number of days in a hunting season for ducks, mergansers and coots, including any days selected under subparagraph (A), is not more than 107 days.

''(C) LIMITATION.—A State may combine the 2 days allowed for youths with the 2 days allowed for veterans and members of the Armed Forces on active duty under subparagraph (A), but in no circumstance may a State have more than a total of 4 additional days added to its regular hunting season for any purpose.

''(3) REGULATIONS.—The Secretary shall promulgate regulations in accordance with this subsection for the Federal framework for migratory bird hunting for the 2019–2020 hunting season and each hunting season thereafter.''.

Amend the title so as to read: ''A bill to amend the Migratory Bird Treaty Act to establish January 31 of each year as the Federal framework closing date for the duck hunting season and to establish special duck hunting days for youths, veterans, and active military personnel, and for other purposes.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCCLINTOCK) and the gentleman from California (Mr. HUFFMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. MCCLINTOCK).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 6013, the Migratory Bird Framework and Hunting Opportunities for Veterans Act, accomplishes two goals. First, it provides certainty to States by setting a specific Federal framework closing date for duck hunting. Second, it provides States the option to establish special duck hunting days for youth, veterans, and members of the Armed Forces.

In addition to the Department of the Interior, I want to thank Ducks Unlimited, Vista Outdoors, the Congressional Sportsmen's Foundation, and Will Primos among others for their work on and support of this important bill.

Mr. Speaker, I urge adoption of the measure, and I reserve the balance of my time.

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

Mr. Speaker, as the gentleman mentioned, this bill amends the Migratory Bird Treaty Act to establish special duck hunting days for youth and veterans. While I generally support expanding hunting opportunities for youth and veterans, it is important that we do it in a way that does not detract from management decisions based on sound science that produces the best outcomes for wildlife populations.

This year marked the 100th anniversary of the Migratory Bird Treaty Act, a law which codified our Nation's commitment to honor international treaties that protect migratory bird populations. It is important to remember that prior to its passage, birds like the snowy egret and wood duck were plummeting towards extinction due to market hunting and unregulated commercial trade in bird feathers.

Thanks to the protections afforded by the MBTA, these birds and many others have recovered from the brink of extinction, while maintaining opportunities for hunters to participate in waterfowl hunting through science-based management and population assessments.

Congress has an obligation to ensure that the Secretary of the Interior retains the authority to determine when hunting of migratory game birds can take place in the United States. While the flyway councils play a critical role in developing regulations, establishing the framework for migratory bird management is a Federal responsibility that should be done in consultation with flyway councils.

I do want to thank Chairman BISHOP for working with our staff to make modest changes to the bill to address some of our concerns. We hope to continue working with our colleagues in the Senate to make further refinements and ensure that this bill does not move us forward in a way that departs from sound, science-based management.

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

Mr. MCCLINTOCK. Mr. Speaker, I ask for adoption of the measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. MCCLINTOCK) that the House suspend the rules and pass the bill, H.R. 6013, as amended.

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

The title of the bill was amended so as to read: ''A bill to amend the Migratory Bird Treaty Act to establish January 31 of each year as the Federal framework closing date for the duck hunting season and to establish special duck hunting days for youths, veterans, and active military personnel, and for other purposes.''.

A motion to reconsider was laid on the table.

NEVADA LANDS BILL TECHNICAL CORRECTIONS ACT OF 2018

Mr. MCCLINTOCK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6299) to modify the process of the Secretary of the Interior for examining certain mining claims on Federal lands in Storey County, Nevada, to facilitate certain pinyon-juniper-related projects in Lincoln County, Nevada, to modify the boundaries of certain wilderness areas in the State of Nevada, to fully implement the White Pine County Conservation, Recreation, and Development 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. 6299

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 ''Nevada Lands Bill Technical Corrections Act of 2018''.

SEC. 2. AMENDMENT TO CONVEYANCE OF FEDERAL LAND IN STOREY COUNTY, NEVADA.

Section 3009(d) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (128 Stat. 3751) is amended—

(1) in paragraph (1)—

(A) by striking subparagraphs (B) through (D) and redesignating subparagraph (E) as subparagraph (D); and

(B) by inserting after subparagraph (A) the following:

''(B) FEDERAL LAND.—The term 'Federal land' means the land generally depicted as 'Federal land' on the map.

''(C) MAP.—The term 'map' means the map entitled 'Storey County Land Conveyance' and dated June 6, 2018.'';

(2) in paragraph (3)—

(A) in subparagraph (A)(i), by striking ''after completing the mining claim validity review under paragraph (2)(B), if requested by the County,''; and

(B) in subparagraph (B)—

(i) in clause (i)—

(I) in the matter preceding subclause (I), by striking ''each parcel of land located in a mining townsite'' and inserting ''any Federal land'';

(II) in subclause (I), by striking ''mining townsite'' and inserting ''Federal land''; and

(III) in subclause (II), by striking ''mining townsite (including improvements to the mining townsite), as identified for conveyance on the map'' and inserting ''Federal land (including improvements)'';

(ii) by striking clause (ii);

(iii) by striking the subparagraph designation and heading and all that follows through ''With respect'' in the matter preceding subclause (I) of clause (i) and inserting the following:

''(B) VALID MINING CLAIMS.—With respect''; and

(iv) by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively, and indenting appropriately;

(3) in paragraph (4)(A), by striking ''a mining townsite conveyed under paragraph (3)(B)(i)(II)'' and inserting ''Federal land conveyed under paragraph (2)(B)(ii)'';

(4) in paragraph (5), by striking ''a mining townsite under paragraph (3)'' and inserting ''Federal land under paragraph (2)'';

(5) in paragraph (6), in the matter preceding subparagraph (A), by striking ''mining townsite'' and inserting ''Federal land'';

(6) in paragraph (7), by striking ''A mining townsite to be conveyed by the United States under paragraph (3)'' and inserting ''The exterior boundary of the Federal land to be conveyed by the United States under paragraph (2)'';

(7) in paragraph (9)—

(A) by striking ''a mining townsite under paragraph (3)'' and inserting ''the Federal land under paragraph (2)''; and

(B) by striking ''the mining townsite'' and inserting ''the Federal land'';

(8) in paragraph (10), by striking ''the examination'' and all that follows through the period at the end and inserting ''the conveyance under paragraph (2) should be completed by not later than 18 months after the date of enactment of the Nevada Lands Bill Technical Corrections Act of 2018.'';

(9) by striking paragraphs (2) and (8);

(10) by redesignating paragraphs (3) through (7) and (9) and (10) as paragraphs (2) through (6) and (7) and (8) respectively; and

(11) by adding at the end the following:

''(9) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.''.

SEC. 3. FACILITATION OF PINYON-JUNIPER-RELATED PROJECTS IN LINCOLN COUNTY, NEVADA.

(a) FACILITATION OF PINYON-JUNIPER-RELATED PROJECTS.—

(1) AVAILABILITY OF SPECIAL ACCOUNT UNDER LINCOLN COUNTY LAND ACT OF 2000.—Section 5(b) of the Lincoln County Land Act of 2000 (Public Law 106–298; 114 Stat. 1048) is amended—

(A) in paragraph (1)—

(i) in subparagraph (B), by inserting ''and implementation'' after ''development''; and

(ii) in subparagraph (C)—

(I) in clause (i), by striking ''; and'' at the end and inserting a semicolon; and

(II) by adding at the end the following:

''(iii) development and implementation of comprehensive, cost-effective, and multi-jurisdictional hazardous fuels reduction projects and wildfire prevention planning activities, particularly for pinyon-juniper-dominated landscapes, and other rangeland and woodland restoration projects within the County, consistent with the Ely Resource Management Plan or any subsequent revisions or amendments to that plan; and''; and

(B) by adding at the end the following:

''(3) COOPERATIVE AGREEMENTS.—The Director of the Bureau of Land Management shall enter into cooperative agreements with the County for law enforcement and planning-related activities provided by the County and approved by the Secretary, regarding—

''(A) wilderness in the County designated by the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108–424; 118 Stat. 2403);

''(B) cultural resources identified, protected, and managed pursuant to that Act;

''(C) planning, management, and law enforcement associated with the Silver State OHV Trail designated by that Act; and

''(D) planning associated with land disposal and related land-use authorizations required for utility corridors and rights-of-way to serve land that has been, or is to be, disposed of pursuant to that Act (other than rights-of-way granted pursuant to that Act) and this Act.''.

(2) AVAILABILITY OF SPECIAL ACCOUNT UNDER LINCOLN COUNTY CONSERVATION, RECREATION, AND DEVELOPMENT ACT OF 2004.—Section 103 of the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108–424; 118 Stat. 2405) is amended—

(A) in subsection (b)(3)—

(i) in subparagraph (E), by striking ''; and'' at the end and inserting a semicolon;

(ii) in subparagraph (F), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(G) development and implementation of comprehensive, cost-effective, and multi-jurisdictional hazardous fuels reduction projects and wildfire prevention planning activities, particularly for pinyon-juniper-dominated landscapes, and other rangeland and woodland restoration projects within the County, consistent with the Ely Resource Management Plan or any subsequent revisions or amendments to that plan.''; and

(B) by adding at the end the following:

''(d) COOPERATIVE AGREEMENTS.—The Director of the Bureau of Land Management shall enter into cooperative agreements with the County for law enforcement and planning-related activities provided by the County and approved by the Secretary regarding—

''(1) wilderness in the County designated by this Act;

''(2) cultural resources identified, protected, and managed pursuant to this Act;

''(3) planning, management, and law enforcement associated with the Silver State OHV Trail designated by this Act; and

''(4) planning associated with land disposal and related land-use authorizations required for utility corridors and rights-of-way to serve land that has been, or is to be, disposed of pursuant to this Act (other than rights-of-way granted pursuant to this Act) and the Lincoln County Land Act of 2000 (Public Law 106–298; 114 Stat. 1046).''.

(b) DISPOSITION OF PROCEEDS.—

(1) DISPOSITION OF PROCEEDS UNDER LINCOLN COUNTY LAND ACT OF 2000.—Section 5(a)(2) of the Lincoln County Land Act of 2000 (Public Law 106–298; 114 Stat. 1047) is amended by inserting ''and economic development'' after ''schools''.

(2) DISPOSITION OF PROCEEDS UNDER LINCOLN COUNTY CONSERVATION, RECREATION, AND DEVELOPMENT ACT OF 2004.—Section 103(b)(2) of the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108–424; 118 Stat. 2405) is amended by striking ''and transportation'' and inserting ''transportation, and economic development''.

(c) MODIFICATION OF UTILITY CORRIDOR.—The Secretary of the Interior shall realign the utility corridor established by section 301(a) of the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108–424; 118 Stat. 2412) to be aligned as generally depicted on the map titled ''Proposed LCCRDA Utility Corridor Realignment'' and dated March 14, 2017, by modifying the map titled ''Lincoln County Conservation, Recreation, and Development Act'' (referred to in this subsection as the ''Map'') and dated October 1, 2004, by—

(1) removing the utility corridor from sections 5, 6, 7, 8, 9, 10, 11, 14, and 15, T. 7 N., R. 68 E., of the Map; and

(2) redesignating the utility corridor so as to appear on the Map in—

(A) sections 31, 32, and 33, T. 8 N., R. 68 E.;

(B) sections 4, 5, 6, and 7, T. 7 N., R. 68 E.; and

(C) sections 1 and 12, T. 7 N., 67 E.

(d) FINAL CORRECTIVE PATENT IN CLARK COUNTY, NEVADA.—

(1) VALIDATION OF PATENT.—Patent number 27–2005–0081, issued by the Bureau of Land Management on February 18, 2005, is affirmed and validated as having been issued pursuant to, and in compliance with, the Nevada-Florida Land Exchange Authorization Act of 1988 (Public Law 100–275; 102 Stat. 52), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) for the benefit of the desert tortoise, other species, and the habitat of the desert tortoise and other species to increase the likelihood of the recovery of the desert tortoise and other species.

(2) RATIFICATION OF RECONFIGURATION.—The process used by the United States Fish and Wildlife Service and the Bureau of Land Management in reconfiguring the land described in paragraph (1), as depicted on Exhibit 1–4 of the Final Environmental Impact Statement for the Planned Development Project MSHCP, Lincoln County, NV (FWS–R8–ES–2008–N0136), and the reconfiguration provided for in special condition 10 of the Corps of Engineers Permit No. 000005042, are ratified.

(e) ISSUANCE OF CORRECTIVE PATENT IN LINCOLN COUNTY, NEVADA.—

(1) IN GENERAL.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management, may issue a corrective patent for the 7,548 acres of land in Lincoln County, Nevada, depicted on the map prepared by the Bureau of Land Management titled ''Proposed Lincoln County Land Reconfiguration'' and dated January 28, 2016.

(2) APPLICABLE LAW.—A corrective patent issued under paragraph (1) shall be treated as issued pursuant to, and in compliance with, the Nevada-Florida Land Exchange Authorization Act of 1988 (Public Law 100–275; 102 Stat. 52).

(f) CONVEYANCE TO LINCOLN COUNTY, NEVADA, TO SUPPORT A LANDFILL.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, and subject to valid existing rights, at the request of Lincoln County, Nevada, the Secretary of the Interior shall convey without consideration under the Recreation and Public Purposes Act (43 U.S.C. 869 et seq.) to Lincoln County all right, title and interest of the United States in and to approximately 400 acres of land in Lincoln County, Nevada, more particularly described as follows: T. 11 S., R. 62, E., Section 25 E ½ of W ½; and W ½ of E ½; and E ½ of SE 1/4.

(2) RESERVATION.—The Secretary shall reserve to the United States the mineral estate in any land conveyed under paragraph (1).

(3) USE OF CONVEYED LAND.—The land conveyed under paragraph (1) shall be used by Lincoln County, Nevada, to provide a suitable location for the establishment of a centralized landfill and to provide a designated area and authorized facilities to discourage unauthorized dumping and trash disposal on environmentally-sensitive public land. Lincoln County may not dispose of the land conveyed under paragraph (1).

(4) REVERSION.—If Lincoln County, Nevada, ceases to use any parcel of land conveyed under paragraph (1) for the purposes described in paragraph (3)—

(A) title to the parcel shall revert to the Secretary of the Interior, at the option of the Secretary; and

(B) Lincoln County shall be responsible for any reclamation necessary to restore the parcel to a condition acceptable to the Secretary of the Interior.

SEC. 4. MT. MORIAH WILDERNESS, HIGH SCHELLS WILDERNESS, AND ARC DOME WILDERNESS BOUNDARY ADJUSTMENTS.

(a) AMENDMENTS TO THE PAM WHITE WILDERNESS ACT OF 2006.—Section 323 of the Pam White Wilderness Act of 2006 (16 U.S.C. 1132 note; 120 Stat. 3031) is amended by striking subsection (e) and inserting the following:

''(e) MT. MORIAH WILDERNESS ADJUSTMENT.—The boundary of the Mt. Moriah Wilderness established under section 2(13) of the Nevada Wilderness Protection Act of 1989 (16 U.S.C. 1132 note) is adjusted to include—

''(1) the land identified as the 'Mount Moriah Wilderness Area' and 'Mount Moriah Additions' on the map titled 'Eastern White Pine County' and dated November 29, 2006; and

''(2) the land identified as 'NFS Lands' on the map titled 'Proposed Wilderness Boundary Adjustment Mt. Moriah Wilderness Area' and dated January 17, 2017.

''(f) HIGH SCHELLS WILDERNESS ADJUSTMENT.—The boundary of the High Schells Wilderness established under subsection (a)(11) is adjusted—

''(1) to include the land identified as 'Include as Wilderness' on the map titled 'McCoy Creek Adjustment' and dated November 3, 2014; and

''(2) to exclude the land identified as 'NFS Lands' on the map titled 'Proposed Wilderness Boundary Adjustment High Schells Wilderness Area' and dated January 19, 2017.''.

(b) AMENDMENTS TO THE NEVADA WILDERNESS PROTECTION ACT OF 1989.—The Nevada Wilderness Protection Act of 1989 (16 U.S.C. 1132 note) is amended by adding at the end the following:

''SEC. 12. ARC DOME BOUNDARY ADJUSTMENT.

''The boundary of the Arc Dome Wilderness established under section 2(2) is adjusted to exclude the land identified as 'Exclude from Wilderness' on the map titled 'Arc Dome Adjustment' and dated November 3, 2014.''.

SEC. 5. IMPLEMENTATION OF WHITE PINE COUNTY CONSERVATION, RECREATION, AND DEVELOPMENT ACT.

(a) DISPOSITION OF PROCEEDS.—Section 312 of the White Pine County Conservation, Recreation, and Development Act of 2006 (Public Law 109–432; 120 Stat. 3030) is amended—

(1) in paragraph (2), by striking ''and planning'' and inserting ''municipal water and sewer infrastructure, public electric transmission facilities, public broadband infrastructure, and planning''; and

(2) in paragraph (3)—

(A) in subparagraph (G), by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (H), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(I) processing by a government entity of public land-use authorizations and rights-of-way relating to the development of land conveyed to the County under this Act, with an emphasis on authorizations and rights-of-way relating to any infrastructure needed for the expansion of the White Pine County Industrial Park under section 352(c)(2).''.

(b) CONVEYANCE TO WHITE PINE COUNTY, NEVADA.—Section 352 of the White Pine County Conservation, Recreation, and Development Act of 2006 (Public Law 109–432; 120 Stat. 3039) is amended—

(1) in subsection (a), by inserting ''not later than 120 days after the date of the enactment of the Nevada Lands Bill Technical Corrections Act of 2018'' before ''the Secretary'';

(2) in subsection (c)(3)(B)(i), by striking ''through a competitive bidding process'' and inserting ''consistent with section 244 of the Nevada Revised Statutes (as in effect on the date of enactment of the Eastern Nevada Economic Development and Land Management Improvement Act)''; and

(3) by adding at the end the following:

''(e) DEADLINE.—If the Secretary has not conveyed to the County the parcels of land described in subsection (b) by the date that is 120 days after the date of the enactment of the Nevada Lands Bill Technical Corrections Act of 2018, the Secretary shall convey to the County, without consideration, all right, title, and interest of the United States in and to the parcels of land.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCCLINTOCK) and the gentleman from California (Mr. HUFFMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. MCCLINTOCK).

GENERAL LEAVE

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

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

There was no objection.

Mr. MCCLINTOCK. Mr. Speaker, H.R. 6299, introduced by Congressman AMODEI of Nevada, provides commonsense improvements and technical corrections to existing laws that will spur economic development and ensure better land management in several Nevada counties, including Storey, Clark, Lincoln, and White Pine. The provisions included in this bill represent strong collaboration with State and local elected officials and have been supported by the entire Nevada congressional delegation.

I want to thank Chairman GOWDY for his cooperation in getting this bill scheduled for consideration and simply conclude by saying this is a good bill. It is going to enhance sound land management and provide significant public benefit to the people of these Nevada communities. I want to thank and commend Congressman AMODEI for his fine work.

Mr. Speaker, I urge adoption of the measure, and I am prepared to close when the gentleman is finished.

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

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, September 20, 2018.

Hon. TREY GOWDY,
Chairman, Committee on Oversight and Government Reform, Washington, DC.

DEAR MR. CHAIRMAN: On September 5, 2018, the Committee on Natural Resources ordered favorably reported H.R. 6299, the Nevada Lands Bill Technical Corrections Act of 2018. This bill was additionally referred to the Committee on Oversight and Government Reform.

I ask that you allow the Committee on Oversight and Government Reform to be discharged from further consideration of the bill so that it may be scheduled by the Majority Leader. This discharge in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Oversight and Government Reform represented on the conference committee. Finally, I would be pleased to include this letter and your response in the bill report and in the Congressional Record.

Thank you for your consideration, and I look forward to further opportunities to work with you this Congress.

Sincerely,

ROB BISHOP,
Chairman,
Committee on Natural Resources.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, September 20, 2018.

Hon. ROB BISHOP,
Chairman, Committee on Natural Resources, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 6299, the Nevada Lands Bill Technical Corrections Act of 2018. As you know, certain provisions of the bill fall within the jurisdiction of Committee on Oversight and Government Reform.

As a result of your having consulted with me concerning the provisions of H.R. 6299 that fall within our Rule X jurisdiction, I agree to forgo consideration of the bill, so the bill may proceed expeditiously to the House floor. I agree that forgoing formal consideration of the bill will not prejudice the Committee on Oversight and Government Reform with respect to any future jurisdictional claim, and I appreciate your agreement to support appointment of members of the Committee on Oversight and Government Reform as conferees in any House-Senate conference on this or related legislation. In addition, I request the Committee be consulted and involved as the bill or similar legislation moves forward so we may address any remaining issues within our jurisdiction.

Finally, I request you include your letter and this response in the bill report filed by the Committee on Natural Resources, as well as in the Congressional Record during consideration of the bill on the floor.

Sincerely,

TREY GOWDY.

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

Mr. Speaker, I agree with my colleague. This is a good bill. We are pleased that it facilitates the implementation of the Multiple Species Habitat Conservation plan for the Lower Virgin River. It authorizes funds for fuels reduction and restoration projects in pinyon-juniper-dominated landscapes, makes technical corrections to the boundaries of several wilderness areas and validates a patent associated with a previously authorized land exchange.

A previous version of this bill is cosponsored by the entire Nevada delegation, and I recognize that its passage is important to the people of eastern Nevada. I do want to thank the majority and the sponsor for working with the BLM to address many of their concerns throughout the bill's history. Resolving those concerns and working with the BLM turned this bill into a proposal we can support.

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

Mr. MCCLINTOCK. Mr. Speaker, I ask for adoption of the 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 California (Mr. MCCLINTOCK) that the House suspend the rules and pass the bill, H.R. 6299, 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.

DIRECTING SECRETARY OF THE INTERIOR TO MANAGE AGRICULTURAL PROPERTY IN POINT REYES NATIONAL SEASHORE

Mr. MCCLINTOCK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6687) to direct the Secretary of the Interior to manage the Point

Reyes National Seashore in the State of California consistent with Congress' longstanding intent to maintain working dairies and ranches on agricultural property as part of the seashore's unique historic, cultural, scenic and natural values, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6687

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

SECTION 1. MANAGEMENT OF AGRICULTURAL PROPERTY IN POINT REYES NATIONAL SEASHORE.

Public Law 87–657 (16 U.S.C. 459c, et seq.) is amended as follows:

(1) In section 5(b) (16 U.S.C. 459c–5(b))—

(A) in the first sentence, by striking ''As used in'' and inserting the following:

''(1) As used in'';

(B) by striking ''The term 'agricultural property' as used'' and inserting the following:

''(2) The term 'agricultural property' as used'';

(C) by striking ''means lands which were in regular use'' and inserting ''means—

''(A) lands under agricultural lease or permit as of September 1, 2018, or lands that were in regular use'; and

(D) by striking the period at the end and inserting ''; and

''(B) on the northern district of the Golden Gate National Recreation Area, lands under agricultural lease or permit as of September 1, 2018, or lands that were in regular use for, or were being converted to, agricultural, ranching, or dairying purposes as of May 1, 1978, together with residential and other structures relat ed to the above uses of the property that were in existence or under construction as of May 1, 1978.''.

(2) In section 5 (16 U.S.C. 459c–5)—

(A) by inserting before subsection (a) the following:

''(a) The Secretary shall manage agricultural property consistent with Congress' long-standing intent that working dairies and ranches continue to be authorized to operate on agricultural property as part of the seashore's unique historic, cultural, scenic and natural values.''; and

(B) by redesignating subsequent subsections accordingly.

(3) In section 6 (16 U.S.C. 459c–6), by adding at the end the following:

''(c)(1) In areas of agricultural property where Tule Elk present conflicts with working ranches or dairies, the Secretary shall manage the Tule Elk for separation from the working ranches or dairies. To minimize the conflicts and prevent establishment of new Tule Elk herds on agricultural property, the Secretary may work with Indian Tribes interested in the following:

''(A) Partnering with the Secretary in the relocation and reestablishment of Tule Elk on Tribal lands.

''(B) Participating in hunting Tule Elk on a subsistence or ceremonial basis.

''(C) Other partnerships and activities that the Secretary determines are suitable and feasible for this purpose.

''(2) Nothing in this subsection reduces or diminishes the authority of the Secretary to use other existing authorities or management tools to separate Tule Elk from agricultural property.''.

(4) By adding at the end, the following:

''SEC. 10. Consistent with the purposes of this Act, including section 5(a), the Secretary is directed to complete, without delay, the General Management Plan Amendment for Point Reyes National Seashore and the northern district of Golden Gate National Recreation Area, its Environmental Impact Statement, and, upon completion of the Record of Decision, issue leases and special use permits of 20 years for working dairies and ranches on agricultural property. Nothing in this Act requires the Secretary to issue leases and special use permits of 20 years in circumstances where there is no willing lessee, or to a previous lessee who has abandoned or discontinued ranching.''.

Amend the title so as to read: ''A bill to direct the Secretary of the Interior to manage the Point Reyes National Seashore in the State of California consistently with Congress' long-standing intent to continue to authorize working dairies and ranches on agricultural property as part of the seashore's unique historic, cultural, scenic and natural values, and for other purposes.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCCLINTOCK) and the gentleman from California (Mr. HUFFMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. MCCLINTOCK).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I am pleased to present this bill on behalf of its author, Mr. HUFFMAN, and its cosponsor, Chairman BISHOP. Chairman BISHOP has also asked that I commend my colleague from California for his work and collaboration on this measure.

Representative HUFFMAN worked to forge consensus with diverse local stakeholders on a complicated issue. When we found local solutions that the local people agree is the answer, as has been done here, we should do everything we can on both sides of the aisle to advance the solution forward.

Mr. Speaker, I urge adoption of the measure, and I reserve the balance of my time.

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

Mr. Speaker, this is a bill that is strongly bipartisan. It reaffirms congressional intent to continue to authorize sustainable, working dairies and ranches within a portion of the Point Reyes National Seashore. This is consistent with the seashore's historic, cultural, scenic, and natural values.

It also honors repeated Federal promises that the ranches and dairies in the Point Reyes National Seashore would be offered long-term permits so that they can have the certainty and the clarity they need to obtain financing, make family succession plans, and other decisions necessary to continue operations.

For over 150 years, agriculture has been a vital part of the fabric of West Marin, part of my district in northern California. This includes the historic ranches and dairies in the Point Reyes National Seashore and also some northern portions of the Golden Gate National Recreation Area. These ranches and dairies contribute to the unique history, character, and cultural heritage of these magnificent national park units.

The statutory history of Point Reyes reflects Congress' intent to continue ranching in the pastoral areas of the seashore to ensure that future generations could experience these working landscapes. We are reaffirming that intent with this bill.

I think the agricultural heritage of West Marin is worth protecting. The National Park Service agrees. Across Presidential administrations and since the creation of the seashore and the GGNRA, the Park Service has consistently supported continuation of the ranching heritage in these areas. Today, Congress is reaffirming longstanding policy and decades of diligent efforts by the Park Service.

We are also making good on a commitment Interior Secretary Salazar made in November of 2012 to provide long-term assurances for these ranchers and dairies. He specifically directed the Park Service to proceed with extending 20-year permits consistent with applicable laws and planning processes.

□ 2100

Toward that same end, this bill directs the issuance of 20-year leases and permits after completion by the Park Service of a robust general management plan update process, including public engagement and environmental review under the National Environmental Policy Act, which must include compliance with the Endangered Species Act and any other environmental reviews.

Through this planning and environmental review process, the Park Service will receive public comment, evaluate possible measures that could improve the environmental sustainability of the ranches and dairies, and ensure the good stewardship of the seashore's national resources.

The general management plan and the NEPA process will inform how the Park Service exercises its broad discretionary authority to set terms and conditions in the leases and the permits, and can develop critical strategies, actions, and policies on a wide range of issues involving land and natural resource management within the seashore.

As any visitor to Point Reyes knows, one of the unique features of the seashore is the successful return of the majestic tule elk. This legislation envisions a healthy coexistence of thriving elk herds and the historic ranches and dairies within the seashore through effective management.

It provides direction to the Park Service to manage for effective separation between tule elk and livestock in areas where growing elk herds have

presented conflicts with working ranches and dairies, such as taking up permanent residence on dairies' critical organic pastureland, interfering with ranch operations, or damaging infrastructure, hardly the outcomes envisioned by the Park Service's 1998 elk management plan.

While providing this general policy guidance, the bill leaves broad discretion to the Park Service to determine how best to manage the elk. It leaves in place all existing tools, while adding a new opportunity to explore relocation and cultural ceremonial activities with interested Native American Tribes.

I am grateful for the broad public support that this bill has received, ranging from the Marin Conservation League to the Marin County Farm Bureau and the Marin County Board of Supervisors.

I also want to address, briefly, some misconceptions that a few of the bill's critics have raised.

First, nothing in this bill elevates ranching above other uses of the seashore. It specifically does not amend the purpose section of the enabling act, which means that operations of the ranches and dairies will remain consistent with the policies and legal requirements that govern the Interior Department's stewardship of the land.

It is important to remember that less than one-third of the seashore is in agricultural use today. Nearly twice that amount is designated as wilderness. Nothing in this bill expands agriculture. It is limited to the areas where there is currently ranching or dairy operations.

I also want to address and emphasize the fact that nothing in this bill suggests elimination of elk from the seashore. I am not aware of a single stakeholder who has suggested eliminating elk. If they had, I would reject it. There is no reason elk and ranching cannot coexist on the seashore if there is effective management and separation in areas of conflict. This bill leaves broad discretion to the Park Service to determine the strategies and actions that make the most sense to achieve that goal.

For those worried that this bill may somehow reopen the 2012 decision by Interior Secretary Ken Salazar to not renew for Drakes Bay Oyster Company and to designate and manage Drakes Estero as marine wilderness, let me be emphatically clear. There is nothing in the letter or the intent of this bill that possibly could be read to do that. The bill has nothing to do with the oyster issue. It focuses on making sure the unresolved part of Secretary Salazar's 2012 decision, the part providing long-term assurances for the historic ranches and dairies, is actually carried out.

In this regard, I was mindful in drafting the bill of Secretary Salazar's specific direction in his memo of November 29, 2012, that the Park Service work with the ranches and dairies to ''reaffirm my intention that, consistent with applicable laws and planning processes, recognition of the role of ranching be maintained and to pursue extending permits to 20-year terms. . . .''

Secretary Salazar also directed that ''the values of multigenerational ranching and farming at Point Reyes should be fully considered in future planning efforts. These working ranches are a vibrant and compatible part of Point Reyes National Seashore and both now and in the future represent an important contribution to Point Reyes' superlative natural and cultural resources.'' I couldn't agree more.

Finally, we have been careful in this bill not to micromanage or tie the hands of the Park Service. As we made clear in amendments at markup and in the committee report, the Service retains the ability to exercise commonsense discretion in the supervision of the seashore's agriculture property and in administering its various permits and leases.

For example, the Park Service is not financially responsible for operating ranches and dairies. It is not required to bring back property into agriculture if it has been retired or converted to other purposes. It doesn't have to allow ranching on agricultural property where there is no willing lessee.

Nothing in this bill diminishes any of the Secretary's existing discretionary authority regarding how to manage agricultural property, including setting and enforcing permit terms and conditions and allowing shorter lease or permit terms if a rancher does not want a 20-year lease or permit. All of this is common sense.

In conclusion, Mr. Speaker, H.R. 6687 is a narrowly tailored bill to help ensure that sustainable ranches and dairies continue as part of the fabric of our spectacular Point Reyes National Seashore for generations to come. The bill does this without compromising any environmental standards. It is consistent with both longstanding congressional intent, with Secretary Salazar's 2012 policy directive, and with the current National Park Service planning process.

I am proud that this bill has been a refreshing bipartisan effort here in Congress, and I do want to thank my colleagues on the Natural Resources Committee for their support and assistance, especially Chairman ROB BISHOP and his staff, as well as Ranking Member RAÚL GRIJALVA and his staff, who have worked diligently to perfect this legislation and to move it forward.

I also want to thank my staff, especially my district director, Jenny Callaway, as well as Logan Ferree and Christine Sur from my legislative team, for their hard work to make this bill possible.

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

Mr. MCCLINTOCK. Mr. Speaker, I ask for adoption of the 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 California (Mr. MCCLINTOCK) that the House suspend the rules and pass the bill, H.R. 6687, as amended.

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

The title of the bill was amended so as to read: ''A bill to direct the Secretary of the Interior to manage the Point Reyes National Seashore in the State of California consistently with Congress' long-standing intent to continue to authorize working dairies and ranches on agricultural property as part of the seashore's unique historic, cultural, scenic and natural values, and for other purposes.''.

A motion to reconsider was laid on the table.

FDR HISTORIC PRESERVATION ACT

Mr. MCCLINTOCK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5420) to authorize the acquisition of land for addition to the Home of Franklin D. Roosevelt National Historic Site in the State of New York, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5420

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 ''FDR Historic Preservation Act''.

SEC. 2. HOME OF FRANKLIN D. ROOSEVELT NATIONAL HISTORIC SITE.

(a) LAND ACQUISITION.—The Secretary of the Interior is authorized to acquire by donation, purchase from a willing seller using donated funds, or exchange, the approximately 89 acres of land identified as the ''Morgan Property'' and generally depicted on the map titled ''Home of Franklin D. Roosevelt National Historic Site, Proposed Park Addition'', numbered 384/138,461 and dated May 2017.

(b) AVAILABILITY OF MAP.—The map referred to in subsection (a) shall be available for public inspection in the appropriate offices of the National Park Service.

(c) BOUNDARY ADJUSTMENT; ADMINISTRATION.—Upon acquisition of the land referred to in subsection (a), the Secretary of the Interior shall—

(1) adjust the boundary of the Home of Franklin D. Roosevelt National Historic Site to reflect the acquisition; and

(2) administer such land as part of the Home of Franklin D. Roosevelt National Historic Site in accordance with applicable laws.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCCLINTOCK) and the gentleman from California (Mr. HUFFMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. MCCLINTOCK).

GENERAL LEAVE

Mr. MCCLINTOCK. 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 the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 5420, by Congressman FASO of New York, would allow 89 acres to be added to the historic site that was Franklin Roosevelt's lifelong home and birthplace in Hyde Park, New York, which was designated as a National Historic Site in 1944. The land is currently owned by the Scenic Hudson Land Trust, and they would like to deed it to the National Park Service.

The addition would provide important context for visitors and better connectivity to the Hyde Park Trail that links the FDR National Historic Site to the Vanderbilt Mansion National Historic Site to the north.

The addition would not require any outlay of Federal funds. The transfer would be by donation, exchange, or purchase, using donated funds only.

I would like to commend Congressman FASO for sponsorship of this legislation.

Mr. Speaker, I urge adoption of the measure, and I reserve the balance of my time.

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

Mr. Speaker, I agree with the gentleman's description of this very good bill.

These two sites draw nearly 200,000 visitors to the Dutchess County region. They are significant contributors to the local economy. It is only fitting that we should work to improve the integration between these two sites and enhance their management and increase their accessibility to the public.

I know Representative FASO has worked hard on this bill and that it is a priority for his office. I want to commend him for working across the aisle, including with Senator GILLIBRAND's support, and I congratulate him on this success today.

Before wrapping up, I do want to mention that the money to carry out the expansion proposed in this bill will likely come from the Land and Water Conservation Fund, a popular program that expires at the end of this week. That is right. After more than 50 years of bipartisan support, LWCF is once again on the brink of expiring. This is despite the fact that a bill to make the program permanent has earned the support of 235 Members of the House. The bill was voted out of the committee by voice, and all this body must do is bring it up on the floor for a vote.

I am always happy to support legislation that protects our public lands and cultural legacies, like this bill by Mr. FASO. I urge immediate action, however, on the other step we need to take, and that is bringing forward the bill to address the pending expiration of the LWCF.

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

Mr. MCCLINTOCK. Mr. Speaker, I would simply like to remind the ranking member that the transfer of this land would be by donation, exchange, or purchase, using donated funds only. No Federal funds are involved from the LWCF or anywhere else.

Mr. Speaker, I ask for adoption of the 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 California (Mr. MCCLINTOCK) that the House suspend the rules and pass the bill, H.R. 5420, 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. MCCLINTOCK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

MODIFYING APPLICATION OF TEMPORARY LIMITED APPOINTMENT REGULATIONS TO THE NATIONAL PARK SERVICE

Mr. MCCLINTOCK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6599) to modify the application of temporary limited appointment regulations to the National Park Service, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6599

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

SECTION 1. APPLICATION OF TEMPORARY LIMITED APPOINTMENT REGULATIONS TO THE NATIONAL PARK SERVICE.

With respect to the National Park Service, for purposes of carrying out section 316.401 of subpart D of part 316 of title 5, Code of Federal Regulations (relating to temporary limited appointments)—

(1) the term ''major subdivision'' in paragraph (1) of subsection (c) of such section shall be defined by the Director of the National Park Service; and

(2) the requirement in such paragraph that a position be in the same local commuting area shall not apply.

SEC. 2. SUNSET.

The modification authority provided by section 1 and any such modification shall expire on the date that is one year after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCCLINTOCK) and the gentleman from California (Mr. HUFFMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. MCCLINTOCK).

GENERAL LEAVE

Mr. MCCLINTOCK. 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 the bill under consideration.

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

There was no objection.

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

Mr. Speaker, recently, the Office of Personnel Management questioned how the National Park Service rehired temporary seasonal employees. The NPS did not agree with OPM's interpretation of the relevant regulation but, nonetheless, complied.

OPM's directive caused confusion for Park Service hiring managers and threatened the ability of parks to open and operate as normal this past summer. Additionally, many temporary seasonal employees were unexpectedly left without a job.

H.R. 6599 addresses this issue and allows the Park Service to continue its longstanding practices in hiring its essential seasonal employees for 1 year while Congress acts to address the issue systemically.

Congressman STEVE KNIGHT of California has brought us this measure, and I would like to commend him for his leadership on the issue. Americans across the country are going to benefit from this work. I would like to thank him for his cooperation, allowing this to go forward.

Mr. Speaker, I urge adoption of the measure, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, September 24, 2018.

Hon. TREY GOWDY,
Chairman, Committee on Oversight and Government Reform, Washington, DC.

DEAR MR. CHAIRMAN: On September 5, 2018, the Committee on Natural Resources ordered favorably reported H.R. 6599, to modify the application of temporary limited appointment regulations to the National Park Service, and for other purposes. While this bill was not originally referred to the Committee on Oversight and Government Reform, I believe your Committee has a valid jurisdictional interest in the measure.

I ask that you not seek a sequential referral of the bill so that it may be considered by the House of Representatives this week. This action in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Oversight and Government Reform represented on the conference committee. Finally, I would be pleased to include this letter and your response in the bill report and in the Congressional Record.

Thank you for your consideration, and I look forward to further opportunities to work with you this Congress.

Sincerely,

ROB BISHOP,
Chairman,
Committee on Natural Resources.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, September 24, 2018.

Hon. ROB BISHOP,
Chairman, Committee on Natural Resources, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter concerning H.R. 6599, a bill to modify the application of temporary limited appointment regulations to the National Park Service, and for other purposes. As a result of your having consulted with me concerning the bill, the Committee on Oversight and Government Reform will not seek a sequential referral and agrees to forego formal action on the bill.

The Committee takes this action with our mutual understanding that by foregoing a request for a sequential referral of H.R. 6599 at this time we do not waive any jurisdiction over the subject matter contained in this or similar legislation. I appreciate your agreement to support appointment of members of the Committee on Oversight and Government Reform as conferees in any House-Senate conference on this or related legislation. In addition, I request the Committee be consulted and involved as the bill or similar legislation moves forward so we may address any remaining issues within our jurisdiction.

Finally, I would ask that a copy of our exchange of letters on this matter be included in the bill report filed by the Committee on Natural Resources, as well as in the Congressional Record during floor consideration, to memorialize our understanding.

Sincerely,

TREY GOWDY.

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

Mr. Speaker, it is correct; this decision created a lot of confusion and frustration. Staff needs at national parks fluctuate throughout the year. They are highly seasonally dependent, and many career personnel work at different parks through the year, a lifestyle that is supported by the ability to return to a position every year without having to recompete for it. Without that certainty, they lose job security, and it becomes extremely difficult to ensure adequate experienced staff throughout the National Park system.

I agree with my colleague. I want to thank Representatives KNIGHT and PANETTA for coming up with this bipartisan solution.

Mr. Speaker, I urge my colleagues to support its adoption, and I yield back the balance of my time.

Mr. MCCLINTOCK. Mr. Speaker, I ask for adoption of the 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 California (Mr. MCCLINTOCK) that the House suspend the rules and pass the bill, H.R. 6599, 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.

EXTENDING AUTHORIZATION FOR CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION

Mr. MCCLINTOCK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5585) to extend the authorization for the Cape Cod National Seashore Advisory Commission.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5585

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

SECTION 1. CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION.

Effective September 26, 2018, section 8(a) of Public Law 87–126 (16 U.S.C. 459b–7(a)) is amended in the second sentence by striking ''2018'' and inserting ''2028''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCCLINTOCK) and the gentleman from California (Mr. HUFFMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. MCCLINTOCK).

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GENERAL LEAVE

Mr. MCCLINTOCK. 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 the bill under consideration.

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

There was no objection.

Mr. MCCLINTOCK. Mr. Speaker, H.R. 5585 extends authorization of the Cape Cod National Seashore Advisory Commission until 2028. The commission provides valuable feedback to the Cape Cod National Seashore, which helps to promote sound park management, improve public access, and ensure that the National Park Service is a good neighbor to the surrounding communities.

Mr. Speaker, I ask for adoption of the measure and am prepared to close when my colleague is finished. I reserve the balance of my time.

Mr. HUFFMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. KEATING), my colleague and champion of the Cape Cod National Seashore.

Mr. KEATING. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of my bill, H.R. 5585, to reauthorize the Cape Cod National Seashore Advisory Commission for another decade.

One of President John F. Kennedy's first acts was to sign into law the bill that created the Cape Cod National Seashore, a bill which he himself had previously offered when he was a Senator from Massachusetts.

This beautiful expanse of sand dunes, marshlands, highland woods, lakes, rivers, streams, and pristine coastal estuaries stretches from Chatham in the south to Provincetown in the north, and includes the six towns that form the Outer Cape and spans over 43,000 acres.

Today, more than 4 million visitors from around the world come to my district every year to experience the natural beauty and recreational opportunities that the seashore offers. In this way, the seashore is crucial for the many local businesses that depend on the cape's tourism industry for their livelihoods.

Yet, even while hosting the millions of visitors each summer, the seashore continues to protect dozens of threatened endangered species, invests in important local science and education, expands cultural arts, and hosts numerous environmental endeavors. One of these projects, the Herring River Restoration Project, will be the largest salt marsh restoration project in New England history.

It is important to note that, for many communities on the cape, the parklands make up more than 75 percent of their land area. That is why this regional board—the first of its kind in the National Park System—is so important. It links Federal partners in the National Park Service with their State and local partners to inform the public about park matters; to problem-solve on numerous environmental, economic, and public infrastructure issues; and to promote open lines of communication with the National Park Service.

Think about it. Six small communities and a large Federal agency drawing several million people into their towns each year, in solutions rather than conflict.

Time and time again, this commission has proven itself to be an important forum for the communities that make up the Outer Cape to have productive discussions with their leadership on the Cape Cod National Seashore about issues that affect not only the seashore but the broader Outer Cape region as well.

For 60 years, the relationship that the commission has provided between the National Seashore and its host communities represents the best of what a partnership with local entities and Federal officials can and should be.

The track record of success that the Cape Cod National Seashore Advisory Commission has shown since its inception clearly demonstrates the need for it to continue its exemplary work for the challenges of the next decade.

I would like to thank the chairman of the committee and the ranking member, my two colleagues from California, for their help in moving this bill forward. I urge my colleagues, all my colleagues, to join me in support of this legislation.

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

Mr. MCCLINTOCK. Mr. Speaker, I ask for adoption of the 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 California (Mr. MCCLINTOCK) that the House suspend the rules and pass the bill, H.R. 5585.

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.

FORT ONTARIO STUDY ACT

Mr. McCLINTOCK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 46) to authorize the Secretary of the Interior to conduct a special resource study of Fort Ontario in the State of New York, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendment.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fort Ontario Study Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STUDY AREA.—The term ''study area'' means Fort Ontario in Oswego, New York.

SEC. 3. FORT ONTARIO SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—The Secretary shall conduct a special resource study of the study area.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the study area;

(2) determine the suitability and feasibility of designating the study area as a unit of the National Park System;

(3) consider other alternatives for preservation, protection, and interpretation of the study area by the Federal Government, State or local government entities, or private and nonprofit organizations;

(4) consult with interested Federal agencies, State or local governmental entities, private and nonprofit organizations, or any other interested individuals; and

(5) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives.

(c) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with section 100507 of title 54, United States Code.

(d) REPORT.—Not later than 3 years after the date on which funds are first made available to carry out the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the results of the study; and

(2) any conclusions and recommendations of the Secretary.

Mr. McCLINTOCK (during the reading). Mr. Speaker, I ask unanimous consent to have the amendment considered as read.

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

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

URGING SECRETARY OF THE INTERIOR TO RECOGNIZE CULTURAL SIGNIFICANCE OF RIB MOUNTAIN

Mr. McCLINTOCK. Mr. Speaker, I ask unanimous consent that the Committee on Natural Resources be discharged from further consideration of the resolution (H. Res. 418) urging the Secretary of the Interior to recognize the cultural significance of Rib Mountain by adding it to the National Register of Historic Places, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 418

Whereas Paul Bunyan is a larger-than-life folk hero who embodies the frontier spirit, might, the willingness to work hard, and the resolve to overcome all obstacles;

Whereas reliable documentation establishes that the earliest story about Paul Bunyan was told north of Tomahawk, Wisconsin;

Whereas this evidence suggests that Wisconsin's claim that it is the birthplace of Paul Bunyan is superior to claims from other States;

Whereas Paul Bunyan has been the subject of countless literary compositions, musical pieces, commercial works, and theatrical productions;

Whereas local legend states that the ''ribs'' in Rib Mountain, Wisconsin, denote that the mountain is the burial site of Paul Bunyan;

Whereas Rib Mountain is nearly 4 miles long and peaks at 1,924 feet above sea level and 670 feet above the local terrain, making it the highest natural feature in North Central Wisconsin and one of the highest points in the entire State of Wisconsin;

Whereas Rib Mountain is home to the Granite Peak Ski Area, one of the first ski areas in North America, where thousands of visitors come annually to ski or snowboard;

Whereas Rib Mountain State Park, situated on Rib Mountain, is over 1,500 acres and boasts a well-maintained network of hiking and nature trails with breathtaking views; and

Whereas Rib Mountain State Park attracts visitors from the local community as well as from across the State and the country: Now, therefore, be it

Resolved, That the House of Representatives—

(1) affirms the importance of Rib Mountain to the culture and economy of Wisconsin;

(2) recognizes the legend of Paul Bunyan as the embodiment of the frontier spirit; and

(3) requests that the Secretary of the Interior recognize the legendary burial site of Paul Bunyan by adding Rib Mountain to the National Register of Historic Places.

AMENDMENT OFFERED BY MR. MCCLINTOCK

Mr. McCLINTOCK. I have an amendment to the text at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 1, strike ''That the House of Representatives—'' and all that follows through page 3, line 2, and insert the following: ''That the House of Representatives requests that the Secretary of the Interior recognize the legendary burial site of Paul Bunyan by adding Rib Mountain to the National Register of Historic Places.''

Mr. McCLINTOCK (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

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

There was no objection.

The amendment was agreed to.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

REQUESTING SECRETARY OF THE INTERIOR TO RECOGNIZE THE RICH HISTORY OF THE LOGGING INDUSTRY

Mr. McCLINTOCK. Mr. Speaker, I ask unanimous consent that the Committee on Natural Resources be discharged from further consideration of the resolution (H. Res. 460) requesting the Secretary of the Interior to recognize the rich history of the logging industry and the importance of lumberjack sports by adding the Lumberjack Bowl to the National Register of Historic Places, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 460

Whereas the Lumberjack World Championships began in 1960 as a tribute to the rich history of the logging industry across the United States, and particularly in Wisconsin;

Whereas the Lumberjack World Championships occur annually in Hayward, Wisconsin, the biggest small town in America, which is renowned for its history and beauty;

Whereas the Lumberjack Bowl has hosted the Lumberjack World Championships for decades, thereby drawing economic activity in the Hayward area;

Whereas hundreds of volunteers from Sawyer County work tirelessly to make the competition a world class event for thousands of spectators every July;

Whereas this year's competition will showcase over 100 athletes across 21 unique events that demonstrate the skills, abilities, and grit of the old-time lumberjacks;

Whereas lumberjack sports continue to increase in popularity, with loyal fans and competitors from across the globe;

Whereas many universities across the United States have woodsmen or lumberjack teams that compete at the collegiate level;

Whereas the Lumberjack Bowl was formerly a holding pond for the North Wisconsin Lumber Company;

Whereas the North Wisconsin Lumber Company Office in Hayward, Wisconsin, was added to the National Register of Historic Places on May 7, 1980;

Whereas listing on the National Register of Historic Places drives tourism to communities and further denotes the cultural significance of a structure; and

Whereas the Lumberjack Bowl still hosts all the events for the Lumberjack World Championships, including men's and women's logrolling, chopping, pole climbing, boom running, and sawing: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance of lumberjack sports to the culture and economy of Wisconsin;

(2) supports the growth of lumberjack sports around the United States; and

(3) requests that the Secretary of the Interior add the Lumberjack Bowl, the site of the Lumberjack World Championships, to the National Register of Historic Places.

AMENDMENT OFFERED BY MR. MCCLINTOCK

Mr. MCCLINTOCK. I have an amendment to the text at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 1, strike ''That the House of Representatives—'' and all that follows through page 3, line 4, and insert the following: ''That the House of Representatives requests that the Secretary of the Interior add the Lumberjack Bowl, the site of the Lumberjack World Championships, to the National Register of Historic Places.''

Mr. MCCLINTOCK. Mr. Speaker, I ask unanimous consent to dispense with the reading.

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

There was no objection.

The amendment was agreed to.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

INNOVATIONS IN MENTORING, TRAINING, AND APPRENTICESHIPS ACT

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5509) to direct the National Science Foundation to provide grants for research about STEM education approaches and the STEM-related workforce, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5509

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 ''Innovations in Mentoring, Training, and Apprenticeships Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) To remain competitive in the global economy, foster greater innovation, and provide a foundation for shared prosperity, the United States needs a workforce with the right mix of skills to meet the diverse needs of the economy.

(2) Evidence indicates that the returns on investments in technical skills in the labor market are strong when students successfully complete their education and gain credentials sought by employers.

(3) The responsibility for developing and sustaining a skilled technical workforce is fragmented across many groups, including educators, students, workers, employers, Federal, State, and local governments, civic associations, and other stakeholders. Such groups need to be able to coordinate and cooperate successfully with each other.

(4) Coordination among students, community colleges, secondary and post-secondary institutions, and employers would improve educational outcomes.

(5) Promising experiments currently underway may guide innovation and reform, but scalability of some of those experiments has not yet been tested.

(6) Evidence suggests that integration of academic education, technical skills development, and hands-on work experience improves outcomes and return on investment for students in secondary and post-secondary education and for skilled technical workers in different career stages.

(7) Outcomes show that mentoring can increase STEM student engagement and the rate of completion of STEM post-secondary degrees.

SEC. 3. NATIONAL SCIENCE FOUNDATION STEM INNOVATION AND APPRENTICESHIP GRANTS.

(a) ESTABLISHMENT.—The Director of the National Science Foundation shall award competitive grants to eligible entities in accordance with this section.

(b) COORDINATION.—In carrying out this section, the Director shall consult and cooperate with the programs and policies of other relevant Federal agencies to avoid duplication with, and enhance the effectiveness of, the provision of grants under this section.

(c) GRANTS FOR ASSOCIATE DEGREE PROGRAMS IN STEM FIELDS.—

(1) IN GENERAL.—The Director of the National Science Foundation shall award competitive grants to community colleges to develop or improve associate or certificate programs in STEM fields in, with respect to the region in which the respective college is located, an in-demand industry sector or occupation (as defined in section 3(23)) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102(23))).

(2) APPLICATION.—In considering applications for grants under paragraph (1), the Director shall prioritize—

(A) applicants that consist of a partnership between the applying community college and individual employers or an employer consortia, or industry or sector partnerships, and may include a university or other organization with demonstrated expertise in academic program development;

(B) applications that demonstrate current and future workforce demand in occupations directly related to the proposed associate degree or certificate program;

(C) applications that include commitments by the partnering employers or employer consortia, or industry or sector partnerships, to offer apprenticeships, internships or other applied learning opportunities to students enrolled in the proposed associate degree program;

(D) applications that include outreach plans and goals for recruiting and enrolling women and other historically underrepresented individuals in STEM studies and careers in the proposed associate degree program; and

(E) applications that describe how the applying community college will support the collection of information and data for purposes of evaluation of the proposed associate degree program.

(3) FUNDING.—The National Science Foundation shall devote not less than $20,000,000 to awards described in this subsection, which shall include not less than $5,000,000 for each of fiscal years 2018 through 2021, subject to the availability of appropriations, to come from amounts made available for the Education and Human Resources Directorate. This subsection shall be carried out using funds otherwise appropriated by law after the date of enactment of this Act.

(d) GRANTS FOR STEM DEGREE APPLIED LEARNING OPPORTUNITIES.—

(1) IN GENERAL.—The Director of the National Science Foundation shall award competitive grants to institutions of higher education partnering with employers or employer consortia, or industry or sector partnerships, that commit to offering apprenticeships, internships, research opportunities, or applied learning experiences to enrolled university students in identified STEM baccalaureate degree programs.

(2) APPLICATION.—In considering applications for grants under paragraph (1), the Director shall prioritize—

(A) applicants that consist of a partnership between—

(I) the applying university; and

(ii) individual employers or an employer consortia, or industry or sector partnerships;

(B) applications that demonstrate current and future workforce demand in occupations directly related to selected STEM fields;

(C) applications that include outreach plans and goals for recruiting and enrolling women and other populations historically underrepresented in STEM; and

(D) applications that describe how the university will support the collection and information of data for purposes of the evaluation of identified STEM degree programs.

(3) FUNDING.—The National Science Foundation shall devote not less than $10,000,000 to awards described in this subsection, which shall include not less than $2,500,000 for each of fiscal years 2018 through 2021, subject to the availability of appropriations, to come from amounts made available for the Education and Human Resources Directorate. This subsection shall be carried out using funds otherwise appropriated by law after the date of enactment of this Act.

(e) GRANTS FOR COMPUTER-BASED AND ONLINE STEM EDUCATION COURSES.—

(1) IN GENERAL.—The Director of the National Science Foundation shall award competitive grants to institutions of higher education or nonprofit organizations to conduct research on student outcomes and determine best practices for STEM education and technical skills education through distance learning or in a simulated work environment.

(2) RESEARCH AREAS.—The research areas eligible for funding under this subsection may include—

(A) post-secondary courses for technical skills development for STEM occupations;

(B) improving high-school level career and technical education in STEM subjects;

(C) encouraging and sustaining interest and achievement levels in STEM subjects among women and other populations historically underrepresented in STEM studies and careers; and

(D) combining computer-based and online STEM education and skills development with traditional mentoring and other mentoring arrangements, apprenticeships, internships, and other applied learning opportunities.

(3) FUNDING.—The National Science Foundation shall devote not less than $10,000,000 to awards described in this subsection, which shall include not less than $2,500,000 for each of fiscal years 2018 through 2021, subject to the availability of appropriations, to come from amounts made available for the Education and Human Resources Directorate. This subsection shall be carried out using funds otherwise appropriated by law after the date of enactment of this Act.

SEC. 4. RESEARCH ON EFFICIENCY OF SKILLED TECHNICAL LABOR MARKETS.

(a) EFFICIENCY OF SKILLED TECHNICAL LABOR MARKETS.—The Directorate of Social, Behavioral & Economic Sciences of the National Science Foundation, in coordination with the Secretary of Labor, shall support

research on labor market analysis innovations, data and information sciences, electronic information tools and methodologies, and metrics.

(b) COMPARISON OF UNITED STATES WORKFORCE.—

(1) RESEARCH.—The National Science Foundation shall commission research that compares and contrasts skilled technical workforce development between States and regions within the United States and other developed countries, including the diversity of skilled technical and professional workforces, to the extent feasible.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Director of the National Science Foundation shall submit to Congress a report on the results of the study under paragraph (1).

(c) SKILLED TECHNICAL WORKFORCE.—

(1) REVIEW.—The National Center for Science and Engineering Statistics of the National Science Foundation shall consult and coordinate with other relevant Federal statistical agencies, including the Institution of Education Science, and the Committee on Science, Technology, Engineering, and Mathematics Education, to explore the feasibility of expanding its surveys to include the collection of objective data on the skilled technical workforce.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director of the National Science Foundation shall submit to Congress a report containing the progress made in expanding the National Center for Science and Engineering Statistics surveys to include the skilled technical workforce. Such report shall include a plan for multi-agency collaboration in order to effect data collection and reporting of data on the skilled technical workforce.

SEC. 5. SPENDING LIMITATION.

No additional funds are authorized to be appropriated to carry out this Act and the amendments made by this Act, and this Act and such amendments shall be carried out using amounts otherwise available for such purpose.

SEC. 6. EVALUATION AND REPORT.

(a) EVALUATION.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director of the National Science Foundation shall evaluate the grants and programs provided under this Act.

(2) REQUIREMENTS.—In conducting the evaluation under paragraph (1), the Director shall —

(A) use a common set of benchmarks and assessment tools to identify best practices and materials developed or demonstrated by the research conducted pursuant to such grants and programs;

(B) include an assessment of the effectiveness of the grant programs established under this Act in expanding apprenticeships, internships, and other applied learning opportunities offered by employers in conjunction with community colleges and institutions of higher education;

(C) assess the number of students who participated in programs established under or pursuant to this Act;

(D) assess the percentage of students participating in programs established under or pursuant to this Act who successfully complete their education program; and

(E) assess the median earnings of students who have completed a program with respect to which a grant was awarded under section 3(c), as of the date that is two calendar quarters after completing the program, as practicable.

(b) REPORT ON EVALUATIONS.—Not later than 180 days after the completion of the evaluation under subsection (a), the Director of the National Science Foundation shall submit to Congress and make widely available to the public a report that includes—

(1) the results of the evaluation; and

(2) any recommendations for legislative action that could optimize the effectiveness of the grants and programs under this Act.

(c) CONSULTATION.—In carrying out this section, the Director of the Foundation shall consult the programs and policies of other relevant Federal agencies to avoid duplication with, and enhance the effectiveness of, the grants and programs under this Act.

(d) SUBMISSION TO SECRETARY OF EDUCATION.—On the date on which the report is submitted under subsection (b), the Director of the National Science Foundation shall also submit to the Secretary of Education a copy of the report.

SEC. 7. DEFINITIONS.

In this Act:

(1) STEM.—The term ''STEM'' means science, technology, engineering, and mathematics, including computer science.

(2) COMMUNITY COLLEGE.—The term ''community college'' has the meaning given the term ''junior and community college'' in section 312 of the Higher Education Act of 1965 (20 U.S.C. 1058).

(3) REGION.—The term ''region'' means a labor market area, as such term is defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(4) SKILLED TECHNICAL WORKFORCE.—The term ''skilled technical workforce'' means workers with high school diplomas and two-year technical training or certifications who employ significant levels of STEM knowledge in their jobs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Illinois (Mr. LIPINSKI) 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 in which to revise and extend their remarks and to include extraneous material on H.R. 5509, 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, H.R. 5509, the Innovations in Mentoring, Training, and Apprenticeships Act, was introduced by Majority Leader KEVIN MCCARTHY and cosponsored by a number of Science, Space, and Technology Committee members and approved by the Science, Space, and Technology Committee.

H.R. 5509 continues the bipartisan progress the Science Committee has made to expand and improve science, technology, engineering, mathematics, and computer science education programs to create new pathways to STEM careers.

We can't overstate the value of a strong STEM workforce in America. STEM workers drive innovation, manufacturing, scientific discovery, and productivity across the economy. According to the National Science Board's most recent ''Science and Engineering Indicators'' report, the number of U.S. jobs that require STEM skills has grown by a third over the past decade.

STEM workforce demand is forecast to increase steadily for years to come. Unfortunately, we know that nearly 40 percent of students who embark on a STEM major do not complete it, and only half of STEM graduates are employed in STEM jobs. We also know that apprenticeship and mentoring initiatives can improve the rate of STEM degree completion at both 4-year universities and community colleges.

America's competitiveness in STEM fields requires a diverse and flexible workforce comprised of workers with educational backgrounds ranging from certificate-level technical occupations to Ph.D.s. To this end, H.R. 5509 directs the National Science Foundation to fund initiatives that support innovative partnerships between academic institutions and local industries.

The NSF will offer at least $5 million per year over the next 4 years in grants to community colleges to develop new STEM courses and degrees. These programs will combine formal education with on-the-job work experiences, such as apprenticeships and internships, by partnering with local employers.

Additionally, the pending legislation directs NSF to offer at least another $2.5 million per year for the next 4 years to 4-year universities to partner with local industry and offer apprenticeships and other applied learning experiences for STEM undergraduate students.

The bill also requires the National Science Foundation to award $2.5 million per year over the next 4 years for research grants to measure student outcomes and the effectiveness of computer-based and online courses for technical skills training.

Leader MCCARTHY's legislation further directs the NSF to research the difference between skilled technical workforce development in the United States and in other developed countries.

Lastly, H.R. 5509 requires the National Science Foundation to conduct research on labor market analysis innovations and America's skilled technical workforce in order to improve our understanding of this workforce's trends and needs.

The innovative initiatives in this legislation will leverage the hard work and ingenuity of women and men of all ages, education levels, and backgrounds to meet the demand for a STEM-capable workforce.

Much like the action the Trump administration has already taken to expand apprenticeships to help meet today's rapidly changing economy, the Innovations in Mentoring, Training, and Apprenticeships Act takes significant steps to invest in new STEM education and workforce development programs. Such investments will ensure the United States remains competitive in the global economy both today and tomorrow.

The majority leader's bill will enhance America's STEM competitiveness and contribute to our future economic prosperity, so there are many good reasons to support this legislation.

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

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

Mr. Speaker, I rise in support of H.R. 5509, the Innovations in Mentoring, Training, and Apprenticeships Act. I would like to thank Majority Leader MCCARTHY for introducing this bill.

□ 2130

Building a workforce with skills in the STEM fields—science, technology, engineering, and math—which can meet the demands of our continually evolving economy is one of the most pressing challenges that we face today.

Many companies are having difficulty recruiting and retaining workers with sufficient STEM skills for their needs. This STEM skills gap has existed for years and is continuing to widen. With companies across all economic sectors increasing their reliance on data, automation, and technology-driven business models, the need for STEM workers has never been greater.

Employers are increasingly concerned that their inability to hire employees with the technical skills they need will affect their capacity to innovate, increase production, and expand internationally. Make no mistake: America's future economic prosperity is on the line.

High schools, community colleges, and universities have been slow to respond, struggling to adapt their curriculum to keep pace with the rapidly evolving needs of industry. There is a need to innovate and encourage partnerships between educators in the private sector to better prepare the next generation of skilled technical workers.

Apprenticeships have garnered significant attention in recent years because of the potential to bridge the STEM skills gap. Apprenticeships offer workers practical hands-on training, nationally recognized credentials, and the potential to earn credit towards an associate's or bachelor's degree. At the completion of an apprenticeship, most workers are on the path to a long-term, well-paying career with little or no education-related debt.

By investing in education and on-the-job training for their workers, employers can develop a workforce equipped with a set of skills tailored to the specific needs of their businesses.

Despite the benefits for employers and employees, apprenticeships remain underutilized in the United States when compared with other developed nations. President Obama first called for expanded access to apprenticeships in his 2014 State of the Union Address. In 2016, Congress appropriated funding for the Department of Labor in support of expanding entrepreneurships.

H.R. 5509 builds on these efforts and ongoing activities at the National Science Foundation by providing support for the improvement of STEM degree programs and apprenticeship programs in partnership with universities and local employers. This legislation also supports research to find lessons learned from international approaches to skilled technical workforce development.

Mr. Speaker, we must prepare a workforce that keeps pace with needs of industry if we are to reach our full economic potential and remain the global leaders in innovation. H.R. 5509 is a good step in that direction.

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

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentlewoman from Arizona (Mrs. LESKO), who is an active member of the Science, Space, and Technology Committee and a member of both the Research and Technology and Environment Subcommittees.

Mrs. LESKO. Mr. Speaker, first, I want to applaud the American Legislative Exchange Council members who are joining us tonight and their CEO, Lisa Nelson, and her staff. I thank them for attending.

Mr. Speaker, I rise in strong support of H.R. 5509, the Innovations in Mentoring, Training, and Apprenticeships Act.

Presently, the American economy faces a shortage of 6 million skilled workers, a number expected to reach 11 million by 2022. This workforce shortage will only continue to grow unless we focus on training the next generation of skilled workers.

In Arizona, we are seeing rapid growth in the science, technology, and engineering fields. Our aerospace industry is being strengthened by the creation of university partnerships like the ASU Research Enterprise and Aerospace Arizona.

In order to support these growing industries, we must take action. This legislation is a step in that direction by providing grants for innovative approaches to STEM education and related workforce development. The bill expands the workforce pipeline in STEM fields through experiments with apprenticeships and other applied learning opportunities for college students and places a focus on the enhancement of 2-year degree programs and technical skill certificates in order to meet the shortage of qualified candidates at all levels.

I want to thank the majority leader for bringing this legislation forward, and I urge my colleagues to support this bill.

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

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentlewoman from Virginia (Mrs. COMSTOCK), who is a member of the Science, Space, and Technology Committee and is the chairwoman of the Research and Technology Subcommittee.

Mrs. COMSTOCK. Mr. Speaker, I thank Chairman SMITH for yielding me the time.

I rise in support of H.R. 5509, the Innovations in Mentoring, Training, and Apprenticeships Act. This bill takes important steps in addressing the growing need for a diverse and technically trained STEM workforce.

Technological advances have transformed the workplace with almost 20 percent of all jobs in the U.S. economy requiring some level of STEM training. These jobs are expected to grow nearly 9 percent over the next decade, faster than any other employment category; and, of course, we know these are also higher paying jobs, and we want more women and a more diverse workforce here, also.

Unfortunately, we also know that we have been failing to keep students in the STEM pipeline. Almost half of all students who start in a STEM major do not graduate with one. Of those who do graduate with a STEM degree, only half go on to a career in a STEM field. It is essential we address these challenges in order to ensure U.S. competitiveness in the global economy.

In February, I chaired a Research and Technology Subcommittee hearing, which looked at innovative STEM education and workforce training models from across the country. These models demonstrated how apprenticeships, mentoring, and on-the-job training are used to successfully bridge STEM skills gaps.

I am happy to say that many of the lessons learned from that hearing are reflected in this bill, including the point that most successful programs are an integration of academia, technical training, and hands-on work experience.

H.R. 5509 directs the National Science Foundation to competitively award grants to community colleges and 4-year institutions to develop and improve STEM courses and degrees. These programs will combine formal education with applied learning experiences, such as apprenticeships and internships, by partnering with regional employers needing to fill skilled and technical STEM jobs.

This bill also calls for NSF to competitively award grants to determine best practices and measure student outcomes of distance learning and simulated work environment courses for STEM education and technical skills training.

Lastly, it directs the National Science Foundation to examine the development and sustainability of skilled technical workforces from across the U.S. and around the world, explore the feasibility of surveying the U.S. skilled technical workforce, and research and develop potential labor market analysis innovations.

These programs and important research will help support and build the

STEM pipeline and the STEM workforce that will drive American innovation in order to meet the challenges of the 21st century economy.

I want to thank Leader MCCARTHY for introducing this legislation and for the opportunity to cosponsor this. I also thank Chairman SMITH and Ranking Member JOHNSON for their great work in ushering this bill through the committee on a bipartisan basis.

I urge my colleagues to support this bill.

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

Mr. Speaker, I am a proud cosponsor of H.R. 5509 because it recognizes the great work under way in National Science Foundation's Advanced Technological Education Program. This program works to promote the development of our STEM technical workforce and ensures that it continues to be prioritized going forward.

As my colleagues are aware, I have two degrees in engineering. My wife also has a degree in math. This is part of the reason I am an ardent supporter of STEM education, especially education that is aligned with the requirements for in-demand careers.

One such program in my district is called the National Center for Systems Security and Information Assurance at Moraine Valley Community College. Since 2003, it has received Advanced Technological Education funding from NSF to be a national center of excellence in cybersecurity education. The college provides students with real-world learning experiences and provides curriculum, instructional materials, and professional development for cybersecurity educators around the world.

We all know that there is a massive nationwide need for cybersecurity professionals. According to the Department of Homeland Security's National Initiative for Cybersecurity Education, there are currently over 301,000 open jobs in cybersecurity, including over 13,000 in the public sector.

To make progress in meeting this need as well as the need in other STEM fields, we will need many more innovative education programs like the one at Moraine Valley and those promoted by H.R. 5509. This type of education benefits students, employers, our economy, and our national security, and it is worthy of this Chamber's support.

I thank Chairman SMITH and Ranking Member EDDIE BERNICE JOHNSON for their work on this bill. I thank Chairman SMITH for his bipartisan work on the three bills that we are doing here tonight, and I am hopeful that perhaps there will be more to do before the end of this Congress.

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

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

Mr. Speaker, just briefly, I thank the gentleman from Illinois (Mr. LIPINSKI) for working with us so well on so many bills for almost 2 years. I think he has been as active on the legislation as any other member of the committee, and as he pointed out or suggested, most of the bills that we passed under the Science, Space, and Technology Committee's jurisdiction are, in fact, bipartisan bills; and he has, as often as not, been an important player in the passage of those pieces of legislation.

Mr. Speaker, there are no other requests for time, and I yield back the balance of my time.

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. 5509, 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 REAUTHORIZATION ACT OF 2018

Mrs. COMSTOCK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6229) to authorize the programs of the National Institute of Standards and Technology, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6229

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 Reauthorization Act of 2018''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 2018.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce $1,198,500,000 for the National Institute of Standards and Technology for fiscal year 2018.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized by paragraph (1)—

(A) $724,500,000 shall be for scientific and technical research and services laboratory activities;

(B) $319,000,000 shall be for the construction and maintenance of facilities; and

(C) $155,000,000 shall be for industrial technology services activities.

(b) FISCAL YEAR 2019.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce $1,125,000,000 for the National Institute of Standards and Technology for fiscal year 2019.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized by paragraph (1)—

(A) $850,000,000 shall be for scientific and technical research and services laboratory activities, of which—

(i) $109,900,000 shall be for the advanced communications, networks, and scientific data systems mission area;

(ii) $103,200,000 shall be for the cybersecurity and privacy mission area;

(iii) $234,000,000 shall be for the fundamental measurement, quantum science and measurement dissemination mission area; and

(iv) $89,800,000 shall be for the physical infrastructure and resilience mission area;

(B) $120,000,000 shall be for the construction and maintenance of facilities; and

(C) $155,000,000 shall be for industrial technology services activities.

SEC. 3. QUANTUM INFORMATION SCIENCE.

(a) RESEARCH ACTIVITIES AND ENGAGEMENT.—The Secretary, acting through the Director, shall—

(1) continue to support and expand basic quantum information science and technology research and development of measurement and standards infrastructure necessary to advance commercial development of quantum applications;

(2) use the programs of the Institute, in collaboration with other relevant Federal agencies, as appropriate, to train scientists in quantum information science and technology to increase participation in the quantum fields;

(3) establish or expand collaborative ventures or consortia with other public or private sector entities, including other Federal agencies engaged in quantum information science research and development, institutions of higher education, National Laboratories, and industry, for the purpose of advancing the field of quantum information science and engineering; and

(4) have the authority to enter into and perform such contracts on such terms as the Secretary, acting through the Director, considers appropriate, including cooperative research and development arrangements and grants and cooperative agreements or other transactions, as may be necessary in the conduct of the work of the Institute with respect to quantum information science and technology.

(b) QUANTUM WORKSHOP.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary, acting through the Director, shall convene a workshop of stakeholders to discuss the future measurement, standards, cybersecurity, and other issues that relate to development of quantum information science in the United States. The goals of the workshop shall be—

(A) assessment of the Institute's quantum information science and technology research work, including areas that may need additional Institute investment in order to support development of quantum information science and technology in the United States; and

(B) consideration of recommendations and priority issues for the Institute's participation in the proposed National Quantum Initiative Program.

(2) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary, acting through the Director, shall transmit to the Committee on Science, Space, and Technology and the Committee on Appropriations of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate a summary report containing the findings of the workshop convened under this subsection.

(c) FUNDING.—The Secretary of Commerce shall devote $80,000,000 to carry out this section for fiscal year 2019, subject to the availability of appropriations, to come from amounts made available pursuant to section 2(b)(2)(A)(iii) of this Act. This section shall be carried out using funds otherwise appropriated by law after the date of enactment of this Act.

SEC. 4. CYBERSECURITY RESEARCH.

(a) RESEARCH.—The Secretary, acting through the Director, shall expand the fundamental and applied research carried out by the Institute to address key questions relating the measurement of privacy, security,

and vulnerability of software tools and communications networks, including through—

(1) the development of research and engineering capabilities to provide practical solutions, including measurement techniques and engineering toolkits, to solve cybersecurity challenges such as human factors, identity management, network security, privacy, and software;

(2) investment in tools to help private and public sector organizations measure their cybersecurity, manage their risks and ensure workforce preparedness for new cybersecurity challenges; and

(3) investment in programs to prepare the United States with strong cybersecurity and encryption technologies to apply to emerging technologies such as artificial intelligence, the internet of things, and quantum computing.

(b) AUTHORITY.—The Secretary, acting through the Director, shall have the authority to enter into and perform such contracts on such terms as the Secretary considers to be appropriate, including cooperative research and development arrangements, grants, and cooperative agreements or other transactions, as may be necessary in the conduct of the work of the Institute with respect to cybersecurity.

SEC. 5. COMPOSITES RESEARCH.

(a) RESEARCH.—The Secretary, acting through the Director, shall implement the recommendations contained in the December 2017 report entitled ''Road Mapping Workshop Report on Overcoming Barriers to Adoption of Composites in Sustainable Infrastructure'', as appropriate, to help facilitate the adoption of composite technology in infrastructure in the United States. In implementing such recommendations, the Secretary, acting through the Director shall, with respect to the use of composite technology in infrastructure—

(1) not later than 6 months after the date of enactment of this Act, establish a design data clearinghouse to identify, gather, validate, and disseminate existing design criteria, tools, guidelines, and standards; and

(2) develop methods and resources required for testing an evaluation of safe and appropriate uses of composite materials for infrastructure, including—

(A) conditioning protocols, procedures and models;

(B) screening and acceptance tools; and

(C) minimum allowable design data sets that can be converted into design tools.

(b) STANDARDS COORDINATION.—The Secretary, acting through the Director, shall assure that the appropriate Institute staff consult regularly with standards developers, members of the composites industry, institutions of higher education, and other stakeholders in order to facilitate the adoption of standards for use of composite materials in infrastructure that are based on the research and testing results and other information developed by the Institute.

(c) FUNDING.—The Secretary of Commerce shall devote $11,000,000 to carry out this section for fiscal year 2019, subject to the availability of appropriations, to come from amounts made available pursuant to section 2(b)(2)(A)(iv) of this Act. This section shall be carried out using funds otherwise appropriated by law after the date of enactment of this Act.

SEC. 6. ARTIFICIAL INTELLIGENCE AND DATA SCIENCE.

The Secretary, acting through the Director, shall continue to support the development of artificial intelligence and data science, including through—

(1) the expansion of the Institute's capabilities, including scientific staff and research infrastructure;

(2) the implementation of rigorous scientific testing to support the development of trustworthy and safe artificial intelligence and data systems;

(3) the development of machine learning and other artificial intelligence applications to support measurement science research programs and take steps to modernize the Institute's research infrastructure; and

(4) the development and publication of new cybersecurity tools, encryption methods, and best practices for artificial intelligence and data science.

SEC. 7. INTERNET OF THINGS.

The Secretary, acting through the Director, shall continue to conduct research with respect to and support the expanded connectivity, interoperability, and security of interconnected systems and other aspects of the internet of things, including through—

(1) the development of new tools and methodologies for cybersecurity of the internet of things;

(2) the development of technologies to address network congestion and device interference, such as the development of testing tools for next generation wireless communications, internet of things protocols, coexistence of wireless communications systems, and spectrum sharing;

(3) convening experts in the public and private sectors to develop recommendations for accelerating the adoption of sound interoperability standards, guidelines, and best practices for the internet of things; and

(4) the development and publication of new cybersecurity tools, encryption methods, and best practices for internet of things security.

SEC. 8. HIRING AND MANAGEMENT.

(a) DIRECT HIRE AUTHORITY.—The Secretary, acting through the Director, may—

(1) appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code (other than sections 3303, 3328, and 3330e of such chapter), qualified candidates to scientific, engineering, and professional positions for carrying out research and development functions which require the services of specially qualified personnel relating to cybersecurity and quantum information science and technology and such other areas of national research priorities as the Secretary, acting through the Director, may determine; and

(2) fix the rate of basic pay of any individual appointed under paragraph (1), at a rate not in excess of the basic rate of pay of the Vice President under section 104 of title 3, United States Code, without regard to title 5, United States Code.

(b) LIMITATION.—The Director may appoint not more than 10 individuals under this section.

(c) SUNSET.—The authority under this section shall expire on the date that is 5 years after the date of enactment of this Act.

SEC. 9. DEFINITIONS.

In this Act:

(1) The term ''Director'' means the Director of the National Institute of Standards and Technology.

(2) The term ''Framework'' means the Framework for Improving Critical Infrastructure Cybersecurity developed by the National Institute of Standards and Technology and referred to in Executive Order 13800 issued on May 11, 2017 (82 Fed. Reg. 22391 et seq.).

(3) The term ''Institute'' means the National Institute of Standards and Technology.

(4) The term ''institution of higher education'' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(5) The term ''Secretary'' means the Secretary of Commerce.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. COMSTOCK) and the gentleman from Illinois (Mr. LIPINSKI) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia.

GENERAL LEAVE

Mrs. COMSTOCK. 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. 6229, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, I take this opportunity to speak on behalf of my bill, H.R. 6229, the National Institute of Standards and Technology Reauthorization Act of 2018.

NIST's mission is to promote U.S. innovation and industrial competitiveness by advancing measurement science, standards, and technology in ways that enhance economic security and improve all Americans' quality of life.

Since its establishment in 1901, NIST has helped position U.S. technology at the leading edge, making contributions to innumerable products and services that rely in some way on technology, measurement, and standards.

Such technology ranges from developing biometric standards for law enforcement or new materials for protective equipment of our Nation's firefighters to atomic clocks and earthquake-resistant skyscrapers. This legislation authorizes NIST's industrial technology services, construction activities, and bolsters the scientific and technical research and services lab activities for 2 years.

NIST has the mission and capabilities to contribute to areas critical to the U.S. global competitiveness. To this end, this legislation authorizes increased investments in four emerging technology areas: quantum science, artificial intelligence and data science, advanced communications and the Internet of Things, and composites research and standards development.

□ 2145

These investments will launch discoveries and technical advances that will significantly affect the Nation's economy in the coming decades. As we have heard in our committee, the potential for artificial intelligence to help humans and further scientific discoveries is immense.

By advancing our ability to store and process large and complex data sets through AI and machine learning, computers are able to refine and enhance future predictions. This advanced technology is already creating tremendous developments in many fields, including medicine, manufacturing, and finance.

This legislation also directs NIST to capitalize on its deep and varied expertise in advanced composites. NIST is directed to connect research that will provide the evidence and data needed to set industry standards and design guidelines to encourage the safe adoption and application of composite materials in U.S. infrastructure projects.

NIST plays a very important role in protecting the Nation from cyber threats through its ongoing cybersecurity research. NIST is examining the applications of blockchain technology, and creating voluntary frameworks and standards to help reduce cyber risks to Federal agencies, multiple industries, and critical infrastructure. Its cybersecurity technical standards and risk management frameworks are widely regarded as one of the best and most comprehensive in the world.

I want to thank Ranking Member LIPINSKI for cosponsoring this important legislation with me. As the chairman has mentioned, he has been an essential partner with us in getting so many of our bipartisan bills put forward.

I would also like to thank Chairman SMITH and Ranking Member JOHNSON for assisting in ushering this bill through the Science, Space, and Technology Committee on a bipartisan basis.

As industry's national laboratory, NIST is dedicated to supporting research and technology development in the areas of national importance from communications technology and cybersecurity to advanced manufacturing and disaster resilience.

This bill supports NIST's critical work of helping U.S. industries and improving Americans' quality of life by developing new measurement tools, providing authoritative data, and bringing stakeholders together to find solutions to ensure U.S. competitiveness in the 21st century economy.

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

COMMITTEE ON OVERSIGHT
AND GOVERNMENT REFORM,
Washington, DC, September 21, 2018.

Hon. LAMAR SMITH,
Chairman, Committee on Science, Space, & Technology, House of Representatives.

DEAR MR. CHAIRMAN: I am writing concerning the jurisdictional interest of the Committee on Oversight and Government Reform in H.R. 6229, the ''National Institute of Standards and Technology Reauthorization Act of 2018.'' As a result of your having consulted with me concerning the bill, the Committee on Oversight and Government Reform will not seek a sequential referral and agrees to forego formal action on the bill.

The Committee takes this action with our mutual understanding that by foregoing a request for a sequential referral of H.R. 6229 at this time we do not waive any jurisdiction over the subject matter contained in this or similar legislation. Further, I request your support for the appointment of conferees from the Committee on Oversight and Government Reform during any House-Senate conference convened on this or related legislation.

Finally, I would ask that a copy of our exchange of letters on this matter be included in the bill report filed by the Committee on Science, Space, and Technology, as well as in the Congressional Record during floor consideration, to memorialize our understanding.

Sincerely,

TREY GOWDY.

COMMITTEE ON SCIENCE,
SPACE, AND TECHNOLOGY,
Washington, DC, September 24, 2018.

Hon. TREY GOWDY,
Chairman, Committee on Oversight and Government Reform, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing concerning H.R. 6229, the ''National Institute of Standards and Technology Reauthorization Act of 2018,'' which was ordered reported by the Science Committee June 27, 2018.

I agree that the Committee on Oversight and Government Reform has a valid jurisdictional interest in certain provisions of H.R. 6229, and that the Committee's jurisdiction will not be adversely affected by your decision to forego consideration of H.R. 6229. As you have requested, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Finally, I will include a copy of your letter and this response in the Committee Report and in the Congressional Record during the floor consideration of this bill. Thank you again for your cooperation.

Sincerely,

LAMAR SMITH,
Chairman.

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

Mr. Speaker, I rise in support of H.R. 6229, the National Institute of Standards and Technology Reauthorization Act of 2018, and I thank Chairwoman COMSTOCK for sponsoring this bill.

This is a bipartisan bill that provides support for NIST's important work carrying out scientific and technical research, and assisting small- and medium-sized U.S. manufacturers. The agency's work helps to advance standards development in critical areas of innovation across all sectors of our economy.

NIST's core mission is to promote U.S. innovation and industrial competitiveness. Through its laboratories and user facilities, NIST carries out world-class measurement science and facilitates the development of standards for emerging technologies.

Standards ensure users that promising technologies have been rigorously tested for safety, effectiveness, and reliability. NIST provides its services and expertise to other agencies, academic researchers, and the private sector.

This bill provides funding to support NIST's work in critical areas of national importance, including advanced communications, cybersecurity and privacy, the Internet of Things, quantum information science, and infrastructure resilience. The wireless demands of the 21st century require the advances in measurement science that NIST is carrying out.

The devastating hurricanes and other natural disasters that have plagued our communities underscore the importance of NIST's work in disaster resiliency and new infrastructure materials.

In addition, this bill provides significant funding for NIST's quantum information science and artificial intelligence research programs. Quantum technology has promising applications in healthcare, navigation, encryption, and many other areas. We are only beginning to explore the significant advances that artificial intelligence, or AI, may bring to the world.

At the same time, there are significant policy implications for AI, and I look forward to continuing to work with my colleagues on issues dealing with ethics, workforce impacts, and the human-AI interface as these technologies move forward.

Finally, with five Nobel Prize-winning scientists in its ranks, NIST continues to attract some of the Nation's leading scientists. Even so, recruiting and retaining top talent is a challenge, and this bill provides flexibility to help NIST bring on and train the best and brightest measurement scientists in order to remain at the leading edge of emerging technologies.

I am also happy to see the bill increases support for the labs program and funding for the Manufacturing Extension Partnership program. In the future, I hope my colleagues will support increases for necessary improvement to NIST's aging lab infrastructure.

Mr. Speaker, I urge my colleagues to support H.R. 6229, and I reserve the balance of my time.

Mrs. COMSTOCK. 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, I thank the gentlewoman from Virginia (Mrs. COMSTOCK), the chairwoman of the Research and Technology Subcommittee, for yielding me time to speak on her legislation.

The bill, H.R. 6229, the National Institute of Standards and Technology Reauthorization Act of 2018, is an important bill that has been worked on both by Chairwoman COMSTOCK and the gentleman from Illinois, Subcommittee Ranking Member DAN LIPINSKI, and I appreciate their taking the initiative on this legislation.

This bipartisan bill was unanimously approved by the Science, Space, and Technology Committee in June. It authorizes NIST's research and technology programs for 2 years.

The NIST Reauthorization Act ensures that the research and development conducted by NIST keeps the United States on the cutting edge of global technological capabilities.

NIST is one of the Nation's oldest physical science laboratories. The technology, standards, and measurements provided by NIST support U.S. competitiveness in key industries, including manufacturing, nanomaterials,

computing, communications, and cybersecurity.

These have real-world applications. Through basic research, NIST sets standards and facilitates the implementation and use of technologies that impact the lives of our constituents every day. Examples include providing the precise official time for the United States that we see on our computers and smartphones, to the thresholds for the smoke detectors that protect our families and homes.

For instance, NIST research and standards have improved the self-contained breathing apparatuses worn by more than a million American firefighters.

NIST also provides modeling techniques that allow scientists to develop and test cancer therapies using active viruses that cannot be studied using standard practices. And NIST's Smart Grid work is improving the reliability and capability of our electric grid.

These are just a handful of examples that illustrate why NIST's scientific and technical research and services are critical to American innovation and industrial competitiveness.

Chairwoman COMSTOCK's bill significantly increases NIST's research to facilitate commercial use of emerging technologies. Specifically, this legislation increases the core NIST laboratories account by $125 million to transform more basic and early stage research into usable innovations and new technologies.

It accelerates basic quantum information science research and standards development, and provides funds to address fundamental research gaps, enabling the U.S. to take the lead in developing quantum standards and measurements.

Chairwoman COMSTOCK's bill allows NIST to expand its fundamental and applied cybersecurity research to address key questions relating to privacy, security, and vulnerability of software tools and communications networks.

It expands the research infrastructure and scientific staff needed to develop the Institute's capabilities in artificial intelligence and data science, including rigorous scientific testing to support the development of trustworthy AI systems.

It further directs NIST to expand its composites research and standards development to facilitate the adoption of composite technology in American infrastructure.

Finally, the legislation encourages NIST to continue to examine the Internet of Things and address measurement and security challenges created by the convergence of digital technologies with the physical world.

By supporting this bill, Congress ensures continued U.S. innovation leadership in quantum science, artificial intelligence, big data science, cybersecurity, the Internet of Things, and resilient infrastructure.

We can thank Chairwoman COMSTOCK for her work on this legislation. I urge my colleagues to support H.R. 6229 and the critical work done by NIST.

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

Mrs. COMSTOCK. Mr. Speaker, I yield 4 minutes to the gentlewoman from Arizona (Mrs. LESKO).

Mrs. LESKO. Mr. Speaker, I rise in strong support of H.R. 6229, the National Institute of Standards and Technology Reauthorization Act of 2018.

As a cosponsor of this legislation, I understand the importance of positioning the United States as a strong leader in scientific research and development. This bill supports basic quantum information science research and standards development, and provides funds to address fundamental research gaps, create a stronger workforce pipeline, and allow the United States to take the lead in developing global quantum standards and measures.

This bill also supports developments in our national security. As cybersecurity threats from across the globe increase, it is important the Federal Government have the guidelines in place to defend against potential cyber attacks and protect our sensitive information against foreign adversaries.

The bill also provides for the Institute to expand its fundamental and applied cybersecurity research to address key questions relating to measurement of privacy, security, and vulnerability of software tools and communications networks.

I want to thank Representative COMSTOCK for introducing this legislation to push the United States forward, and for Chairman SMITH's leadership in advancing the scientific position of the United States.

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

Mr. Speaker, NIST's expertise across many fields is critical to our economy, our research enterprise, and our manufacturing sector. This bill puts NIST in a strong position to carry out its work through the end of fiscal 2019.

I want to particularly highlight the strong support for the Hollings Manufacturing Extension Partnership and the Manufacturing USA programs, which receive a robust authorization under the Industrial Technology Services account, and I want to thank my majority colleagues on the Science, Space, and Technology Committee for working with me to match the agency request for fiscal year 2019.

I have a strong relationship with Manufacturing USA's Digital Manufacturing and Design Innovation Institute located in Chicago, just outside my district. Through partnerships with universities, manufacturers, nonprofits, and government entities, they work to develop the technology-enabled manufacturing tools industry needs, pilot them on the factory floor, and train the manufacturing workforce.

The digital manufacturing hub is just 1 of 14 Manufacturing USA institutes across the country, each with its own technology focus. Together, they are working to ensure that we have a competitive manufacturing sector in the U.S. into the future.

Manufacturing USA and the Manufacturing Extension Partnership play a key role in keeping our economy strong and creating the jobs of tomorrow.

Beyond manufacturing, I also want to highlight the critical position pay authority this bill gives NIST to hire talented cybersecurity and quantum information science professionals.

□ 2200

It is often difficult for Federal agencies to attract top-level talent in these fields, because the Federal pay scale cannot compete with the private sector.

This bill grants a limited exemption to the Federal pay scale to ensure that NIST will have access to the right people to lead the Nation and the world in cybersecurity and quantum information science.

Mr. Speaker, I want to thank Chairwoman COMSTOCK again for introducing this bill. I want to urge my colleagues to support it.

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

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

Mr. Speaker, I want to thank you again for the opportunity to speak on this important piece of legislation and to thank my colleagues and Ranking Member LIPINSKI for their support.

Mr. Speaker, I strongly 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 gentlewoman from Virginia (Mrs. COMSTOCK) that the House suspend the rules and pass the bill, H.R. 6229, 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.

DEPARTMENT OF ENERGY VETERANS' HEALTH INITIATIVE ACT

Mr. NORMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6398) to authorize the Department of Energy to conduct collaborative research with the Department of Veterans Affairs in order to improve healthcare services for veterans in the United States, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6398

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 ''Department of Energy Veterans' Health Initiative Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(2) NATIONAL LABORATORY.—The term ''National Laboratory'' has the meaning given that term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 3. PURPOSES.

The purposes of this Act are to advance Department of Energy expertise in artificial intelligence and high performance computing in order to improve health outcomes for veteran populations by—

(1) supporting basic research through the application of artificial intelligence, high performance computing, modeling and simulation, machine learning, and large scale data analytics to identify and solve outcome-defined challenges in the health sciences;

(2) maximizing the impact of the Department of Veterans Affairs' health and genomics data housed at the National Laboratories, as well as data from other sources, on science, innovation, and health care outcomes through the use and advancement of artificial intelligence and high-performance computing capabilities of the Department of Energy;

(3) promoting collaborative research through the establishment of partnerships to improve data sharing between Federal agencies, National Laboratories, institutions of higher education, and nonprofit institutions;

(4) establishing multiple scientific computing user facilities to house and provision available data to foster transformational outcomes; and

(5) driving the development of technology to improve artificial intelligence, high performance computing, and networking relevant to mission applications of the Department of Energy, including modeling, simulation, machine learning, and advanced data analytics.

SEC. 4. DEPARTMENT OF ENERGY VETERANS HEALTH RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall establish and carry out a research program in artificial intelligence and high performance computing, focused on the development of tools to solve big data challenges associated with veteran's healthcare, and to support the efforts of the Department of Veterans Affairs to identify potential health risks and challenges utilizing data on long term healthcare, health risks, and genomic data collected from veteran populations. The Secretary shall carry out this program through a competitive, merit-reviewed process, and consider applications from National Laboratories, institutions of higher education, multi-institutional collaborations, and other appropriate entities.

(b) PROGRAM COMPONENTS.—In carrying out the program established under subsection (a), the Secretary may—

(1) conduct basic research in modeling and simulation, machine learning, large scale data analytics, and predictive analysis in order to develop novel or optimized algorithms for prediction of disease treatment and recovery;

(2) develop methods to accommodate large data sets with variable quality and scale, and to provide insight and models for complex systems;

(3) develop new approaches and maximize the use of algorithms developed through artificial intelligence, machine learning, data analytics, natural language processing, modeling and simulation, and develop new algorithms suitable for high performance computing systems and large biomedical data sets;

(4) advance existing and construct new data enclaves capable of securely storing data sets provided by the Department of Veterans Affairs, Department of Defense, and other sources; and

(5) promote collaboration and data sharing between National Laboratories, research entities, and user facilities of the Department by providing the necessary access and secure data transfer capabilities.

(c) COORDINATION.—In carrying out the program required under subsection (a), the Secretary is authorized to—

(1) enter into memoranda of understanding in order to carry out reimbursable agreements with the Department of Veterans Affairs and other entities in order to maximize the effectiveness of Department of Energy research and development to improve veterans' healthcare;

(2) consult with the Department of Veterans Affairs and other Federal agencies as appropriate; and

(3) ensure that data storage meets all privacy and security requirements established by the Department of Veterans Affairs, and that access to data is provided in accordance with relevant Department of Veterans Affairs data access policies, including informed consent.

(d) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to the Committee on Science, Space, and Technology and the Committee on Veterans' Affairs of the House of Representatives, and the Committee on Energy and Natural Resources and the Committee on Veterans' Affairs of the Senate, a report detailing the effectiveness of—

(1) the interagency coordination between each Federal agency involved in the research program carried out under this section;

(2) collaborative research achievements of the program; and

(3) potential opportunities to expand the technical capabilities of the Department.

(e) FUNDING.—The Secretary of Veterans Affairs shall devote $27,000,000 to carry out the activities authorized under this section during fiscal years 2019 through 2023, subject to the availability of appropriations, to come from amounts made available for medical and prosthetic research. This section shall be carried out using funds otherwise appropriated by law after the date of enactment of this Act.

SEC. 5. ARTIFICIAL INTELLIGENCE, DATA ANALYTICS, AND COMPUTATIONAL RESEARCH PILOT PROGRAM.

(a) IN GENERAL.—The Secretary shall carry out a pilot program to develop tools for big data analytics by utilizing data sets generated by Federal agencies, institutions of higher education, nonprofit research organizations, and industry in order to advance artificial intelligence technologies to solve complex, big data challenges. The Secretary shall carry out this program through a competitive, merit-reviewed process, and consider applications from National Laboratories, institutions of higher education, multi-institutional collaborations, and other appropriate entities.

(b) PROGRAM COMPONENTS.—In carrying out the pilot program established under subsection (a), the Secretary may—

(1) establish a cross-cutting research initiative to prevent duplication and coordinate research efforts in artificial intelligence and data analytics across the Department;

(2) conduct basic research in modeling and simulation, artificial intelligence, machine learning, large scale data analytics, natural language processing, and predictive analysis in order to develop novel or optimized predictive algorithms suitable for high performance computing systems and large biomedical data sets;

(3) develop multivariate optimization models to accommodate large data sets with variable quality and scale in order to visualize complex systems;

(4) establish multiple scientific computing user facilities to serve as data enclaves capable of securely storing data sets created by Federal agencies, institutions of higher education, nonprofit organizations, or industry at National Laboratories; and

(5) promote collaboration and data sharing between National Laboratories, research entities, and user facilities of the Department by providing the necessary access and secure data transfer capabilities.

(c) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report evaluating the effectiveness of the pilot program under subsection (a), including basic research discoveries achieved in the course of the program and potential opportunities to expand the technical capabilities of the Department through the development of artificial intelligence and data analytics technologies.

(d) FUNDING.—For purposes of carrying out this section, the Secretary of Energy shall devote $52,000,000 to carry out this section, which shall include $26,000,000 for each fiscal years 2019 and 2020, subject to the availability of appropriations. This section shall be carried out using funds otherwise appropriated by law after the date of enactment of this Act.

SEC. 6. SPENDING LIMITATION.

No additional funds are authorized to be appropriated to carry out this Act and the amendments made by this Act, and this Act and such amendments shall be carried out using amounts otherwise available for such purpose.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina (Mr. NORMAN) and the gentleman from Illinois (Mr. LIPINSKI) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina.

GENERAL LEAVE

Mr. NORMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous materials on H.R. 6398, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of my bill, H.R. 6398, the Department of Energy Veterans' Health Initiative Act.

This legislation authorizes the Department of Energy, DOE, to conduct collaborative research with the Department of Veterans Affairs, the VA, in order to solve complex, big data challenges in order to improve veterans' healthcare and basic research in advanced computing and data analytics.

The VA hosts one of the world's largest and most valuable health datasets. Through its voluntary data collection program entitled the Million Veterans Program, MVP, the VA has collected detailed health information and

genomic data volunteered by over 600,000 veterans.

In order to better use this data to provide better healthcare for our veterans, the VA needs more advanced computing capabilities, infrastructure, and expertise than it has in-house.

As a world leader in high performance computing, DOE is well suited to meet this need. In its national laboratory system, DOE possesses a unique set of cutting-edge research capabilities.

It hosts six of the world's top 10 fastest supercomputers, including the Summit computer in Oak Ridge National Laboratory, which is the world's fastest supercomputer. DOE also funds robust research in computational sciences and data analytics, which can be used to solve a range of complex big data challenges in the physical sciences.

The interagency partnership authorized in my bill combines the VA's clinical and population science expertise with DOE's big data science in advanced computing expertise in order to solve critical health challenges for our veterans while creating another path forward for the advancement of big data science tools for the American researchers.

This partnership, called the Million Veterans Program-Computational Health Analytics for Medical Precision to Improve Outcomes Now, or the MVP-CHAMPION program, will use DOE supercomputers to analyze VA health data and look for patterns that will help inform and improve medical treatment for heart disease, traumatic brain injury, and cancer.

Ultimately, the goal of this legislation is for the DOE national laboratories to provide the VA with information it can use to improve healthcare services for veterans.

The bill also requires the Department to establish data storage facilities to securely transmit and store data that the VA provides. This will make certain that privacy and security are maintained for veterans who volunteer for the program.

In addition, this legislation establishes a pilot program within DOE to create a cross-cutting research initiative in artificial intelligence, data analytics, and computational research.

This program will help American scientists stay on the cutting-edge as the computing landscape changes and international competition increases, and will promote the development of the computing tools needed to address big data challenges.

These tools will both help improve the existing MVP-CHAMPION partnership and will advance key DOE mission goals in nuclear security, energy technology, and innovative science research.

Our veterans should have access to better healthcare services and our scientists should remain leaders in advanced computing. The Department of Energy Veterans' Health Initiative Act promises to deliver on both fronts.

Once again, I would like to thank Chairman SMITH and the 15 other Science, Space, and Technology Committee members who cosponsored this legislation for supporting my bill.

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

HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, September 20, 2018.

Hon. LAMAR SMITH,
Chairman, Committee on Space, Science, and Technology, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning H.R. 6398, as amended, the ''Department of Energy Veterans' Health Initiative Act.'' As you know, there are provisions in the legislation that fall within the jurisdiction of the Committee on Veterans' Affairs.

In the interest of permitting your committee to proceed expeditiously to floor consideration of this legislation, I am willing to waive this committee's right to sequential referral. I do so with the understanding that by waiving consideration of the bill, the Committee on Veterans' Affairs does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its jurisdiction. I also request that you urge the Speaker to name members of this committee to any conference committee which is named to consider such provisions.

Please place this letter into the committee report on H.R. 6398, as amended, and into the Congressional Record during consideration of this legislation on the House floor.

Sincerely,

DAVID P. ROE, M.D.,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,
Washington, DC, September 20, 2018.

Hon. DAVID P. ROE,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the Committee on Veterans' Affairs jurisdictional interest in H.R. 6398, the ''Department of Energy Veterans' Health Initiative Act,'' and your willingness to forego consideration of H.R. 6398 by your committee.

I agree that the Committee on Veterans' Affairs has a valid jurisdictional interest in certain provisions of H.R. 6398, and that the Committee's jurisdiction will not be adversely affected by your decision to forego consideration of H.R. 6398. As you have requested, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Finally, I will include a copy of your letter and this response in the Committee Report and in the Congressional Record during the floor consideration of this bill. Thank you again for your cooperation.

Sincerely,

LAMAR SMITH,
Chairman.

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

Mr. Speaker, I rise in support of H.R. 6398, the Department of Energy Veterans' Health Initiative Act, and I thank Mr. NORMAN for introducing this bill.

This bill authorizes the Department of Energy to conduct collaborative research with the Department of Veterans Affairs to address large and complex data management challenges associated with veterans' healthcare issues.

H.R. 6398 also directs the DOE to carry out a 2-year research pilot program to advance research in artificial intelligence and data analytics for a broad range of applications.

These technologies have the potential to significantly improve the efficiency of the use and distribution of our Nation's resources.

Mr. Speaker, I would like to thank the majority and minority members of the Veterans' Affairs Committee for working with the Science, Space, and Technology Committee to improve this legislation. Together, I believe we have ensured that this bill will be a positive step toward tackling some of the critical problems that the VA is currently facing in providing our veterans with the care they deserve when they come home.

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

Mr. NORMAN. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. WEBER), the chairman of the Energy Subcommittee.

Mr. WEBER of Texas. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of H.R. 6398, the Department of Energy Veterans' Health Initiative Act.

The DOE and VA national research program, housed within the agencies' Big Data Science Initiative, is called the Million Veterans Program-Computational Health Analytics for Medical Precision to Improve Outcomes Now, or MVP-CHAMPION. This initiative utilizes DOE's unique capabilities in big data analytics, artificial intelligence, and advanced computing by providing VA researchers access to DOE's research facilities and scientific expertise while the DOE receives access to a massive collection of data from the VA.

Through the MVP program, VA patients volunteer genomic and healthcare data that is transferred into the secure enclave at Oak Ridge National Lab. Part of the data includes the deepest levels of DNA sequencing, which allows for high quality genomic research.

With such a rich and expansive dataset, the VA MVP program provides an incredible opportunity to use DOE'S next-generation computing capabilities to solve complex healthcare challenges facing our veterans.

For the DOE, this application of computer science tools could transform basic and early-stage research. DOE's core mission areas are full of complex, big data challenges like physics, environmental systems, combustion, and nuclear weapons modeling. DOE is also working to enhance its expertise in biosciences and materials design.

Experience working with big datasets and applications in data science, Mr. Speaker, has the potential to improve

computational science methods for any big data problem. With the next generation of supercomputers, including the exascale computing systems DOE is expected to fill by 2021, DOE will be able to tackle even bigger challenges.

Mr. Speaker, increasing computing power will expand DOE's capabilities and improve the quality of computational tools for any big dataset or any complex problem.

Ultimately, the goal of MVP-CHAMPION is for the DOE national laboratories to provide the VA with useful information to improve healthcare services for our veterans. The access to the breadth, depth, and complexity of the VA dataset will also advance the next generation of data science tools.

Mr. Speaker, it is clear that the DOE is the right partner for this important research. I want to encourage my colleagues to support this bill.

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

Mr. NORMAN. 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, let me thank the gentleman from South Carolina, Congressman RALPH NORMAN, for yielding me this time to speak in support of his bill, H.R. 6398, the Department of Energy Veterans' Health Initiative Act.

I also want to say, I appreciate his serving as vice chairman of the Environment Subcommittee on the Science, Space, and Technology Committee.

This important legislation was approved unanimously by the Science, Space, and Technology Committee and is cosponsored by 15 members of the committee.

H.R. 6398 authorizes the Department of Energy to conduct collaborative research with the Department of Veterans Affairs to address complex challenges in veterans' healthcare by using advanced computational tools.

Currently, DOE and the VA collaborate through the MVP-CHAMPION initiative. The VA collects genomic and healthcare data from veterans who have volunteered for the program and then securely transfers it to DOE, where it is stored and analyzed in a secure site at the Oak Ridge National Laboratory.

This partnership and exchange of data benefits both DOE and the VA and provides valuable services to our veterans.

DOE is the Nation's largest Federal supporter of basic research in the physical sciences. It funds programs in applied mathematics and computer and computational science.

Under this program, authorized by Mr. NORMAN's bill, VA researchers gain access to DOE's high performance computing research facilities and significant resources, including DOE's extensive expertise in data analysis and complex modeling.

This could help the VA make discoveries about the causes and warning signs of various diseases. It will also speed up care for veterans' critical medical needs and help the VA develop more effective treatments in the future.

By giving DOE access to such a large database of information, the VA will help DOE researchers improve their ability to develop next-generation computing systems, algorithms, and models. These are capabilities that are critical to maintaining U.S. science and technology leadership.

H.R. 6398 also authorizes a 2-year research pilot program to advance basic research in artificial intelligence, data analytics, and computational science.

This pilot program supports DOE's efforts to improve the application of advanced data analysis techniques to big data challenges.

Congressman NORMAN's DOE Veterans' Health Initiative Act promotes improved healthcare for American servicemen and -women. It facilitates more high-yielding DOE collaborations, maximizes resources, and gives other Federal agencies, academia, and industry the opportunity to benefit from the Energy Department's R&D expertise.

We can thank Representatives RALPH NORMAN and NEAL DUNN for championing collaboration and basic research to support our veterans and American innovation.

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I also want to thank Chairman ROE of the House Veterans' Affairs Committee for his help and cooperation in bringing this bill before the House this evening.

Mr. Speaker, I hope my colleagues will support this bill.

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

Mr. Speaker, I am sure my colleagues on both sides of the aisle agree that supporting technology to improve the lives of our veterans should be a high priority. Unfortunately, many face an uphill battle to overcome the physical and mental toll of war once they return home. Those who sacrificed so much for our country deserve our best efforts to provide them with the latest technologies to improve their quality of life.

There are almost 20 million veterans in our Nation today, and just under half are enrolled in the Department of Veterans Affairs healthcare system. The health records generated from decades of care provide a trove of information that may lead to more accurate diagnoses and treatment of certain conditions and diseases.

High-performance computing and machine learning can help analyze this massive amount of data to make it more useful for delivering better health outcomes, not only for veterans, but also the general population.

The Federal Government has made strategic investments over the years to advance data analytics in data science research and development. We have also invested in supercomputing facilities at our national labs, including the Leadership Computing Facility at Argonne National Lab in my district.

The programs created by this bill will take advantage of these resources to improve health, deliver a high quality of life, and lower treatment costs while advancing American leadership and artificial intelligence and data analytics.

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

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

Mr. Speaker, I would like to thank Chairman SMITH, Representative DUNN, Representative HIGGINS, Representative LUCAS, Representative WEBER, Representative KNIGHT, Representative ROHRABACHER, Representative HULTGREN, Representative BABIN, Representative COMSTOCK, Representative ABRAHAM, Representative BIGGS, Representative MARSHALL, Representative LESKO, Representative LIPINSKI, Representative ROSEN, Representative BILIRAKIS, Representative GALLAGHER, Representative BILL JOHNSON, and Representative WALTER JONES for their continued leadership in providing support for our veterans and enabling critical science research.

I would also like to thank the stakeholders and researchers who have provided valuable feedback as we develop this legislation.

H.R. 6398 supports a program that will encourage innovation in basic science and big data research at DOE, and ensure that we as a Nation are doing everything we can to improve healthcare for our veterans.

Mr. Speaker, I urge the adoption of this commonsense legislation and yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, today we are considering three good bills from the Science Committee: H.R. 5509, the Innovation in Mentoring, Training, and Apprenticeships Act; H.R. 6229, the National Institute of Standards and Technology Reauthorization Act of 2018; and, H.R. 6398, the Department of Energy Veterans' Health Initiative Act. I support each of these bills, and look forward to their passage.

I want to thank Majority leader MCCARTHY for introducing H.R. 5509, the Innovations in Mentoring, Training, and Apprenticeships Act. This legislation directs the National Science Foundation to support research to improve STEM degree programs and apprenticeships in partnership with the private sector. H.R. 5509 also supports labor market research to draw upon lessons learned in countries already benefitting from an emphasis on apprenticeships and skilled-based learning. This is a good bill that will help to bring the education and training our students receive more in line with the skills employers value most. This will benefit those preparing to enter an ever-changing job market, employers seeking to innovate and increase production, and our economy as a whole. I urge my colleagues to join me in support of this bill.

H.R. 6229, the National Institute of Standards and Technology Reauthorization Act of

2018, is a two-year, bipartisan reauthorization of programs and activities for the National Institute of Standards and Technology, or NIST. I am glad to see that this bill increases funding levels for the agency's laboratory programs and funds research and standards facilitation for important issues such as advanced communications, cybersecurity and privacy, internet of things, quantum information science, artificial intelligence research, and infrastructure resilience. I am glad to support this bill today, and furthermore, urge my colleagues to support increased funding in the future for crucial laboratory infrastructure enhancements on the NIST campuses.

H.R. 6398, The Department of Energy Veterans' Health Initiative Act, authorizes the Department of Energy (DOE) to conduct collaborative research with the Department of Veterans Affairs (VA) in order to address complex, large data management challenges associated with veterans' health care issues. Specifically, it aims to leverage DOE's expertise in high performance computing in order to analyze VA-provided health and genomics data.

This bill also directs DOE to carry out a two-year research pilot program to advance research in artificial intelligence and data analytics for a broad range of potential applications. It provides the Secretary with the authority to establish user facilities capable of securely storing large data sets created by Federal agencies, academic institutions, or industry at DOE National Laboratories. I appreciate the need to utilize the entire resource base of the Federal government to address the needs of our veterans' health care. This bill provides an important tool to try and make our veterans lives better, and I strongly support the bill's passage.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina (Mr. NORMAN) that the House suspend the rules and pass the bill, H.R. 6398, 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.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE PRESIDENT

Ms. ROS-LEHTINEN, from the Committee on Foreign Affairs, submitted an adverse privileged report (Rept. No. 115–978) on the resolution (H. Res. 1017) of inquiry requesting the President, and directing the Secretary of State, to transmit to the House of Representatives copies of all documents, records, communications, transcripts, summaries, notes, memoranda, and read-aheads in their possession referring or relating to certain communications between President Donald Trump and President Vladimir Putin, which was referred to the House Calendar and ordered to be printed.

HIZBALLAH INTERNATIONAL FINANCING PREVENTION AMENDMENTS ACT OF 2018

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1595) to amend the Hizballah International Financing Prevention Act of 2015 to impose additional sanctions with respect to Hizballah, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1595

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Hizballah International Financing Prevention Amendments Act of 2018''.

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

TITLE I—PREVENTION OF ACCESS BY HIZBALLAH TO INTERNATIONAL FINANCIAL AND OTHER INSTITUTIONS

SEC. 101. MANDATORY SANCTIONS WITH RESPECT TO FUNDRAISING AND RECRUITMENT ACTIVITIES FOR HIZBALLAH.

(a) IN GENERAL.—Section 101 of the Hizballah International Financing Prevention Act of 2015 (Public Law 114–102; 50 U.S.C. 1701 note) is amended to read as follows:

''SEC. 101. MANDATORY SANCTIONS WITH RESPECT TO FUNDRAISING AND RECRUITMENT ACTIVITIES FOR HIZBALLAH.

''(a) IN GENERAL.—The President shall, on or after the date of the enactment of the Hizballah International Financing Prevention Amendments Act of 2018, impose the sanctions described in subsection (b) with respect to any foreign person that the President determines knowingly provides significant financial, material, or technological support for or to—

''(1) Bayt al-Mal, Jihad al-Bina, the Islamic Resistance Support Association, the Foreign Relations Department of Hizballah, the External Security Organization of Hizballah, or any successor or affiliate thereof as designated by the President;

''(2) al-Manar TV, al Nour Radio, or the Lebanese Media Group, or any successor or affiliate thereof as designated by the President;

''(3) a foreign person determined by the President to be engaged in fundraising or recruitment activities for Hizballah; or

''(4) a foreign person owned or controlled by a person described in paragraph (1), (2), or (3).

''(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

''(1) ASSET BLOCKING.—The exercise of all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (except that the requirements of section 202 of such Act (50 U.S.C. 1701) shall not apply) to the extent necessary to block and prohibit all transactions in all property and interests in property of a foreign person determined by the President to be subject to subsection (a) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

''(2) ALIENS INELIGIBLE FOR VISAS, ADMISSION, OR PAROLE.—

''(A) VISAS, ADMISSION, OR PAROLE.—An alien who the Secretary of State or the Secretary of Homeland Security (or designee of one of such Secretaries) determines is subject to subsection (a) is—

''(i) inadmissible to the United States;

''(ii) ineligible to receive a visa or other documentation to enter the United States; and

''(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

''(B) CURRENT VISAS REVOKED.—

''(i) IN GENERAL.—The Secretary of State or the Secretary of Homeland Security (or designee of one of such Secretaries) shall revoke any visa or other entry documentation issued to an alien who the President determines is subject to subsection (a), regardless of when issued.

''(ii) EFFECT OF REVOCATION.—A revocation under clause (i) shall take effect immediately and shall automatically cancel any other valid visa or entry documentation that is in the possession of the alien.

''(c) WAIVER.—

''(1) IN GENERAL.—The President may, for periods not to exceed 180 days, waive the imposition of sanctions under this section if the President certifies to the appropriate congressional committees that such waiver is in the national security interests of the United States.

''(2) BRIEFING.—Not later than 30 days after the issuance of a waiver under paragraph (1) with respect to a foreign person, and every 180 days thereafter while the waiver remains in effect, the President shall brief the appropriate congressional committees on the status of the involvement of the foreign person in activities described in subsection (a).

''(d) DEFINITIONS.—In this section:

''(1) ADMITTED; ALIEN.—The terms 'admitted' and 'alien' have meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

''(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on Foreign Affairs, the Committee on Ways and Means, the Committee on the Judiciary, the Committee on Financial Services, and the Permanent Select Committee on Intelligence of the House of Representatives; and

''(B) the Committee on Foreign Relations, the Committee on Finance, the Committee on Banking, Housing, and Urban Affairs, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate.

''(3) ENTITY.—The term 'entity' means a partnership, association, corporation, or other organization, group, or subgroup.

''(4) FOREIGN PERSON.—The term 'foreign person' means any person that is not a United States person.

''(5) HIZBALLAH.—The term 'Hizballah' has the meaning given such term in section 102(e).

''(6) PERSON.—The term 'person' means an individual or entity.

''(7) UNITED STATES PERSON.—The term 'United States person' means a United States citizen, an alien lawfully admitted for permanent residence, an entity organized under the laws of the United States (including foreign branches), or a person in the United States.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Hizballah International Financing Prevention Act of 2015 is amended by striking the item relating to section 101 and inserting the following new item:

''Sec. 101. Mandatory sanctions with respect to fundraising and recruitment activities for Hizballah.''.

SEC. 102. MODIFICATION OF REPORT WITH RESPECT TO FINANCIAL INSTITUTIONS THAT ENGAGE IN CERTAIN TRANSACTIONS.

Section 102(d) of the Hizballah International Financing Prevention Act of 2015 (Public Law 114–102; 50 U.S.C. 1701 note) is amended to read as follows:

''(d) REPORT ON FINANCIAL INSTITUTIONS ORGANIZED UNDER THE LAWS OF STATE SPONSORS OF TERRORISM.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the Hizballah International Financing Prevention Amendments Act of 2018, and every 2 years thereafter for a period not to exceed 4 years, the President shall submit to the appropriate congressional committees a report that—

''(A) identifies each foreign financial institution described in paragraph (2) that the President determines engages in one or more activities described in subsection (a)(2); and

''(B) provides a detailed description of each such activity.

''(2) FOREIGN FINANCIAL INSTITUTION DESCRIBED.—

''(A) IN GENERAL.—A foreign financial institution described in this paragraph is a foreign financial institution—

''(i) that, wherever located, is—

''(I) organized under the laws of a state sponsor of terrorism or any jurisdiction within a state sponsor of terrorism;

''(II) owned or controlled by the government of a state sponsor of terrorism;

''(III) located in the territory of a state sponsor of terrorism; or

''(IV) owned or controlled by a foreign financial institution described in subclause (I), (II), or (III); and

''(ii) the capitalization of which exceeds $10,000,000.

''(B) STATE SPONSOR OF TERRORISM DEFINED.—In this paragraph, the term 'state sponsor of terrorism' means a country the government of which the Secretary of State has determined is a government that has repeatedly provided support for acts of international terrorism for purposes of—

''(i) section 1754(c) of the Export Control Reform Act of 2018;

''(ii) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);

''(iii) section 40 of the Arms Export Control Act (22 U.S.C. 2780); or

''(iv) any other provision of law.''.

SEC. 103. SANCTIONS AGAINST CERTAIN AGENCIES AND INSTRUMENTALITIES OF FOREIGN STATES.

(a) IN GENERAL.—Title I of the Hizballah International Financing Prevention Act of 2015 (Public Law 114–102; 50 U.S.C. 1701 note) is amended by adding at the end the following:

''SEC. 103. SANCTIONS AGAINST CERTAIN AGENCIES AND INSTRUMENTALITIES OF FOREIGN STATES.

''(a) SANCTIONS.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the Hizballah International Financing Prevention Amendments Act of 2018, and as appropriate thereafter, the President shall impose the sanctions described in paragraph (3) with respect to an agency or instrumentality of a foreign state described in paragraph (2).

''(2) AGENCY OR INSTRUMENTALITY OF A FOREIGN STATE DESCRIBED.—An agency or instrumentality of a foreign state is described in this paragraph if the President determines that the agency or instrumentality has, on or after the date of the enactment of the Hizballah International Financing Prevention Amendments Act of 2018, knowingly—

''(A) conducted significant joint combat operations with, or significantly supported combat operations of, Hizballah; or

''(B) provided significant financial support for or to, or significant arms or related materiel to, Hizballah.

''(3) SANCTIONS DESCRIBED.—The sanctions described in this paragraph are the exercise of all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (except that the requirements of section 202 of such Act (50 U.S.C. 1701) shall not apply) to the extent necessary to block and prohibit all transactions in all property and interests in property of an agency or instrumentality of a foreign state if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

''(b) WAIVER.—

''(1) IN GENERAL.—The President may, for periods not to exceed 180 days, waive the imposition of sanctions under this section with respect to an agency or instrumentality of a foreign state if the President certifies to the appropriate congressional committees that such waiver is vital to the national security interests of the United States.

''(2) BRIEFING.—Not later than 30 days after the issuance of a waiver under paragraph (1) with respect to an agency or instrumentality of a foreign state, and every 180 days thereafter while the waiver remains in effect, the President shall brief the appropriate congressional committees on the status of the involvement of the agency or instrumentality in activities described in subsection (a)(2).

''(c) SPECIAL RULE.—The President shall not be required to impose sanctions under this section with respect to an agency or instrumentality of a foreign state if the Secretary certifies in writing to the appropriate congressional committees that—

''(1) the agency or instrumentality—

''(A) is no longer engaging in activities described in subsection (a)(2); or

''(B) has taken and is continuing to take significant verifiable steps toward terminating such activities; and

''(2) the President has received reliable assurances from the government of the foreign state that the agency or instrumentality will not engage in any activity described in subsection (a)(2) in the future.

''(d) DEFINITIONS.—In this section:

''(1) AGENCY OR INSTRUMENTALITY OF A FOREIGN STATE.—The term 'agency or instrumentality of a foreign state' has the meaning given the term in section 1603(b) of title 28, United States Code.

''(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Ways and Means, the Committee on the Judiciary, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives; and

''(B) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, the Committee on the Judiciary, Committee on Finance, Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

''(3) ARMS OR RELATED MATERIEL.—The term 'arms or related materiel' means—

''(A) nuclear, biological, chemical, or radiological weapons or materials or components of such weapons;

''(B) ballistic or cruise missile weapons or materials or components of such weapons; and

''(C) destabilizing numbers and types of advanced conventional weapons.

''(4) HIZBALLAH.—The term 'Hizballah' has the meaning given such term in section 102(e).

''(5) UNITED STATES PERSON.—The term 'United States person' has the meaning given such term in section 101(d).''.

(b) CLERICAL AMENDMENT.—The table of contents for the Hizballah International Financing Prevention Act of 2015 is amended by inserting after the item relating to section 102 the following new item:

''Sec. 103. Sanctions against certain agencies and instrumentalities of foreign states.''.

SEC. 104. DIPLOMATIC INITIATIVES TO PREVENT HOSTILE ACTIVITIES BY IRAN AND DISRUPT AND DEGRADE HIZBALLAH'S ILLICIT NETWORKS.

(a) DIPLOMATIC ENGAGEMENT.—Title I of the Hizballah International Financing Prevention Act of 2015 (Public Law 114–102; 129 Stat. 2206; 50 U.S.C. 1701 note), as amended by section 103 of this Act, is further amended by adding at the end the following:

''SEC. 104. DIPLOMATIC INITIATIVES TO PREVENT HOSTILE ACTIVITIES BY IRAN AND DISRUPT AND DEGRADE HIZBALLAH'S ILLICIT NETWORKS.

''Not later than 180 days after the date of the enactment of the Hizballah International Financing Prevention Amendments Act of 2018, the President shall instruct the Secretary of State, in consultation with the Secretary of the Treasury, to increase cooperation with foreign governments to assist in strengthening the capacity of such governments to prevent hostile activity by Iran and disrupt and degrade Hizballah's illicit activities, including diplomatic engagement that involves—

''(1) efforts to target and expose illicit finance networks, arrest perpetrators, freeze assets, and address Iran and Hizballah's use of illicit financial networks using international trade and banking systems;

''(2) efforts to assist willing governments with the development of counter-organized crime legislation, the strengthening of financial investigative capacity, and a fully-vetted counter-organized crime judicial model in jurisdictions plagued with corruption; and

''(3) efforts to persuade governments to list Hizballah as a terrorist organization.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Hizballah International Financing Prevention Act of 2015 is amended by inserting after the item related to section 103, as added by section 103(b) of this Act, the following new item:

''Sec. 104. Diplomatic initiatives to prevent hostile activities by Iran and disrupt and degrade Hizballah's illicit networks.''.

TITLE II—NARCOTICS TRAFFICKING AND TRANSNATIONAL CRIMINAL ACTIVITIES OF HIZBALLAH

SEC. 201. IMPOSITION OF SANCTIONS WITH RESPECT TO AFFILIATED NETWORKS OF HIZBALLAH FOR TRANSNATIONAL CRIMINAL ACTIVITIES.

(a) STATEMENT OF POLICY.—It is the policy of the United States to determine if individuals and entities that are designated by the United States Government on or after the date of the enactment of this Act as being associated with Hizballah are engaged in transnational organized crime or related activities on or after such date of enactment.

(b) IN GENERAL.—Section 201 of the Hizballah International Financing Prevention Act of 2015 (Public Law 114–102; 50 U.S.C. 1701 note) is amended to read as follows:

''SEC. 201. IMPOSITION OF SANCTIONS WITH RESPECT TO AFFILIATED NETWORKS OF HIZBALLAH FOR TRANSNATIONAL CRIMINAL ACTIVITIES.

''(a) IN GENERAL.—The President shall, on or after the date of the enactment of the Hizballah International Financing Prevention Amendments Act of 2018, impose the sanctions described in subsection (b) with respect to affiliated networks of Hizballah, including, as appropriate, by reason of significant transnational criminal activities engaged in by such networks.

''(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are sanctions applicable with respect to Hizballah pursuant to any provision of law, including Executive Order 13581 (50 U.S.C. 1701 note; relating to blocking property of transnational criminal organizations) (as such Executive Order was in effect on the day before the date of the enactment of the Hizballah International Financing Prevention Amendments Act of 2018).

''(c) WAIVER.—The President may, for periods not to exceed 180 days, waive the imposition of sanctions under this section if the President certifies to the appropriate congressional committees that such waiver is in the national security interests of the United States.

''(d) DEFINITIONS.—In this section:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on Foreign Affairs, the Committee on Ways and Means, the Committee on Appropriations, the Committee on Financial Services, and the Permanent Select Committee on Intelligence of the House of Representatives; and

''(B) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

''(2) HIZBALLAH.—The term 'Hizballah' has the meaning given such term in section 102(e).''.

(c) CONFORMING AMENDMENT.—The title heading for title II of the Hizballah International Financing Prevention Act of 2015 is amended to read as follows:

''TITLE II—SANCTIONS AND REPORTS RELATING TO NARCOTICS TRAFFICKING AND SIGNIFICANT TRANSNATIONAL CRIMINAL ACTIVITIES OF HIZBALLAH''.

(d) CLERICAL AMENDMENTS.—The table of contents for the Hizballah International Financing Prevention Act of 2015 is amended—

(1) by striking the item relating to title II and inserting the following:

''TITLE II—SANCTIONS AND REPORTS RELATING TO NARCOTICS TRAFFICKING AND SIGNIFICANT TRANSNATIONAL CRIMINAL ACTIVITIES OF HIZBALLAH''; AND

(2) by striking the item relating to section 201 and inserting the following:

''Sec. 201. Imposition of sanctions with respect to affiliated networks of Hizballah for transnational criminal activities.''.

SEC. 202. REPORT ON RACKETEERING ACTIVITIES ENGAGED IN BY HIZBALLAH.

(a) IN GENERAL.—Section 202 of the Hizballah International Financing Prevention Act of 2015 (Public Law 114–102; 50 U.S.C. 1701 note) is amended to read as follows:

''SEC. 202. REPORT ON RACKETEERING ACTIVITIES ENGAGED IN BY HIZBALLAH.

''(a) IN GENERAL.—Not later than 180 days after the date of the enactment of the Hizballah International Financing Prevention Amendments Act of 2018, the President shall submit to the appropriate congressional committees a report on information regarding activities that Hizballah, and agents and affiliates of Hizballah, have engaged in that are racketeering activities, including any patterns regarding such racketeering activities.

''(b) FORM OF REPORT.—Each report required under subsection (a) shall be submitted in an unclassified form but may contain a classified annex.

''(c) DEFINITIONS.—In this section:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on the Judiciary, the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Appropriations of the House of Representatives; and

''(B) the Committee on the Judiciary, the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Appropriations of the Senate.

''(2) HIZBALLAH.—The term 'Hizballah' has the meaning given such term in section 102(e).

''(3) RACKETEERING ACTIVITY.—The term 'racketeering activity' means any activity that would be considered a racketeering activity (as defined in section 1961(1) of title 18, United States Code) if the activity were engaged in the United States or by a United States person.

''(4) UNITED STATES PERSON.—The term 'United States person' has the meaning given such term in section 101(d).''.

(b) CLERICAL AMENDMENT.—The table of contents for the Hizballah International Financing Prevention Act of 2015 is amended by striking the item relating to section 202 and inserting the following:

''Sec. 202. Report on racketeering activities engaged in by Hizballah.''.

SEC. 203. MODIFICATION OF REPORT ON ACTIVITIES OF FOREIGN GOVERNMENTS TO DISRUPT ACTIVITIES OF HIZBALLAH; REPORTS ON MEMBERSHIP IN HIZBALLAH.

(a) IN GENERAL.—Section 204 of the Hizballah International Financing Prevention Act of 2015 (Public Law 114–102; 50 U.S.C. 1701 note) is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A), by striking ''this Act'' and inserting ''the Hizballah International Financing Prevention Amendments Act of 2018, and once every 2 years thereafter for the following 4 years'';

(B) in subparagraph (D)(ii)(II), by striking ''and'' at the end;

(C) in subparagraph (E), by striking ''and free-trade zones.'' and inserting ''free-trade zones, business partnerships and joint ventures, and other investments in small and medium-sized enterprises;''; and

(D) by adding at the end the following:

''(F) a list of jurisdictions outside of Lebanon that expressly consent to, or with knowledge allow, the use of their territory by Hizballah to carry out terrorist activities, including training, financing, and recruitment;

''(G) a description of the total aggregate revenues and remittances that Hizballah receives from the global logistics networks of Hizballah;

''(H) a list of Hizballah's sources of revenue, including sources of revenue based on illicit activity, revenues from Iran, charities, and other business activities;

''(I) a list of Hizballah's expenditures, including expenditures for ongoing military operations, social networks, and external operations;

''(J) a description of steps to be taken by Federal agencies to combat the illicit tobacco trafficking networks used by Hizballah;

''(K) an assessment of Hizballah's financial operations in areas under its operational or political control in Lebanon and Syria and available measures to target Hizballah's financial operations in those areas;

''(L) a review of Hizballah's international operational capabilities, including in the United States;

''(M) a review of—

''(i) the total number and value of Hizballah-related assets seized and forfeited; and

''(ii) the total number of indictments, prosecutions, and extraditions of Hizballah members or affiliates; and

''(N) a review of efforts by the United States to prevent hostile activities by Iran and disrupt and degrade Hizballah's illicit networks in the Western Hemisphere, including interagency coordination to ensure that information-sharing, interdictions, arrests, investigations, indictments, sanctions, and designations related to Hizballah individuals or networks in the Western Hemisphere are integrated, coordinated, and publicly communicated by the United States in a manner that supports United States interests.'';

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

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

''(b) ENHANCED DUE DILIGENCE.—

''(1) IN GENERAL.—The President is authorized to require each financial institution in the United States that knowingly maintains a correspondent account or a payable-through account in the United States for a foreign financial institution described in paragraph (2) to establish enhanced due diligence policies, procedures, and controls in accordance with section 5318(i)(2)(B) of title 31, United States Code, and regulations to implement such section with respect to such accounts.

''(2) FOREIGN FINANCIAL INSTITUTION DESCRIBED.—A foreign financial institution described in this paragraph is a foreign financial institution that the President determines provides significant financial services

to persons operating in a jurisdiction identified in unclassified form in the list required under subsection (a)(1)(F).

''(3) DEFINITIONS.—In this subsection, the terms 'correspondent account' and 'payable-through account' have the meanings given those terms in section 5318A of title 31, United States Code.''; and

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

(A) by striking ''this Act, and every 180 days thereafter,'' and inserting ''the Hizballah International Financing Prevention Amendments Act of 2018, and every 180 days thereafter for the following 4 years,''; and

(B) by adding before the period at the end the following: ''and on any requirements for enhanced due diligence prescribed under subsection (b)''.

(b) REPORT ON ESTIMATED NET WORTH OF SENIOR HIZBALLAH MEMBERS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that contains—

(A) the estimated total net worth of each individual described in paragraph (2); and

(B) to the extent feasible, a description of how funds of each individual described in paragraph (2) were acquired, and how such funds have been used or employed.

(2) INDIVIDUALS DESCRIBED.—The individuals described in this paragraph are the following:

(A) The Secretary General of Hizballah.

(B) Members of Hizballah's senior leadership or senior associates of Hizballah that the President determines materially assist or support Hizballah.

(C) Any other individual that the President determines is a senior foreign political figure of Hizballah.

(3) FORM OF REPORT; PUBLIC AVAILABILITY.—

(A) FORM.—The report required under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(B) PUBLIC AVAILABILITY.—The unclassified portion of the report required under paragraph (1) shall be made available to the public in precompressed, easily downloadable versions that are made available in all appropriate formats.

(4) DEFINITIONS.—In this subsection:

(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(i) the Committee on Foreign Affairs, the Committee on Financial Services, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(ii) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate.

(B) FUNDS.—The term ''funds'' means—

(i) cash;

(ii) equity;

(iii) any other intangible asset the value of which is derived from a contractual claim, including bank deposits, bonds, stocks, a security (as defined in section 2(a) of the Securities Act of 1933 (15 U.S.C. 77b(a))), or a security or an equity security (as those terms are defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))); and

(iv) anything else of value that the Secretary of the Treasury determines to be appropriate.

(C) SENIOR FOREIGN POLITICAL FIGURE.—The term ''senior foreign political figure'' has the meaning given that term in section 1010.605 of title 31, Code of Federal Regulations (or any successor regulation).

(c) REPORT ON INDIVIDUALS WHO ARE MEMBERS OF THE LEBANESE PARLIAMENT AND WHO IDENTIFY AS MEMBERS OF HIZBALLAH.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report that contains the following:

(A) A list of individuals who are members of the Lebanese Parliament and who identify as members of Hizballah.

(B) A description of any significant conduct of individuals on the list required under subparagraph (A) that the President determines may be grounds for designation pursuant to Executive Order 13224 (50 U.S.C. 1701 note; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism).

(2) FORM.—The report required under paragraph (1) shall be transmitted in unclassified form, but may include a classified annex.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Affairs, the Committee on Financial Services, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate.

TITLE III—GENERAL PROVISIONS

SEC. 301. REGULATORY AUTHORITY.

(a) IN GENERAL.—The President shall, not later than 180 days after the date of the enactment of this Act, prescribe regulations as necessary for the implementation of this Act and the amendments made by this Act.

(b) NOTIFICATION TO CONGRESS.—Not later than 10 days before the prescription of regulations under subsection (a), the President shall notify the appropriate congressional committees regarding the proposed regulations and the provisions of this Act and the amendments made by this Act that the regulations are implementing.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.

SEC. 302. IMPLEMENTATION; PENALTIES; JUDICIAL REVIEW; EXEMPTIONS; RULE OF CONSTRUCTION; EXCEPTION RELATING TO IMPORTATION OF GOODS.

(a) IN GENERAL.—Title I of the Hizballah International Financing Prevention Act of 2015 (Public Law 114–102; 50 U.S.C. 1701 note), as amended by sections 103 and 104 of this Act, is further amended by adding at the end the following:

''SEC. 105. IMPLEMENTATION; PENALTIES; JUDICIAL REVIEW; EXEMPTIONS; RULE OF CONSTRUCTION.

''(a) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out sections 101, 102, 103, and 201 of this Act.

''(b) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of regulations prescribed to carry out section 101, 102, 103, or 201 of this Act to the same extent that such penalties apply to a person that commits an unlawful act described in subsection (a) of such section 206.

''(c) PROCEDURES FOR JUDICIAL REVIEW OF CLASSIFIED INFORMATION.—

''(1) IN GENERAL.—If a finding under section 101, 102, 103, or 201 of this Act, or a prohibition, condition, or penalty imposed as a result of any such finding, is based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.)) and a court reviews the finding or the imposition of the prohibition, condition, or penalty, the President may submit such information to the court ex parte and in camera.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to confer or imply any right to judicial review of any finding under section 101, 102, 103, or 201 of this Act, or any prohibition, condition, or penalty imposed as a result of any such finding.

''(d) EXEMPTIONS.—The following activities shall be exempt from sections 101, 102, 103, and 201 of this Act:

''(1) Any authorized intelligence, law enforcement, or national security activities of the United States.

''(2) Any transaction necessary to comply with United States obligations under the Agreement between the United Nations and the United States of America regarding the Headquarters of the United States, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, or the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or any other United States international agreement.

''(e) RULE OF CONSTRUCTION.—Nothing in section 101, 102, 103, or 201 of this Act shall be construed to limit the authority of the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or under any other provision of law.

''(f) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

''(1) IN GENERAL.—The authorities and requirements to impose sanctions under this Act shall not include the authority or requirement to impose sanctions on the importation of goods.

''(2) DEFINITION.—In this subsection, the term 'good' means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Hizballah International Financing Prevention Act of 2015, as amended by this Act, is further amended by inserting after the item relating to section 104, as added by section 104(b) of this Act, the following new item:

''Sec. 105. Implementation; penalties; judicial review; exemptions; rule of construction.''.

(c) CONFORMING AMENDMENTS.—Section 102 of the Hizballah International Financing Prevention Act of 2015 (Public Law 114–102; 50 U.S.C. 1701 note) is amended—

(1) in subsection (a), by striking paragraphs (3) and (4);

(2) by striking subsection (e); and

(3) by redesignating subsection (f) as subsection (e).

SEC. 303. REPORT CONSOLIDATION AND MODIFICATION.

(a) IN GENERAL.—Any and all reports required to be submitted to Congress under this Act or the Hizballah International Financing Prevention Act of 2015 (Public Law 114–102; 50 U.S.C. 1701 note) that are subject to a deadline for submission consisting of the same unit of time may be consolidated into a single report that is submitted to Congress pursuant to such deadline.

(b) MATTERS TO BE INCLUDED.—Any report that is consolidated into a single report as

described in subsection (a) shall contain all information required under this Act or the Hizballah International Financing Prevention Act of 2015 in addition to all other elements required by previous law.

(c) REPORTS MODIFICATION.—The North Korea Sanctions and Policy Enhancement Act of 2016 is amended as follows:

(1) In section 209(a)(3)(A) (22 U.S.C. 9229(a)(3)(A)), by striking ''not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter'' and inserting ''not later than 90 days after the date of the enactment of the Hizballah International Financing Prevention Amendments Act of 2018, and every 180 days thereafter for 5 years''.

(2) In section 302(a) (22 U.S.C. 9241(a)), by striking ''Not later than 180 days after the date of the enactment of this Act'' and inserting ''Not later than 120 days after the date of the enactment of the Hizballah International Financing Prevention Amendments Act of 2018, and periodically thereafter''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from New York (Mr. ENGEL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. 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 this measure.

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today, we will consider a House-Senate agreement on additional measures targeting Hezbollah, Iran's leading terrorist proxy, with tough new sanctions that we will impose with this bill.

Last Congress, the Hizballah International Financing Prevention Act was signed into law. This legislation threatened to cut off any financial institution that knowingly facilitates significant transactions for Hezbollah from the U.S. financial system. That was a major step in the financial fight against Hezbollah.

In the immediate aftermath of the law's enactment, Hezbollah's leader gave a public speech blasting U.S. sanctions as ''unjust and false accusations.''

Hezbollah also asserted that it ''does not have any funds in any bank in the world . . . or in Lebanese banks and the central bank and the directors of banks must not panic.''

Well, if a terrorist organization must publicly state that they are not panicking, then they are definitely panicking. And Hezbollah was panicking, Mr. Speaker, following the passage of this landmark legislation.

Hezbollah reportedly had to cut salaries, defer payments to suppliers, and slash money stipends to allied parties. Facing increased financial pressure, Hezbollah has also lashed out most recently by bombing a Lebanese bank in an effort to intimidate the board members into noncompliance. But Hezbollah's cowardly stance and its scare tactics have not worked.

Lebanese banks have gone above and beyond the letter of the new U.S. law to proactively offload Hezbollah-linked bank accounts, forcing Hezbollah to look elsewhere for financial services.

Yet, as time has progressed, Hezbollah has found temporary, albeit cumbersome, workarounds. It is time to send Hezbollah into a panic again, and this new legislation that we are considering tonight will do just that.

First, the legislation mandates the application of sanctions against agencies of foreign states that provide weapons to Hezbollah—namely, Iran. Iran is the principal, external financial backer of Hezbollah, a fact that the leader of Hezbollah has openly admitted to for years.

It is estimated that Iranian funding to Hezbollah exceeds $700 million per year. This is in addition to a rapid expansion in both the quantity and the quality of weapons provided to Hezbollah by Iran.

In May, the Treasury Department imposed sanctions on the governor of the Central Bank of Iran and another senior bank official, accusing them of funneling millions of dollars to Hezbollah. But more can be done, and more must be done.

This new legislation takes aim at Hezbollah's enablers, both inside and outside of Lebanon. It mandates sanctions against any person or entity that engages in a transaction with anyone aiding Hezbollah's fundraising or recruitment.

This includes Hezbollah's foreign relations department, its television station, and its companies that maintain Hezbollah's social media accounts.

This legislation also requires the administration to issue a report laying out the assets of senior Hezbollah members and associates. This should clearly be applicable to Hezbollah's senior allies in the Lebanese Government.

Hezbollah is constantly expanding and exploiting its extensive criminal networks from narcotics trafficking to human trafficking in order to escape sanctions and attack Western interests. So to address this new threat, this legislation also imposes transnational organized criminal organization sanctions on Hezbollah's criminal networks, and it requires the administration to report to us in Congress on Hezbollah's racketeering activities, which can serve as a basis for applying RICO penalties to Hezbollah.

In sum, Mr. Speaker, this legislation is an important expansion of our efforts to take aim at Hezbollah, to take aim at its enablers, and to take aim at its state sponsor, Iran.

Mr. Speaker, I urge my colleagues to support this effort to ensure that the United States continues to have the tools to respond to the threats caused by Hezbollah.

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

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, September 7, 2018.

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

DEAR CHAIRMAN CHAIRMAN ROYCE: I am writing concerning S. 1595, the Hizballah International Financing Prevention Amendments Act of 2017.

As a result of your having consulted with the Committee on Financial Services concerning provisions in the bill that fall within our Rule X jurisdiction, I agree to forgo action on the bill so that it may proceed expeditiously to the House Floor. The Committee on Financial Services takes this action with our mutual understanding that, by foregoing consideration of S. 1595, at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as this or similar legislation moves forward so that we may address any remaining issues that fall within our Rule X jurisdiction. 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 requests your support for any such request.

Finally, I would appreciate your response to this letter confirming this understanding with respect to S. 1595 and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration thereof.

Sincerely,

JEB HENSARLING,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, September 7, 2018.

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

DEAR CHAIRMAN HENSARLING: Thank you for consulting with the Foreign Affairs Committee and agreeing to be discharged from further consideration of S. 1595, the Hizballah International Financing Prevention Amendments Act of 2017, so that the bill may proceed expeditiously to the House floor.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of your committee, or prejudice its jurisdictional prerogatives on this bill or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation.

I will seek to place our letters on S. 1595 into the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,

EDWARD R. ROYCE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 7, 2018.

Hon. EDWARD R. ROYCE,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR CHAIRMAN ROYCE, I write with respect to S. 1595, the ''Hizballah International Financing Prevention Amendments Act.'' As

a result of your having consulted with us on provisions within S. 1595 that fall within the Rule X jurisdiction of the Committee on the Judiciary, I forego any further consideration of this bill so that it may proceed expeditiously to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of S. 1595 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 so that we may address any remaining issues in our jurisdiction. 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 a response to this letter confirming this understanding with respect to S. 1595 and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration of the bill.

Sincerely,

BOB GOODLATTE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, September 7, 2018.

Hon. BOB GOODLATTE,
Chairman, Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN GOODLATTE: Thank you for consulting with the Foreign Affairs Committee and agreeing to be discharged from further consideration of S. 1595, the Hizballah International Financing Prevention Amendments Act of 2017, so that the bill may proceed expeditiously to the House floor.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of your committee, or prejudice its jurisdictional prerogatives on this bill or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation.

I will seek to place our letters on S. 1595 into the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,

EDWARD R. ROYCE,
Chairman.

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

Mr. Speaker, I rise in strong support of this measure. Let me first thank our chairman on the Foreign Affairs Committee, ED ROYCE, who has done great work to get this bill to the finish line.

I want to especially thank my dear friend and colleague, ILEANA ROS-LEHTINEN, who was so instrumental in crafting this bill and then getting it passed, like so many other things she has done for so many years on the Foreign Affairs Committee. It has just been an honor and a pleasure to work with her, and we are going to miss her. But she has done some great work, and people's lives will be saved because of the work that ILEANA ROS-LEHTINEN has done, so I want to thank her.

I am also grateful to the Members of the other body who have helped push this measure forward. This bill is the product of a good, bipartisan effort aimed at a clear goal to isolate Hezbollah, one of the world's most dangerous terrorist organizations.

With hundreds of thousands of rockets pointed at Israel and fighters returning home, battle-hardened from years fighting alongside the Assad regime in Syria, Hezbollah has become more sophisticated and more lethal.

Hezbollah, with support from Iran, has served as a lifeline to Assad, allowing his regime to butcher the Syrian people. Without Hezbollah's support, Assad would have been swept out of power years ago.

When he was losing, Hezbollah came in. Iran unleashed Hezbollah, and they turned the tide in the war. Birds of a feather flock together, unfortunately, and Hezbollah has also gained from this relationship.

The war in Syria bound Hezbollah and Russia together. The result was deeper coordination and training between the two. Russia talks a good game about fighting terrorism, but its partnership with Hezbollah has shown that Moscow is eager to collaborate with a group that has American blood on its hands.

Now is the time to choke Hezbollah off from its patrons. This bill would give the administration every tool it needs to confront this dangerous group. With this measure, we build on a 2015 law by imposing sanctions on anyone who knowingly supports Hezbollah's fundraising and recruitment efforts.

As terrorist groups, including Hezbollah, rely more and more on online crowd sourcing and social media to spread their message, we need to be one step ahead.

This bipartisan legislation also imposes sanctions on any part of a foreign government that supplies material support or arms to Hezbollah.

□ 2230

That could include Russia and Iran for the training and assistance they provide to Hezbollah in Syria.

This measure would also ramp up oversight on the administration's strategies when it comes to diplomatic engagement to shut off Hezbollah's networks and safe havens. This legislation is meant to signal to anyone who supports Hezbollah: Your time is up.

Let me add a final note about Hezbollah as it concerns Lebanon. I have been a friend of Lebanon for many years. Back in 2003, I wrote the Syria Accountability and Lebanese Sovereignty Restoration Act with my friend Congresswoman ILEANA ROS-LEHTINEN. We pressed Syria to get out of Lebanon and allow Lebanon to secure its own independence, free from Syria's outside influence.

Unfortunately, Hezbollah has, so far, endured as a fact of life in Lebanese politics. The Lebanese people deserve better. Hezbollah should stop holding the Lebanese people hostage to its radical agenda.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the chairman of our very bipartisan committee, the Foreign Affairs Committee, Chairman ED ROYCE, as well as Matt Zweig on his staff—he will be embarrassed that I say that—and Ranking Member ELIOT ENGEL. I thank Mr. ENGEL for those wonderful words. I am going to miss working with him greatly. We have worked on so many important pieces of legislation together. And Mira Resnick and Edmund Rice on his staff, what a delight they have been. I thank them for their collaboration in developing this critical legislation. I am going to miss working with all of them.

I also want to thank Senate Banking Chairman MIKE CRAPO and Ranking Member SHERROD BROWN, and John O'Hara and Colin McGinnis of their staff, for their hard work and commitment to achieving the strong, sound, bipartisan agreement that we have before us today.

Finally, I thank my hometown Senator, Senator RUBIO, as well as Senator SHAHEEN, who have taken the lead on this effort on the other side.

For 30 years, Mr. Speaker, Hezbollah has remained Iran's proxy. Iran remains Hezbollah's primary source of financial support. What a terrible relationship these two have had.

This bill builds on our past efforts. It ramps up pressure on this dangerous terrorist group. It sanctions regimes, including Iran and Syria, because they are providing weapons to Hezbollah. It targets Hezbollah's innovative fundraising and recruiting efforts, including its attempt to crowdsource small donations to support its fighters. And it recognizes that Hezbollah is more than a terrorist group; it is also a global criminal organization, an enterprise that profits from drug trafficking, money laundering, and counterfeiting.

This bill gives the administration the tools to respond accordingly. We must employ a combination of law enforcement, financial, criminal, civil, and regulatory tools to deter, disrupt, and publicly illuminate the global illicit Hezbollah network. And we have to continue to work together to confront this threat.

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

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

Mr. Speaker, in closing, Hezbollah is a threat to peace and stability across the Middle East. This group is emerging from the Syrian civil war even more dangerous and determined to spread its hatred and violence. Their tactics have grown more sophisticated, and we need to give the administration every tool we can to crack down on this group. This bill is a strong move in that direction. It is a great example of what we can produce when we work

across the aisle on national security issues.

Let me say, I never hesitate to say how proud I am of the Foreign Affairs Committee and Chairman ED ROYCE and the leadership of the committee on both sides of the aisle for what we think as being the most bipartisan committee in Congress. It is important when we are talking about foreign policy that America speak with one voice, and it is important when we talk about foreign policy that politics stops at the water's edge.

This bill is a very important bill. It is a great example of what we can produce when we work across the aisle, and I am glad we are getting it across the finish line before we wrap up our work this month.

Mr. Speaker, I urge a ''yes'' vote, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I echo Mr. ENGEL's remarks that, under the leadership of Chairman ROYCE and Ranking Member ENGEL, our Foreign Affairs Committee is one of the most bipartisan committees of the House.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, S. 1595, 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.

HACK YOUR STATE DEPARTMENT ACT

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5433) to require the Secretary of State to design and establish a Vulnerability Disclosure Process (VDP) to improve Department of State cybersecurity and a bug bounty program to identify and report vulnerabilities of internet-facing information technology of the Department of State, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5433

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 ''Hack Your State Department Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) BUG BOUNTY PROGRAM.—The term ''bug bounty program'' means a program under which an approved individual, organization, or company is temporarily authorized to identify and report vulnerabilities of internet-facing information technology of the Department in exchange for compensation.

(2) DEPARTMENT.—The term ''Department'' means the Department of State.

(3) INFORMATION TECHNOLOGY.—The term ''information technology'' has the meaning given such term in section 11101 of title 40, United States Code.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of State.

SEC. 3. DEPARTMENT OF STATE VULNERABILITY DISCLOSURE PROCESS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall design, establish, and make publicly known a Vulnerability Disclosure Process (VDP) to improve Department cybersecurity by—

(1) providing security researchers with clear guidelines for—

(A) conducting vulnerability discovery activities directed at Department information technology; and

(B) submitting discovered security vulnerabilities to the Department; and

(2) creating Department procedures and infrastructure to receive and fix discovered vulnerabilities.

(b) REQUIREMENTS.—In establishing the VDP pursuant to paragraph (1), the Secretary shall—

(1) identify which Department information technology should be included in the process;

(2) determine whether the process should differentiate among and specify the types of security vulnerabilities that may be targeted;

(3) provide a readily available means of reporting discovered security vulnerabilities and the form in which such vulnerabilities should be reported;

(4) identify which Department offices and positions will be responsible for receiving, prioritizing, and addressing security vulnerability disclosure reports;

(5) consult with the Attorney General regarding how to ensure that approved individuals, organizations, and companies that comply with the requirements of the process are protected from prosecution under section 1030 of title 18, United States Code, and similar provisions of law for specific activities authorized under the process;

(6) consult with the relevant offices at the Department of Defense that were responsible for launching the 2016 Vulnerability Disclosure Program, ''Hack the Pentagon'', and subsequent Department of Defense bug bounty programs;

(7) engage qualified interested persons, including nongovernmental sector representatives, about the structure of the process as constructive and to the extent practicable; and

(8) award a contract to an entity, as necessary, to manage the process and implement the remediation of discovered security vulnerabilities.

(c) ANNUAL REPORTS.—Not later than 180 days after the establishment of the VDP under subsection (a) and annually thereafter for the next six years, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the following with respect to the VDP:

(1) The number and severity, in accordance with the National Vulnerabilities Database of the National Institute of Standards and Technology, of security vulnerabilities reported.

(2) The number of previously unidentified security vulnerabilities remediated as a result.

(3) The current number of outstanding previously unidentified security vulnerabilities and Department of State remediation plans.

(4) The average length of time between the reporting of security vulnerabilities and remediation of such vulnerabilities.

(5) An estimate of the total cost savings of discovering and addressing security vulnerabilities submitted through the VDP.

(6) The resources, surge staffing, roles, and responsibilities within the Department used to implement the VDP and complete security vulnerability remediation.

(7) Any other information the Secretary determines relevant.

SEC. 4. DEPARTMENT OF STATE BUG BOUNTY PILOT PROGRAM.

(a) ESTABLISHMENT OF PILOT PROGRAM.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall establish a bug bounty pilot program to minimize security vulnerabilities of internet-facing information technology of the Department.

(2) REQUIREMENTS.—In establishing the pilot program described in paragraph (1), the Secretary shall—

(A) provide compensation for reports of previously unidentified security vulnerabilities within the websites, applications, and other internet-facing information technology of the Department that are accessible to the public;

(B) award a contract to an entity, as necessary, to manage such pilot program and for executing the remediation of security vulnerabilities identified pursuant to subparagraph (A);

(C) identify which Department information technology should be included in such pilot program;

(D) consult with the Attorney General on how to ensure that approved individuals, organizations, or companies that comply with the requirements of such pilot program are protected from prosecution under section 1030 of title 18, United States Code, and similar provisions of law for specific activities authorized under such pilot program;

(E) consult with the relevant offices at the Department of Defense that were responsible for launching the 2016 ''Hack the Pentagon'' pilot program and subsequent Department of Defense bug bounty programs;

(F) develop a process by which an approved individual, organization, or company can register with the entity referred to in subparagraph (B), submit to a background check as determined by the Department, and receive a determination as to eligibility for participation in such pilot program;

(G) engage qualified interested persons, including nongovernmental sector representatives, about the structure of such pilot program as constructive and to the extent practicable; and

(H) consult with relevant United States Government officials to ensure that such pilot program compliments persistent network and vulnerability scans of the Department of State's internet-accessible systems, such as the scans conducted pursuant to Binding Operational Directive BOD-15-01.

(3) DURATION.—The pilot program established under paragraph (1) should be short-term in duration and not last longer than one year.

(b) REPORT.—Not later than 180 days after the date on which the bug bounty pilot program under subsection (a) is completed, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on such pilot program, including information relating to—

(1) the number of approved individuals, organizations, or companies involved in such pilot program, broken down by the number of approved individuals, organizations, or companies that—

(A) registered;

(B) were approved;

(C) submitted security vulnerabilities; and

(D) received compensation;

(2) the number and severity, in accordance with the National Vulnerabilities Database of the National Institute of Standards and

Technology, of security vulnerabilities reported as part of such pilot program;

(3) the number of previously unidentified security vulnerabilities remediated as a result of such pilot program;

(4) the current number of outstanding previously unidentified security vulnerabilities and Department remediation plans;

(5) the average length of time between the reporting of security vulnerabilities and remediation of such vulnerabilities;

(6) the types of compensation provided under such pilot program; and

(7) the lessons learned from such pilot program.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from New York (Mr. ENGEL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on this measure.

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a massive breach of the State Department's unclassified computer network in 2014 exposed grave weaknesses in its information technology systems. And in the years since that attack, problems have continued to mount.

The Department's cybersecurity response program received a D rating, the lowest of any agency, on its Federal Information Security Management Act report card in 2017. And just this month, the Department revealed that it recently suffered a breach of its unclassified email system, which exposed the personal information of some of its employees.

Mr. Speaker, more must be done to ensure cost-effective solutions to the Department's information technology security challenges.

The Hack Your State Department Act, authored by my Foreign Affairs Committee colleagues TED LIEU and TED YOHO, will help address cybersecurity gaps at the Department. This bill will crowdsource solutions and offer a layered approach to information technology security, consistent with the 2017 Report to the President on Federal IT Modernization.

This bill achieves this in two ways:

First, the bill establishes a vulnerability disclosure process to give security researchers clear guidelines for discovering and reporting cybersecurity vulnerabilities. This is considered a best practice in the private sector and, frankly, should be done in all government agencies.

Second, this bill would establish a bounty pilot program at the Department to reward ethical hackers for discovering and reporting vulnerabilities. Numerous private-sector companies and the Department of Defense have used programs like this to improve their cyber defenses at minimal cost.

The Department said that its Hack the Pentagon program ''demonstrated the power of engaging the hacker community to help address cybersecurity challenges of the Department of Defense.''

In its first pilot, hackers identified over 130 unique vulnerabilities, exceeding the Defense Department's expectations so much that it announced plans to expand the program to all of its more than 700 websites.

Both the vulnerability disclosure process and the bounty pilot program are designed to complement persistent network scans currently done by the Department of Homeland Security and other cybersecurity activities undertaken by the Department of State.

As a national security Department, the State Department must do more to secure its networks. The Hack Your State Department Act is a small but important step to bring cost-effective solutions commonly used in the private sector to bear in support of this goal.

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

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

Mr. Speaker, I rise in support of this measure.

Mr. Speaker, I thank Representative LIEU of southern California, a very valued member of the Committee on Foreign Affairs, for his hard work on this bill.

It is important, Mr. Speaker, that we modernize our agencies across government to better deal with 21st century challenges.

The State Department is under constant threat of cyberattacks from foreign actors bent on stealing our secrets, disrupting our foreign policy, and undermining our security.

Just 8 days ago, it was reported that the State Department's email system was breached. This time, whoever was behind the attack got ahold of private information about State Department personnel. Who knows what they will get their hands on next time.

Mr. LIEU's bill will help shore up the State Department against this sort of intrusion. First of all, it requires the Secretary of State to get out ahead of this problem. Instead of waiting for the next attack to happen, this bill would mandate a plan for researchers to actively seek out and report vulnerabilities.

Secondly, this bill launches a new initiative, a so-called bug bounty program. This seeks to tap the expertise of everyday Americans by rewarding citizens who uncover and report security risks in the Department's computer system. It will also allow security researchers and friendly hackers to find the cracks in the system so that the Department can patch them.

This effort is modeled after a very successful program at the Defense Department, which got off the ground in 2016. Since then, 1,400 people have registered to participate, and they have found roughly 140 vulnerabilities.

Our Federal agencies should learn from one another. It is just common sense to put this tested practice to work at the State Department and elsewhere.

Mr. Speaker, I commend Mr. LIEU. I am glad to support this bill, and I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from California (Mr. TED LIEU), the author of the bill.

Mr. TED LIEU of California. Mr. Speaker, I thank Representative ENGEL for yielding.

Mr. Speaker, I rise today in support of my legislation, H.R. 5433, the Hack Your State Department Act, that I coauthored with my friend, TED YOHO of Florida.

Over the years, the State Department has faced mounting cybersecurity threats from both criminal enterprises and state-sponsored hackers. In 2014, for instance, the Department was infiltrated by Russian hackers and had to temporarily shut down its email system.

Just last week, the State Department suffered another cybersecurity breach that exposed the personal information of a number of its employees.

As an agency with a critical national security role, we must do more to protect the State Department's cybersecurity. If there is any doubt that diplomatic cables cannot be sent to Washington securely or if sensitive diplomatic subjects are revealed, it jeopardizes the whole operation.

As a recovering computer science major, I recognize that there are proven tools at our disposal to improve cybersecurity that the Department has yet to adopt. One such tool is to enlist the help of America's top security researchers to find weaknesses in our cybersecurity. This legislation will bring that tool to the State Department after it has been proven successful in both the private sector, as well as at the Pentagon.

My legislation will do two things. The first step of this bill is to establish what is called a vulnerability disclosure process, which sets clear rules of the road so that, when people outside the Department discover vulnerabilities on Department systems, they can report it in a safe, secure, and legal manner with the confidence that the Department will actually fix the problems.

□ 2245

We cannot afford to allow vulnerabilities discovered in the wild remain known to hackers but unknown to the Department. This should be an easy fix.

The second step is to actually pay vetted white-hat hackers to find vulnerabilities. The Department of Defense proved the success of their bug

bounty program back in 2016. Over a 24-day period, the Pentagon learned of and fixed over 138 vulnerabilities in its systems.

A 2017 report to the President on Federal IT modernization stated: ''Agencies must take a layered approach to penetration testing. . . . At a bare minimum, agencies should establish vulnerability disclosure policies. . . . Agencies should also identify programs that are appropriate to place under public bug bounty programs such as those run by the Department of Defense or GSA.''

Today, with H.R. 5433, the House of Representatives is taking these recommendations to heart and helping to improve cybersecurity at the Department of State.

Mr. Speaker, I would like to thank Representative YOHO for partnering with me on this important legislation. I would like to thank Chairman ROYCE, Ranking Member ENGEL, and their staff for moving this bill through our committee.

Ms. ROS-LEHTINEN. I continue to reserve the balance of my time, Mr. Speaker.

Mr. ENGEL. Mr. Speaker, I am prepared to close.

In closing, I want to again thank Mr. LIEU and Chairman ROYCE.

It seems to me, Mr. Speaker, that we have been caught flatfooted before a range of new threats, including cyber attacks. Our agencies have not done enough to root out vulnerabilities, and, frankly, Congress hasn't done enough either to make sure our agencies across the government have the tools they need to tackle these challenges.

I hope going forward we will be able to take a comprehensive look at cyber threats and make sure the State Department, and all our departments and agencies, are up to the task.

For now, this bill is a good step in the right direction. It replicates an approach that has worked well over the last few years.

Mr. Speaker, I urge all Members to support it, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I would like to thank my colleagues—TED LIEU, a hardworking member of our Foreign Affairs Committee, and TED YOHO, chairman of the Subcommittee on Asia and the Pacific—for crafting this bipartisan legislation.

By unleashing the expertise of patriotic hackers, this bill will help the State Department identify and patch vulnerabilities on its computer systems.

The Hack Your State Department Act takes an innovative approach to improving network security at a Department that is in such desperate need of new solutions and improved capabilities.

Mr. Speaker, I urge passage of this bipartisan bill, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise today in support of H.R. 5433, the ''Hack Your State Department Act''.

This act would direct the State Department to establish what is known in the cybersecurity community as a 'bug bounty' program.

Bug bounty programs, also known as Vulnerability Disclosure Programs, are comprehensive efforts by an organization to lay out the method by which members of the public may report any security vulnerabilities to an entity.

They also lay out which of their resources are covered by this policy, and how any identified vulnerabilities will be addressed.

At a time when the computer networks of our government are under constant attack, and have suffered serious breaches in recent years, we must take action to ensure that the information of our citizens and the ability of federal agencies to carry out their duties are resilient.

As a long-time advocate of a government that works efficiently for the people, it is clear that current information security practices of federal agencies, including the State Department, must evolve to keep pace with improved standards and policies.

Without an honest effort to seek awareness of the security of the State Department network, users, and devices, we will continue to be increasingly vulnerable.

To that end, H.R. 5433 recognizes the importance of a dynamic approach that will help secure federal networks and data, beginning with the State Department, as well as provide improved information on vulnerabilities and security practices across the various agencies.

Without codifying this concrete measure to improve awareness of federal network security at the State Department, this important agency will remain vulnerable.

We have seen an unfortunate loss of cybersecurity talent at the State Department this year.

Further, even despite this, the White House has eliminated the position of Cybersecurity Coordinator from the National Security Council.

This occurred even after Federal Risk Determination Reports found that communication of threat information within agencies is also inconsistent, with only 59 percent of agencies reporting a capability to share threat information to all employees within an enterprise so they have the knowledge necessary to block attacks.

Federal agencies are not taking advantage of all available information such as threat intelligence, incident data, and network traffic flow to improve situational awareness regarding systems at risk and to prioritize investments.

For this reason, earlier this Congress, I introduced H.R. 3202, the ''Cyber Vulnerability Disclosure Reporting Act'', which was passed by the full House and is now in the Senate.

H.R. 3202 requires the Secretary of Homeland Security to submit a report on the policies and procedures developed for coordinating cyber vulnerability disclosures.

The report will include an annex with information on instances in which cyber security vulnerability disclosure policies and procedures were used to disclose details on identified weaknesses in computing systems that or digital devices at risk.

The report will provide information on the degree to which the information provided by DHS was used by industry and other stakeholders.

I would also like to recognize the University of Houston, which has been recognized by the Department of Homeland Security and the National Security Agency as a Center of Academic Excellence for the programs in cybersecurity and cyber defense.

In closing, Mr. Speaker, I urge all members to join me in voting to pass H.R. 5433, the ''Hack Your State Department Act''.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 5433, 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.

HONORING WENDY GRANT

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, Wendy Grant was a south Florida philanthropist who dedicated her all-too-brief life to serving others. Hers was a legacy of service to our community. She was also a well-respected aide to both Senator Connie Mack when he served here in D.C. and our Governor of Florida, Jeb Bush.

Here is a picture of lovely Wendy Grant. It says: A life lived for the greater good.

That was Wendy Grant.

Wendy was also a zealous advocate for children through her work with the St. Jude Children's Hospital, and she raised funds for its noble mission year after year.

Anyone who knew Wendy loved Wendy. She was famous for her birthday emails recognizing each of her friend's birthdays and updating us all on everyone's lives.

Remedios Diaz-Oliver, Lilliam Machado, and I were about to bestow upon Wendy the title of Honorary Cuban American, because she loved our history and our traditions. We will present the certificate when we honor her life next week at her church for her service.

Wendy Grant was a south Florida person to the hilt. She was warm; she was caring; and she was loyal. We will all miss Wendy Grant dearly.

Godspeed, my friend.

MOMENT OF SILENCE FOR DEPUTY ROBERT KUNZE

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

Mr. ESTES of Kansas. Mr. Speaker, I rise to honor the life and service of Sedgwick County Sheriff's Deputy Robert Kunze III.

On September 16, Deputy Kunze responded to a suspicious character call in a rural area of Sedgwick County. When he arrived, the suspect opened fire, and Deputy Kunze was shot in the neck.

The suspect could have fled or killed two witnesses standing close by. But in one final heroic act, before collapsing, Deputy Kunze returned fire, killing the suspect on the spot. The suspect was a convicted felon who had stolen two vehicles and the weapon he was carrying. By killing the suspect, Deputy Kunze ended a violent crime spree and gave up his life to save others.

Described as a jokester with a contagious laugh, Deputy Kunze leaves behind his wife, Kathleen, and their young daughter, Alyssa. At his funeral on Friday, Alyssa addressed the crowd with the words that rang across Kansas, saying: ''My dad was a hero. . . . He protected everyone.''

Today, we continue to pray for Deputy Kunze's family, as well as Sheriff Jeff Easter and the Sedgwick County Sheriff's Office.

At this time, I ask our colleagues to join in a moment of silence to honor Deputy Robert Kunze.

COMMANDER DOYLE LYNN

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

Mr. ROTHFUS. Mr. Speaker, I rise today to recognize the exemplary efforts of Bob Weismantle and the Vietnam Veterans of America Chapter 862 Honor Guard in their remembrance of Commander Doyle Lynn of Hopewell Township, Pennsylvania.

Commander Lynn served our country as a U.S. Navy pilot. On May 27, 1965, while flying a combat mission in Vietnam, Commander Lynn's plane was shot down by the enemy.

Following this tragedy, Commander Lynn was deemed missing in action. Fifty-three years later, Bob Weismantle and fellow Vietnam veterans requested that Hopewell Township in Beaver County install a street sign to commemorate their missing comrade.

Today, this honor was rightfully bestowed. The Commander Doyle Lynn street sign is proudly mounted on West Wade Street.

The care and dedication shown by Bob and the Vietnam Veterans of America Chapter 862 for their missing brother-in-arms speaks volumes to their character and the loyalty that our veterans have for one another.

Mr. Speaker, I thank all our veterans for their selfless sacrifice defending our country.

May God bless Commander Doyle Lynn.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ROKITA (at the request of Mr. MCCARTHY) for the afternoon of September 26 and September 28 on account of personal reasons.

Mr. DANNY K. DAVIS of Illinois (at the request of Ms. PELOSI) for today.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly an enrolled bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 698. An Act to require a land conveyance involving the Elkhorn Ranch and the White River National Forest in the State of Colorado, and for other purposes.

ADJOURNMENT

Mr. ROTHFUS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 53 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, September 26, 2018, 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:

6306. A letter from the Secretary, Department of Veterans Affairs, transmitting a report of a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1351; Public Law 97-258; (96 Stat. 926); to the Committee on Appropriations.

6307. A letter from the Doctrine Analyst, U.S. Army School of Music, JBLC-FS, Department of the Army, Department of Defense, transmitting the Department's final rule — Competition With Civilian Bands [Docket ID: USA-2017-HQ-0010] (RIN: 0702-AA83) received September 18, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Armed Services.

6308. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility; New Jersey: Brigantine, City of, Atlantic County [Docket ID: FEMA-2018-0002; Internal Agency Docket No.: FEMA-8543] received September 18, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

6309. A letter from the Regulatory Specialist, LRA, Office of the Comptroller of the Currency, Department of the Treasury, transmitting the Department's joint interim final rules — Expanded Examination Cycle for Certain Small Insured Depository Institutions and U.S. Branches and Agencies of Foreign Banks [Docket ID: OCC-2018-0014] (RIN: 1557-AE37) received September 21, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

6310. A letter from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting the NURSE Corps Loan Repayment and Scholarship Programs Report to Congress for FY 2017, pursuant to 42 U.S.C. 297n(h); July 1, 1944, ch. 373, title VIII, Sec. 846(h) (as amended by Public Law 107-205, Sec. 103(d)); (116 Stat. 814); to the Committee on Energy and Commerce.

6311. A letter from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting the National Health Service Corps Report to Congress for the Year 2017, pursuant to 42 U.S.C. 254i; July 1, 1944, ch. 373, title III, Sec. 336A (as amended by Public Law 107-251, Sec. 307(b)); (116 Stat. 1649); to the Committee on Energy and Commerce.

6312. A letter from the Secretary, Department of Health and Human Services, transmitting a Declaration of a Public Health Emergency and Waiver and/or Modification of Certain HIPAA, and Medicare, Medicaid, and Children's Health Insurance Program Requirements (Hurricane Florence), pursuant to 42 U.S.C. 247d(a); July 1, 1944, ch. 373, title III, Sec. 319(a) (as amended by Public Law 107-188, Sec. 144(a)); (116 Stat. 630) and 42 U.S.C. 1320b-5(d); Aug. 14, 1935, ch. 531, title XI, Sec. 1135(d) (as added by Public Law 107-188, Sec. 143(a)); (116 Stat. 628); to the Committee on Energy and Commerce.

6313. A letter from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting the 2017 National Healthcare Quality and Disparities Report, pursuant to 42 U.S.C. 299b-2(b)(2); Public Law 106-129, Sec. 2(a); (113 Stat. 1658); to the Committee on Energy and Commerce.

6314. A letter from the Assistant General Counsel for Regulatory Affairs, Office of General Counsel, Consumer Product Safety Commission, transmitting the Commission's direct final rule — Safety Standard for Automatic Residential Garage Door Operators [Docket No.: CPSC-2015-0025] received September 19, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6315. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Test Procedures for Integrated Light-Emitting Diode Lamps [EERE-2016-BT-TP-0037] (RIN: 1904-AD74) received September 21, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6316. A letter from the Deputy Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human Food [Docket No.: FDA-2011-N-0920] received September 18, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6317. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995, pursuant to 50 U.S.C. 1641(c); Public Law 94-412, Sec. 401(c); (90 Stat. 1257) and 50 U.S.C. 1703(c); Public Law 95-223, Sec 204(c); (91 Stat. 1627); to the Committee on Foreign Affairs.

6318. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Venezuela that was declared in Executive Order 13692 of March 8, 2015, pursuant to 50 U.S.C. 1641(c); Public Law 94-412, Sec. 401(c); (90 Stat. 1257) and 50 U.S.C. 1703(c); Public Law 95-223, Sec 204(c); (91 Stat. 1627); to the Committee on Foreign Affairs.

6319. A letter from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting the Department's interim final rule — Revisions to the Requirements for

Submissions of Exclusion Requests and Objections to Submitted Requests for Steel and Aluminum [Docket No.: 180227217-8217-02] (RIN: 0694-AH55) received September 18, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Foreign Affairs.

6320. A letter from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting the Department's final rule — Revisions to the Export Administration Regulations Based on the 2017 Missile Technology Control Regime Plenary Agreements [Docket No.: 170906871-7871-01] (RIN: 0694-AH46) received September 18, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Foreign Affairs.

6321. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the text of the ILO Recommendation concerning ''Employment and Decent Work for Peace and Resilience'' (No. 205), adopted June 16, 2017, by the 106th Session of the International Labor Conference in Geneva, Switzerland; to the Committee on Foreign Affairs.

6322. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's Country Reports on Terrorism 2017, pursuant to Sec. 140 of the Foreign Relations Authorization Act for FY 1988 and 1989, as amended (22 U.S.C. 2656f); to the Committee on Foreign Affairs.

6323. A letter from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting two notifications of designation of acting officer, and nomination, pursuant to 5 U.S.C. 3349(a); Public Law 105-277, 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Government Reform.

6324. A letter from the Archivist of the United States, National Archives and Records Administration, transmitting the Administration's Commercial and Inherently Governmental Activities Inventory for FY 2018, pursuant to 31 U.S.C. 501 note; Public Law 105-270, Sec. 2(c)(1)(A); (112 Stat. 2382); to the Committee on Oversight and Government Reform.

6325. A letter from the Acting Deputy Chief, National Forest System, Department of Agriculture, transmitting the final map and perimeter boundary description for the Black Butte Wild and Scenic River, in California, added to the National Wild and Scenic Rivers System by Public Law 109-362, October 17, 2006, pursuant to 16 U.S.C. 1274(b); Public Law 90-542, Sec. 3(b) (as amended by Public Law 100-534, Sec. 501); (102 Stat. 2708); to the Committee on Natural Resources.

6326. A letter from the Principal Deputy Assistant Secretary — Water and Science, National Park Service, Department of the Interior, transmitting the Department's final rule — Special Regulations, Areas of the National Park System, Pea Ridge National Military Park; Bicycles [Docket ID: NPS-2018-0004; NPS-PERI-25774; PPMWPERIS0 PPMPSPD1Z.YM0000] (RIN: 1024-AE41) received September 20, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

6327. A letter from the Acting Administrator, Environmental Protection Agency, transmitting a report titled, ''Implementing the BEACH Act of 2000: 2018 Report to Congress'', pursuant to 33 U.S.C. 1375a(a); Public Law 106-284, Sec. 7(a); (114 Stat. 876); to the Committee on Transportation and Infrastructure.

6328. A letter from the Director, Policy, Training, and Pricing Division, Office of Procurement, National Aeronautics and Space Administration, transmitting the Administration's direct final rule — NASA Federal Acquisition Regulation Supplement: Removal of Definitions (NFS Case 2018-N017) (RIN: 2700-AE46) received September 18, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Science, Space, and Technology.

6329. A letter from the Director, Policy, Training, and Pricing Division, Office of Procurement, National Aeronautics and Space Administration, transmitting the Administration's direct final rule — NASA Federal Acquisition Regulation Supplement: Removal of Reference to the Supplemental Rights in Data Special Works Policy and Associated Clause (NFS Case 2018-N016) (RIN: 2700-AE45) received September 18, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Science, Space, and Technology.

6330. A letter from the Director, Policy, Training, and Pricing Division, Office of Procurement, National Aeronautics and Space Administration, transmitting the Administration's direct final rule — NASA Federal Acquisition Regulation Supplement: Removal of Reference to the Shared Savings Policy and Associated Clause (NFS Case 2018-N008) (RIN: 2700-AE44) received September 18, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Science, Space, and Technology.

6331. A letter from the Reg. Dev. Coord, Office of Regulation Policy and Management, Office of the Secretary (00REG), Department of Veterans Affairs, transmitting the Department's final rule — Authority of Health Care Providers To Practice Telehealth (RIN: 2900-AQ06) received September 18, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Veterans' Affairs.

6332. A letter from the Reg. Dev. Coord, Office of Regulation Policy and Management, Office of the Secretary (00REG), Department of Veterans Affairs, transmitting the Department's final rule — VA Acquisition Regulation: Contract Cost Principles and Procedures; Protests, Disputes and Appeals (RIN: 2900-AQ02) received September 20, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Veterans' Affairs.

6333. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — REIT Foreign Income Inclusions (Revenue Procedure 2018-48) received September 18, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

6334. A letter from the Secretary, Department of Energy, transmitting a report titled, ''Department of Energy Activities Relating to the Defense Nuclear Facilities Safety Board, Fiscal Year 2017'', pursuant to Sec. 316(b) of the Atomic Energy Act of 1954, as amended; jointly to the Committees on Energy and Commerce and Armed Services.

6335. A letter from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting a legislative proposal, styled the, ''National Priorities Security Grant Program Act''; jointly to the Committees on Homeland Security and Transportation and Infrastructure.

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. McCAUL: Committee on Homeland Security. H.R. 6620. A bill to require the Department of Homeland Security to prepare a threat assessment relating to unmanned aircraft systems, and for other purposes (Rept. 115–960, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. McCAUL: Committee on Homeland Security. H.R. 6735. A bill to direct the Secretary of Homeland Security to establish a vulnerability disclosure policy for Department of Homeland Security internet websites, and for other purposes; with an amendment (Rept. 115–961). Referred to the Committee of the Whole House on the state of the Union.

Mr. McCAUL: Committee on Homeland Security. H.R. 6740. A bill to amend the Homeland Security Act of 2002 to establish Border Tunnel Task Forces, and for other purposes; with an amendment (Rept. 115–962). Referred to the Committee of the Whole House on the state of the Union.

Mr. McCAUL: Committee on Homeland Security. H.R. 6742. A bill to amend the Homeland Security Act of 2002 to ensure that appropriate officers and agents of U.S. Customs and Border Protection are equipped with secure radios or other two-way communication devices, supported by system interoperability, and for other purposes (Rept. 115–963, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. McCAUL: Committee on Homeland Security. S. 1281. An act to establish a bug bounty pilot program within the Department of Homeland Security, and for other purposes; with an amendment (Rept. 115–964). Referred to the Committee of the Whole House on the state of the Union.

Mr. WALDEN: Committee on Energy and Commerce. H.R. 6511. A bill to authorize the Secretary of Energy to carry out a program to lease underutilized Strategic Petroleum Reserve facilities, and for other purposes; with an amendment (Rept. 115–965). Referred to the Committee of the Whole House on the state of the Union.

Mr. GOODLATTE: Committee on the Judiciary. H.R. 6758. A bill to direct the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, in consultation with the Administrator of the Small Business Administration, to study and provide recommendations to promote the participation of women and minorities in entrepreneurship activities and the patent system, to extend by 8 years the Patent and Trademark Office's authority to set the amounts for the fees it charges, and for other purposes; with amendments (Rept. 115–966). Referred to the Committee of the Whole House on the state of the Union.

Mr. BISHOP of Utah: Committee on Natural Resources. H.R. 6599. A bill to modify the application of temporary limited appointment regulations to the National Park Service, and for other purposes (Rept. 115–967). Referred to the Committee of the Whole House on the state of the Union.

Mr. BISHOP of Utah: Committee on Natural Resources. H.R. 6687. A bill to direct the Secretary of the Interior to manage the Point Reyes National Seashore in the State of California consistent with Congress' longstanding intent to maintain working dairies and ranches on agricultural property as part of the seashore's unique historic, cultural, scenic and natural values, and for other purposes; with amendments (Rept. 115–968). Referred to the Committee of the Whole House on the state of the Union.

Mr. BISHOP of Utah: Committee on Natural Resources. H.R. 6013. A bill to amend the Migratory Bird Treaty Act to establish January 31 of each year as the Federal closing date for duck hunting season and to establish special duck hunting days for youths,

veterans, and active military personnel, and for other purposes; with amendments (Rept. 115–969). Referred to the Committee of the Whole House on the state of the Union.

Mr. BISHOP of Utah: Committee on Natural Resources. H.R. 5420. A bill to authorize the acquisition of land for addition to the Home of Franklin D. Roosevelt National Historic Site in the State of New York, and for other purposes; with an amendment (Rept. 115–970). Referred to the Committee of the Whole House on the state of the Union.

Mr. BISHOP of Utah: Committee on Natural Resources. H.R. 6299. A bill to modify the process of the Secretary of the Interior for examining certain mining claims on Federal lands in Storey County, Nevada, to facilitate certain pinyon-juniper-related projects in Lincoln County, Nevada, to modify the boundaries of certain wilderness areas in the State of Nevada, to fully implement the White Pine County Conservation, Recreation, and Development Act, and for other purposes; with an amendment (Rept. 115–971, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. GOWDY: Committee on Oversight and Government Reform. H.R. 4809. A bill to increase access to agency guidance documents; with an amendment (Rept. 115–972). Referred to the Committee of the Whole House on the state of the Union.

Mr. GOWDY: Committee on Oversight and Government Reform. H.R. 5896. A bill to amend title 5, United States Code, to modify the authority for pay and work schedules of border patrol agents, and for other purposes; with amendments (Rept. 115–973). 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. 6398. A bill to authorize the Department of Energy to conduct collaborative research with the Department of Veterans Affairs in order to improve healthcare services for veterans in the United States, and for other purposes; with an amendment (Rept, 115–974, Pt. 1). 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. 5509. A bill to direct the National Science Foundation to provide grants for research about STEM education approaches and the STEM-related workforce, and for other purposes; with an amendment (Rept. 115–975). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLE: Committee on Rules. House Resolution 1077. Resolution providing for consideration of the conference report to accompany the bill (H.R. 6157) making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; providing for consideration of the resolution (H. Res. 1071) recognizing that allowing illegal immigrants the right to vote devalues the franchise and diminishes the voting power of United States citizens; and providing for consideration of motions to suspend the rules (Rept. 115–976). Referred to the House Calendar.

Mr. SMITH of Texas: Committee on Science, Space, and Technology. H.R. 6229. A bill to authorize the programs of the National Institute of Standards and Technology, and for other purposes; with an amendment (Rept. 115–977). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROYCE of California: Committee on Foreign Affairs. House Resolution 1017. Resolution requesting the President, and directing the Secretary of State, to transmit to the House of Representatives copies of all documents, records, communications, transcripts, summaries, notes, memoranda, and read-aheads in their possession referring or relating to certain communications between President Donald Trump and President Vladimir Putin (Rept. 115–978); adversely. Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Oversight and Government Reform discharged from further consideration. H.R. 6299 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on Veterans' Affairs discharged from further consideration. H.R. 6398 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 6620 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on Ways and Means discharged from further consideration. H.R. 6742 referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KILMER (for himself, Ms. KUSTER of New Hampshire, and Mr. COFFMAN):

H.R. 6867. A bill to improve the leasing projects of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. NADLER (for himself and Mr. COLLINS of Georgia):

H.R. 6868. A bill to amend title 17, United States Code, to secure the rights of visual artists to copyright, to provide for resale royalties, and for other purposes; to the Committee on the Judiciary.

By Ms. VELÁZQUEZ (for herself, Mr. COFFMAN, Ms. CLARKE of New York, Mr. MEEKS, Mr. SERRANO, Mr. SEAN PATRICK MALONEY of New York, Mr. ENGEL, Mr. SUOZZI, Mrs. RADEWAGEN, Ms. JUDY CHU of California, Ms. ROYBAL-ALLARD, Mr. COHEN, Ms. WILSON of Florida, Mr. DESAULNIER, Mr. PAYNE, Mr. HASTINGS, Mr. JONES, Mr. THOMPSON of Mississippi, Ms. HANABUSA, Mr. KHANNA, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. NORTON, Mr. SIRES, Mrs. TORRES, Mr. MCGOVERN, Mr. VELA, Ms. MCCOLLUM, Mr. TAKANO, Ms. MOORE, Ms. SPEIER, Ms. JAYAPAL, Ms. BROWNLEY of California, Mr. PALLONE, Ms. LOFGREN, Ms. SHEA-PORTER, Mrs. DINGELL, Ms. BORDALLO, Ms. WASSERMAN SCHULTZ, Ms. JACKSON LEE, Mrs. DEMINGS, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. MCEACHIN, Mr. KILMER, Mr. MCNERNEY, Mrs. NAPOLITANO, Mr. SOTO, Mr. ESPAILLAT, Mr. CARBAJAL, Mr. SABLAN, Mrs. CAROLYN B. MALONEY of New York, Mr. RICHMOND, Mr. VARGAS, Ms. MATSUI, Mr. CARTWRIGHT, Ms. GABBARD, Mr. RASKIN, Mrs. WATSON COLEMAN, Ms. KUSTER of New Hampshire, Mr. QUIGLEY, Ms. PINGREE, Mr. BISHOP of Georgia, Mr. JEFFRIES, Mr. TONKO, Mr. PANETTA, Mr. GUTIÉRREZ, Mr. MOULTON, Mr. CROWLEY, Ms. SÁNCHEZ, Mr. YARMUTH, Ms. ESTY of Connecticut, Ms. DELBENE, Mr. TED LIEU of California, Mr. BROWN of Maryland, Ms. MENG, Ms. ROSEN, Mr. RUPPERSBERGER, Mr. CARSON of Indiana, and Mr. CORREA):

H.R. 6869. A bill to require the Secretary of Veterans Affairs to improve the provision of services and benefits from the Department of Veterans Affairs for veterans who experience domestic violence or sexual assault, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TONKO:

H.R. 6870. A bill to rename the Stop Trading on Congressional Knowledge Act of 2012 in honor of Representative Louise McIntosh Slaughter; to the Committee on Oversight and Government Reform, and in addition to the Committees on Financial Services, Agriculture, House Administration, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARINO (for himself, Mr. ABRAHAM, Mr. BARLETTA, Mr. BERGMAN, and Mr. GOSAR):

H.R. 6871. A bill to amend the Internal Revenue Code of 1986 to allow for a credit against tax for placing in service qualified broadband property to expand the level of broadband service in a qualified rural census tract; to the Committee on Ways and Means.

By Ms. MOORE (for herself, Mr. PEARCE, Mr. BARR, and Mr. FOSTER):

H.R. 6872. A bill to support the capacity of the International Monetary Fund to prevent money laundering and financing of terrorism; to the Committee on Financial Services.

By Mrs. WATSON COLEMAN (for herself, Mr. KHANNA, Mr. RYAN of Ohio, Mr. GRIJALVA, Ms. NORTON, Mr. SOTO, Ms. CLARKE of New York, Ms. JACKSON LEE, Ms. BASS, Ms. BARRAGÁN, Mr. LAWSON of Florida, Ms. JAYAPAL, Mr. THOMPSON of Mississippi, and Mr. RASKIN):

H.R. 6873. A bill to amend the Internal Revenue Code of 1986 to extend the earned income tax credit to all taxpayers with dependents and to qualifying students, and for other purposes; to the Committee on Ways and Means.

By Mrs. CAROLYN B. MALONEY of New York (for herself, Mr. BEYER, Mr. DELANEY, Ms. ADAMS, Mr. TAKANO, Mr. MEEKS, Ms. SCHAKOWSKY, Mr. FOSTER, Ms. CLARKE of New York, Ms. WASSERMAN SCHULTZ, Ms. JACKSON LEE, Mrs. DINGELL, Ms. NORTON, Mr. KHANNA, Mr. CRIST, Mr. VEASEY, Mr. BLUMENAUER, Mr. SMITH of Washington, and Mr. LEVIN):

H.R. 6874. A bill to require the Bureau of Economic Analysis of the Department of Commerce to provide estimates relating to the distribution of aggregate economic growth across specific percentile groups of income; to the Committee on Oversight and Government Reform.

By Ms. JACKSON LEE:

H.R. 6875. A bill to reauthorize the Department of Defense mentor-protégé program; to the Committee on Armed Services.

By Ms. ADAMS (for herself, Mr. HASTINGS, Ms. NORTON, Mrs. NAPOLITANO, Mr. VEASEY, Ms. WILSON of Florida, Ms. BORDALLO, Mr. VELA, Mr. PANETTA, Ms. JAYAPAL, Mr. NADLER, Mr. BISHOP of Georgia, Ms. BASS, Mr. RYAN of Ohio, Mr. SEAN PATRICK MALONEY of New York, Mr. SCOTT of Virginia, Ms. LEE, Ms. BARRAGÁN, Mr. MCEACHIN, Ms. EDDIE BERNICE

JOHNSON of Texas, Mr. GENE GREEN of Texas, Ms. JACKSON LEE, Mr. RASKIN, Ms. ROSEN, Ms. ROYBAL-ALLARD, Mr. SABLAN, Mr. LEWIS of Georgia, Mr. KHANNA, Ms. FUDGE, Mrs. DAVIS of California, Mr. CARSON of Indiana, Ms. TITUS, and Mr. PRICE of North Carolina):

H.R. 6876. A bill to permanently reauthorize mandatory funding programs for historically Black colleges and universities and other minority-serving institutions; to the Committee on Education and the Workforce.

By Ms. CHENEY:

H.R. 6877. A bill to direct the Secretary of the Interior to reissue a final rule relating to removing the Greater Yellowstone ecosystem population of grizzly bears from the Federal list of endangered and threatened wildlife; to the Committee on Natural Resources.

By Mr. DEUTCH:

H.R. 6878. A bill to amend title 18, United States Code, to establish criminal penalties for unlawful payments for referrals to recovery homes, clinical treatment facilities, and laboratories; to the Committee on the Judiciary.

By Mr. DUNCAN of Tennessee:

H.R. 6879. A bill to provide for the administration and operation of the infrastructure and the public visitation program of Midway Atoll by the private sector at minimal cost to the Federal Government by terminating the exclusive jurisdiction of the United States Fish and Wildlife Service over the Midway Atoll and vesting such jurisdiction in a Board of Governors of the Midway Atoll, and for other purposes; to the Committee on Natural Resources.

By Ms. ESHOO (for herself, Mr. MCEACHIN, Ms. NORTON, Mr. GUTIÉRREZ, Mr. RASKIN, Mr. DELANEY, Mr. BLUMENAUER, Mr. JOHNSON of Georgia, Mr. EVANS, Mr. HASTINGS, Mrs. NAPOLITANO, Mr. CARSON of Indiana, Ms. CLARKE of New York, Mr. COHEN, Mr. VEASEY, Ms. SHEA-PORTER, Mr. KHANNA, Ms. VELÁZQUEZ, Mr. MOULTON, Mr. PAYNE, Mr. DESAULNIER, Mr. TED LIEU of California, Mrs. BEATTY, and Mr. BROWN of Maryland):

H.R. 6880. A bill to treat the Tuesday next after the first Monday in November in the same manner as any legal public holiday for purposes of Federal employment, and for other purposes; to the Committee on Oversight and Government Reform.

By Miss GONZÁLEZ-COLÓN of Puerto Rico:

H.R. 6881. A bill to designate the José Celso Barbosa Birthplace Home National Historic Landmark; to the Committee on Natural Resources.

By Miss GONZÁLEZ-COLÓN of Puerto Rico:

H.R. 6882. A bill to designate the Luis Muñoz Rivera Home National Historic Landmark; to the Committee on Natural Resources.

By Miss GONZÁLEZ-COLÓN of Puerto Rico:

H.R. 6883. A bill to designate the Cabezas de San Juan Lighthouse National Historic Landmark; to the Committee on Natural Resources.

By Miss GONZÁLEZ-COLÓN of Puerto Rico:

H.R. 6884. A bill to designate the Hacienda Buena Vista National Historic Landmark; to the Committee on Natural Resources.

By Mr. GRIJALVA (for himself, Mr. LYNCH, Ms. SPEIER, Mr. MOULTON, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, Mr. QUIGLEY, Mr. BLUMENAUER, Ms. DELBENE, Ms. TSONGAS, Mr. LOWENTHAL, Mr. CARTWRIGHT, Ms. CLARK of Massachusetts, Ms. LOFGREN, Mr. GUTIÉRREZ, Mr. TED LIEU of California, Ms. BROWNLEY of California, Mrs. DAVIS of California, Mr. POCAN, Mr. BEYER, and Mr. HECK):

H.R. 6885. A bill to amend the Endangered Species Act of 1973 to prohibit import and export of any species listed or proposed to be listed under such Act as a threatened species or endangered species, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Foreign Affairs, 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. SAM JOHNSON of Texas (for himself, Mr. LARSON of Connecticut, Mr. BUCSHON, and Mr. RUSH):

H.R. 6886. A bill to amend title 10, United States Code, to modify the requirement for certain former members of the Armed Forces to enroll in Medicare Part B to be eligible for TRICARE for Life, and to amend title XVIII of the Social Security Act to provide for coverage of certain DNA specimen provenance assay tests under the Medicare program; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and 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. KILDEE (for himself and Mr. FASO):

H.R. 6887. A bill to improve the removal of lead from drinking water in public housing; to the Committee on Financial Services, 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. MCCARTHY:

H.R. 6888. A bill to develop a long-term strategic vision and a comprehensive, multifaceted, and principled United States policy for the Indo-Pacific region, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, Intelligence (Permanent Select), Ways and Means, the Judiciary, Financial Services, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCKINLEY (for himself, Mr. LAMALFA, Mr. GIBBS, Ms. CHENEY, and Mr. GIANFORTE):

H.R. 6889. A bill to amend the Federal Water Pollution Control Act to make changes with respect to water quality certification, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MEADOWS:

H.R. 6890. A bill to amend the Internal Revenue Code of 1986 to provide for designation of qualified opportunity zones every 10 years; to the Committee on Ways and Means.

By Mr. MITCHELL:

H.R. 6891. A bill to strengthen and enhance the authority to discipline officers and employees of the Federal Government for violating the Anti-Deficiency Act, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. ROTHFUS:

H.R. 6892. A bill to streamline requirements for currency transaction reports and suspicious activity reports, and for other purposes; to the Committee on Financial Services.

By Mr. RUSSELL (for himself, Mr. KATKO, and Mrs. WATSON COLEMAN):

H.R. 6893. A bill to amend the Overtime Pay for Protective Services Act of 2016 to extend the Secret Service overtime pay exception through 2019, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. SCHNEIDER (for himself and Mr. MEADOWS):

H.R. 6894. A bill to require a report on Saudi Arabia obtaining nuclear fuel enrichment capabilities; to the Committee on Foreign Affairs.

By Mr. RASKIN:

H. Con. Res. 137. Concurrent resolution expressing the sense of Congress that the United States is committed to ensuring a safe and healthy climate for future generations, and to creating solutions for restoring the climate; to the Committee on Energy and Commerce.

By Ms. JUDY CHU of California (for herself, Mr. DEUTCH, and Mrs. NAPOLITANO):

H. Res. 1076. A resolution encouraging the House of Representatives to pass laws to prevent gun violence; to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, and 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. LYNCH (for himself, Mr. NEAL, Mr. MCGOVERN, Ms. TSONGAS, Mr. KENNEDY, Ms. CLARK of Massachusetts, Mr. MOULTON, Mr. CAPUANO, and Mr. KEATING):

H. Res. 1078. A resolution recognizing the Lawyers' Committee for Civil Rights and Economic Justice on its 50th anniversary; to the Committee on the Judiciary.

By Ms. NORTON:

H. Res. 1079. A resolution expressing support for the designation of September as Peace Month and calling on Congress to take action to promote peace; to the Committee on Oversight and Government Reform.

By Mrs. TORRES (for herself and Mr. WEBER of Texas):

H. Res. 1080. A resolution recognizing the important role of chefs in responding to natural disasters; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WILSON of Florida (for herself, Mr. DEFAZIO, Mr. CAPUANO, Ms. JACKSON LEE, Mr. LARSEN of Washington, Mr. KILMER, Mr. SIRES, Mr. BLUMENAUER, Mr. HASTINGS, Mr. LIPINSKI, Ms. BASS, Mrs. NAPOLITANO, Mr. CARSON of Indiana, Mr. SEAN PATRICK MALONEY of New York, Ms. NORTON, and Mr. PAYNE):

H. Res. 1081. A resolution expressing support for the designation of the week of September 23 through September 29, 2018, as Rail Safety Week in the United States, and supporting the goals and ideals of Rail Safety Week to reduce rail-related accidents, fatalities, and injuries; to the Committee on Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. SOTO introduced a bill (H.R. 6895) to authorize the President to award the Purple Heart to Louis Boria, Jr., for injuries incurred during World War II and the Korean

War while a member of the Marine Corps; which was referred to the Committee on Armed Services.

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. KILMER:
H.R. 6867.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 of the United States Constitution

By Mr. NADLER:
H.R. 6868.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 8

By Ms. VELÁZQUEZ:
H.R. 6869.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 1
The Congress shall have Power to . . . provide for the . . . general Welfare of the United States; . . .

By Mr. TONKO:
H.R. 6870.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, clause 18 ''To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.''

By Mr. MARINO:
H.R. 6871.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 1—''The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States;''
Article 1, Section 8, Clause 18—''To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer therof.''

By Ms. MOORE:
H.R. 6872.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 3 and Clause 18

By Mrs. WATSON COLEMAN:
H.R. 6873.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8, Clause 1: To The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.
and Article 1, Section 8, Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mrs. CAROLYN B. MALONEY of New York:
H.R. 6874.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8: Congress shall have 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 in any Department or Officer thereof.

By Ms. JACKSON LEE:
H.R. 6875.
Congress has the power to enact this legislation pursuant to the following:
This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 14 and 18 of the United States Constitution.

By Ms. ADAMS:
H.R. 6876.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8

By Ms. CHENEY:
H.R. 6877.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8 of the U.S. Constitution

By Mr. DEUTCH:
H.R. 6878.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 of the United States Constitution.

By Mr. DUNCAN of Tennessee:
H.R. 6879.
Congress has the power to enact this legislation pursuant to the following:
Article IV, Section 3: ''The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.''

By Ms. ESHOO:
H.R. 6880.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 of the Constitution

By Miss GONZÁLEZ-COLÓN of Puerto Rico:
H.R. 6881.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 1 of the U.S. Constitution
''All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.''
Article I, Section 8, Clause 18 of the U.S. Constitution
''To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.''

By Miss GONZÁLEZ-COLÓN of Puerto Rico:
H.R. 6882.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 1 of the U.S. Constitution
''All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.''
Article I, Section 8, Clause 18 of the U.S. Constitution
''To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.''

By Miss GONZÁLEZ-COLÓN of Puerto Rico:
H.R. 6883.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 1 of the U.S. Constitution
''All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.''
Article I, Section 8, Clause 18 of the U.S. Constitution
''To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.''

By Miss GONZÁLEZ-COLÓN of Puerto Rico:
H.R. 6884.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 1 of the U.S. Constitution
''All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.''
Article I, Section 8, Clause 18 of the U.S. Constitution
''To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.''

By Mr. GRIJALVA:
H.R. 6885.
Congress has the power to enact this legislation pursuant to the following:
U.S. Const. art. I, sec. 8, cl. 3
To regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes;
U.S. Cont. art. IV, sec. 3, cl. 2, sen. a
The Congress shall have Power to dispose of and make all needful Rule and Regulations respecting the Territory of other Property belonging to the United States;

By Mr. SAM JOHNSON of Texas:
H.R. 6886.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. KILDEE:
H.R. 6887.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8.

By Mr. McCARTHY:
H.R. 6888.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8, Clauses 1 and 3

By Mr. McKINLEY:
H.R. 6889.
Congress has the power to enact this legislation pursuant to the following:
Article 1 Section 8
Section 8—Powers of Congress. To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. MEADOWS:
H.R. 6890.
Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 Clause 1:

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States;

By Mr. MITCHELL:

H.R. 6891.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 9, clause 7 of the Constitution of the United States.

By Mr. ROTHFUS:

H.R. 6892.

Congress has the power to enact this legislation pursuant to the following:

Article I (Section 8), Clause 3, To Regulate Commerce with foreign Nations, and among the several states, and with Indian Tribes; and

Article I, Section 8, Clause 18, To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. RUSSELL:

H.R. 6893.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18—To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers vested by this Constitution in the Government of the United States or in any Department of Officer thereof.

By Mr. SCHNEIDER:

H.R. 6894.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. SOTO:

H.R. 6895.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 12: Mr. RUPPERSBERGER.

H.R. 174: Mr. SCALISE.

H.R. 305: Ms. BASS.

H.R. 502: Mr. MARINO.

H.R. 544: Mr. GUTIÉRREZ.

H.R. 559: Mr. HIGGINS of Louisiana.

H.R. 592: Mr. BANKS of Indiana.

H.R. 632: Mr. MCCLINTOCK.

H.R. 762: Mr. PERRY and Mrs. DAVIS of California.

H.R. 817: Ms. KUSTER of New Hampshire.

H.R. 930: Mr. CALVERT.

H.R. 1017: Mr. GALLEGO, Mr. GROTHMAN, and Ms. ROYBAL-ALLARD.

H.R. 1044: Mr. DESAULNIER and Ms. LOFGREN.

H.R. 1098: Mr. BISHOP of Georgia and Ms. KUSTER of New Hampshire.

H.R. 1111: Ms. CLARKE of New York.

H.R. 1171: Mr. HOLDING.

H.R. 1205: Ms. WASSERMAN SCHULTZ and Mrs. HARTZLER.

H.R. 1243: Ms. BASS.

H.R. 1291: Mr. SIRES.

H.R. 1298: Mr. KILDEE.

H.R. 1300: Ms. MOORE, Mr. LIPINSKI, and Mr. VELA.

H.R. 1384: Mr. SUOZZI.

H.R. 1409: Mr. RUTHERFORD and Mr. DEUTCH.

H.R. 1439: Mr. COOPER and Mr. LOWENTHAL.

H.R. 1456: Mr. RUSH, Mr. NADLER, Mr. HASTINGS, Mr. GUTHRIE, and Mr. RYAN of Ohio.

H.R. 1515: Mr. CARBAJAL and Mr. CURBELO of Florida.

H.R. 1542: Mr. PETERSON and Mr. KILMER.

H.R. 1602: Mr. YOUNG of Iowa and Ms. ROSEN.

H.R. 1615: Mr. LOWENTHAL, Ms. JACKSON LEE, Ms. SHEA-PORTER, and Ms. WASSERMAN SCHULTZ.

H.R. 1651: Mr. LOWENTHAL, Ms. DELBENE, and Ms. BASS.

H.R. 1683: Ms. ROSEN.

H.R. 1759: Ms. WASSERMAN SCHULTZ and Mrs. BEATTY.

H.R. 1818: Ms. BASS.

H.R. 1825: Mrs. DINGELL and Mr. CONNOLLY.

H.R. 1898: Mrs. BLACK, Mr. SHUSTER, Mr. RODNEY DAVIS of Illinois, and Ms. TITUS.

H.R. 1904: Mr. VALADAO.

H.R. 1957: Mr. JOHNSON of Georgia, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. O'HALLERAN, Mrs. NAPOLITANO, Mrs. DINGELL, Mr. CONNOLLY, Mr. RASKIN, and Mr. EVANS.

H.R. 2077: Mr. CARBAJAL.

H.R. 2092: Mrs. HARTZLER and Mr. ADERHOLT.

H.R. 2119: Ms. KELLY of Illinois.

H.R. 2358: Mr. BROWN of Maryland, Mr. BERA, Ms. CLARKE of New York, Mr. CICILLINE, Mr. VELA, Mr. LARSON of Connecticut, and Mr. COHEN.

H.R. 2416: Mr. WELCH and Ms. BONAMICI.

H.R. 2434: Mr. KIND.

H.R. 2472: Mrs. WATSON COLEMAN.

H.R. 2556: Mr. POLIQUIN.

H.R. 2587: Mrs. COMSTOCK and Mr. KENNEDY.

H.R. 2639: Ms. MICHELLE LUJAN GRISHAM of New Mexico.

H.R. 2640: Mr. SERRANO, Ms. CLARKE of New York, Mr. JOHNSON of Georgia, Ms. BROWNLEY of California, Ms. CLARK of Massachusetts, Ms. LEE, Ms. WILSON of Florida, Ms. JAYAPAL, and Mr. DEUTCH.

H.R. 2790: Mr. NADLER, Mr. O'HALLERAN, and Mrs. BEATTY.

H.R. 2913: Mrs. LAWRENCE.

H.R. 2918: Mr. JOHNSON of Louisiana.

H.R. 3026: Mr. RYAN of Ohio.

H.R. 3113: Ms. SHEA-PORTER, Mr. KHANNA, and Mr. MEEKS.

H.R. 3148: Mr. RODNEY DAVIS of Illinois and Mr. PETERSON.

H.R. 3197: Mr. SEAN PATRICK MALONEY of New York and Mr. ENGEL.

H.R. 3222: Mr. LAWSON of Florida, Mrs. BUSTOS, and Mr. LOEBSACK.

H.R. 3272: Ms. EDDIE BERNICE JOHNSON of Texas and Ms. SÁNCHEZ.

H.R. 3307: Mr. CRIST.

H.R. 3338: Mr. SHERMAN.

H.R. 3349: Mr. TONKO.

H.R. 3580: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3605: Mr. GROTHMAN.

H.R. 3671: Mr. DEUTCH.

H.R. 3730: Mr. LONG and Mr. POLIQUIN.

H.R. 3773: Mr. LARSEN of Washington.

H.R. 3834: Mr. CRIST and Mr. RUTHERFORD.

H.R. 3877: Mr. COHEN.

H.R. 3923: Mr. CRIST and Mr. BEN RAY LUJÁN of New Mexico.

H.R. 3931: Mrs. MIMI WALTERS of California and Mr. MACARTHUR.

H.R. 4016: Mr. SOTO.

H.R. 4022: Mr. MCKINLEY.

H.R. 4086: Ms. BARRAGÁN and Mr. LOWENTHAL.

H.R. 4099: Mr. STEWART, Mr. SWALWELL of California, Mr. KING of Iowa, Mr. CHABOT, and Mr. GUTHRIE.

H.R. 4107: Mr. VELA and Mr. BILIRAKIS.

H.R. 4206: Ms. ESHOO.

H.R. 4256: Mr. BACON and Ms. ESTY of Connecticut.

H.R. 4320: Mr. COLE.

H.R. 4444: Mr. HUFFMAN.

H.R. 4518: Mrs. LAWRENCE.

H.R. 4591: Mr. SHERMAN.

H.R. 4691: Mr. VARGAS, Mr. TONKO, Mr. GRIJALVA, Mrs. LOWEY, Mr. AL GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. BARRAGÁN, Ms. JAYAPAL, Mr. BRADY of Pennsylvania, Mr. RUSH, Ms. JACKSON LEE, Mr. SUOZZI, Mr. MCGOVERN, Mr. LANGEVIN, Mr. CROWLEY, Mr. CAPUANO, Mr. ROYCE of California, Mr. YARMUTH, Mr. NOLAN, Mr. RYAN of Ohio, Mr. SABLAN, Ms. BASS, Mr. SEAN PATRICK MALONEY of New York, Mr. KHANNA, Mr. REICHERT, and Mr. GALLEGO.

H.R. 4693: Mr. REICHERT.

H.R. 4732: Mr. PERLMUTTER and Mr. GONZALEZ of Texas.

H.R. 4765: Mr. MEEKS.

H.R. 4846: Mr. DONOVAN and Mr. CONNOLLY.

H.R. 4897: Ms. WASSERMAN SCHULTZ and Mr. PERLMUTTER.

H.R. 5011: Ms. HANABUSA.

H.R. 5060: Ms. TENNEY.

H.R. 5062: Ms. BASS and Mr. DEFAZIO.

H.R. 5115: Mr. SUOZZI and Mr. DEFAZIO.

H.R. 5141: Mr. TIPTON.

H.R. 5160: Mr. YARMUTH.

H.R. 5266: Mr. MESSER, Mr. EMMER, and Mr. HUIZENGA.

H.R. 5270: Mrs. WALORSKI.

H.R. 5273: Mr. TED LIEU of California, Mr. CARTWRIGHT, Mr. SENSENBRENNER, Ms. BASS, Mr. FRANCIS ROONEY of Florida, Mr. BERA, Mrs. WAGNER, Mr. CICILLINE, and Mr. SHERMAN.

H.R. 5282: Mr. PERLMUTTER.

H.R. 5306: Mrs. BROOKS of Indiana, Mr. THOMPSON of California, and Mr. CRAMER.

H.R. 5374: Mr. LAWSON of Florida and Mr. VEASEY.

H.R. 5509: Mr. BALDERSON.

H.R. 5533: Mr. DEFAZIO, Mr. BEYER, Mr. MOULTON, Ms. PINGREE, Ms. VELÁZQUEZ, and Mr. SMITH of Washington.

H.R. 5609: Ms. BASS, Mr. BRENDAN F. BOYLE of Pennsylvania, and Mr. HASTINGS.

H.R. 5671: Ms. JACKSON LEE.

H.R. 5701: Mr. JOYCE of Ohio and Mr. CARTWRIGHT.

H.R. 5780: Ms. CASTOR of Florida.

H.R. 5833: Mrs. LAWRENCE.

H.R. 5879: Mr. OLSON, Mr. BROWN of Maryland, Mr. LARSEN of Washington, Mr. CALVERT, Mr. NEAL, Ms. JACKSON LEE, Mr. THOMAS J. ROONEY of Florida, Mr. CARBAJAL, Mr. BERA, and Mr. GOSAR.

H.R. 5896: Mr. O'HALLERAN and Ms. SINEMA.

H.R. 5924: Mr. WEBER of Texas and Mr. SUOZZI.

H.R. 5945: Mr. KILMER.

H.R. 5962: Ms. JACKSON LEE.

H.R. 6016: Ms. BLUNT ROCHESTER.

H.R. 6018: Mr. SCHIFF and Mr. SHERMAN.

H.R. 6033: Mr. LAWSON of Florida, Mr. AGUILAR, Ms. KELLY of Illinois, Ms. CASTOR of Florida, Ms. BLUNT ROCHESTER, Mr. LOEBSACK, Mr. BRENDAN F. BOYLE of Pennsylvania, and Mr. EVANS.

H.R. 6034: Mr. WEBER of Texas.

H.R. 6048: Ms. DEGETTE.

H.R. 6060: Ms. CASTOR of Florida, Mr. PRICE of North Carolina, and Mr. GENE GREEN of Texas.

H.R. 6071: Mr. PAYNE.

H.R. 6079: Mr. THOMPSON of Pennsylvania, Mr. SOTO, and Mr. GAETZ.

H.R. 6080: Ms. MCCOLLUM and Ms. JACKSON LEE.

H.R. 6093: Mr. RASKIN.

H.R. 6103: Mr. HIMES.

H.R. 6114: Mr. YOUNG of Iowa, Mr. LOWENTHAL, Mr. HASTINGS, Ms. JUDY CHU of California, Mr. GARAMENDI, Mr. BLUM, Mr. REED, Mr. RASKIN, Ms. ROSEN, Mr. LOEBSACK, Mr. GRIJALVA, Mr. YARMUTH, and Mr. COSTELLO of Pennsylvania.

H.R. 6125: Mr. ZELDIN, Mr. NADLER, Mr. SEAN PATRICK MALONEY of New York, Mr. FASO, Ms. STEFANIK, and Mr. KATKO.

H.R. 6137: Mr. CRIST.

H.R. 6158: Mr. ZELDIN.
H.R. 6178: Mr. BACON.
H.R. 6220: Ms. ROYBAL-ALLARD and Mr. KIHUEN.
H.R. 6224: Mr. FRANCIS ROONEY of Florida.
H.R. 6229: Mr. BALDERSON.
H.R. 6249: Mr. LYNCH and Mr. QUIGLEY.
H.R. 6267: Ms. JACKSON LEE and Ms. CASTOR of Florida.
H.R. 6340: Mr. LANGEVIN.
H.R. 6344: Mr. LATTA.
H.R. 6398: Mr. BILIRAKIS, Mr. GALLAGHER, Ms. ROSEN, Mr. JOHNSON of Ohio, and Mr. JONES.
H.R. 6410: Ms. PINGREE.
H.R. 6421: Mr. QUIGLEY and Ms. ESHOO.
H.R. 6471: Mr. LUETKEMEYER.
H.R. 6482: Mr. GIBBS.
H.R. 6501: Ms. KAPTUR.
H.R. 6540: Ms. JACKSON LEE.
H.R. 6543: Mr. CICILLINE.
H.R. 6545: Mr. CONNOLLY, Mrs. WATSON COLEMAN, Ms. SÁNCHEZ, Mr. POLIS, Mr. VARGAS, Mr. SHERMAN, Mr. RUIZ, and Mr. ELLISON.
H.R. 6563: Mr. BEN RAY LUJÁN of New Mexico and Mrs. DINGELL.
H.R. 6566: Mr. THOMAS J. ROONEY of Florida.
H.R. 6580: Mr. NEWHOUSE.
H.R. 6589: Ms. NORTON and Mr. GAETZ.
H.R. 6609: Mr. LOWENTHAL and Mr. QUIGLEY.
H.R. 6622: Mr. LAWSON of Florida, Mr. SOTO, and Mr. BUCHANAN.
H.R. 6631: Mr. COHEN and Ms. GABBARD.
H.R. 6636: Mr. COHEN and Mr. BUDD.
H.R. 6649: Ms. JUDY CHU of California, Mr. HIMES, Ms. SHEA-PORTER, and Ms. PINGREE.
H.R. 6651: Mr. FITZPATRICK.
H.R. 6685: Ms. JACKSON LEE.
H.R. 6692: Ms. JACKSON LEE, Mr. SOTO, and Ms. PINGREE.
H.R. 6708: Mr. WEBER of Texas.
H.R. 6731: Mr. SMITH of Nebraska, Mr. MARSHALL, and Mr. LOEBSACK.
H.R. 6733: Mr. RODNEY DAVIS of Illinois, Mr. GOSAR, Mr. RENACCI, and Mrs. BROOKS of Indiana.
H.R. 6734: Mr. SUOZZI, Mr. HIGGINS of New York, Mr. STEWART, Ms. ROSEN, Ms. ESHOO, Ms. SHEA-PORTER, Mr. COHEN, Mr. PEARCE, Mr. RUTHERFORD, and Mr. QUIGLEY.
H.R. 6735: Mr. KHANNA.
H.R. 6740: Ms. SINEMA.
H.R. 6760: Mr. ROE of Tennessee.
H.R. 6765: Ms. JAYAPAL.
H.R. 6768: Ms. WASSERMAN SCHULTZ and Mr. GRIJALVA.
H.R. 6772: Ms. ADAMS, Mr. MEEKS, and Mr. SCOTT of Virginia.
H.R. 6774: Mr. BURGESS, Mr. ROKITA, Mr. BOST, Mr. BUDD, and Mr. RUTHERFORD.
H.R. 6793: Mr. MESSER, Mr. BANKS of Indiana, Mr. HOLLINGSWORTH, Mr. CARSON of Indiana, Mrs. WALORSKI, Mr. ROKITA, Mr. RODNEY DAVIS of Illinois, Mrs. BROOKS of Indiana, and Mr. VISCLOSKY.
H.R. 6795: Mr. LIPINSKI, Mrs. DINGELL, Mr. MCNERNEY, Ms. JACKSON LEE, Mr. CARSON of Indiana, Ms. WILSON of Florida, Ms. HANABUSA, Ms. ROSEN, and Mrs. DEMINGS.
H.R. 6810: Mr. BURGESS.
H.R. 6821: Mr. FERGUSON.
H.R. 6838: Mr. MASSIE, Mr. GUTHRIE, Mr. YARMUTH, Mr. ROGERS of Kentucky, and Mr. BARR.
H.R. 6840: Ms. LEE.
H.R. 6847: Mr. SENSENBRENNER.
H.R. 6855: Mr. LANGEVIN.
H.J. Res. 140: Mr. ENGEL, Mr. BEN RAY LUJÁN of New Mexico, Mr. TONKO, Mrs. DINGELL, Mr. KENNEDY, Ms. SCHAKOWSKY, Ms. JACKSON LEE, Ms. NORTON, Mr. HASTINGS, Ms. WASSERMAN SCHULTZ, Mr. RUSH, Ms. MATSUI, Mr. CÁRDENAS, Ms. JAYAPAL, Mr. MEEKS, Mr. LAWSON of Florida, Ms. HANABUSA, Mr. NADLER, Mr. SOTO, Mr. RASKIN, Mr. YARMUTH, Ms. ESHOO, Ms. CLARKE of New York, Mr. COHEN, and Mr. VISCLOSKY.
H. Con. Res. 10: Mr. LEVIN and Mr. HIGGINS of New York.
H. Con. Res. 72: Mr. GUTIÉRREZ, Mr. CURBELO of Florida, Mr. THOMPSON of Mississippi, and Mr. ZELDIN.
H. Res. 15: Mr. POLIQUIN.
H. Res. 69: Mr. LANGEVIN.
H. Res. 274: Mr. CARTWRIGHT and Mr. CROWLEY.
H. Res. 342: Mr. PRICE of North Carolina and Ms. JACKSON LEE.
H. Res. 349: Mr. COFFMAN.
H. Res. 757: Mr. CARSON of Indiana.
H. Res. 776: Mr. QUIGLEY and Mr. KENNEDY.
H. Res. 792: Miss GONZÁLEZ-COLÓN of Puerto Rico.
H. Res. 864: Mr. SCHIFF and Mr. CONNOLLY.
H. Res. 910: Mr. ROSKAM and Mr. CHABOT.
H. Res. 993: Mr. COOPER, Mr. MARSHALL, Mrs. WATSON COLEMAN, Mr. JOHNSON of Georgia, Mr. COFFMAN, Mr. PRICE of North Carolina, and Ms. CASTOR of Florida.
H. Res. 1006: Mrs. MCMORRIS RODGERS, Mr. FRANCIS ROONEY of Florida, Mr. WILSON of South Carolina, Mr. POE of Texas, Mr. DEUTCH, Mr. CICILLINE, Mr. MCCAUL, Mr. CURBELO of Florida, Mr. WEBER of Texas, Mr. VALADAO, Mr. AUSTIN SCOTT of Georgia, Mr. CHABOT, Ms. FRANKEL of Florida, Mr. COFFMAN, Mr. BABIN, Mr. GARAMENDI, and Mr. MEEKS.
H. Res. 1026: Mr. KELLY of Pennsylvania.
H. Res. 1035: Mr. MCCAUL and Mr. GALLEGO.
H. Res. 1056: Mr. COSTA and Ms. JUDY CHU of California.
H. Res. 1062: Mr. RASKIN and Mr. SUOZZI.
H. Res. 1066: Mr. CRAMER and Mrs. WAGNER.
H. Res. 1071: Mr. DUNCAN of South Carolina.
H. Res. 1073: Mr. CUMMINGS, Mr. QUIGLEY, Mr. GOMEZ, Mrs. BEATTY, Mr. SOTO, Ms. MATSUI, and Mr. KILMER.