United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, FIRST SESSION

Vol. 161 WASHINGTON, TUESDAY, OCTOBER 20, 2015 No. 153

House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 20, 2015.

I hereby appoint the Honorable JOHN R. MOOLENAAR to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2015, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

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

THE GRAVEYARD OF EMPIRES

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, this weekend, I learned that there would be no cost-of-living adjustment this year for those living on Social Security. Not only will Social Security recipients not see a cost-of-living increase this year but, also, disabled veterans.

There are over 131,000 veterans on disability in North Carolina who will be suffering this year. Our senior citizens and disabled veterans are having a difficult time making ends meet, and it is not fair that the Federal Government continues to waste money with failed policies like Afghanistan. It is disgraceful.

Mr. Speaker, we will be raising the debt ceiling of this Nation for years to come because of wasteful spending. This means we will be borrowing more money to continue spending more than we take in. Our annual Federal deficit is still over $400 billion a year.

The American people are sick and tired of our wasteful spending, and I know they are frustrated. Once again, our failed policy in Afghanistan is a prime example of the waste, fraud, and abuse of the American taxpayer dollar, but it continues on and on for years to come.

In the recent House-Senate conference bill, Congress included $38 billion for the Overseas Contingency Operation, which is a slush fund used to get around sequestration spending caps for the Department of Defense.

We have already spent over $685 billion in Afghanistan since 2001, and according to the Congressional Budget Office, we will be spending at least $30 billion a year in Afghanistan for the next 8 years, and Congress has never debated the policy of Afghanistan.

This slush fund goes to fund our never-ending wars in Iraq, Syria, and Afghanistan. We continue to spend money on a fool's errand in the Middle East. Meanwhile, our disabled veterans at home cannot keep up with the rising costs of daily living. President Obama will be keeping 10,000 troops in Afghanistan through all of next year and at least 5,000 there after 2016.

Mr. Speaker, years ago, I reached out to a former commandant of the Marine Corps whom I knew, and I asked him to give me his advice on Afghanistan. Many times he has given me his best advice, but one that has stuck with me for years is this—and I quote the commandant:

''What do we say to the mother and father . . . the wife . . . of the last marine or soldier killed to support a corrupt government and corrupt leader in a war that cannot be won?''

Mr. Speaker, that is Afghanistan. It is a waste.

How ridiculous it is that Congress and the administration think we can change history. The history of Afghanistan has shown that no outside military force has ever changed it, from Alexander the Great, to the British, to the Russians. It is truly the graveyard of empires, and I hope we won't have a headstone there, waiting, that will read, ''Welcome, America, to the graveyard of empires.''

Mr. Speaker, this poster beside me is a reminder of the cost of war in Afghanistan. There is a little girl holding her mother's hand as they are waiting to follow a caisson down to bury the little girl's father and the wife's husband.

Congress, wake up. We are heading for collapse in this country. Let's not continue to spend and waste money, blood, and limbs in Afghanistan.

Mr. Speaker, I ask God to please bless our men and women in uniform, to please bless the families of our men and women in uniform, and, God, please bless America and please wake up the Congress before it is too late.

NURSING HOME ACCOUNTABILITY ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. WALKER) for 5 minutes.

Mr. WALKER. Mr. Speaker, we have a problem in making sure that all of our senior adult population is treated with the utmost respect and proper care.

HUD's Section 232 Program was intended to provide Federal loan insurance for loans covering the needs of

Printed on recycled paper.

nursing homes and other elder-care facilities. However, while HUD requires these applicants to submit their latest quality ratings, which is a one-star to five-star rating from the Centers for Medicare and Medicaid Services, or CMS, the quality rating is not a deciding factor.

This has allowed nursing homes that provide routinely poor care to receive repeated taxpayer insurance loans. Among others, this is seen in the rise in the number and volume of one-star facilities that received HUD insurance each year from 2009 to 2012 but, also, in reports over two decades from GAO's and HUD's inspectors general.

Clearly, HUD's steps haven't gone far enough to provide real reform to ensure that taxpayer dollars do not go to nursing homes that consistently provide poor care to our seniors and to our needy. We must ensure that taxpayer support is going to nursing homes that provide quality care for their residents, not to facilities that provide continually deficient care.

By linking CMS' quality ratings to loan eligibility, the Nursing Home Accountability Act ensures that new federally backed loans go to nursing homes with a demonstrated commitment to quality care for their residents.

Bottom line, what my bill states is this:

Under CMS' Five-Star Quality Rating System, if a nursing home receives a rating of two stars or less for 30 consecutive months, the nursing home will then be ineligible for any future section 232 loans.

After a nursing home becomes ineligible for future section 232 loans under this Act, it can become eligible once more for future loans if the facility maintains a rating of three stars or more for 30 months.

Regarding ratings, all nursing homes receive a blank slate when this law is enacted, and HUD is allowed to continue to service previously issued loans under this law.

I would also like to say thanks to our local FOX affiliate for researching the gross mismanagement of Federal funds and bringing a greater awareness of this important matter.

Overall, I look forward to opening the national conversation of how we can better focus this program on the quality of care provided to our seniors and to the needy.

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 8 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. WOMACK) at 2 p.m.

PRAYER

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

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

As the Members return, we ask Your blessing on all those who are discerning significant options about leadership here in the people's House. May a spirit of freedom and public responsibility prevail among the other voices competing for ascendancy in the conversations and debates that ensue.

Bless all Members with wisdom in good measure—pressed down, shaken together, and running over—that the legacy of great legislators of our history might be carried on with integrity for the benefit of all.

May all that is done in the people's House be for Your greater honor and glory.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. CARTER of Georgia 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.

SOUTH CAROLINIANS ARE AN INSPIRATION

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

Mr. WILSON of South Carolina. Mr. Speaker, the past 2 weeks in South Carolina have been inspiring as I learned and saw spontaneous acts of thoughtfulness and compassion for flood victims.

The thousand-year rain event was a disastrous collision of a weather front from the west meeting a moisture-laden trough from the east caused by Hurricane Joaquin bypassing the State, dumping 11 trillion gallons of water, inundating communities with rainfalls up to 26 inches overnight. The volume was equal to filling the Rose Bowl over 130,000 times.

Governor Nikki Haley and National Guard Adjutant General Bob Livingston, backed up by the State Guard, have continued to lead dedicated personnel for safety and recovery. Colonel Kevin Shwedo will be the recovery coordinator.

Individual acts of heroism arise daily, such as the courage of Frank Roddey, Ryan Truluck, Drew Bozard, and Zack Hudson, who were cited by The State for rescuing, by boat, neighbors from their submerged Lake Katherine homes. Every church and school has energized volunteers and relief efforts for families.

The Salvation Army thanked Mary and J.T. Gandolfo with Rich O'Dell for raising over $141,000 in a WLTX telethon, with Columbia Rotary Club members receiving the calls.

Homeland Security Secretary Jeh Johnson deserves praise for his dedicated FEMA personnel and SBA representatives implementing Federal assistance.

In conclusion, God bless our troops, and the President by his actions should never forget September the 11th in the global war on terrorism.

NATIONAL FOREST PRODUCTS WEEK

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

Mr. CARTER of Georgia. Mr. Speaker, I rise today in support of National Forest Products Week.

The forestry and wood product manufacturing industry support over 44,000 jobs in the State of Georgia.

Over the past several years, many architects around the world have demonstrated the successful application of next-generation lumber and mass-timber technologies. These new technologies are providing a new, sustainable solution for building safe, cost effective, and high-performing buildings, most of the time in densely populated cities around the world.

By making forests sustainable and promoting wood product innovation, we can ensure that the wood product industry will continue to be a significant employer throughout the United States. I encourage continued support of forest lands and support for strong wood product markets so we can keep this industry healthy for future generations.

I thank those in the forest product industry for your continued contributions to our local economy, the State of Georgia, and the entire Nation.

CONGRATULATING STUDENTS AT MARVIN WARD ELEMENTARY SCHOOL

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

Ms. FOXX. Mr. Speaker, today, I rise to recognize the students and faculty at Marvin Ward Elementary School in Winston-Salem, North Carolina.

With news of the destructive flooding in South Carolina on their minds, this title I school conducted an informal collection of supplies for those impacted by the devastation. In just 24 hours, the school community had come together for the people of South Carolina and collected clothing, blankets,

towels, pillows, baby supplies, toiletries, pet food, and over 60 cases of water.

In addition to reading, writing, and arithmetic, it is clear that the administration and faculty have also been teaching important lessons in compassion and generosity, which I am sure went along very well with the lessons being learned by these students from their families.

Ward Elementary met the call for assistance with extraordinary result. Its students should be commended for their giving spirit and commitment to helping others.

COMMUNICATION FROM THE CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Chief Administrative Officer of the House of Representatives:

HOUSE OF REPRESENTATIVES, OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER,

Washington, DC, October 16, 2015.

Hon. JOHN A. BOEHNER,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with two grand jury subpoenas for documents issued by the United States District Court for the Central District of Illinois.

After consultation with the Office of General Counsel, I have determined that compliance with one of the subpoenas is consistent with the privileges and rights of the House. After further consultation with counsel, I will make the determinations required by Rule VIII with respect to the second subpoena.

Sincerely,

ED CASSIDY.

COMMUNICATION FROM DIRECTOR OF APPROPRIATIONS, THE HONORABLE CHAKA FATTAH, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Michelle Anderson-Lee, Director of Appropriations, the Honorable CHAKA FATTAH, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,

October 16, 2015.

Hon. JOHN A. BOEHNER,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally pursuant to Rule VIII of the Rules of the House of Representatives that I have been served with a subpoena, issued by the United States District Court for the Eastern District of Pennsylvania, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

MICHELLE ANDERSON-LEE,
Director of Appropriations, Office of Congressman Chaka Fattah.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 4 p.m. today.

Accordingly (at 2 o'clock and 7 minutes p.m.), the House stood in recess.

□ 1600

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HULTGREN) at 4 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

JUDICIAL REDRESS ACT OF 2015

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1428) to extend Privacy Act remedies to citizens of certified states, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1428

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 ''Judicial Redress Act of 2015''.

SEC. 2. EXTENSION OF PRIVACY ACT REMEDIES TO CITIZENS OF DESIGNATED COUNTRIES.

(a) CIVIL ACTION; CIVIL REMEDIES.—With respect to covered records, a covered person may bring a civil action against an agency and obtain civil remedies, in the same manner, to the same extent, and subject to the same limitations, including exemptions and exceptions, as an individual may bring and obtain with respect to records under—

(1) section 552a(g)(1)(D) of title 5, United States Code, but only with respect to disclosures intentionally or willfully made in violation of section 552a(b) of such title; and

(2) subparagraphs (A) and (B) of section 552a(g)(1) of title 5, United States Code, but such an action may only be brought against a designated Federal agency or component.

(b) EXCLUSIVE REMEDIES.—The remedies set forth in subsection (a) are the exclusive remedies available to a covered person under this section.

(c) APPLICATION OF THE PRIVACY ACT WITH RESPECT TO A COVERED PERSON.—For purposes of a civil action described in subsection (a), a covered person shall have the same rights, and be subject to the same limitations, including exemptions and exceptions, as an individual has and is subject to under section 552a of title 5, United States Code, when pursuing the civil remedies described in paragraphs (1) and (2) of subsection (a).

(d) DESIGNATION OF COVERED COUNTRY.—

(1) IN GENERAL.—The Attorney General may, with the concurrence of the Secretary of State, the Secretary of the Treasury, and the Secretary of Homeland Security, designate a foreign country or regional economic integration organization, or member country of such organization, as a ''covered country'' for purposes of this section if—

(A) the country or regional economic integration organization, or member country of such organization, has entered into an agreement with the United States that provides for appropriate privacy protections for information shared for the purpose of preventing, investigating, detecting, or prosecuting criminal offenses; or

(B) the Attorney General has determined that the country or regional economic integration organization, or member country of such organization, has effectively shared information with the United States for the purpose of preventing, investigating, detecting, or prosecuting criminal offenses and has appropriate privacy protections for such shared information.

(2) REMOVAL OF DESIGNATION.—The Attorney General may, with the concurrence of the Secretary of State, the Secretary of the Treasury, and the Secretary of Homeland Security, revoke the designation of a foreign country or regional economic integration organization, or member country of such organization, as a ''covered country'' if the Attorney General determines that such designated ''covered country''—

(A) is not complying with the agreement described under paragraph (1)(A);

(B) no longer meets the requirements for designation under paragraph (1)(B); or

(C) impedes the transfer of information (for purposes of reporting or preventing unlawful activity) to the United States by a private entity or person.

(e) DESIGNATION OF DESIGNATED FEDERAL AGENCY OR COMPONENT.—

(1) IN GENERAL.—The Attorney General shall determine whether an agency or component thereof is a ''designated Federal agency or component'' for purposes of this section. The Attorney General shall not designate any agency or component thereof other than the Department of Justice or a component of the Department of Justice without the concurrence of the head of the relevant agency, or of the agency to which the component belongs.

(2) REQUIREMENTS FOR DESIGNATION.—The Attorney General may determine that an agency or component of an agency is a ''designated Federal agency or component'' for purposes of this section, if—

(A) the Attorney General determines that information exchanged by such agency with a covered country is within the scope of an agreement referred to in subsection (d)(1)(A); or

(B) with respect to a country or regional economic integration organization, or member country of such organization, that has been designated as a ''covered country'' under subsection (d)(1)(B), the Attorney General determines that designating such agency or component thereof is in the law enforcement interests of the United States.

(f) FEDERAL REGISTER REQUIREMENT; NONREVIEWABLE DETERMINATION.—The Attorney General shall publish each determination made under subsections (d) and (e). Such determination shall not be subject to judicial or administrative review.

(g) JURISDICTION.—The United States District Court for the District of Columbia shall have exclusive jurisdiction over any claim arising under this section.

(h) DEFINITIONS.—In this Act:

(1) AGENCY.—The term ''agency'' has the meaning given that term in section 552(f) of title 5, United States Code.

(2) COVERED COUNTRY.—The term ''covered country'' means a country or regional economic integration organization, or member country of such organization, designated in accordance with subsection (d).

(3) COVERED PERSON.—The term ''covered person'' means a natural person (other than an individual) who is a citizen of a covered country.

(4) COVERED RECORD.—The term ''covered record'' has the same meaning for a covered person as a record has for an individual under section 552a of title 5, United States Code, once the covered record is transferred—

(A) by a public authority of, or private entity within, a country or regional economic organization, or member country of such organization, which at the time the record is transferred is a covered country; and

(B) to a designated Federal agency or component for purposes of preventing, investigating, detecting, or prosecuting criminal offenses.

(5) DESIGNATED FEDERAL AGENCY OR COMPONENT.—The term ''designated Federal agency or component'' means a Federal agency or component of an agency designated in accordance with subsection (e).

(6) INDIVIDUAL.—The term ''individual'' has the meaning given that term in section 552a(a)(2) of title 5, United States Code.

(i) PRESERVATION OF PRIVILEGES.—Nothing in this section shall be construed to waive any applicable privilege or require the disclosure of classified information. Upon an agency's request, the district court shall review in camera and ex parte any submission by the agency in connection with this subsection.

(j) EFFECTIVE DATE.—This Act shall take effect 90 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Tennessee (Mr. COHEN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 1428 currently under consideration.

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

There was no objection.

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

I would like to begin by thanking Mr. SENSENBRENNER and Ranking Member CONYERS for introducing this important bipartisan legislation to extend privacy protections and help ensure that the flow of law enforcement information between the European Union and the United States continues unimpeded.

In recent years, several broad and highly publicized leaks of classified U.S. intelligence information have eroded the global public's trust in the United States Government and our technology sector. As a result, both the Federal Government and U.S. businesses that operate overseas are facing growing challenges from proposals to limit the international flow of data.

Our allies in Europe, in particular, are concerned that the European public will no longer support law enforcement cooperation with U.S. authorities if we do not enact legislation to restore their public's trust in U.S. privacy protections.

Moreover, American businesses across all sectors face negative commercial consequences abroad as a result of the climate that has been created by the unauthorized disclosure of classified data.

H.R. 1428, the Judicial Redress Act, can go a long way toward restoring our allies' faith in U.S. data privacy protections and helping facilitate agreements such as the Data Privacy and Protection Agreement that enhance international cooperation.

According to the Department of Justice, the Judicial Redress Act is critical to reestablishing a trusting relationship between the European Union and the United States, to ensuring continued strong law enforcement cooperation between the United States and Europe, and to preserving the ability of American companies to do business internationally.

The Judicial Redress Act accomplishes this by granting citizens of designated foreign countries a limited number of civil remedies against the Federal Government, similar to those already provided U.S. citizens and lawful permanent residents under the Privacy Act.

This legislation is narrowly tailored in that it only applies with respect to information obtained through international law enforcement channels. Any lawsuit brought pursuant to this bill is subject to the same terms and restrictions that apply to U.S. citizens and lawful permanent residents under the Privacy Act.

If this legislation is enacted, citizens of designated foreign governments will be able to sue the United States in Federal District Court with respect to intentional and willful public disclosures of law enforcement information by the Federal Government that injure those citizens.

Additionally, for information that is not subject to an exemption under the Privacy Act, covered foreign citizens will be able to seek redress for failures by the Federal Government to grant access to records or to amend incorrect records. American citizens are already afforded these types of judicial redress rights in many foreign countries.

Although these may be limited civil remedies against the United States Government, they will provide European citizens with the core benefits of the Privacy Act and, in doing so, will greatly help to restore the public trust necessary for the continued success of our law enforcement cooperation with Europe.

The bill will also facilitate adoption of the Data Privacy and Protection Agreement and promote a healthy environment for U.S. companies that do business overseas.

I urge my colleagues to support this legislation.

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

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, October 6, 2015.

Hon. BOB GOODLATTE,
Chairman, Committee on the Judiciary, Washington, DC.

DEAR MR. CHAIRMAN: I write concerning H.R. 1428, the Judicial Redress Act of 2015. As you know, the Committee on the Judiciary received an original referral and the Committee on Oversight and Government Reform a secondary referral when the bill was introduced on March 18, 2015. I recognize and appreciate your desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, the Committee on Oversight and Government Reform will forego action on the bill.

The Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 1428 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 the Judiciary, as well as in the Congressional Record during floor consideration, to memorialize our understanding.

Sincerely,

JASON CHAFFETZ,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON THE JUDICIARY,
Washington, DC, October 6, 2015.

Hon. JASON CHAFFETZ,
Chairman, Committee on Oversight and Government Reform, Washington, DC.

DEAR CHAIRMAN CHAFFETZ: Thank you for your letter regarding H.R. 1428, the ''Judicial Redress Act of 2015.'' As you noted, the Committee on Oversight and Government Reform was granted an additional referral on the bill.

I am most appreciative of your decision to forego formal action on H.R. 1428 so that it may proceed expeditiously to the House floor. I acknowledge that although you waived formal consideration of the bill, the Committee on the Oversight and Government Reform is in no way waiving its jurisdiction over the subject matter contained in those provisions of the bill that fall within your Rule X jurisdiction. I would support your effort to seek appointment of an appropriate number of conferees on any House-Senate conference involving this legislation.

I will include a copy of our letters in the Committee's report on H.R. 1428 and in the Congressional Record during floor consideration of H.R. 1428.

Sincerely,

BOB GOODLATTE,
Chairman.

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

Mr. Speaker, this legislation before us today is good for national security, good for privacy, and good for business. It is unquestionably the right thing to do for our Nation's closest allies.

Under current law, United States citizens are entitled to access and request a correction to personal records

held by a Federal agency. If the agency denies access or fails to make a requested change or otherwise violates their privacy rights, then we may seek redress in Federal court.

Under current law, these rights are conveyed only to United States citizens and not to the citizens of our closest allies, even though many European countries offer our citizens similar rights overseas, probably somewhat like the Europeans give our folks moneys when they record a song and play it over there, but we don't. We should have that same reciprocity and fairness.

H.R. 1428, the Judicial Redress Act, will extend these core privacy protections to the citizens of certain foreign countries, those designated by the Attorney General as trusted allies. This small change to our laws will afford immediate benefits both at home and abroad.

This act will facilitate information-sharing partnerships with law enforcement agencies across the globe. We know from experience that open lines of communication with our allies yield intelligence and save lives.

The act will enable the U.S. and the European Union to complete an umbrella agreement to govern information sharing across the Atlantic for law enforcement and counterterrorism purposes. This agreement, which would include significant protections for individual privacy, would not go into effect until we have made these changes.

Earlier this year a coalition of companies, trade associations, and civil rights organizations wrote to the leadership of both parties to outline the economic cost of ''a significant erosion of global public trust in both the U.S. Government and the U.S. technology sector.'' Their fears appear to have been well founded.

Earlier this month, citing concerns about insufficient privacy safeguards in the United States, the European Court of Justice effectively suspended the safe harbor agreement that allows companies to move digital information across the Atlantic.

Although there is far more work to be done to restore the agreement, I hope that our allies will take this legislation as a sign of good faith and recognize that a basic right to privacy extends beyond our borders and we will work to restore the public trust necessary for the continued success of U.S. industry overseas.

The Judicial Redress Act is supported by the White House, the Department of Justice, and other Federal law enforcement agencies. It has been endorsed by the Chamber of Commerce, Information Technology Industry Council, Facebook, Google, Microsoft, and IBM, among others.

At base, this bill is a measure of basic fairness. Our friends abroad should have some course of redress with respect to information that they provided to the U.S. Government in the first place.

We all benefit when the information we share is accurate. Our partners in trade and security should have the ability to seek recourse when it is not.

I thank Representative SENSENBRENNER for his leadership on this issue, for his leadership on many issues, including sentencing reform, for his extreme knowledge of the world, and for sharing it with me on occasion. I thank Mr. GOODLATTE for those same talents and achievements.

I urge my colleagues to support this bill.

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

Mr. GOODLATTE. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations of the Committee on the Judiciary, and the chief sponsor of this legislation.

Mr. SENSENBRENNER. Mr. Speaker, strong international relationships abroad are critical to the safety and advancement of the United States. That is why I was pleased to introduce the Judicial Redress Act of 2015 with Ranking Member JOHN CONYERS and to speak in favor of it today.

For many years, the United States and the European Union have worked together to secure data protection for their citizens under agreements known as safe harbor. Earlier this month, however, the European Court of Justice issued a landmark ruling invalidating the agreement because of privacy concerns.

The European court's ruling illustrates how fragile trust between nations can be. It is easily lost and hard to rebuild. Moreover, this lack of trust has had huge economic and security consequences for the United States. Our businesses have struggled against public backlash and protectionist policies, and our government has faced increasingly difficult negotiations to share law enforcement and intelligence data.

The Judicial Redress Act of 2015 is central to our efforts to rebuild strained relationships with our allies and to ensure privacy and security for both American and European Union citizens. The sudden termination of the safe harbor framework strikes a blow to U.S. businesses by complicating commercial data flows. If we fail to pass the Judicial Redress Act, we risk similar disruption to the sharing of law enforcement information.

In many ways, the Judicial Redress Act is a privacy bill. It is backed and supported by many of our country's top privacy advocates. But make no mistake. The bill is crucial to U.S. law enforcement. At the heart of the Judicial Redress Act is the pressing need for the continued sharing of law enforcement data across the Atlantic.

In our complex digital world, privacy and security are not competing values. They are weaved together inseparably, and today's policymakers must craft legal frameworks that support both.

This bill provides our allies with limited remedies relative to the data they share with the United States, similar to those American citizens enjoy under the Privacy Act. It is a way to support our foreign allies and to ensure the continued sharing of law enforcement data.

Specifically, the bill will give citizens of covered countries the ability to correct flawed information in their record and access U.S. courts if the U.S. Government unlawfully discloses their personal information.

As United States citizens, we already enjoy similar protections in Europe. Granting these rights to our closest allies and their citizens will be a positive step forward in restoring our international reputation and rebuilding trust.

In fact, our European colleagues have noted that the passage of the Judicial Redress Act is critical to negotiating a new agreement, central to their willingness to continue sharing law enforcement data with the United States and necessary to improving relations between nations.

If we fail to pass this bill, we will undermine several important international agreements, further harm our businesses operating in Europe, and severely limit sharing of law enforcement information.

The Judicial Redress Act currently enjoys broad support and has been endorsed by the Department of Justice as well as the Chamber of Commerce and numerous U.S. businesses.

I would like to thank my colleagues, Representatives JOHN CONYERS, RANDY FORBES, and GLENN THOMPSON, for cosponsoring this legislation, as well as Senators ORRIN HATCH and CHRISTOPHER MURPHY for their work on companion legislation in the Senate.

The Judicial Redress Act amounts to a small courtesy that will pay huge diplomatic and economic dividends. I urge my colleagues to pass this important bill and my colleagues in the Senate to take it up without delay.

Let's put the President's infamous pen to good use by signing this legislation.

Mr. COHEN. Mr. Speaker, I will perfunctorily reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. COLLINS), a member of the Committee on the Judiciary.

Mr. COLLINS of Georgia. Mr. Speaker, it is important, I think, to come over here and discuss H.R. 1428, the Judicial Redress Act. Echoing a lot that has been said already, this is a great starting point for, really, a broader conversation about privacy rights and a conversation that is sorely needed.

I supported this bill when it passed the Committee on the Judiciary unanimously, and I am proud to support it today. The bill extends the same rights afforded to Americans under the 1974 Privacy Act to citizens of certain allied nations. Importantly, only citizens

of countries who extend similar rights to Americans for redress for privacy violations are eligible.

As everyone here is aware, revelations about U.S. surveillance operations created serious trust issues, and both the government and tech sectors experienced a decline in that global trust. Advances in technology and innovation have made it possible and necessary for law enforcement to exchange information, but it should not be done at the expense of privacy rights.

In order to restore global trust and ensure continued competitiveness for our thriving tech industry, we must work to restore consumers' faith that their data is secure in U.S. tech companies and their privacy rights are protected.

□ 1615

The United States tech industry employed an estimated 6.5 million people in 2014 and made up a large 7.1 percent of the U.S. GDP, which is going to do nothing but grow.

The free flow of transnational data is critical for the continued success of this industry that contributes in such a major way to our economy. We have to show our allies that they can be confident sharing data across the oceans and the various barriers.

The Judicial Redress Act is a step toward regaining trust and rebuilding cooperation with our allies, ensuring that U.S. businesses can continue to grow and thrive internationally. H.R. 1428 is particularly important because the U.S. and the EU have negotiated the Data Protection and Privacy Agreement for the last 2 years.

During the negotiations over the agreement, the EU Parliament and EU Commission made clear that the Safe Harbor Agreement would not be finalized absent U.S. enactment of a law to enable EU citizens to sue the U.S. Government for major privacy violations. With the European Court of Justice Ruling on the Safe Harbor Agreement, it is more important than ever that we create solutions that work for today's ever-changing tech industry, from the small companies to the household names. It is also critical that we work with our allies to create a clear standard for governing the privacy of personal information to ensure strong and cooperative exchanges between law enforcement.

Laws and agreements written before many of today's innovations even existed are due for an update, and this bill is an important first step that I am proud to support. I am thankful that the chairman has brought it forward for this body to put its stamp on and send to the Senate so that it will be taken up and then sent to the President so that we will continue to move forward in the protection of privacy rights for all Americans and our companies.

Mr. COHEN. Mr. Speaker, I appreciate being part of this bill, and thank you for your efforts.

I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I again reiterate, this bill is a good bill. It is a very important bill that will help promote law enforcement cooperation around the globe and will help U.S. companies that do business overseas to be able to better obtain the respect and trust of foreign governments and foreign citizens, so I urge my colleagues to support this legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 1428.

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.

SECURING THE CITIES ACT OF 2015

Mr. DONOVAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3493) to amend the Homeland Security Act of 2002 to establish the Securing the Cities program to enhance the ability of the United States to detect and prevent terrorist attacks and other high consequence events utilizing nuclear or other radiological materials that pose a high risk to homeland security in high-risk urban areas, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3493

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 ''Securing the Cities Act of 2015''.

SEC. 2. SECURING THE CITIES PROGRAM.

(a) IN GENERAL.—Title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.) is amended by adding at the end the following new section:

''SEC. 1908. SECURING THE CITIES PROGRAM.

''(a) ESTABLISHMENT.—The Director for Domestic Nuclear Detection shall establish the 'Securing the Cities' ('STC') program to enhance the ability of the United States to detect and prevent terrorist attacks and other high consequence events utilizing nuclear or other radiological materials that pose a high risk to homeland security in high-risk urban areas. Through such program the Director shall—

''(1) assist State, local, tribal, and territorial governments in designing and implementing, or enhancing existing, architectures for coordinated and integrated detection and interdiction of nuclear or other radiological materials that are out of regulatory control;

''(2) support the development of a region-wide operating capability to detect and report on nuclear and other radioactive materials out of operational control;

''(3) provide resources to enhance detection, analysis, communication, and coordination to better integrate State, local, tribal, and territorial assets into Federal operations;

''(4) facilitate alarm adjudication and provide subject matter expertise and technical assistance on concepts of operations, training, exercises, and alarm response protocols;

''(5) communicate with, and promote sharing of information about the presence or detection of nuclear or other radiological materials among appropriate Federal, State, local, tribal, and territorial governments, in a manner that ensures transparency with the jurisdictions served by such program; and

''(6) provide any other assistance the Director determines appropriate.

''(b) DESIGNATION OF JURISDICTIONS.—In carrying out the program under subsection (a), the Director shall designate jurisdictions from among high-risk urban areas under section 2003, and other cities and regions, as appropriate.

''(c) CONGRESSIONAL NOTIFICATION.—The Director shall notify the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate not later than three days before the designation of new jurisdictions under subsection (b) or other changes to participating jurisdictions.

''(d) GAO REPORT.—Not later than one year after the date of the enactment of this section, the Comptroller General of the United States shall submit to the congressional committees specified in subsection (c) an assessment, including an evaluation of the effectiveness, of the STC program under this section.

''(e) PROHIBITION ON ADDITIONAL FUNDING.—No funds are authorized to be appropriated to carry out this section. This section shall be carried out using amounts otherwise appropriated or made available for such purpose.''.

(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 1907 the following new item:

''Sec. 1908. Securing the Cities program.''.

SEC. 3. MODEL EXERCISES.

Not later than 120 days after the date of the enactment of this Act, the Director for Domestic Nuclear Detection of the Department of Homeland Security shall report to the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate on the feasibility of the Director developing model exercises to test the preparedness of jurisdictions participating in the Securing the Cities program under section 1908 of the Homeland Security Act of 2002 (as added by section 2 of this Act) in meeting the challenges that may be posed by a range of nuclear and radiological threats.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. DONOVAN) and the gentleman from New York (Mr. HIGGINS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. DONOVAN).

GENERAL LEAVE

Mr. DONOVAN. 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 material on the bill under consideration.

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

There was no objection.

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

I rise today in support of H.R. 3493, the Securing the Cities Act of 2015.

In April 2010, the President stated: ''The single biggest threat to U.S. security, both short-term, mid-term and long-term, would be the possibility of a terrorist organization obtaining a nuclear weapon.''

Since that time, the threat to our cities from nuclear terrorism has not abated. The rise of ISIS and the resurgence of al Qaeda have only increased the likelihood that radiological material will fall into the hands of those who wish to harm America.

Just last week, the Associated Press reported that the FBI foiled an attempt by smugglers in Eastern Europe to sell nuclear material to Middle Eastern extremist groups. That report stated that, in the past 5 years, the FBI has disrupted four other attempts by smugglers from the former Soviet Union to sell nuclear materials to criminal organizations.

These events only reinforce the testimony delivered before the House Committee on Homeland Security last month by Commissioner William Bratton of the New York City Police Department. In that testimony, the commissioner described the current terrorist threat to Manhattan as the highest it has ever been, and he specifically referenced the danger of illicit nuclear material entering the city.

Thankfully, since the attacks of September 11, 2001, this Congress, successive administrations, and local law enforcement have partnered to build the capability to guard against this risk.

In particular, the Department of Homeland Security initiated the Securing the Cities program within the Domestic Nuclear Detection Office. The Securing the Cities program provided training, equipment, and other resources to State and local law enforcement in high-risk urban areas to prevent a terrorist group from carrying out an attack using a radiological or nuclear device.

The Securing the Cities program began in 2006 as a pilot program in the New York City region, which included Jersey City and Newark. Since 2007, the New York City region has purchased nearly 14,000 radiation detectors and has trained nearly 20,000 personnel.

The pilot program has been so successful, it was expanded to the Los Angeles-Long Beach region in fiscal year 2012, the national capital region in fiscal year 2014, and just last week the cities of Houston and Chicago were announced as the fiscal year 2015 and 2016 recipients.

H.R. 3493 would authorize the Securing the Cities program, which has proven its utility as a pilot program. With continued authorization, we can assure that the extraordinary capability built by local law enforcement in conjunction with DHS does not become a hollow capability, unable to be effectively used at the critical moment.

I would like to thank my colleagues who have helped bring this authorization to the floor, especially Chairman MCCAUL of the Homeland Security Committee, and my good friend PETE KING, and also my friend from Texas Representative JACKSON LEE.

I urge all Members to join me in supporting this bill.

I reserve the balance of my time.

Mr. HIGGINS. Mr. Speaker, I yield myself such time as I may consume, and rise in support of H.R. 3493, Securing the Cities Act of 2015.

Mr. Speaker, the Securing the Cities program is a grant and technical assistance program administered by the Department of Homeland Security's Domestic Nuclear Detection Office. Since its inception nearly a decade ago, the Securing the Cities program has provided thousands of first responders with the tools they need to detect radiological and nuclear threats.

Started as a pilot project in 2006 in the New York City, Newark, and New Jersey metropolitan areas, the program has grown to include Los Angeles and Long Beach in 2012, and the Washington, D.C., Federal district in 2014. This year, the program has identified Houston and Chicago as high-priority areas for expanding the program.

Under the program, the initial grant award is generally used for planning and analysis at a regional level, with subsequent grants going towards equipment, training, and exercises. Importantly, through the Securing the Cities program, the Domestic Nuclear Detection Office is able to channel subject-matter expertise, training coordination, and technical support to all the identified high-risk metropolitan areas.

H.R. 3493, like the bill I introduced that will be next to be considered, is targeted at bolstering the security of our communities from the threat of a nuclear attack. As such, Mr. Speaker, I urge support of H.R. 3493.

We have an opportunity today to take action to bolster our defense against rogue actors and terrorists who would seek to detonate a nuclear device on U.S. soil. The disclosure in recent weeks of a thwarted plot by Moldovan operatives to provide smuggled nuclear materials to terrorist organizations with ambition to attack the United States has crystallized the need for action. Today, we can take such action. By approving H.R. 3493 and authorizing the Securing the Cities program, we will be enhancing the Nation's ability to detect and prevent a radiological and nuclear attack in cities facing the highest risk.

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

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

Mr. Speaker, I once again urge my colleagues to support H.R. 3493, the Securing the Cities Act of 2015.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. DONOVAN) that the House suspend the rules and pass the bill, H.R. 3493, 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. DONOVAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

KNOW THE CBRN TERRORISM THREATS TO TRANSPORTATION ACT

Mr. DONOVAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3350) to require a terrorism threat assessment regarding the transportation of chemical, biological, nuclear, and radiological materials through United States land borders and within the United States, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3350

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 CBRN Terrorism Threats to Transportation Act''.

SEC. 2. TERRORISM THREAT ASSESSMENT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security, acting through the Under Secretary of Intelligence and Analysis, shall conduct a terrorism threat assessment of the transportation of chemical, biological, nuclear, and radiological materials through United States land borders and within the United States.

(b) CONSULTATION.—In preparing the terrorism threat assessment required under subsection (a), the Under Secretary for Intelligence and Analysis shall consult with the Administrator of the Transportation Security Administration, the Commissioner of U.S. Customs and Border Protection, and the heads of other Federal departments and agencies, as appropriate, to ensure that such terrorism threat assessment is informed by current information about homeland security threats.

(c) DISTRIBUTION.—Upon completion of the terrorism threat assessment required under subsection (a), the Under Secretary for Intelligence and Analysis shall disseminate such terrorism threat assessment to Federal partners, including the Department of Transportation and the Department of Energy, and State and local partners, including the National Network of Fusion Centers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. DONOVAN) and the gentleman from New York (Mr. HIGGINS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. DONOVAN).

GENERAL LEAVE

Mr. DONOVAN. 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 material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 3350, the Know the CBRN Terrorism Threats to Transportation Act, introduced by the gentleman from New York (Mr. HIGGINS).

This bill requires the Department of Homeland Security, through the Office of Intelligence and Analysis, to conduct a terrorism threat assessment of the transportation of chemical, biological, nuclear, and radiological materials across our land borders and within the United States.

As a fellow New Yorker, I share Congressman HIGGINS' security concerns related to the transportation of spent nuclear fuel across the Canadian-New York border. It is an appropriate response to have the Department of Homeland Security conduct a risk assessment related to this initiative.

DHS is responsible for assessing potential terror threats against the homeland. Threats related to CBRN materials are one of the most serious.

Terrorist groups have long had an interest in using CBRN materials. In addition to concerns that terror groups may try to create or purchase CBRN materials, there are concerns that terrorists could exploit such materials with legitimate commercial uses, including when such materials are transported from one location to another. It is this concern that the bill seeks to address.

The bill also directs that the results of the assessment be shared with relevant Federal, State, and local agencies, including the Department of Energy and the National Network of Fusion Centers. Coordination and information-sharing within the Department, as well as between the Department and other agencies, is critical for securing the homeland efficiently.

This is a commonsense bill, and I encourage my colleagues to support this bill.

I reserve the balance of my time.

□ 1630

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

I rise in support of H.R. 3350, the Know the CBRN Terrorism Threats to Transportation Act.

Mr. Speaker, I thank the chairman of the subcommittee, Mr. KING of New York; Chairman MCCAUL; and my ranking member, Mr. THOMPSON of Mississippi, for their support of my bill.

H.R. 3350, the Know the CBRN Terrorism Threats to Transportation Act, would direct the Department of Homeland Security's Office of Intelligence and Analysis to conduct a terrorism threat assessment of the risks associated with transportation of chemical, biological, nuclear, and radiological materials.

Terrorists and militant groups have expressed an interest in using weapons of mass destruction, especially those utilizing chemical, biological, radiological, and nuclear, known as CBRN, agents or materials.

In fact, according to a recent Associated Press investigation, the FBI uncovered a plot by rogue Moldavian operatives to sell nuclear material to foreign terrorist organizations that have an interest in targeting the United States.

Next year the Department of Energy plans to allow the transporting by truck of highly enriched uranium from Canada to South Carolina. As a cost-saving measure, the planned shipment would be in liquid form.

These trucks are scheduled to enter the United States via the Peace Bridge in Buffalo, New York. An attack or an accident involving one of these trucks crossing the Peace Bridge could have devastating consequences.

The Peace Bridge is the busiest passenger crossing on the northern border and the second busiest cargo port of entry. Closing the bridge for an extended period of time would cause great economic harm to the region and national economies. Further, an attack could contaminate the Great Lakes, which contain 84 percent of North America's surface freshwater, with highly radioactive material.

Despite these risks, the Department of Energy approved this route, relying on an analysis of this route that is 20 years old, and did not anticipate carrying such high-level waste. In other words, the Federal Government is about to begin importing highly radioactive material, which has never been shipped in this manner, using outdated, pre-9/11 information that does not reflect the threats we face today.

To ensure that all relevant Federal agencies, including the Department of Energy, have the information they need to make decisions and develop policies that are informed by the terrorism threat picture, my bill would direct the Department of Homeland Security to share its assessment with Federal partners.

Mr. Speaker, I urge Members to support H.R. 3350, a measure that will not only help ensure the Department of Energy has the information it needs with respect to transporting dangerous material through high-risk areas throughout the United States, but that other Federal agencies who are faced with similar questions are able to make better informed decisions.

Many of the routes used for the transport of CBRN materials were approved nearly 20 years ago and, as such, reflect a pre-9/11 mindset with respect to the threat and consequences of terrorism.

My bill will ensure that the Department of Homeland Security assesses and shares threat information with the Department of Energy and other Federal agencies to ensure that they have the information needed to reach complicated decisions about transporting dangerous nuclear material throughout our communities.

Enactment of my legislation will send a message to citizens at risk in Buffalo and beyond that we care about keeping them secure and ensuring that Federal policy is informed by the best information we have on terrorism threats.

With that, I ask for my colleagues' support.

I yield back the balance of my time.

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

Mr. Speaker, it is common sense to require DHS to conduct terrorism threat assessments for the legitimate storage, sale, or transportation of CBRN materials.

This bill complements the bill the House just considered, H.R. 3493, the Securing the Cities Act of 2015. We need to take all appropriate measures to safeguard our citizens from nuclear weapons and weapons of mass destruction.

The Securing the Cities program creates a warning and detection system around New York City and other high-risk locations. H.R. 3350 supplements this concept by requiring a proactive approach in reviewing security concerns related to the transportation of CBRN materials.

In closing, I wanted to express appreciation to Congressman HIGGINS, the ranking member of the Counterterrorism and Intelligence Subcommittee, and to the subcommittee chairman, PETER KING, for moving H.R. 3350.

I urge support for the underlying measure.

I yield back the balance of my time.

Mrs. LAWRENCE. Mr. Speaker, I rise today in support of H.R. 3350, the Know the CBRN Terrorism Threats to Transportation Act. The Department of Homeland Security and the Under Secretary of Intelligence and Analysis play a critical role in the safety of American families. Their work assessing the transportation of chemical, biological, nuclear, and radiological (CBRN) materials is essential for maintaining a high level of security for the country. This is why the Know the CBRN Terrorism Threats to Transportation Act must be passed.

The fact that my home state shares an international border gives me insight and understanding of the issues that border communities face. Extremist groups have an array of potential agents and delivery methods to choose from for chemical, biological, radiological, or nuclear attacks. Castor beans, cyanide, sarin and other chemical agents are examples of the spectrum of terrorist CBRN threats. These materials need to be assessed in order to ensure the safety of not only our border communities, but our nation.

The Know the CBRN Terrorism Threats to Transportation Act requires a three step process for improving the safety of our borders. First, to prepare for the execution of a terrorism threat assessment regarding CBNR materials, the Under Secretary for Intelligence and Analysis will consult with the Administrator of the Transportation Security Administration and the heads of other federal departments and agencies. This is critical in ensuring that the assessment is conducted with the highest level of expertise. Next, the terrorism threat

assessment of the transportation of CBNR materials can be conducted. Finally, the assessment must be distributed to federal, state, and local partners so that everyone protecting our borders is informed and updated. At a time when this information should be readily available, we are still waiting to find the best process to address this critical issue.

I would like to close by saying that I am proud of our chamber for taking this important step to ensure that the data on the transportation of hazardous materials is readily available and accessible. I also want to thank my colleagues for understanding the importance of information regarding CBRN threats and the role of this information in strengthening our security.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. DONOVAN) that the House suspend the rules and pass the bill, H.R. 3350.

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. DONOVAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

DHS HEADQUARTERS REFORM AND IMPROVEMENT ACT OF 2015

Mr. MCCAUL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3572) to amend the Homeland Security Act of 2002 to reform, streamline, and make improvements to the Department of Homeland Security and support the Department's efforts to implement better policy, planning, management, and performance, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3572

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 ''DHS Headquarters Reform and Improvement Act of 2015''.

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

Sec. 1. Short title; Table of contents.
Sec. 2. Prohibition on additional authorization of appropriations.

TITLE I—DEPARTMENT OF HOMELAND SECURITY HEADQUARTERS REAUTHORIZATION

Sec. 101. Definitions.
Sec. 102. Headquarters components.
Sec. 103. Chief Privacy Officer.
Sec. 104. Office of Policy.
Sec. 105. Quadrennial homeland security review.
Sec. 106. Future years homeland security program.
Sec. 107. Management and execution.
Sec. 108. Chief Financial Officer.
Sec. 109. Chief Procurement Officer.
Sec. 110. Chief Information Officer.
Sec. 111. Chief Human Capital Officer.
Sec. 112. Chief Security Officer.
Sec. 113. Cost savings and efficiency reviews.
Sec. 114. Field efficiencies plan.
Sec. 115. Resources to respond to operational surges.
Sec. 116. Department of Homeland Security rotation program.

TITLE II—DHS ACQUISITION ACCOUNTABILITY AND EFFICIENCY

Sec. 201. Definitions.

Subtitle A—Acquisition Authorities

Sec. 211. Acquisition authorities for Under Secretary for Management.
Sec. 212. Acquisition authorities for Chief Financial Officer.
Sec. 213. Acquisition authorities for Chief Information Officer.
Sec. 214. Requirements to ensure greater accountability for acquisition programs.

Subtitle B—Acquisition Program Management Discipline

Sec. 221. Acquisition Review Board.
Sec. 222. Requirements to reduce duplication in acquisition programs.
Sec. 223. Government Accountability Office review of Board and of requirements to reduce duplication in acquisition programs.
Sec. 224. Excluded Party List System waivers.
Sec. 225. Inspector General oversight of suspension and debarment.

Subtitle C—Acquisition Program Management Accountability and Transparency

Sec. 231. Congressional notification and other requirements for major acquisition program breach.
Sec. 232. Multiyear acquisition strategy.
Sec. 233. Acquisition reports.
Sec. 234. Government Accountability Office review of multiyear acquisition strategy.
Sec. 235. Office of Inspector General report.

SEC. 2. PROHIBITION ON ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.

No additional funds are authorized to be appropriated to carry out this Act and the amendments made by this Act. This Act and such amendments shall be carried out using amounts otherwise available for such purposes.

TITLE I—DEPARTMENT OF HOMELAND SECURITY HEADQUARTERS REAUTHORIZATION

SEC. 101. DEFINITIONS.

Section 2 of the Homeland Security Act of 2002 is amended—

(1) by redesignating paragraphs (13) through (18) as paragraphs (15) through (20);

(2) by redesignating paragraphs (9) through (12) as paragraphs (10) through (13);

(3) by inserting after paragraph (8) the following:

''(9) The term 'homeland security enterprise' means relevant governmental and nongovernmental entities involved in homeland security, including Federal, State, local, and tribal government officials, private sector representatives, academics, and other policy experts.''; and

(4) by inserting after paragraph (13), as so redesignated, the following:

''(14) The term 'management integration and transformation'—

''(A) means the development of consistent and consolidated functions for information technology, financial management, acquisition management, and human capital management; and

''(B) includes governing processes and procedures, management systems, personnel activities, budget and resource planning, training, real estate management, and provision of security, as they relate to functions cited in subparagraph (A).''.

SEC. 102. HEADQUARTERS COMPONENTS.

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

(1) in subsection (c)—

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

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

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

(D) by adding at the end the following:

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

(2) by adding at the end the following:

''(h) HEADQUARTERS.—

''(1) COMPONENTS.—The Department Headquarters shall include the following:

''(A) The Office of the Secretary.

''(B) The Office of the Deputy Secretary.

''(C) The Executive Secretariat.

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

''(E) The Office of Policy.

''(F) The Office of General Counsel.

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

''(H) The Office of Civil Rights and Civil Liberties.

''(I) The Office of Operations and Coordination and Planning.

''(J) The Office of Intelligence and Analysis.

''(K) The Office of Legislative Affairs.

''(L) The Office of Public Affairs.

''(2) FUNCTIONS.—The Secretary, through the Headquarters, shall—

''(A) establish the Department's overall strategy for successfully completing its mission;

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

''(C) establish mechanisms to ensure that components of the Department comply with Headquarters policies and fully implement the Secretary's strategies and initiatives and require the head of each component of the Department and component chief officers to comply with such policies and implement such strategies and initiatives;

''(D) establish annual operational and management objectives to determine the Department's performance;

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

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

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

''(H) manage and encourage shared services across Department components;

''(I) lead and coordinate interaction with Congress and other external organizations; and

''(J) carry out other such functions as the Secretary determines are appropriate.''.

(b) ABOLISHMENT OF DIRECTOR OF SHARED SERVICES.—

(1) ABOLISHMENT.—The position of Director of Shared Services is abolished.

(2) CONFORMING AMENDMENT.—Section 475 of the Homeland Security Act of 2002 (6 U.S.C. 295), and the item relating to such section in the table of contents in section 1(b) of such Act, are repealed.

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

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

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

(A) by repealing section 878 (6 U.S.C. 112), and the item relating to that section in the table of contents in section 1(b) of such Act; and

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

SEC. 103. CHIEF PRIVACY OFFICER.

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

(1) in subsection (a)—

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

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

(ii) by striking '', to assume'' and inserting ''and who shall have'';

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

''(6) preparing a report to Congress on an annual basis on—

''(A) activities of the Department that affect privacy, including complaints of privacy violations, implementation of section 554 of title 5, United States Code (popularly known as the Privacy Act of 1974), internal controls, and other matters; and

''(B) the number of new technology programs implemented in the Department each fiscal year, the number of those programs that the Chief Privacy Officer has evaluated to ensure that privacy protections are considered and implemented, the number of those programs that effectively implemented privacy protections into new technology programs, and an explanation of why any new programs did not effectively implement privacy protections.'';

(3) by redesignating subsections (b) through (e) as subsections (c) through (f); and

(4) by inserting after subsection (a) the following:

''(b) ADDITIONAL RESPONSIBILITIES.—In addition to the responsibilities under subsection (a), the Chief Privacy Officer shall—

''(1) develop guidance to assist components of the Department in developing privacy policies and practices;

''(2) establish a mechanism to ensure such components are in compliance with Federal, regulatory, statutory, and the Department's privacy requirements, mandates, directives, and policy;

''(3) work with the Chief Information Officer of the Department to identify methods for managing and overseeing the Department's records, management policies, and procedures;

''(4) work with components and offices of the Department to ensure that information sharing activities incorporate privacy protections;

''(5) serve as the Department's central office for managing and processing requests related to section 552 of title 5, United States Code, popularly known as the Freedom of Information Act;

''(6) develop public guidance on procedures to be followed when making requests for information under section 552 of title 5, United States Code;

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

''(8) identify and eliminate unnecessary and duplicative actions taken by the Department in the course of processing requests for information under section 552 of title 5, United States Code; and

''(9) carry out such other responsibilities as the Secretary determines are appropriate, consistent with this section.''; and

(5) by adding at the end the following:

''(g) REASSIGNMENT OF FUNCTIONS.—The Secretary may reassign the functions related to managing and processing requests for information under section 552 of title 5, United States Code, to another officer within the Department, consistent with requirements of that section.''.

SEC. 104. OFFICE OF POLICY.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by—

(1) redesignating section 601 as section 890B, and transferring that section to appear immediately after section 890A; and

(2) striking the heading for title VI and inserting the following:

''TITLE VI—POLICY AND PLANNING

''SEC. 601. OFFICE OF POLICY.

''(a) ESTABLISHMENT OF OFFICE.—There shall be in the Department an Office of Policy. The Office of Policy shall be headed by an Under Secretary for Policy, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(b) MISSION.—The mission of the Office of Policy is to lead, conduct, and coordinate Department-wide policy, strategic planning, and relationships with organizations or persons that are not part of the Department.

''(c) COMPONENTS OF OFFICE.—The Office of Policy shall include the following components:

''(1) The Office of Partnership and Engagement under section 602.

''(2) The Office of International Affairs under section 603.

''(3) The Office of Policy Implementation under section 604.

''(4) The Office of Strategy and Planning under section 605.

''(d) RESPONSIBILITIES OF THE UNDER SECRETARY.—Subject to the direction and control of the Secretary, the Under Secretary for Policy shall—

''(1) serve as the principal policy advisor to the Secretary;

''(2) coordinate with the Under Secretary for Management and the General Counsel of the Department to ensure that development of the Department's budget is compatible with the priorities, strategic plans, and policies established by the Secretary, including those priorities identified through the Quadrennial Homeland Security Review required under section 707;

''(3) incorporate relevant feedback from, and oversee and coordinate relationships with, organizations and other persons that are not part of the Department to ensure effective communication of outside stakeholders' perspectives to components of the Department;

''(4) establish a process to ensure that organizations and other persons that are not part of the Department can communicate with Department components without compromising adherence by the officials of such components to the Department's ethics and policies;

''(5) manage and coordinate the Department's international engagement activities;

''(6) advise, inform, and assist the Secretary on the impact of the Department's policy, processes, and actions on State, local, tribal, and territorial governments;

''(7) oversee the Department's engagement and development of partnerships with nonprofit organizations and academic institutions;

''(8) administer the Homeland Security Advisory Council and make studies available to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on an annual basis; and

''(9) carry out such other responsibilities as the Secretary determines are appropriate, consistent with this section.

''(e) COORDINATION BY DEPARTMENT COMPONENTS.—

''(1) IN GENERAL.—To ensure consistency with the Secretary's policy priorities, the head of each component of the Department shall coordinate with the Office of Policy, as appropriate, in establishing new policies or strategic planning guidance.

''(2) INTERNATIONAL ACTIVITIES.—

''(A) FOREIGN NEGOTIATIONS.—Each component of the Department shall coordinate with the Under Secretary for Policy plans and efforts of the component before pursuing negotiations with foreign governments, to ensure consistency with the Department's policy priorities.

''(B) NOTICE OF INTERNATIONAL TRAVEL BY SENIOR OFFICERS.—Each component of the Department shall notify the Under Secretary for Policy of the international travel of senior officers of the Department.

''(f) ASSIGNMENT OF PERSONNEL.—The Secretary shall assign to the Office of Policy permanent staff and, as appropriate and consistent with sections 506(c)(2), 821, and 888(d), other appropriate personnel detailed from other components of the Department to carry out the responsibilities under this section.

''(g) DEPUTY UNDER SECRETARY FOR POLICY.—

''(1) IN GENERAL.—The Secretary may—

''(A) establish within the Department of Homeland Security a position, to be called the Deputy Under Secretary for Policy, to support the Under Secretary for Policy in carrying out the Under Secretary's responsibilities; and

''(B) appoint a career employee to such position.

''(2) LIMITATION ON ESTABLISHMENT OF DEPUTY UNDER SECRETARY POSITIONS.—A Deputy Under Secretary position (or any substantially similar position) within the Department of Homeland Security may not be established except for the position provided for by paragraph (1) unless the Secretary of Homeland Security receives prior authorization from Congress.

''(3) DEFINITIONS.—For purposes of paragraph (1)—

''(A) the term 'career employee' means any employee (as that term is defined in section 2105 of title 5, United States Code), but does not include a political appointee; and

''(B) the term 'political appointee' means any employee who occupies a position which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.

''SEC. 602. OFFICE OF PARTNERSHIP AND ENGAGEMENT.

''(a) IN GENERAL.—There shall be in the Office of Policy an Office of Partnership and Engagement.

''(b) HEAD OF OFFICE.—The Secretary shall appoint an Assistant Secretary for Partnership and Engagement to serve as the head of the Office.

''(c) RESPONSIBILITIES.—The Assistant Secretary for Partnership and Engagement shall—

''(1) lead the coordination of Department-wide policies relating to the role of State and local law enforcement in preventing, preparing for, protecting against, and responding to natural disasters, acts of terrorism, and other man-made disasters within the United States;

''(2) serve as a liaison between State, local, and tribal law enforcement agencies and the Department, including through consultation

with such agencies regarding Department programs that may impact such agencies;

''(3) coordinate with the Office of Intelligence and Analysis to certify the intelligence and information sharing requirements of State, local, and tribal law enforcement agencies are being addressed;

''(4) work with the Administrator to ensure that law enforcement and terrorism-focused grants to State, local, and tribal government agencies, including grants under sections 2003 and 2004, the Commercial Equipment Direct Assistance Program, and other grants administered by the Department to support fusion centers and law enforcement-oriented programs, are appropriately focused on terrorism prevention activities;

''(5) coordinate with the Science and Technology Directorate, the Federal Emergency Management Agency, the Department of Justice, the National Institute of Justice, law enforcement organizations, and other appropriate entities to support the development, promulgation, and updating, as necessary, of national voluntary consensus standards for training and personal protective equipment to be used in a tactical environment by law enforcement officers;

''(6) create and foster strategic communications with the private sector to enhance the primary mission of the Department to protect the American homeland;

''(7) advise the Secretary on the impact of the Department's policies, regulations, processes, and actions on the private sector;

''(8) interface with other relevant Federal agencies with homeland security missions to assess the impact of these agencies' actions on the private sector;

''(9) create and manage private sector advisory councils composed of representatives of industries and associations designated by the Secretary to—

''(A) advise the Secretary on private sector products, applications, and solutions as they relate to homeland security challenges;

''(B) advise the Secretary on homeland security policies, regulations, processes, and actions that affect the participating industries and associations; and

''(C) advise the Secretary on private sector preparedness issues, including effective methods for—

''(i) promoting voluntary preparedness standards to the private sector; and

''(ii) assisting the private sector in adopting voluntary preparedness standards;

''(10) promote existing public-private partnerships and developing new public-private partnerships to provide for collaboration and mutual support to address homeland security challenges;

''(11) assist in the development and promotion of private sector best practices to secure critical infrastructure;

''(12) provide information to the private sector regarding voluntary preparedness standards and the business justification for preparedness and promoting to the private sector the adoption of voluntary preparedness standards;

''(13) coordinate industry efforts, with respect to functions of the Department of Homeland Security, to identify private sector resources and capabilities that could be effective in supplementing Federal, State, and local government agency efforts to prevent or respond to a terrorist attack;

''(14) coordinate with the Commissioner of Customs and Border Protection and the appropriate senior official of the Department of Commerce on issues related to the travel and tourism industries;

''(15) coordinate the activities of the Department relating to State and local government;

''(16) assess, and advocate for, the resources needed by State and local governments to implement the national strategy for combating terrorism;

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

''(18) develop a process for receiving meaningful input from State and local governments to assist the development of the national strategy for combating terrorism and other homeland security activities; and

''(19) perform such other functions as are established by law or delegated to such Assistant Secretary by the Under Secretary for Policy.

''SEC. 603. OFFICE OF INTERNATIONAL AFFAIRS.

''(a) IN GENERAL.—There shall be in the Office of Policy an Office of International Affairs.

''(b) HEAD OF OFFICE.—The Secretary shall appoint an Assistant Secretary for International Affairs to serve as the head of the Office and as the chief diplomatic officer of the Department.

''(c) FUNCTIONS.—

''(1) IN GENERAL.—The Assistant Secretary for International Affairs shall—

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

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

''(C) develop, in consultation with the Under Secretary for Management, guidance for selecting, assigning, training, and monitoring overseas deployments of Department personnel, including minimum standards for predeployment training;

''(D) develop and update, in coordination with all components of the Department engaged in international activities, a strategic plan for the international activities of the Department, establish a process for managing its implementation, and establish mechanisms to monitor the alignment between assets, including personnel, deployed by the Department outside the United States and the plan required by this subparagraph;

''(E) develop and distribute guidance on Department policy priorities for overseas activities to personnel deployed overseas, that, at a minimum, sets forth the regional and national priorities being advanced by their deployment, and establish mechanisms to foster better coordination of Department personnel, programs, and activities deployed outside the United States;

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

''(G) develop, in consultation with the components of the Department, including, as appropriate, with the Under Secretary for the Science and Technology Directorate, programs to support the overseas programs conducted by the Department, including training, technical assistance, and equipment to ensure that Department personnel deployed abroad have proper resources and receive adequate and timely support;

''(H) conduct the exchange of homeland security information, in consultation with the Under Secretary of the Office of Intelligence and Analysis, and best practices relating to homeland security with foreign nations that, in the determination of the Secretary, reciprocate the sharing of such information in a substantially similar manner;

''(I) submit information to the Under Secretary for Policy for oversight purposes, including preparation of the quadrennial homeland security review and on the status of overseas activities, including training and technical assistance and information exchange activities and the Department's resources dedicated to these activities;

''(J) promote, when appropriate, and oversee the exchange of education, training, and information with nations friendly to the United States in order to share best practices relating to homeland security; and

''(K) perform such other functions as are established by law or delegated by the Under Secretary for Policy.

''(2) INVENTORY OF ASSETS DEPLOYED ABROAD.—For each fiscal year, the Assistant Secretary for International Affairs, in coordination with the Under Secretary for Management, shall provide to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate with the annual budget request for the Department, an annual accounting of all assets of the Department, including personnel, deployed outside the United States on behalf of the Department.

''(3) STANDARDIZED FRAMEWORK FOR COST DATA.—The Assistant Secretary for International Affairs shall utilize a standardized framework to collect and maintain comparable cost data for all assets of the Department, including personnel, deployed outside the United States to prepare the annual accounting required by paragraph (2).

''(4) EXCLUSIONS.—This subsection does not apply to international activities related to the protective mission of the United States Secret Service, or to the Coast Guard when operating under the direct authority of the Secretary of Defense or the Secretary of the Navy.

''SEC. 604. OFFICE OF POLICY IMPLEMENTATION.

''(a) IN GENERAL.—There shall be in the Office of Policy an Office of Policy Implementation.

''(b) HEAD OF OFFICE.—The Secretary shall appoint a Director of the Office of Policy Implementation to serve as the head of the Office.

''(c) RESPONSIBILITIES.—The Director of the Office of Policy Implementation shall lead, conduct, coordinate, and provide overall direction and supervision of Department-wide policy development for the programs, offices, and activities of the Department, in consultation with relevant officials of the Department, to ensure quality, consistency, and integration across the Department, as appropriate.

''SEC. 605. OFFICE OF STRATEGY AND PLANNING.

''(a) IN GENERAL.—There shall be in the Office of Policy of the Department an Office of Strategy and Planning.

''(b) HEAD OF OFFICE.—The Secretary shall appoint a Director of the Office of Strategy and Planning who shall serve as the head of the Office.

''(c) RESPONSIBILITIES.—The Director of the Office of Strategy and Planning shall—

''(1) lead and conduct long-term Department-wide strategic planning, including the Quadrennial Homeland Security Review and planning guidance for the Department, and translate the Department's statutory responsibilities, strategic plans, and long-term goals into risk-based policies and procedures that improve operational effectiveness; and

''(2) develop strategies to address unconventional threats to the homeland.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended—

(1) by striking the items relating to title VI and inserting the following:

''TITLE VI—POLICY AND PLANNING

''Sec. 601. Office of Policy.
''Sec. 602. Office of Partnership and Engagement.
''Sec. 603. Office of International Affairs.
''Sec. 604. Office of Policy Implementation.
''Sec. 605. Office of Strategy and Planning.''.

(2) by inserting after the item relating to section 890A the following:

''Sec. 890B. Treatment of charitable trusts for members of the Armed Forces of the United States and other governmental organizations.''.

(c) APPOINTMENT OF UNDER SECRETARY FOR POLICY; CONTINUATION OF SERVICE OF ASSISTANT SECRETARY.—

(1) TIME OF APPOINTMENT.—The President may appoint an Under Secretary for Policy under section 601 of the Homeland Security Act of 2002, as amended by this Act, only on or after January 20, 2017.

(2) HEAD OF OFFICE PENDING APPOINTMENT.—The individual serving as the Assistant Secretary for Policy of the Department of Homeland Security on the date of the enactment of this Act, or their successor, may continue to serve as an Assistant Secretary and as the head of the Office of Policy established by such section, until the date on which the Under Secretary for Policy is appointed under such section in accordance with paragraph (1).

(d) APPOINTMENT OF ASSISTANT SECRETARY FOR INTERNATIONAL AFFAIRS; ABOLISHMENT OF EXISTING OFFICE.—

(1) TIME OF APPOINTMENT.—The Secretary of Homeland Security may appoint an Assistant Secretary for International Affairs under section 602 of the Homeland Security Act of 2002, as amended by this Act, only on or after January 20, 2017.

(2) HEAD OF OFFICE PENDING APPOINTMENT.—The individual serving as the Assistant Secretary for International Affairs of the Department of Homeland Security on the date of the enactment of this Act, or their successor, may continue to serve as a Deputy Assistant Secretary and as the head of the Office of International Affairs established by such section, until the date the Under Secretary for Policy is appointed under such section in accordance with paragraph (1).

(3) ABOLISHMENT OF EXISTING OFFICE.—

(A) IN GENERAL.—The Office of International Affairs within the Office of the Secretary is abolished.

(B) TRANSFER OF ASSETS AND PERSONNEL.—The assets and personnel associated with such Office are transferred to the head of the Office of International Affairs provided for by section 603 of the Homeland Security Act of 2002, as amended by this Act.

(C) CONFORMING AMENDMENT.—Subsection 879 of the Homeland Security Act of 2002 (6 U.S.C. 459), and the item relating to such section in section 1(b) of such Act, are repealed.

(e) ABOLISHMENT OF OFFICE FOR STATE AND LOCAL LAW ENFORCEMENT.—

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

(2) TRANSFER OF FUNCTIONS, ASSETS, AND PERSONNEL.—The functions authorized to be performed by such office immediately before the enactment of this Act, and the assets and personnel associated with such functions, are transferred to the head of the Office of Partnership and Engagement provided for by section 602 of the Homeland Security Act of 2002, as amended by this Act.

(3) CONFORMING AMENDMENT.—Subsection (b) of section 2006 of the Homeland Security Act of 2002 (6 U.S.C. 607) is repealed.

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

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

(2) TRANSFER OF FUNCTIONS AND ASSETS.—The functions authorized to be performed by such office immediately before the enactment of this Act, and the assets and personnel associated with such functions, are transferred to the head of Office of Partnership and Engagement provided for by section 602 of the Homeland Security Act of 2002, as amended by this Act.

(3) CONFORMING AMENDMENTS.—Section 801 of the Homeland Security Act of 2002 (6 U.S.C. 631), and the item relating to that section in the table of contents in section 1(b) of such Act, are repealed.

(g) ABOLISHMENT OF SPECIAL ASSISTANT TO THE SECRETARY.—

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

(2) TRANSFER OF FUNCTIONS AND ASSETS.—The functions authorized to be performed by such Special Assistant to the Secretary immediately before the enactment of this Act, and the assets and personnel associated with such functions, are transferred to the head of the Office of Partnership and Engagement provided for by section 602 of the Homeland Security Act of 2002, as amended by this Act.

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

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

(1) in paragraph (1), by striking subparagraph (I) and redesignating subparagraph (J) as subparagraph (I); and

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

''(2) ASSISTANT SECRETARIES.—

''(A) ADVICE AND CONSENT APPOINTMENTS.—The Department shall have the following Assistant Secretaries appointed by the President, by and with the advice and consent of the Senate:

''(i) The Assistant Secretary, U.S. Immigration and Customs Enforcement.

''(ii) The Assistant Secretary, Transportation Security Administration.

''(B) OTHER PRESIDENTIAL APPOINTMENTS.—The Department shall have the following Assistant Secretaries appointed by the President:

''(i) The Assistant Secretary, Infrastructure Protection.

''(ii) The Assistant Secretary, Office of Public Affairs.

''(iii) The Assistant Secretary, Office of Legislative Affairs.

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

''(i) The Assistant Secretary, Office of Cybersecurity and Communications.

''(ii) The Assistant Secretary for International Affairs under section 602.

''(iii) The Assistant Secretary for Partnership and Engagement under section 603.

''(D) LIMITATION ON CREATION OF POSITIONS.—No Assistant Secretary position may be created in addition to the positions provided for by this section unless such position is authorized by a statute enacted after the date of the enactment of the DHS Headquarters Reform and Improvement Act of 2015.''.

(i) HOMELAND SECURITY ADVISORY COUNCIL.—Section 102(b) of the Homeland Security Act of 2002 (6 U.S.C. 112(b)) is amended by striking ''and'' after the semicolon at the end of paragraph (2), striking the period at the end of paragraph (3) and inserting ''; and'', and adding at the end the following:

''(4) shall establish a Homeland Security Advisory Council to provide advice and recommendations on homeland-security-related matters.''.

(j) PROHIBITION ON NEW OFFICES.—No new office may be created to perform functions transferred by this section, other than as provided in section 601 of the Homeland Security Act of 2002, as amended by this Act, unless the Secretary of Homeland Security receives prior authorization from Congress permitting such change.

(k) DEFINITIONS.—In this section each of the terms ''functions'', ''assets'', and ''personnel'' has the meaning that term has under section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(l) DUPLICATION REVIEW.—The Secretary of Homeland Security shall—

(1) within 1 year after the date of the enactment of this Act, complete a review of the international affairs offices, functions, and responsibilities of the components of the Department of Homeland Security, to identify and eliminate areas of unnecessary duplication; and

(2) within 30 days after the completion of such review, provide the results of the review to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 105. QUADRENNIAL HOMELAND SECURITY REVIEW.

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

(1) in subsection (a)—

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

''(1) REVIEW REQUIRED.—In fiscal year 2017, and every 4 years thereafter, the Secretary shall conduct a review of the homeland security of the Nation (in this section referred to as a 'quadrennial homeland security review'). Such review shall be conducted so that it is completed, and the report under subsection (c) is issued, by no later than December 31, 2017, and by December 31 of every fourth year thereafter.''; and

(B) in paragraph (3) by striking ''The Secretary shall conduct each quadrennial homeland security review under this subsection in consultation with'' and inserting ''In order to ensure that each quadrennial homeland security review conducted under this section is coordinated with the quadrennial defense review conducted by the Secretary of Defense under section 118 of title 10, United States Code, and any other major strategic review relating to diplomacy, intelligence, or other national security issues, the Secretary shall conduct and obtain information and feedback from entities of the homeland security enterprise through'';

(2) in subsection (b)—

(A) in paragraph (5), by striking ''and'' after the semicolon at the end;

(B) in paragraph (6), by striking the period and inserting ''; and''; and

(C) by adding after paragraph (6) the following:

''(7) leverage analytical tools and resources developed as part of the quadrennial homeland security review to support the Department's ongoing programs and missions.'';

(3) in subsection (c)(2)—

(A) by striking ''and'' after the semicolon at the end of subparagraph (H);

(B) by redesignating subparagraph (I) as subparagraph (L); and

(C) by inserting after subparagraph (H) the following:

''(I) a description of how the conclusions under the quadrennial homeland security review will inform efforts to develop capabilities and build capacity of States, local governments, Indian tribes, and private entities, and of individuals, families, and communities;

''(J) as appropriate, proposed changes to the authorities, organization, governance structure, or business processes (including acquisition processes) of the Department in order to better fulfill responsibilities of the Department;

''(K) where appropriate, a classified annex, including materials prepared pursuant to section 306 of title 5, United States Code, relating to the preparation of an agency strategic plan, to satisfy, in whole or in part, the reporting requirements of this paragraph; and''.

SEC. 106. FUTURE YEARS HOMELAND SECURITY PROGRAM.

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

(1) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—Not later than the 30 days following the date of each fiscal year on which the budget of the President is submitted to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a Future Years Homeland Security Program that provides detailed estimates of the projected expenditures and corresponding requests for appropriations included in that budget. The Future Years Homeland Security Program shall cover the fiscal year for which the budget is submitted and the 4 succeeding fiscal years.''; and

(2) by adding at the end the following:

''(d) CONSISTENCY OF BUDGET REQUEST WITH ESTIMATES.—For each fiscal year, the Secretary shall ensure that the projected amounts specified in program and budget information for the Department submitted to Congress in support of the President's budget request are consistent with the estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the Department included in the budget pursuant to section 1105(a)(5) of title 31, United States Code.

''(e) EXPLANATION OF ALIGNMENT WITH STRATEGIES AND PLANS.—Together with the detailed estimates of the projected expenditures and corresponding requests for appropriations submitted for the Future Years Homeland Security Program, the Secretary shall provide an explanation of how those estimates and requests align with the homeland security strategies and plans developed and updated as appropriate by the Secretary. Such explanation shall include an evaluation of the organization, organizational structure, governance structure, and business processes (including acquisition processes) of the Department, to ensure that the Department is able to meet its responsibilities.

''(f) PROJECTION OF ACQUISITION ESTIMATES.—Each Future Years Homeland Security Program shall project—

''(1) acquisition estimates for a period of 5 fiscal years, with specified estimates for each fiscal year, for major acquisition programs by the Department and each component therein, including modernization and sustainment expenses; and

''(2) estimated annual deployment schedules for major acquisition programs over the 5-fiscal-year period.

''(g) CONTINGENCY AMOUNTS.—Nothing in this section shall be construed as prohibiting the inclusion in the Future Years Homeland Security Program of amounts for management contingencies, subject to the requirements of subsection (b).

''(h) CLASSIFIED OR SENSITIVE ANNEX.—The Secretary may include with each submission under this section a classified or sensitive annex containing any information required to be submitted under this section that is restricted from public disclosure in accordance with Federal law, including information that is determined to be Sensitive Security Information under section 537 of the Department of Homeland Security Appropriations Act, 2006 (6 U.S.C. 114) to Congress in a classified or sensitive annex.

''(i) AVAILABILITY OF INFORMATION TO THE PUBLIC.—The Secretary shall make available to the public in electronic form the information required to be submitted to Congress under this section, other than information described in subsection (h).''.

SEC. 107. MANAGEMENT AND EXECUTION.

Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended by striking subsections (a) and (b) and inserting the following:

''(a) IN GENERAL.—Subject to the direction and control of the Secretary, the Under Secretary for Management shall serve as the following:

''(1) The Chief Management Officer for all matters related to the management and administration of the Department in support of homeland security operations and programs. With regard to the management functions for which the Under Secretary has responsibility by law or by direction of the Secretary, the Under Secretary for Management takes precedence in the Department after the Secretary and the Deputy Secretary of Homeland Security.

''(2) The senior official with the authority to administer, implement, and direct management integration and transformation across functional disciplines of the Department, including—

''(A) information technology, financial management, acquisition management, and human capital management of the Department to improve program efficiency and effectiveness;

''(B) ensure compliance with laws, rules, regulations, and the Department's policies;

''(C) conduct regular oversight; and

''(D) prevent unnecessary duplication of programs in the Department.

''(b) RESPONSIBILITIES.—In addition to responsibilities designated by the Secretary or otherwise established by law, the Under Secretary for Management shall be responsible for performing, or delegating responsibility for performing, the following activities of the Department:

''(1) Development of the budget, management of appropriations, expenditures of funds, accounting, and finance.

''(2) Acquisition and procurement activities under section 701(d).

''(3) Human resources and personnel.

''(4) Information technology and communication systems, in consultation with the Under Secretary for Intelligence and Analysis, as appropriate.

''(5) Facilities, property, equipment, and other material resources.

''(6) Real property and personal property.

''(7) Security for personnel, information technology and communications systems, facilities, property, equipment, and other material resources.

''(8) Strategic management planning, annual performance planning, and identification and tracking of performance measures relating to the responsibilities of the Department, including such responsibilities under section 306 of title 5, United States Code.

''(9) Oversight of grants and other assistance management programs to ensure proper administration.

''(10) Management integration and transformation within each functional management discipline of the Department, including information technology, financial management, acquisition management, and human capital management, and the transition process, to ensure an efficient and orderly consolidation of functions and personnel in the Department and transition, including the—

''(A) development of coordinated data sources and connectivity of information systems to the greatest extent practical to enhance program visibility and transparency;

''(B) development of standardized, automated, and real-time management information to uniformly manage and oversee programs, and make informed decisions to improve the efficiency of the Department;

''(C) development of effective program management and regular oversight mechanisms, including clear roles and processes for program governance, sharing of best practices, and access to timely, reliable, and analyzed data on all acquisitions and investments;

''(D) implementation of mechanisms to promote accountability for management integration among Department and component chief officers;

''(E) integration of financial management systems within and across the Department to ensure financial transparency, support daily operational and financial decision-making, and maintain consecutive unqualified opinions for all financial statements, including the responsibility to review, approve, and oversee the planning, design, acquisition, deployment, operation, maintenance, and modernization of business systems;

''(F) integration of human resource management systems within and across the Department to track and record information (including attrition rates, knowledge, skills, and abilities critical for workforce planning, identifying current and future human capital needs, including recruitment efforts and improving employee morale), including the responsibility to review, approve, and oversee the planning, design, acquisition, deployment, operation, maintenance, and modernization of business systems;

''(G) development of a management integration strategy for the Department and its components to be submitted annually with the President's budget to ensure that management of the Department is strengthened in the areas of human capital, acquisition, information technology, and financial management, which shall include—

''(i) short- and long-term objectives to effectively guide implementation of interoperable business systems solutions;

''(ii) issuance of guidance and action plans with dates, specific actions, and costs for implementing management integration and transformation of common functional disciplines across the Department and its components;

''(iii) specific operational and tactical goals, activities, and timelines needed to accomplish the integration effort;

''(iv) performance measures to monitor and validate corrective measures;

''(v) efforts to identify resources needed to achieve key actions and outcomes;

''(vi) other issues impeding management integration;

''(vii) reporting to the Government Accountability Office twice annually to demonstrate measurable, sustainable progress made in implementing the Department's corrective action plans and achieving key outcomes, including regarding—

''(I) leadership commitment;

''(II) capacity building; and

''(III) continuous monitoring to address Government Accountability Office designations of programs at high risk for waste, fraud, and abuse, including with respect to strengthening management functions;

''(viii) review and approve any major update to the Department's strategy related to management integration and transformation across functional disciplines and lines of business, including any business systems modernization plans to maximize benefits and minimize costs for the Department; and

''(ix) before December 1 of each year in which a Presidential election is held, the development of a transition and succession plan to guide the transition of Department functions to a new Presidential administration, and making such plan available to the next Secretary and Under Secretary for Management and to the homeland security congressional committees.

''(H) Oversight, including the conduct of internal audits and management analyses, of the programs and activities of the Department. Such supervision includes establishing oversight procedures to ensure a full and effective review of the efforts by Department components to implement policies and procedures of the Department for management integration and transformation.

''(I) Any other management duties that the Secretary may designate.''.

SEC. 108. CHIEF FINANCIAL OFFICER.

Section 702 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and by inserting after subsection (a) the following:

''(b) RESPONSIBILITIES.—Notwithstanding sections 901 and 1122 of title 31, United States Code, the Chief Financial Officer, in consultation with the Under Secretary for Management and the Under Secretary for Intelligence and Analysis, as appropriate, shall—

''(1) lead cost-estimating practices for the Department, including the development of the Department's policy on cost estimating and approval of life cycle cost estimates;

''(2) oversee coordination with the Office of Policy on the Department's long-term strategic planning to ensure that the development of the Department's budget is compatible with the priorities, strategic plans, and policies established by the Secretary;

''(3) develop and oversee the Department's financial management policy;

''(4) provide guidance for and over financial system modernization efforts throughout the Department;

''(5) establish effective internal controls over financial reporting systems and processes throughout the Department;

''(6) lead assessments of internal controls related to the Department's financial management systems and review financial processes to ensure that internal controls are designed properly and operate effectively;

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

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

''(9) ensure that Department components' senior financial officers certify that their major acquisition programs have adequate resources to execute their programs through the 5-year future years homeland security program period, so that the Department's funding requirements for major acquisition programs match expected resources;

''(10) ensure that components identify and report all expected costs of acquisition programs to the Chief Financial Officer of the Department;

''(11) oversee Department budget formulation and execution;

''(12) fully implement a common accounting structure to be used across the entire Department by fiscal year 2019; and

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

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

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

''(i) the information described in subsections (a), (b), and (c) of section 739 of Public Law 113–235; and

''(ii) documentation of such expenditures.''.

SEC. 109. CHIEF PROCUREMENT OFFICER.

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

''SEC. 708. CHIEF PROCUREMENT OFFICER.

''(a) IN GENERAL.—There is a Chief Procurement Officer of the Department, who shall report directly to the Under Secretary for Management. The Chief Procurement Officer is the senior procurement executive for purposes of section 1702(c) of title 41 United States Code, and shall perform procurement functions as specified in such section. The Chief Procurement Officer also shall perform other functions and responsibilities set forth in this section and as may be assigned by the Under Secretary for Management.

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

''(1) exercise leadership and authority to the extent delegated by the Under Secretary for Management over the Department's procurement function;

''(2) issue procurement policies, and shall serve as a senior business advisor to agency officials on acquisition-related matters, including policy and workforce matters, as determined by the Under Secretary for Management;

''(3) account for the integrity, performance, and oversight of Department procurement and contracting functions and be responsible for ensuring that a procurement's contracting strategy and plans are consistent with the intent and direction of the Acquisition Review Board;

''(4) serve as the Department's main liaison to industry on procurement-related issues;

''(5) oversee a centralized certification and training program, in consultation with the Under Secretary for Management, for the entire Department acquisition workforce while using, to the greatest extent practicable, best practices and acquisition training opportunities already in existence within the Federal Government, the private sector, or universities and colleges, as appropriate, and including training on how best to identify actions that warrant referrals for suspension or debarment;

''(6) delegate or retain contracting authority, as appropriate;

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

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

''(9) ensure that a fair proportion (as defined pursuant to the Small Business Act (15 U.S.C. 631 et seq.)) of Federal contract and subcontract dollars are awarded to small businesses, maximize opportunities for small business participation, and ensure, to the extent practicable, small businesses that achieve qualified vendor status for security-related technologies are provided an opportunity to compete for contracts for such technology; and

''(10) conduct oversight of implementation of administrative agreements to resolve suspension or debarment proceedings and, upon request, provide information to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate about the effectiveness of such agreements at improving contractor responsibility.

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

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to such title the following:

''Sec. 708. Chief Procurement Officer.''.

SEC. 110. CHIEF INFORMATION OFFICER.

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

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

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

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

''(b) RESPONSIBILITIES.—In addition to the functions under section 3506 of title 44, United States Code, the Chief Information Officer, in consultation with the Under Secretary for Management, shall—

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

''(2) to the extent delegated by the Secretary—

''(A) exercise leadership and authority over Department information technology management; and

''(B) establish the information technology priorities, policies, processes, standards, guidelines, and procedures of the Department to ensure interoperability and standardization of information technology;

''(3) serve as the lead technical authority for information technology programs;

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

''(5) maintain the security, visibility, reliability, integrity, and availability of data and information technology of the Department including the security of the Homeland Security Data Network;

''(6) in coordination with relevant officials of the Department, ensure that the Department is in compliance with subchapter II of chapter 35 of title 44, United States Code;

''(7) establish policies and procedures to effectively monitor and manage vulnerabilities in the supply chain for purchases of information technology;

''(8) in coordination with relevant officials of the Department, ensure Department compliance with Homeland Security Presidential Directive 12;

''(9) in coordination with relevant officials of the Department, ensure that information technology systems of the Department meet the standards established under the information sharing environment, as defined in section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485);

''(10) develop measures to monitor the performance of Department components' use and implementation of information technology systems and consistently monitor such performance to ensure that such systems are used effectively;

''(11) ensure that Department components report to the Chief Information Officer of the Department a complete inventory of information systems and fully adhere to Department guidance related to information technology;

''(12) carry out any other responsibilities delegated by the Secretary consistent with an effective information system management function; and

''(13) carry out authorities over Department information technology consistent with section 113419 of title 40, United States Code.

''(c) STRATEGIC PLANS.—In coordination with the Chief Financial Officer, the Chief Information Officer shall develop an information technology strategic plan every 5 years and report to the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate on—

''(1) how the information technology strategic plans developed under this subsection are used to help inform the Department's budget process;

''(2) how the Department's budget aligns with priorities specified in the information technology strategic plans;

''(3) in cases in which it is not possible to fund all information technology strategic plan activities for a given fiscal year, the rationale as to why certain activities are not being funded in lieu of higher priorities;

''(4) what decisionmaking process was used to arrive at these priorities and the role of Department components in that process; and

''(5) examine the extent to which unnecessary duplicate information technology within and across the components of the Department has been eliminated.

''(d) SOFTWARE LICENSING.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the DHS Headquarters Reform and Improvement Act of 2015, and every 2 years thereafter until 2020, the Chief Information Officer, in consultation with Department component chief information officers, shall—

''(A) conduct a Department-wide inventory of all existing software licenses held by the Department, including utilized and unutilized licenses;

''(B) assess the needs of the Department and the components of the Department for software licenses for the subsequent 2 fiscal years;

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

''(D) determine how the use of shared cloud-computing services will impact the needs for software licenses for the subsequent 2 fiscal years; and

''(E) establish plans and estimated costs for eliminating unutilized software licenses for the subsequent 2 fiscal years.

''(2) EXCESS SOFTWARE LICENSING.—

''(A) PLAN TO REDUCE SOFTWARE LICENSES.—If the Chief Information Officer determines through the inventory conducted under paragraph (1) that the number of software licenses held by the Department and the components of the Department exceed the needs of the Department as assessed under paragraph (1), the Secretary, not later than 90 days after the date on which the inventory is completed, shall establish a plan for bringing the number of such software licenses into balance with such needs of the Department.

''(B) PROHIBITION ON PROCUREMENT OF NEW SOFTWARE LICENSES.—

''(i) IN GENERAL.—Except as provided in clause (ii), upon completion of a plan established under paragraph (1), no additional resources may be obligated for the procurement of new software licenses for the Department until such time as the need of the Department exceeds the number of used and unused licenses held by the Department.

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

''(3) GAO REVIEW.—The Comptroller General of the United States shall review the inventory conducted under paragraph (1)(A) and the plan established under paragraph (2)(A).

''(4) SUBMISSION TO CONGRESS.—The Chief Information Officer shall submit a copy of each inventory conducted under paragraph (1)(A) and each plan established under paragraph (2)(A) to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.''.

(b) COMPLETION OF FIRST DEFINITION OF CAPABILITIES.—The Chief Information Officer shall complete the first implementation of section 701(c) of the Homeland Security Act of 2002, as amended by this section, by not later than 1 year after the date of the enactment of this Act.

SEC. 111. CHIEF HUMAN CAPITAL OFFICER.

Section 704 of the Homeland Security Act of 2002 (6 U.S.C. 343) is amended to read as follows:

''SEC. 704. CHIEF HUMAN CAPITAL OFFICER.

''(a) IN GENERAL.—There is a Chief Human Capital Officer of the Department who shall report directly to the Under Secretary of Management.

''(b) RESPONSIBILITIES.—The Chief Human Capital Officer shall—

''(1) develop and implement strategic workforce planning efforts that are consistent with Government-wide leading principles, and that are in line with Department strategic human capital goals and priorities;

''(2) develop performance measures to provide a basis for monitoring and evaluating Department-wide strategic workforce planning efforts;

''(3) develop strategies to recruit, hire, and train the Department workforce;

''(4) work with the component heads to identify methods for managing and overseeing human capital programs and initiatives;

''(5) develop a career path framework, and create opportunities for leader development;

''(6) serve as the Department's central office for managing employee resources, including training and development opportunities;

''(7) coordinate the Department's human resource management system;

''(8) conduct efficiency reviews to determine if components are implementing human capital programs and initiatives; and

''(9) identify and eliminate unnecessary and duplicative human capital policies and guidance.

''(c) COMPONENT STRATEGIES.—

''(1) IN GENERAL.—Each component of the Department shall coordinate with the Chief Human Capital Officer of the Department to develop or maintain its own 5-year workforce strategy that will support the Department's goals, objectives, performance measures, and determination of the proper balance of Federal employees and private labor resources.

''(2) STRATEGY REQUIREMENTS.—The Chief Human Capital Officer shall ensure that, in the development of the strategy required by subsection (c), the head of the component reports to the Chief Human Capital Officer on the human resources considerations associated with creating additional Federal full-time equivalent positions, converting private contractor positions to Federal employee positions, or relying on the private sector for goods and services, including—

''(A) hiring projections, including occupation and grade level, as well as corresponding salaries, benefits, and hiring or retention bonuses;

''(B) the identification of critical skills requirements over the 5-year period, any current or anticipated need for critical skills required at the Department, and the training or other measures required to address such need;

''(C) recruitment of qualified candidates and retention of qualified employees;

''(D) supervisory and management requirements;

''(E) travel and related personnel support costs;

''(F) the anticipated cost and impact on mission performance associated with replacing Federal personnel due to their retirement or other attrition; and

''(G) other appropriate factors.

''(d) ANNUAL SUBMISSION.—The Secretary shall provide to the appropriate congressional committees, together with submission of the annual budget justification, information on the progress within the Department of fulfilling the workforce strategies required under subsection (c).''.

SEC. 112. CHIEF SECURITY OFFICER.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.), as amended by section 109(a) of this Act, is further amended by adding at the end the following:

''SEC. 709. CHIEF SECURITY OFFICER.

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

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

''(1) develop and implement the Department's security policies, programs, and standards;

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

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

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to such title the following:

''Sec. 709. Chief Security Officer.''.

SEC. 113. COST SAVINGS AND EFFICIENCY REVIEWS.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security, acting through the Under Secretary for Management of the Department of Homeland Security, shall submit to the Committee on Homeland Security

of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that—

(1) provides a detailed inventory of the management and administrative expenditures and activities of the components of the Department and identifies potential cost savings and efficiencies for those expenditures and activities of each such component;

(2) examines the size, experience level, and geographic distribution of the operational personnel of the Department, including Customs and Border Protection officers, Border Patrol agents, Customs and Border Protection Air and Marine agents, Customs and Border Protection agriculture specialists, Federal Protective Service law enforcement security officers, Immigration and Customs Enforcement agents, Transportation Security Administration officers, Federal air marshals, and members of the Coast Guard; and

(3) makes recommendations for adjustments in the management and administration of the Department that would reduce deficiencies in the Department's capabilities, reduce costs, and enhance efficiencies.

SEC. 114. FIELD EFFICIENCIES PLAN.

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

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

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

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

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

(B)(i) An evaluation for each designated geographic area of specific facilities at which components, or operational entities of components, of the Department may be closed or consolidated, including consideration of when leases expire or facilities owned by the Government become available.

(ii) The evaluation shall include consideration of potential consolidation with facilities of other Federal, State, or local entities, including—

(I) offices;

(II) warehouses;

(III) training centers;

(IV) housing;

(V) ports, shore facilities, and airfields;

(VI) laboratories; and

(VII) other assets as determined by the Secretary.

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

(I) facility maintenance;

(II) fleet vehicle services;

(III) mail handling and shipping and receiving;

(IV) facility security;

(V) procurement of goods and services;

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

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

(C) An implementation plan, including—

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

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

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

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

SEC. 115. RESOURCES TO RESPOND TO OPERATIONAL SURGES.

On an annual basis, the Secretary of Homeland Security shall provide to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate information on the circumstances in which the Secretary exercised the authority during the preceding year to reprogram or transfer funds to address unforeseen costs, including the costs associated with operational surges, and information on any circumstances in which limitations on the transfer or reprogramming of funds impacted the Secretary's ability to address such unforeseen costs.

SEC. 116. DEPARTMENT OF HOMELAND SECURITY ROTATION PROGRAM.

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

(1) In paragraph (1)—

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

(B) by striking ''for employees of the Department'' and inserting ''for certain personnel within the Department''.

(2) In paragraph (2)—

(A) by redesignating subparagraphs (A) through (G) as subparagraphs (C) through (I), and inserting before subparagraph (C), as so redesignated, the following:

''(A) seek to foster greater Departmental integration and unity of effort;

''(B) seek to help enhance the knowledge, skills, and abilities of participating personnel with respect to the Department's programs, policies, and activities;'';

(B) in subparagraph (D), as so redesignated, by striking ''middle and senior level''; and

(C) in subparagraph (G), as so redesignated, by inserting before ''invigorate'' the following: ''seek to improve morale and retention throughout the Department and''.

(3) In paragraph (3)(B), by striking clause (iii) and redesignating clauses (iv) through (viii) as clauses (iii) through (vii).

(4) By redesignating paragraphs (4) and (5) as paragraphs (5) and (6), and inserting after paragraph (3) the following:

''(4) ADMINISTRATIVE MATTERS.—In carrying out any program established pursuant to this section, the Secretary shall—

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

''(B) require each candidate for participation in the program to be nominated by the head of the candidate's employing component or office and that the Secretary, or the Secretary's designee, select each employee for the program solely on the basis of relative ability, knowledge, and skills, after fair and open competition that assures that all candidates receive equal opportunity;

''(C) ensure that each employee participating in the program shall be entitled to return, within a reasonable period of time after the end of the period of participation, to the position held by the employee, or a corresponding or higher position, in the employee's employing component or office;

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

''(E) require that, during the period of participation by an employee in the program, performance evaluations for the employee—

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

''(ii) shall be provided the same weight with respect to promotions and other rewards as performance evaluations for service in the employee's office or component.''.

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

TITLE II—DHS ACQUISITION ACCOUNTABILITY AND EFFICIENCY

SEC. 201. DEFINITIONS.

(a) IN GENERAL.—In this title:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(2) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(3) CONGRESSIONAL HOMELAND SECURITY COMMITTEES.—The term ''congressional homeland security committees'' means—

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

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

(b) ADDITIONAL DEFINITIONS.—In this title:

(1) ACQUISITION.—The term ''acquisition'' has the meaning provided in section 131 of title 41, United States Code.

(2) BEST PRACTICES.—The term ''best practices'', with respect to acquisition, means a knowledge-based approach to capability development that includes identifying and validating needs; assessing alternatives to select the most appropriate solution; clearly establishing well-defined requirements; developing realistic cost assessments and schedules; securing stable funding that matches resources to requirements; demonstrating technology, design, and manufacturing maturity; using milestones and exit criteria or specific accomplishments that demonstrate progress; adopting and executing standardized processes with known

success across programs; establishing an adequate workforce that is qualified and sufficient to perform necessary functions; and integrating these capabilities into the Department's mission and business operations.

(c) AMENDMENTS TO DEFINITIONS IN HOMELAND SECURITY ACT OF 2002.—Section 2 of the Homeland Security Act of 2002 is amended—

(1) by striking ''In this Act,'' and inserting ''(a) IN GENERAL.—In this Act,'';

(2) in paragraph (2)—

(A) by inserting ''(A)'' after ''(2)''; and

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

''(B) The term 'congressional homeland security committees' means—

''(i) the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(ii) the Committees on Appropriations of the House of Representatives and of the Senate, where appropriate.''; and

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

''(b) ACQUISITION-RELATED DEFINITIONS.—In this Act, the following definitions apply:

''(1) ACQUISITION.—The term 'acquisition' has the meaning provided in section 131 of title 41, United States Code.

''(2) ACQUISITION DECISION AUTHORITY.—The term 'acquisition decision authority' means the authority, held by the Secretary acting through the Deputy Secretary or Under Secretary for Management—

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

''(B) to review (including approving, halting, modifying, or cancelling) an acquisition program through the life cycle of the program;

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

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

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

''(3) ACQUISITION DECISION EVENT.—The term 'acquisition decision event', with respect to an investment or acquisition program, means a predetermined point within the acquisition phases of the investment or acquisition program at which the investment or acquisition program will undergo a review prior to commencement of the next phase.

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

''(5) ACQUISITION PROGRAM BASELINE.—The term 'acquisition program baseline', with respect to an acquisition program, means a summary of the cost, schedule, and performance parameters, expressed in standard, measurable, quantitative terms, which must be met in order to accomplish the goals of the program.

''(6) CAPABILITY DEVELOPMENT PLAN.—The term 'capability development plan', with respect to a proposed acquisition, means the document that the Acquisition Review Board approves for the first acquisition decision event related to validating the need of a proposed acquisition.

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

''(8) LIFE CYCLE COST.—The term 'life cycle cost', with respect to an acquisition program, means all costs associated with research, development, procurement, operation, integrated logistics support, and disposal under the program, including supporting infrastructure that plans, manages, and executes the program over its full life, and costs of common support items incurred as a result of the program.

''(9) MAJOR ACQUISITION PROGRAM.—The term 'major acquisition program' means a Department acquisition program that is estimated by the Secretary to require an eventual total expenditure of at least $300,000,000 (based on fiscal year 2015 constant dollars) over its life cycle cost.''.

Subtitle A—Acquisition Authorities

SEC. 211. ACQUISITION AUTHORITIES FOR UNDER SECRETARY FOR MANAGEMENT.

Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341), as amended by section 107 of this Act, is further amended by adding at the end the following:

''(e) ACQUISITION AND RELATED RESPONSIBILITIES.—

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

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

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

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

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

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

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

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

''(G) Distributing guidance throughout the Department to ensure that contractors involved in acquisitions, particularly companies that access the Department's information systems and technologies, adhere to internal cybersecurity policies established by the Department of Homeland Security.

''(3) DELEGATION OF ACQUISITION DECISION AUTHORITY.—

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

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

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

''(ii) The Component Acquisition Executive has adequate, experienced, dedicated program management professional staff commensurate with the size of the delegated portfolio.

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

''(4) EXCLUDED PARTIES LIST SYSTEM CONSULTATION.—The Under Secretary for Management shall require that all Department contracting and procurement officials consult the Excluded Parties List System (or successor system) as maintained by the General Services Administration prior to awarding a contract or grant or entering into other transactions to ascertain whether the selected contractor is excluded from receiving Federal contracts, certain subcontracts, and certain types of Federal financial and nonfinancial assistance and benefits.

''(5) RELATIONSHIP TO UNDER SECRETARY FOR SCIENCE AND TECHNOLOGY.—

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

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

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

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

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

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

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

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

SEC. 212. ACQUISITION AUTHORITIES FOR CHIEF FINANCIAL OFFICER.

Section 702 of the Homeland Security Act of 2002 (6 U.S.C. 342), as amended by section 108 of this Act, is further amended by adding at the end of subsection (c)(2) the following new subparagraph:

''(J) Notwithstanding section 902 of title 31, United States Code, provide leadership over financial management policy and programs for the Department as they relate to the Department's acquisitions programs, in consultation with the Under Secretary for Management.''.

SEC. 213. ACQUISITION AUTHORITIES FOR CHIEF INFORMATION OFFICER.

Section 703 of the Homeland Security Act of 2002 (6 U.S.C. 343), as amended by section 110(a) of this Act, is further amended by adding at the end the following new subsection:

''(f) ACQUISITION RESPONSIBILITIES.—Notwithstanding section 11315 of title 40, United States Code, the acquisition responsibilities of the Chief Information Officer, in consultation with the Under Secretary for Management, shall include the following:

''(1) Oversee the management of the Homeland Security Enterprise Architecture and ensure that, before each acquisition decision event, approved information technology acquisitions comply with departmental information technology management processes, technical requirements, and the Homeland Security Enterprise Architecture, and in any case in which information technology acquisitions do not comply with the Department's management directives, make recommendations to the Acquisition Review Board regarding such noncompliance.

''(2) Be responsible for providing recommendations to the Acquisition Review Board established in section 836 of this Act on information technology programs, and be responsible for developing information technology acquisition strategic guidance.''.

SEC. 214. REQUIREMENTS TO ENSURE GREATER ACCOUNTABILITY FOR ACQUISITION PROGRAMS.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.), as amended by sections 109(a) and 112(a) of this Act, is further amended by adding at the end the following:

''SEC. 710. REQUIREMENTS TO ENSURE GREATER ACCOUNTABILITY FOR ACQUISITION PROGRAMS.

''(a) REQUIREMENT TO ESTABLISH MECHANISM.—Within the Management Directorate, the Under Secretary for Management shall establish a mechanism to prioritize improving the accountability, standardization, and transparency of major acquisition programs of the Department in order to increase opportunities for effectiveness and efficiencies and to serve as the central oversight function of all Department acquisition programs.

''(b) RESPONSIBILITIES OF EXECUTIVE DIRECTOR.—The Under Secretary for Management shall designate an Executive Director to oversee the requirement under subsection (a). The Executive Director shall report directly to the Under Secretary and shall carry out the following responsibilities:

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

''(2) Assist the Under Secretary for Management in managing the Department's acquisition portfolio.

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

''(4) Serve as the focal point and coordinator for the acquisition life cycle review process and as the executive secretariat for the Acquisition Review Board established under section 836 of this Act.

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

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

''(7) Oversee the Component Acquisition Executive structure to ensure it has sufficient capabilities and complies with Department policies.

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

''(9) In the event that a program manager's certification or actions need review for purposes of promotion or removal, provide input, in consultation with the relevant Component Acquisition Executive, into the relevant program manager's performance evaluation, and report positive or negative experiences to the relevant certifying authority.

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

''(11) Prepare the Department's Comprehensive Acquisition Status Report, as required by the Department of Homeland Security Appropriations Act, 2013 (division D of Public Law 113–6; 127 Stat. 343) and section 840 of this Act, and make such report available to congressional homeland security committees.

''(12) Prepare the Department's Quarterly Program Accountability Report as required by section 840 of this Act, and make such report available to the congressional homeland security committees.

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

''(1) define baseline requirements and document changes to those requirements, as appropriate;

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

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

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

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

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

''SEC. 711. ACQUISITION DOCUMENTATION.

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

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

''(1) the program has not—

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

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

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

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

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

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

''(2) The projected cost of that program.

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

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

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is further amended by adding after the item relating to section 709 the following new item:

''Sec. 710. Requirements to ensure greater accountability for acquisition programs.

''Sec. 711. Acquisition documentation.''.

Subtitle B—Acquisition Program Management Discipline

SEC. 221. ACQUISITION REVIEW BOARD.

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

''SEC. 836. ACQUISITION REVIEW BOARD.

''(a) IN GENERAL.—The Secretary shall establish an Acquisition Review Board (in this section referred to as the 'Board') to strengthen accountability and uniformity within the Department acquisition review process, review major acquisition programs, and review the use of best practices.

''(b) COMPOSITION.—The Deputy Secretary or Under Secretary for Management shall serve as chair of the Board. The Secretary

shall also ensure participation by other relevant Department officials, including at least 2 component heads or their designees, as permanent members of the Board.

''(c) MEETINGS.—The Board shall meet every time a major acquisition program needs authorization to proceed from acquisition decision events through the acquisition life cycle and to consider any major acquisition program in breach as necessary. The Board may also be convened for non-major acquisitions that are deemed high-risk by the Executive Director referred to in section 710(b) of this Act. The Board shall also meet regularly for purposes of ensuring all acquisitions processes proceed in a timely fashion to achieve mission readiness.

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

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

''(2) Oversee executable business strategy, resources, management, accountability, and alignment to strategic initiatives.

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

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

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

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

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

''(B) Full consideration of possible trade-offs among cost, schedule, and performance objectives for each alternative is considered.

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

''(1) within 7 days after an acquisition decision memorandum is signed, notify in writing the congressional homeland security committees of such decision; and

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

''(f) BEST PRACTICES DEFINED.—In this section, the term 'best practices' has the meaning provided in section 4(b) of the DHS Headquarters Reform and Improvement Act of 2015.''.

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

''Sec. 836. Acquisition Review Board.''.

SEC. 222. REQUIREMENTS TO REDUCE DUPLICATION IN ACQUISITION PROGRAMS.

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

''SEC. 837. REQUIREMENTS TO REDUCE DUPLICATION IN ACQUISITION PROGRAMS.

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

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

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

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

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

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

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

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

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

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

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

''(4) To ensure program managers of major investments and acquisition programs conduct analyses, giving particular attention to factors such as cost, schedule, risk, performance, and operational efficiency in order to determine that programs work as intended within cost and budget expectations.

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

''(g) BEST PRACTICES DEFINED.—In this section, the term 'best practices' has the meaning provided in section 4(b) of the DHS Headquarters Reform and Improvement Act of 2015.''.

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

''Sec. 837. Requirements to reduce duplication in acquisition programs.''.

SEC. 223. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF BOARD AND OF REQUIREMENTS TO REDUCE DUPLICATION IN ACQUISITION PROGRAMS.

(a) REVIEW REQUIRED.—The Comptroller General of the United States shall conduct a review of the effectiveness of the Acquisition Review Board established under section 836 of the Homeland Security Act of 2002 (as added by section 221) and the requirements to reduce unnecessary duplication in acquisition programs established under section 837 of such Act (as added by section 222) in improving the Department's acquisition management process.

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

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

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

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

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

(c) REPORT REQUIRED.—The Comptroller General shall submit to the congressional homeland security committees a report on the review required by this section not later than 1 year after the date of the enactment of this Act. The report shall be submitted in unclassified form but may include a classified annex.

SEC. 224. EXCLUDED PARTY LIST SYSTEM WAIVERS.

The Secretary of Homeland Security shall provide notification to the congressional homeland security committees within 5 days after the issuance of a waiver by the Secretary of Federal requirements that an agency not engage in business with a contractor in the Excluded Party List System (or successor system) as maintained by the General Services Administration and an explanation for a finding by the Secretary that a compelling reason exists for this action.

SEC. 225. INSPECTOR GENERAL OVERSIGHT OF SUSPENSION AND DEBARMENT.

The Inspector General of the Department of Homeland Security—

(1) may audit decisions about grant and procurement awards to identify instances where a contract or grant was improperly awarded to a suspended or debarred entity and whether corrective actions were taken to prevent recurrence; and

(2) shall review the suspension and debarment program throughout the Department of Homeland Security to assess whether suspension and debarment criteria are consistently applied throughout the Department and whether disparities exist in the application of such criteria, particularly with respect to business size and categories.

Subtitle C—Acquisition Program Management Accountability and Transparency

SEC. 231. CONGRESSIONAL NOTIFICATION AND OTHER REQUIREMENTS FOR MAJOR ACQUISITION PROGRAM BREACH.

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

"SEC. 838. CONGRESSIONAL NOTIFICATION AND OTHER REQUIREMENTS FOR MAJOR ACQUISITION PROGRAM BREACH.

''(a) BREACH DEFINED.—The term 'breach', with respect to a major acquisition program, means a failure to meet any cost, schedule, or performance parameter specified in the acquisition program baseline.

''(b) REQUIREMENTS WITHIN DEPARTMENT IF BREACH OCCURS.—

''(1) NOTIFICATIONS.—

''(A) NOTIFICATION OF BREACH.—If a breach occurs in a major acquisition program, the program manager for that program shall notify the Component Acquisition Executive for the program, the head of the component concerned, the Executive Director referred to in section 710(b) of this Act, the Under Secretary for Management, and the Deputy Secretary.

''(B) NOTIFICATION TO SECRETARY.—If a major acquisition program has a breach with a cost overrun greater than 15 percent or a schedule delay greater than 180 days from the costs or schedule set forth in the acquisition program baseline for the program, the Secretary and the Inspector General of the Department shall be notified not later than 5 business days after the breach is identified.

''(2) REMEDIATION PLAN AND ROOT CAUSE ANALYSIS.—

''(A) IN GENERAL.—In the case of a breach with a cost overrun greater than 15 percent or a schedule delay greater than 180 days from the costs or schedule set forth in the acquisition program baseline, a remediation plan and root cause analysis is required, and the Under Secretary for Management or his designee shall establish a date for submission within the Department of a breach remediation plan and root cause analysis in accordance with this subsection.

''(B) REMEDIATION PLAN.—The remediation plan required under this subsection shall be submitted in writing to the head of the component concerned, the Executive Director referred to in section 710(b) of this Act, and the Under Secretary for Management. The plan shall—

''(i) explain the circumstances of the breach;

''(ii) provide prior cost estimating information;

''(iii) propose corrective action to control cost growth, schedule delays, or performance issues;

''(iv) in coordination with Component Acquisition Executive, discuss all options considered, including the estimated impact on cost, schedule, or performance of the program if no changes are made to current requirements, the estimated cost of the program if requirements are modified, and the extent to which funding from other programs will need to be reduced to cover the cost growth of the program; and

''(v) explain the rationale for why the proposed corrective action is recommended.

''(C) ROOT CAUSE ANALYSIS.—The root cause analysis required under this subsection shall determine the underlying cause or causes of shortcomings in cost, schedule, or performance of the program, including the role, if any, of the following:

''(i) Unrealistic performance expectations.

''(ii) Unrealistic baseline estimates for cost or schedule or changes in program requirements.

''(iii) Immature technologies or excessive manufacturing or integration risk.

''(iv) Unanticipated design, engineering, manufacturing, or technology integration issues arising during program performance.

''(v) Changes in procurement quantities.

''(vi) Inadequate program funding or changes in planned out-year funding from 1 5-year funding plan to the next 5-year funding plan as outlined in the Future Years Homeland Security Program required under section 874 of this Act.

''(vii) Legislative, legal, or regulatory changes.

''(viii) Inadequate program management personnel, including lack of training, credentials, certifications, or use of best practices.

''(3) CORRECTION OF BREACH.—The Under Secretary for Management or his designee shall establish a date for submission within the Department of a program of corrective action that ensures that 1 of the following actions has occurred:

''(A) The breach has been corrected and the program is again in compliance with the original acquisition program baseline parameters.

''(B) A revised acquisition program baseline has been approved.

''(C) The program has been halted or cancelled.

''(c) REQUIREMENTS RELATING TO CONGRESSIONAL NOTIFICATION IF BREACH OCCURS.—

''(1) NOTIFICATION TO CONGRESS.—If a notification is made under subsection (b)(1)(B) for a breach in a major acquisition program with a cost overrun greater than 15 percent or a schedule delay greater than 180 days from the costs or schedule set forth in the acquisition program baseline, or with an anticipated failure for any key performance threshold or parameter specified in the acquisition program baseline, the Under Secretary for Management shall notify the congressional homeland security committees of the breach in the next quarterly Comprehensive Acquisition Status Report after the Under Secretary for Management receives the notification from the program manager under subsection (b)(1)(B).

''(2) SUBSTANTIAL VARIANCES IN COSTS OR SCHEDULE.—If a likely cost overrun is greater than 20 percent or a likely delay is greater than 12 months from the costs and schedule set forth in the acquisition program baseline for a major acquisition program, the Under Secretary for Management shall include in the notification required in (c)(1) a written certification, with supporting explanation, that—

''(A) the acquisition is essential to the accomplishment of the Department's mission;

''(B) there are no alternatives to such capability or asset that will provide equal or greater capability in both a more cost-effective and timely manner;

''(C) the new acquisition schedule and estimates for total acquisition cost are reasonable; and

''(D) the management structure for the acquisition program is adequate to manage and control performance, cost, and schedule.

''(3) SUBMISSIONS TO CONGRESS.—Not later than 30 calendar days after submission to such committees of a breach notification under paragraph (1) of this section for a major acquisition program, the Under Secretary for Management shall submit to such committees the following:

''(A) A copy of the remediation plan and the root cause analysis prepared under subsection (b)(2) for the program.

''(B) A statement describing the corrective action or actions that have occurred pursuant to subsection (b)(3) for the program, with a justification for the action or actions.

''(d) ADDITIONAL ACTIONS IF BREACH OCCURS.—

''(1) PROHIBITION ON OBLIGATION OF FUNDS.—During the 90-day period following submission under subsection (c)(3) of a remediation plan, root cause analysis, and statement of corrective actions with respect to a major acquisition program, the Under Secretary for Management shall submit a certification described in paragraph (2) of this subsection to the congressional homeland security committees. If the Under Secretary for Management does not submit such certification by the end of such 90-day period, then funds appropriated to the major acquisition program shall not be obligated until the Under Secretary for Management submits such certification.

''(2) CERTIFICATION.—For purposes of paragraph (1), the certification described in this paragraph is a certification that—

''(A) the Department has adjusted or restructured the program in a manner that addresses the root cause or causes of the cost growth in the program; and

''(B) the Department has conducted a thorough review of the breached program's acquisition decision event approvals and the current acquisition decision event approval for the breached program has been adjusted as necessary to account for the restructured program.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is further amended by adding after the item relating to section 837 the following new item:

''Sec. 838. Congressional notification and other requirements for major acquisition program breach.''.

SEC. 232. MULTIYEAR ACQUISITION STRATEGY.

(a) IN GENERAL.—

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

"SEC. 839. MULTIYEAR ACQUISITION STRATEGY.

''(a) MULTIYEAR ACQUISITION STRATEGY REQUIRED.—Not later than 1 year after the date of the enactment of this section, the Secretary shall submit to the appropriate homeland security committees a multiyear acquisition strategy to guide the overall direction of the acquisitions of the Department while allowing flexibility to deal with ever-changing threats and risks and to help industry better understand, plan, and align resources to meet the future acquisition needs of the

Department. The strategy shall be updated and included in each Future Years Homeland Security Program required under section 874 of this Act.

''(b) CONSULTATION.—In developing the strategy, the Secretary shall consult with others as the Secretary deems appropriate, including headquarters, components, employees in the field, and when appropriate, individuals from industry and the academic community.

''(c) FORM OF STRATEGY.—The report shall be submitted in unclassified form but may include a classified annex for any sensitive or classified information if necessary. The Department also shall publish the plan in an unclassified format that is publicly available.

''(d) CONTENTS OF STRATEGY.—The strategy shall include the following:

''(1) PRIORITIZED LIST.—A systematic and integrated prioritized list developed by the Under Secretary for Management or his designee in coordination with all of the Component Acquisition Executives of Department major acquisition programs that Department and component acquisition investments seek to address, that includes the expected security and economic benefit of the program or system and an analysis of how the security and economic benefit derived from the program or system will be measured.

''(2) INVENTORY.—A plan to develop a reliable Department-wide inventory of investments and real property assets to help the Department plan, budget, schedule, and acquire upgrades of its systems and equipment and plan for the acquisition and management of future systems and equipment.

''(3) FUNDING GAPS.—A plan to address funding gaps between funding requirements for major acquisition programs and known available resources including, to the maximum extent practicable, ways of leveraging best practices to identify and eliminate overpayment for items to prevent wasteful purchasing, achieve the greatest level of efficiency and cost savings by rationalizing purchases, aligning pricing for similar items, and utilizing purchase timing and economies of scale.

''(4) IDENTIFICATION OF CAPABILITIES.—An identification of test, evaluation, modeling, and simulation capabilities that will be required to support the acquisition of the technologies to meet the needs of the plan and ways to leverage to the greatest extent possible the emerging technology trends and research and development trends within the public and private sectors and an identification of ways to ensure that the appropriate technology is acquired and integrated into the Department's operating doctrine and procured in ways that improve mission performance.

''(5) FOCUS ON FLEXIBLE SOLUTIONS.—An assessment of ways the Department can improve its ability to test and acquire innovative solutions to allow needed incentives and protections for appropriate risk-taking in order to meet its acquisition needs with resiliency, agility, and responsiveness to assure the Nation's homeland security and facilitate trade.

''(6) FOCUS ON INCENTIVES TO SAVE TAXPAYER DOLLARS.—An assessment of ways the Department can develop incentives for program managers and senior Department acquisition officials to prevent cost overruns, avoid schedule delays, and achieve cost savings in major acquisition programs.

''(7) FOCUS ON ADDRESSING DELAYS AND BID PROTESTS.—An assessment of ways the Department can improve the acquisition process to minimize cost overruns in requirements development, procurement announcements, requests for proposals, evaluation of proposals, protests of decisions and awards and through the use of best practices as defined in section 4(b) of the DHS Headquarters Reform and Improvement Act of 2015 and lessons learned by the Department and other Federal agencies.

''(8) FOCUS ON IMPROVING OUTREACH.—An identification and assessment of ways to increase opportunities for communication and collaboration with industry, small and disadvantaged businesses, intra-government entities, university centers of excellence, accredited certification and standards development organizations, and national laboratories to ensure that the Department understands the market for technologies, products, and innovation that is available to meet its mission needs to inform the requirements-setting process and before engaging in an acquisition, including—

''(A) methods designed especially to engage small and disadvantaged businesses and a cost-benefit analysis of the tradeoffs that small and disadvantaged businesses provide, barriers to entry for small and disadvantaged businesses, and unique requirements for small and disadvantaged businesses; and

''(B) within the Department Vendor Communication Plan and Market Research Guide, instructions for interaction by program managers with such entities to prevent misinterpretation of acquisition regulations and to permit freedom within legal and ethical boundaries for program managers to interact with such businesses with transparency.

''(9) COMPETITION.—A plan regarding competition as described in subsection (e).

''(10) ACQUISITION WORKFORCE.—A plan regarding the Department acquisition workforce as described in subsection (f).

''(11) FEASIBILITY OF WORKFORCE DEVELOPMENT FUND PILOT PROGRAM.—An assessment of the feasibility of conducting a pilot program to establish an acquisition workforce development fund as described in subsection (g).

''(e) COMPETITION PLAN.—The strategy shall also include a plan (referred to in subsection (d)(9)) that shall address actions to ensure competition, or the option of competition, for major acquisition programs. The plan may include assessments of the following measures in appropriate cases if such measures are cost effective:

''(1) Competitive prototyping.

''(2) Dual-sourcing.

''(3) Unbundling of contracts.

''(4) Funding of next-generation prototype systems or subsystems.

''(5) Use of modular, open architectures to enable competition for upgrades.

''(6) Acquisition of complete technical data packages.

''(7) Periodic competitions for subsystem upgrades.

''(8) Licensing of additional suppliers, including small businesses.

''(9) Periodic system or program reviews to address long-term competitive effects of program decisions.

''(f) ACQUISITION WORKFORCE PLAN.—

''(1) ACQUISITION WORKFORCE.—The strategy shall also include a plan (referred to in subsection (d)(10)) to address Department acquisition workforce accountability and talent management that identifies the acquisition workforce needs of each component performing acquisition functions and develops options for filling those needs with qualified individuals, including a cost-benefit analysis of contracting for acquisition assistance.

''(2) ADDITIONAL MATTERS COVERED.—The acquisition workforce plan shall address ways to—

''(A) improve the recruitment, hiring, training, and retention of Department acquisition workforce personnel, including contracting officer's representatives, in order to retain highly qualified individuals that have experience in the acquisition life cycle, complex procurements, and management of large programs;

''(B) empower program managers to have the authority to manage their programs in an accountable and transparent manner as they work with the acquisition workforce;

''(C) prevent duplication within Department acquisition workforce training and certification requirements through leveraging already-existing training within the Federal Government, academic community, or private industry;

''(D) achieve integration and consistency with Government-wide training and accreditation standards, acquisition training tools, and training facilities;

''(E) designate the acquisition positions that will be necessary to support the Department acquisition requirements, including in the fields of—

''(i) program management;

''(ii) systems engineering;

''(iii) procurement, including contracting;

''(iv) test and evaluation;

''(v) life cycle logistics;

''(vi) cost estimating and program financial management; and

''(vii) additional disciplines appropriate to Department mission needs;

''(F) strengthen the performance of contracting officer's representatives (as defined in subpart 1.602–2 and subpart 2.101 of the Federal Acquisition Regulation), including by—

''(i) assessing the extent to which contracting officer's representatives are certified and receive training that is appropriate;

''(ii) determining what training is most effective with respect to the type and complexity of assignment; and

''(iii) implementing actions to improve training based on such assessment; and

''(G) identify ways to increase training for relevant investigators and auditors to examine fraud in major acquisition programs, including identifying opportunities to leverage existing Government and private sector resources in coordination with the Inspector General of the Department.

''(g) FEASIBILITY OF WORKFORCE DEVELOPMENT FUND PILOT PROGRAM.—The strategy shall also include an assessment (referred to in subsection (d)(11)) of the feasibility of conducting a pilot program to establish a Homeland Security Acquisition Workforce Development Fund (in this subsection referred to as the 'Fund') to ensure the Department acquisition workforce has the capacity, in both personnel and skills, needed to properly perform its mission and ensure that the Department receives the best value for the expenditure of public resources. The assessment shall address the following:

''(1) Ways to fund the Fund, including the use of direct appropriations, or the credit, transfer, or deposit of unobligated or unused funds from Department components into the Fund to remain available for obligation in the fiscal year for which credited, transferred, or deposited and to remain available for successive fiscal years.

''(2) Ways to reward the Department acquisition workforce and program managers for good program management in controlling cost growth, limiting schedule delays, and ensuring operational effectiveness through providing a percentage of the savings or general acquisition bonuses.

''(3) Guidance for the administration of the Fund that includes provisions to do the following:

''(A) Describe the costs and benefits associated with the use of direct appropriations or credit, transfer, or deposit of unobligated or unused funds to finance the Fund.

''(B) Describe the manner and timing for applications for amounts in the Fund to be submitted.

''(C) Explain the evaluation criteria to be used for approving or prioritizing applications for amounts in the Fund in any fiscal year.

''(D) Explain the mechanism to report to Congress on the implementation of the Fund on an ongoing basis.

''(E) Detail measurable performance metrics to determine if the Fund is meeting the objective to improve the acquisition workforce and to achieve cost savings in acquisition management.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is further amended by adding after the item relating to section 838 the following new item:

''Sec. 839. Multiyear acquisition strategy.''.

(b) CONFORMING AMENDMENT TO FUTURE YEARS HOMELAND SECURITY PROGRAM.—Section 874(b) of the Homeland Security Act of 2002 (6 U.S.C. 454(b)) is amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting ''; and''; and

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

''(4) include the multiyear acquisition strategy required under section 839 of this Act.''.

SEC. 233. ACQUISITION REPORTS.

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

''SEC. 840. ACQUISITION REPORTS.

''(a) COMPREHENSIVE ACQUISITION STATUS REPORT.—

''(1) IN GENERAL.—The Under Secretary for Management each year shall submit to the congressional homeland security committees, at the same time as the President's budget is submitted for a fiscal year under section 1105(a) of title 31, United States Code, a comprehensive acquisition status report. The report shall include the following:

''(A) The information required under the heading 'Office of the Under Secretary for Management' under title I of division D of the Consolidated Appropriations Act, 2012 (Public Law 112–74) (as required under the Department of Homeland Security Appropriations Act, 2013 (Public Law 113–6)).

''(B) A listing of programs that have been cancelled, modified, paused, or referred to the Under Secretary for Management or Deputy Secretary for additional oversight or action by the Board, Department Office of Inspector General, or the Comptroller General.

''(C) A listing of established Executive Steering Committees, which provide governance of a program or related set of programs and lower-tiered oversight, and support between acquisition decision events and component reviews, including the mission and membership for each.

''(2) INFORMATION FOR MAJOR ACQUISITION PROGRAMS.—For each major acquisition program, the report shall include the following:

''(A) A narrative description, including current gaps and shortfalls, the capabilities to be fielded, and the number of planned increments or units.

''(B) Acquisition Review Board (or other board designated to review the acquisition) status of each acquisition, including the current acquisition phase, the date of the last review, and a listing of the required documents that have been reviewed with the dates reviewed or approved.

''(C) The most current, approved acquisition program baseline (including project schedules and events).

''(D) A comparison of the original acquisition program baseline, the current acquisition program baseline, and the current estimate.

''(E) Whether or not an independent verification and validation has been implemented, with an explanation for the decision and a summary of any findings.

''(F) A rating of cost risk, schedule risk, and technical risk associated with the program (including narrative descriptions and mitigation actions).

''(G) Contract status (including earned value management data as applicable).

''(H) A lifecycle cost of the acquisition, and time basis for the estimate.

''(3) UPDATES.—The Under Secretary shall submit quarterly updates to such report not later than 45 days after the completion of each quarter.

''(b) QUARTERLY PROGRAM ACCOUNTABILITY REPORT.—The Under Secretary for Management shall prepare a quarterly program accountability report to meet the Department's mandate to perform program health assessments and improve program execution and governance. The report shall be submitted to the congressional homeland security committees.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is further amended by adding after the item relating to section 839 the following new item:

''Sec. 840. Acquisition reports.''.

SEC. 234. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF MULTIYEAR ACQUISITION STRATEGY.

(a) REVIEW REQUIRED.—After submission to Congress of the first multiyear acquisition strategy (pursuant to section 839 of the Homeland Security Act of 2002) after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a review of the plan within 180 days to analyze the viability of the plan's effectiveness in the following:

(1) Complying with the requirements in section 839 of the Homeland Security Act of 2002, as added by section 232 of this Act.

(2) Establishing clear connections between Department objectives and acquisition priorities.

(3) Demonstrating that Department acquisition policy reflects program management best practices and standards.

(4) Ensuring competition or the option of competition for major acquisition programs.

(5) Considering potential cost savings through using already-existing technologies when developing acquisition program requirements.

(6) Preventing duplication within Department acquisition workforce training requirements through leveraging already-existing training within the Federal Government, academic community, or private industry.

(7) Providing incentives for program managers to reduce acquisition and procurement costs through the use of best practices and disciplined program management.

(8) Maximizing small business utilization in acquisitions by, to the maximum extent practicable, ensuring strategic sourcing vehicles seek to increase participation by small businesses, including small and disadvantaged business.

(9) Assessing the feasibility of conducting a pilot program to establish a Homeland Security Acquisition Workforce Development Fund.

(b) REPORT REQUIRED.—The Comptroller General shall submit to the congressional homeland security committees a report on the review required by this section. The report shall be submitted in unclassified form but may include a classified annex.

SEC. 235. OFFICE OF INSPECTOR GENERAL REPORT.

(a) REVIEW REQUIRED.—No later than 2 years following the submission of the report submitted by the Comptroller General of the United States as required by section 234, the Department's Inspector General shall conduct a review of whether the Department has complied with the multiyear acquisition strategy (pursuant to section 839 of the Homeland Security Act of 2002) and adhered to the strategies set forth in the plan. The review shall also consider whether the Department has complied with the requirements to provide the Acquisition Review Board with a capability development plan for each major acquisition program.

(b) REPORT REQUIRED.—The Inspector General shall submit to the congressional homeland security committees a report of the review required by this section. The report shall be submitted in unclassified form but may include a classified annex.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. MCCAUL) and the gentleman from New York (Mr. HIGGINS) 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 material 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, as chairman of the Committee on Homeland Security, I rise today in strong support of H.R. 3572, the Department of Homeland Security Headquarters Reform and Improvement Act of 2015, which I introduced with my colleague from Mississippi, Ranking Member BENNIE THOMPSON.

This important, bipartisan legislation reforms and streamlines DHS headquarters so it can more effectively focus on its core mission of better protecting national security. At the same time, this bill saves millions in taxpayer dollars and reins in unnecessary bureaucracy.

DHS headquarters plays an important role in providing direction and oversight to the Department's 22 components; yet, over the years, Department management has become bloated and unwieldy.

DHS has established, reorganized, and expanded offices and programs without the approval of Congress, created new assistant secretary positions, and spent billions of dollars on acquisitions that don't meet the needs of our men and women on the frontlines securing the homeland.

This bill helps to get DHS management on track by mandating multiple efficiency reviews to ensure taxpayer dollars are not wasted but, instead, directly linked to protecting the homeland. It also requires DHS to increase

transparency with Congress, to hold acquisition programs accountable, and to better communicate with industry when making major acquisition decisions.

I would like to take this opportunity to thank Oversight and Management Efficiency Subcommittee Chairman SCOTT PERRY and Ranking Member BONNIE WATSON COLEMAN for their leadership in conducting much of the oversight and research that informed the bill, especially their work to reform DHS' troubled acquisitions process. I am grateful for their tremendous efforts.

In addition, this bill eliminates unnecessary assistant secretary and director positions, abolishes unproductive, idle offices, consolidates offices to streamline functionality, and prohibits the Department of Homeland Security Secretary from creating any new assistant secretary positions without prior congressional approval.

In short, Mr. Speaker, this bill ensures that the Department of Homeland Security is a leaner, less bureaucratic, and more efficient organization focused on the mission and getting the job done.

While H.R. 3572 addresses waste, fraud, abuse, and a lack of transparency at DHS headquarters, it is just one part of a larger suite of legislation that this committee has passed this year dedicated to reforming and improving the Department overall.

To date, we have passed by voice vote more than 40 bills addressing similar shortcomings at CBP, TSA, FEMA, Secret Service, NPPD, and S&T, just to name a few.

I am very proud of our success in passing specific targeted bills dedicated to reining in bureaucracy, saving taxpayer dollars, providing much-needed congressional guidance, and protecting national security.

I am grateful to all the members of this committee and to the staff on both sides of the aisle whose hard work and bipartisan commitment to the priority of keeping America safe helped to make all of this legislation possible.

My committee approved this bill unanimously last month, something you don't hear of every day in this Congress.

In conclusion, I urge all Members of the House to join me in supporting this bipartisan bill that will help DHS to operate more efficiently and effectively in protecting the American people.

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

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

I rise in support of H.R. 3572, the Department of Homeland Security Headquarters Reform and Improvement Act of 2015.

Mr. Speaker, the Department of Homeland Security was established in 2003, when 22 agencies were folded together in what was the most substantial reorganization of Federal agencies since the National Security Act of 1947.

Since that time, the Department of Homeland Security has faced an ever-evolving range of threats and has taken on more missions and responsibilities, most notably with respect to cybersecurity.

Even as the Department of Homeland Security has risen to the operational demands of the post-9/11 world, departmental integration and coordination of key activities—such as policy development, acquisitions, and human capital management—have been a challenge.

As a result, the comptroller general and the Department of Homeland Security inspector general have repeatedly found instances where decisionmaking at the component level has resulted in performance failures that have wasted limited Department of Homeland Security resources.

H.R. 3572 is designed to drive improvements at all levels of the Department and to codify key departmental management directives that were issued in recent years.

Specifically, H.R. 3572 would strengthen the under secretary for management; authorize and realign central offices within the Management Directorate; bolster the Office of Policy, including its management of DHS overseas personnel; and address the Department's employee morale issues.

Importantly, H.R. 3572 codifies the Department's acquisition policies, promoting management practices designed to deliver needed capabilities while actively managing risk.

This bipartisan measure was introduced by Chairman MCCAUL on September 18, and Ranking Member THOMPSON was his original cosponsor.

The degree to which this bill is a bipartisan product was further underscored by the acceptance of 13 amendments offered by Democratic members at the full committee markup held on September 30.

Mr. Speaker, H.R. 3572 is in line with Department of Homeland Security Secretary Jeh Johnson's Unity of Effort initiative. For example, it streamlines how the Department conducts outreach with Homeland Security stakeholders, including businesses and local government agencies, and integrates that process with the Department's policymaking.

Additionally, in an effort to address chronic morale issues and build bridges between Department of Homeland Security components, H.R. 3572 directs the Department to establish a rotational program for its workforce.

Finally, the bill elevates the Assistant Secretary for Policy to an under secretary level, a move that successive DHS leaders have sought.

□ 1645

By doing so, the bill seeks to not only improve departmentwide policymaking, but to also advance the goals of the initiative.

With that, Mr. Speaker, I urge passage of H.R. 3572.

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

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

Mr. Speaker, I will be brief.

I think it is an excellent bipartisan bill. I want to thank Mr. HIGGINS from New York for his presentation here today and support, and I want to thank the other side of the aisle for working with me and continuing to work with me in a bipartisan way to get things done for the country. I think that is how most committees should work; and certainly for one that involves protecting the American people, I think it is paramount that we work together, both Republicans and Democrats.

With that, Mr. Speaker, I urge my colleagues to support H.R. 3572.

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 Texas (Mr. MCCAUL) that the House suspend the rules and pass the bill, H.R. 3572, 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.

REQUIRING BUDGET SUBMISSIONS TO PROVIDE AN ESTIMATE OF THE COST PER TAXPAYER OF THE DEFICIT

Mr. MESSER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1315) to amend section 1105(a) of title 31, United States Code, to require that annual budget submissions of the President to Congress provide an estimate of the cost per taxpayer of the deficit, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1315

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

SECTION 1. REQUIREMENT IN BUDGET SUBMISSION WITH RESPECT TO THE COST PER TAXPAYER OF THE DEFICIT.

Section 1105(a) of title 31, United States Code, is amended—

(1) redesignating paragraph (37) (relating to the list of outdated or duplicative plans and reports) as paragraph (39); and

(2) by adding at the end the following:

''(40) in the case of a fiscal year in which the budget is projected to result in a deficit, an estimate of the pro rata cost of such deficit for taxpayers who will file individual income tax returns for taxable years ending during such fiscal year.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. MESSER) and the gentleman from Kentucky (Mr. YARMUTH) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. MESSER. 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 Indiana?

There was no objection.

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

Mr. Speaker, first, I apologize for my voice today. My son, Hudson, and I attended the Patriots-Colts game on Sunday night, and, unfortunately, the Colts were not successful by a touchdown, but I lost my voice in the process of rooting them on.

I would like to thank Budget Chairman TOM PRICE and Ranking Member VAN HOLLEN for bringing H.R. 1315 to the floor. I rise today in support of this small but important measure.

H.R. 1315 requires the President's annual budget submission to Congress to include the cost per taxpayer of any budget deficit in a given fiscal year. This bill is based on a simple principle: each hardworking American taxpayer deserves to know how much the deficit costs them each year. This requirement would be a powerful reminder to the President and the Congress that our decisions here in Washington have real-world consequences.

Since 2010, the national debt has increased by over $5 trillion. That is unsustainable, and it is irresponsible. Rather than make some tough choices, we just spend more money we don't have and borrow some more. Unfortunately, because of out-of-control spending, we will, once again, be hitting our debt ceiling soon. That means in 2 weeks, we will have borrowed the maximum amount of money our country is allowed to borrow by law, which now is $18.1 trillion.

Now, think about that for a second. We are $18.1 trillion in debt. That is approximately $154,000 per taxpayer. And instead of asking ourselves, ''How can we stop the borrow-and-spend cycle?'' we are asking, ''Should we borrow more money?''

Mr. Speaker, it is past time we get our fiscal house in order. I know this bill won't solve our Nation's fiscal problems, and it won't prevent the government from spending more money that it doesn't have; however, making this information the bill requires more easily accessible will help us and our constituents better understand the real-world impact of budgets that never balance.

It is past time we get our fiscal house in order. I know this bill, again, won't solve our Nation's problems.

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

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

Mr. Speaker, I rise today to discuss H.R. 1315, legislation which requires the President's budget to include an estimate of the size of the deficit on a per-taxpayer basis. I don't oppose this legislation—indeed, I voted for a previous version of it in the last Congress—but I am having a hard time understanding what, if anything, it will accomplish.

Requiring the President's budget to include a basic calculation will do nothing to produce better policies or outcomes that the American people are demanding. And when I say ''a basic calculation,'' I am talking about a calculation that my 7-year-old nephew, Lucas, could do probably without his smartphone. But I will vote ''yes'' because I don't think this bill will do any harm.

I do think it says something about the majority's priorities that this bill is even being considered. We are facing a series of enormous and serious budget issues, yet the majority is devoting floor time to legislation that is essentially meaningless.

Our government is now operating with funding under a continuing resolution that will expire on December 11, and we have failed to address the pending, across-the-board cuts known as sequestration that will drastically reduce funding for education, infrastructure, job training, and nutrition programs for children and the elderly. Those programs aren't meaningless. Millions of Americans depend on them.

On top of all that, unless Congress acts, we will default on the full faith and credit of the United States in less than a month. That would cost our economy billions of dollars. We need to be meeting the urgency of the situation with urgent action on the House floor to raise the debt ceiling and avert a disastrous default.

Additionally, we only have a few weeks left before the Federal highway program runs out of money again, yet it isn't even scheduled for floor debate. We have yet to extend tax provisions that benefit millions of taxpayers, both individuals and small businesses. They deserve certainty, not meaningless legislation like this.

These priorities, which are also the priorities of the American people, demand our attention. We should be working on reaching agreements to resolve these issues. Instead, we are not just wasting our time, we are wasting America's time.

Let's face it, this bill has two purposes: first, to create the illusion for the American people that Congress is actually being productive; and, second, to suggest, and possibly to scare, millions of Americans into thinking that they will be responsible for a certain amount of debt—an absurd notion, just as the notion that every American bears an equal share of our tax burden.

So, Mr. Speaker, I will vote for this bill. Again, I think it is a pointless exercise, but that is kind of where Congress is in this unfortunate era.

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

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

I appreciate the gentleman's comments. I certainly appreciate his support for the legislation. I would just suggest I don't think this is meaningless at all. I think it is important that we let the American taxpayer understand the true cost of operating our government with constant deficits.

When you throw around numbers in this town like billion and trillion, it is very hard to put them into a scale that the average American can understand. When you look at a $400-billion deficit that we now have on the books—and somehow brag to ourselves, as if we are somehow serving the American people well—and you divide that by 152 million taxpayers, it is over $3,000 we are still adding to the debt. When you look at the entire national debt of $18 trillion, it is $150,000 a person. It is unsustainable.

There are, of course, costs to the economy. No one is suggesting that a bill collector is going to come to an individual taxpayer's door, knock, and ask for $150,000. But it gives us a sense of the scale of debt that we are accumulating—five times, for the individual taxpayer, the average wage in this American society.

It is unsustainable, and it ought to be called out. That is why we have this bill. I think there can be honest disagreements about how we solve our fiscal challenges, but no disagreement about the fact that we ought to be transparent with the American people about what we are doing.

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

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

Mr. Speaker, I appreciate the remarks of my friend from across the Ohio River. I would say that if we want to do things like show what the per-taxpayer impact of our decisions might be, we also might want to look at how much the Federal deficit has been reduced in the last 8 years.

In 2009, when President Obama came into office, the Federal deficit was $1.4 trillion. It is now right about just over $400 billion—still a lot of money. But I did the calculation, and that is almost a $7,000 reduction in the deficit per individual taxpayer over the last 8 years. So it can be a positive thing as well.

But if we want to add a mathematical calculation to a budget, we really ought to be looking at the one the Republican Party approved in March. That budget, the Republican House budget, doesn't add up. When I say that, I mean it literally doesn't add up. Here are a couple of examples:

Their budget fully repeals ObamaCare but still counts all the revenue that is raised from the law.

The House has approved more than $610 billion worth of tax cuts this year, yet none of that lost revenue is accounted for in the Republican budget.

There are other tax cuts that are scheduled to expire that we all know will be extended, but, again, the Republican budget reflects none of that lost revenue.

So, yes, I will support this bill which requires that the President's budget include this one very basic calculation. I just wish my colleagues on the other side of the aisle would apply basic addition and subtraction to their own budget and, more importantly, deal with

the truly important issues that confront this country in the weeks to come.

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

Mr. MESSER. Again, Mr. Speaker, I thank my friend from Kentucky for his remarks.

I believe the most direct path towards a healthier and more secure economy now and in the future is less spending, lower taxes, a balanced budget, and a smaller debt. The first step, though, is more transparency, letting taxpayers know what is happening here. Mr. Speaker, I urge my colleagues to support H.R. 1315.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. MESSER) that the House suspend the rules and pass the bill, H.R. 1315.

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.

□ 1700

SUPPORTING THE PEOPLE OF UKRAINE TO FREELY ELECT THEIR GOVERNMENT

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 348) supporting the right of the people of Ukraine to freely elect their government and determine their future, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 348

Whereas after President Yanukovych had fled Kyiv, Russian President Vladimir Putin ordered the forcible and illegal occupation of Crimea in March 2014;

Whereas Russian-led separatists have forcibly seized large areas of Ukraine and continue their attacks on Ukraine's forces;

Whereas the Russian Federation has continued to engage in relentless political, economic, and military aggression to subvert the independence and violate the territorial integrity of Ukraine;

Whereas the United States has supported the democratically elected Government of Ukraine, which represents the will of the people of Ukraine, and Congress has passed multiple pieces of legislation to provide support to Ukraine;

Whereas Congress passed the Sovereignty, Integrity, Democracy, and Economic Stability of Ukraine Act of 2014 (Public Law 113–95), which authorized loan guarantees for the Government of Ukraine;

Whereas Congress passed the Ukraine Freedom Support Act of 2014 (Public Law 113–272), which authorized the Administration to provide Ukraine's Government with support to facilitate necessary reforms, and stated that it is United States policy to assist the Government of Ukraine in restoring its sovereignty and territorial integrity;

Whereas in September 2014, a cease-fire agreement was brokered between Ukraine, Russia, and Russian-led separatists, but the agreement was never fully implemented;

Whereas in February 2015, an additional cease-fire, known as the Minsk Implementation Agreement or Minsk 2, was agreed upon;

Whereas the United States has assisted in many elections around the world, including Ukraine's Presidential election in May 25, 2014, to ensure that international election standards are upheld;

Whereas early parliamentary elections were held on October 26, 2014, but 29 of the 450 seats in parliament were not filled due to the inability to hold elections in areas controlled by separatists;

Whereas, despite the disenfranchisement of people living in separatist-controlled areas, international election observers declared the parliamentary elections in the rest of the country to have met international standards;

Whereas Ukraine and Russia are participating States of the Organization for Security and Cooperation in Europe and party to its commitments, including the 1990 Copenhagen Document which states that States ''will respect each other's right freely to choose and develop, in accordance with international human rights standards, their political, social, economic and cultural systems'' and that ''free elections that will be held at reasonable intervals by secret ballot or by equivalent free voting procedure, under conditions which ensure in practice the free expression of the opinion of the electors in the choice of their representatives'';

Whereas the next local elections are scheduled to take place in Ukraine on October 25, 2015;

Whereas these elections are critical to continued legislative and constitutional reform in Ukraine;

Whereas the Russian-led separatists in eastern Ukraine continue to refuse to implement Ukrainian law and to permit Ukrainian authorities to conduct elections in the areas they control and have therefore made free and fair elections in those areas impossible;

Whereas Ukraine's government has therefore been forced to postpone the local elections in those areas; and

Whereas the United States is supporting efforts to promote citizen engagement in the constitutional reform process, educating voters, and election monitoring: Now, therefore, be it

Resolved, That the House of Representatives—

(1) strongly supports the right of the people of Ukraine to freely elect their government and determine their future;

(2) urges the Administration to expedite assistance to Ukraine to facilitate the political, economic, and social reforms necessary for free and fair elections that meet international standards; and

(3) condemns attempts on the part of outside forces, specifically the Government of Russia, its agents and supporters, to interfere in Ukraine's elections, including through intimidation, violence, or coercion.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from New York (Mr. ENGEL) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ROYCE. 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 in the RECORD.

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

There was no objection.

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

Mr. Speaker, almost 2 years after the conflict in Ukraine began, Russian aggression there remains almost a daily regular occurrence. The fighting has taken over 8,000 Ukrainian lives, and that number is growing as Russia continues to provide weapons and support to separatists in eastern Ukraine.

Last year, along with Ranking Member ELIOT ENGEL and several other members of the Foreign Affairs Committee—there were eight of us, as I recall, including the gentleman from Rhode Island (Mr. CICILLINE), who is the author of this resolution before us today—we traveled to Ukraine to see the situation on the ground. We traveled to Kyiv and we traveled to Dnepropetrovsk in the east, and we spoke with local officials. We spoke with representatives from civil society, women's groups, lawyers' groups, local government, different minority groups, a broad range of individuals—leaders of the Tatar community, leaders of the Jewish community there, and even former supporters of President Yanukovych, among many, many others.

We heard that same message from everyone, namely, that they were committed to building a peaceful, united Ukraine that is free to determine its own future, and that they want to do it without outside interference.

Now there is a new effort to bring peace to this war-torn region under the so-called Minsk agreements. These specify a number of measures that must be implemented by all sides, one of which is to hold local elections by the end of this year. The Ukrainian Government has scheduled these for October 25, which is this Sunday.

Unfortunately, they cannot be held in the areas controlled by Russian-led separatists because intimidation and manipulation make free and fair elections impossible in these regions. But they will take place in the rest of the country where independent observers will ensure that they meet international standards, and this is to be welcomed.

Their hoped-for success will be a real-world demonstration that Ukraine is continuing to implement the democratic reforms that Ukrainian people are determined to bring peace into their country with.

I urge my colleagues to vote for this bipartisan resolution and reaffirm that America's commitment to Ukraine's independence and to the right of the Ukrainian people to determine their own future is strong and it is enduring.

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

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

I rise in support of this measure.

First of all, I want to thank Mr. CICILLINE for drafting this resolution. With its passage, we will again be signaling that the United States stands

with the people of Ukraine, that we want them to chart the future for their own country, and that we reject the aggression and unlawfulness of Russia's actions under President Putin.

Let me also thank our chairman, ED ROYCE. The hallmark of the Foreign Affairs Committee is our success in advancing good, bipartisan legislation, and this resolution is a prime example of business as usual for our committee. I am very proud of it.

Our interest in Ukraine is nothing new. Over the past year, our committee has focused a great deal on this crisis. We have passed legislation aimed at assisting Ukraine. We want to see a successful democratic transition, we want Ukraine's territorial integrity to be restored, and we want to deter Russia from further aggression.

The cease-fire in Ukraine finally seems to be holding. That is good news, but I still have deep concerns.

First of all, while the upcoming elections are important, not all of Ukraine's citizens will have their voices heard. Only areas under Kyiv's control will be casting ballots—and Russia has a history of sticking its nose in Ukraine's elections. Putin has said that he won't interfere with this vote. But I am not holding my breath, nor should anyone else.

So we will be looking for some specific benchmarks. For instance, the agreement in Minsk requires that elections in Donetsk and Luhansk be held after Russia draws down its forces there. Not just Russian personnel, but all military equipment, all mercenaries, all support for proxies must be out of these areas before elections. It is critical that the OSCE mount a full-scale observation mission and be permitted to monitor every stage of the process. We will be keeping a close eye on this as well.

Yet, even if Minsk is followed to the letter—a cease-fire, followed by elections, followed by restoration of Kyiv's control over its own eastern border—the international order will remain compromised. This agreement does not address Crimea, nor does it hold the force of international law.

And as much as we talk about Minsk, we shouldn't forget prior and far more important agreements, such as the Helsinki Final Act and the Budapest Memorandum, which reaffirmed the core principle of the Final Act: that the territorial integrity of states is inviolable.

Ukraine was part of the former Soviet Union; and when the Soviet Union collapsed, Ukraine gave up its nuclear weapons. As part of giving that up, Ukraine was guaranteed its territorial integrity—guaranteed by the United States, by Russia, and by others. Certainly they are being betrayed right now, and we should not stand for it.

Lastly, we should have no illusions that this agreement will deter President Putin's aggression. Indeed, as Moscow dials up its intervention in the Middle East in Syria, Ukraine is looking more and more like just one element of a much larger scheme by President Putin to destabilize countries on Russia's borders. That is what Putin wants to do. He wants to keep Ukraine unstable and destabilized.

So, with this resolution, we reaffirm our support for Ukraine, we express our hope that Minsk will keep the peace, and we make clear that we are keeping a watchful eye on Russia and that we are ready to continue assisting Ukraine to consolidate its democratic gains and restore its territorial integrity.

Ukraine wants to be democratic. Ukraine wants to look toward the West. Ukraine does not want to be dominated by Russia. We should give them all the support that they deserve. That is what the United States does, that is what the United States is all about, and that is what this resolution does. I urge my colleagues to support this measure.

I reserve the balance of my time.

Mr. ROYCE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, it is now my pleasure to yield 3 minutes to the gentleman from Rhode Island (Mr. CICILLINE), the author of this resolution.

Mr. CICILLINE. Mr. Speaker, I thank the gentleman for yielding.

I rise to support H. Res. 348, supporting free elections in Ukraine.

I want to thank Chairman ROYCE and Ranking Member ENGEL for their strong support and cosponsorship of this legislation, which I was proud to introduce and which affirms Congress' unwavering support for free elections in Ukraine. I thank my many colleagues on both sides of the aisle who have signed on as cosponsors and contributed to the final language of the bill.

Support of the democratic and economic development of Ukraine in the face of Russian aggression remains one of the most vital efforts the United States can undertake to combat Russian belligerence and demonstrates our unwavering commitment to promoting democracy and human rights around the world.

Next week—next Sunday, in fact—the people of Ukraine will head to the polls to exercise their right to choose their own government. However, because of the continued defiance of Russian-led separatists, not every region of Ukraine will be able to participate in these elections.

The illegal and forcible occupation of Crimea and the ongoing Russian support for separatists in eastern Ukraine are a clear violation of international law and diplomacy. The Minsk II agreement was a historic step toward potentially ending the violence and unrest in the country, and it is now upon the Governments of Ukraine, Russia, and the U.S. and our European allies as implementing partners to ensure its successful execution. The existing cease-fire is a positive development, but one that must be accompanied by free elections and restoration of Ukraine's territorial integrity.

Ukraine has local elections scheduled for most of the country—except some separatist-controlled areas—for this Sunday, October 25. This resolution demonstrates this Congress' steadfast commitment to supporting the right of the people of Ukraine to freely elect their government and determine their future. It condemns any Russian attempts to interfere in Ukraine's elections in any way, including through intimidation, violence, or coercion. During Ukraine's last elections, these tactics were used to prevent Ukrainians from voting in certain regions. This cannot happen again, and any actions undermining these elections must be met with swift and uncertain international condemnation.

At this delicate juncture in Ukraine's history, it is essential that the United States and our European allies continue to demonstrate firm support for Ukrainian territorial integrity, sovereignty, and the right of Ukrainian people to participate in free and fair elections. America has a long history of supporting free and fair elections and the right of people to decide their own future.

This resolution was passed by the Committee on Foreign Affairs with overwhelming bipartisan support, and I urge my colleagues to support its passage today.

Mr. ROYCE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY. Mr. Speaker, I thank my good friend from New York and, of course, the distinguished chairman of the committee.

I rise in support of H. Res. 348. The people of Ukraine have the right to hold free and fair elections within the sovereign territory of their own country. The ruthless tyranny of Russian military aggression in Ukraine must end, and we must never agree to a settlement that even hints to President Vladimir Putin that the borders of Europe are up for sale.

The resolution notes: the forcible and illegal occupation of Crimea. The United States must make it clear in both our words and our deeds that Crimea is within the sovereign territory of Ukraine, and we will not recognize its forcible and illegal annexation by Russia—ever. This resolution is clear on that account, and I thank the author, Mr. CICILLINE, for it.

The Senate and House of Representatives recently passed the fiscal year 2016 National Defense Authorization Act conference report. That text included an amendment I authored to prohibit the authorization of funds to be obligated or expended in order to implement any activity that could be construed as recognizing the sovereignty of the Russian Federation over Ukraine's Crimea. Crimea is not

an issue we can allow to fade into the background—ever. As the resolution notes in just its second clause, this was Putin's original sin in Ukraine.

If we are to deter, Mr. Speaker, further Russian separatist and revanchist moves in eastern Ukraine, we must never yield on Crimea.

Mr. ROYCE. Mr. Speaker, I continue to reserve the balance of my time.

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

In closing, once again, I want to voice my strong support for this resolution. I again thank Mr. CICILLINE for authoring this measure and his leadership, and I thank our chairman once again.

Even with a cease-fire in place, the crisis in Ukraine is a major threat to the international order. The United States stands with the people of Ukraine as they try to chart the path forward for their country and restore their territorial integrity. So long as President Putin's aggression continues, we need to stay focused on this serious challenge. I urge my colleagues to support this measure.

I yield back the balance of my time.

□ 1715

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

Mr. Speaker, in closing, let me again thank ELIOT ENGEL, along with Mr. CICILLINE and Mr. CONNOLLY—cosponsors of this resolution with myself and other members of that committee—but mention in particular the decision we made to go as far east in Ukraine as we could. We traveled to the border of Luhansk and Donetsk, actually, because Dnipropetrovsk was where we flew in. To the south is Donetsk. To the east is Luhansk.

One of the great advantages of having with us the ranking member—an individual who knows the country well and knows the people well, Mr. ELIOT ENGEL—is the fact that both of his grandparents on his mother's side are from Ukraine and both of his grandparents on his father's side are from Ukraine.

It is a reminder to us of the long struggle, the long, ardent effort, for independence, for some modicum of freedom, that the people of Ukraine have struggled for all of these years, a dream that finally seemed realized; and now, in the wake of that, you have the occupation of the eastern and southern parts of the country.

I think it is a reminder to all of us of how we can be surprised on the world stage. The United States, in my opinion, could do more in this particular case to end the aggression. As people told us in Dnipropetrovsk—and we were there, actually. We had a service in the synagogue where Mr. ENGEL spoke during Passover. People asked us in each of these groups—the city council, the governor, the women's groups, the different civil society groups—they said: We can handle the fact that every skin-headed malcontent that Putin can recruit, that he radicalizes, and he trains—then they send them here, and we capture them, and we hold them in our brig until the end of hostilities—but what is a real challenge is the Russian armor, that Russian equipment out there. We can't match that. We need anti-tank missiles.

Now, anti-tank weapons is what they have asked for. Many of us in Congress, myself included, have asked that we more forcefully oppose Russian aggression by giving those people on those frontlines the armaments they need to defend themselves, and the House has gone on record as taking this position.

I think it would be a deterrent against Russian aggression that has brought so much suffering, and my hope is that, as we go forward, we convince the administration as well.

The local elections scheduled for this Sunday are a concrete example that Ukrainians are determined to do all that they can to achieve peace throughout the entirety of that country. By overwhelmingly adopting this bipartisan resolution, I believe the House will send a clear message to the Ukrainian people that the United States remains committed to their right to have Ukrainians choose their own government and choose their own destiny.

I want to thank the gentleman from Rhode Island for authoring this particular bill, and I urge its passage.

I yield back the balance of my time.

Mr. PASCRELL. Mr. Speaker, I rise today in support of H. Res. 348 to support the right of the people of Ukraine to freely elect their government and determine their future, which was introduced by my friend, Representative DAVID CICILLINE.

Citizens everywhere should be afforded the right to freely choose their leaders—and the people of Ukraine are no different. It is imperative that the American people stand with Ukrainians to ensure that the future of their government is determined freely and fairly.

Russian troops began an illegal occupation of Crimea following the resignation of Ukrainian President Viktor Yanukovych in March 2014. In spite of economic sanctions, diplomatic efforts and successive ceasefires, we have tragically seen over 6,500 people killed in eastern Ukraine since Russia annexed Crimea. Russia's continued violations of the Minsk agreement by ignoring the ceasefire is simply unacceptable. Their actions betray their previous commitments and have derailed good faith efforts to de-escalate the crisis in Ukraine. Russia's continued military aggression in Ukraine threatens peace and security in the region. Russia's aggression has also hindered the electoral process and disenfranchised voters in the troubled region. I support Ukraine's right to determine their own future, protect their territorial integrity and we must do all we can to prevent the slaughter of innocent lives.

Mrs. LAWRENCE. Mr. Speaker, I rise today to encourage the passage of H. Res. 348, supporting the right of Ukrainian citizens to freely elect their officials and determine their future. I would like to emphasize the importance of protecting democracy around the world. In 2015, it is essential that we ensure people at home and abroad are able to elect their government representatives by exercising this basic right.

This issue is of particular importance to me as the Congressional Representative for the 14th District of Michigan, which is home to a large population of women and minorities who fought hard to gain the right to vote. This year marked the 50th anniversary of the Voting Rights Act, which is of critical importance in protecting every citizen's right to participate in free and fair elections. However, fair elections are also vital to democracies across the globe. Therefore, we must act appropriately when those rights are infringed upon.

This resolution demonstrates the federal government's commitment to protect Ukraine's critical elections. Ukraine's next local elections are scheduled to take place on October 25, 2015 and are essential for the continuation of legislative and constitutional reform. We cannot allow Russia or other outside forces to interfere with Ukraine's elections, especially through intimidation, violence, or coercion. By supporting the right of the people of Ukraine to freely elect their government and have a say in their future, we are working toward ensuring all people around the world benefit from these basic yet profoundly critical rights.

I am grateful that our chamber is continuing with our legacy of safeguarding democracy. I want to thank my colleagues on both sides of the aisle for supporting America's commitment to defending these important freedoms around the world.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the resolution, H. Res. 348, 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. ROYCE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 20 minutes p.m.), the House stood in recess.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HULTGREN) at 6 o'clock and 30 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 10, SCHOLARSHIPS FOR OPPORTUNITY AND RESULTS REAUTHORIZATION ACT, AND PROVIDING FOR CONSIDERATION OF H.R. 692, DEFAULT PREVENTION ACT

Ms. FOXX, from the Committee on Rules, submitted a privileged report (Rept. No. 114–300) on the resolution (H. Res. 480) providing for consideration of the bill (H.R. 10) to reauthorize the Scholarships for Opportunity and Results Act, and for other purposes, and providing for consideration of the bill (H.R. 692) to ensure the payment of interest and principal of the debt of the United States, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1937, NATIONAL STRATEGIC AND CRITICAL MINERALS PRODUCTION ACT OF 2015

Ms. FOXX, from the Committee on Rules, submitted a privileged report (Rept. No. 114–301) on the resolution (H. Res. 481) providing for consideration of the bill (H.R. 1937) to require the Secretary of the Interior and the Secretary of Agriculture to more efficiently develop domestic sources of the minerals and mineral materials of strategic and critical importance to United States economic and national security and manufacturing competitiveness, which was referred to the House Calendar and ordered to be printed.

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. 3493, by the yeas and nays;

H.R. 3350, by the yeas and nays;

H. Res. 348, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

SECURING THE CITIES ACT OF 2015

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3493) to amend the Homeland Security Act of 2002 to establish the Securing the Cities program to enhance the ability of the United States to detect and prevent terrorist attacks and other high consequence events utilizing nuclear or other radiological materials that pose a high risk to homeland security in high-risk urban areas, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. DONOVAN) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 411, nays 4, not voting 19, as follows:

[Roll No. 550]

YEAS—411

Abraham
Adams
Aderholt
Aguilar
Allen
Amodei
Ashford
Babin
Barletta
Barr
Barton
Bass
Beatty
Becerra
Benishek
Bera
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Blumenauer
Bonamici
Bost
Boustany
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Brownley (CA)
Buchanan
Buck
Bucshon
Burgess
Bustos
Butterfield
Byrne
Calvert
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Castro (TX)
Chabot
Chaffetz
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clawson (FL)
Clay
Cleaver
Clyburn
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Costello (PA)
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Curbelo (FL)
Davis (CA)
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSantis
DeSaulnier
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duckworth
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers (NC)
Emmer (MN)
Engel
Eshoo
Esty
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Fleischmann
Flores
Forbes
Foster
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Garrett
Gibbs
Gibson
Goodlatte
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Griffith
Grijalva
Grothman
Guinta
Guthrie
Hahn
Hanna
Hardy
Harper
Harris
Hartzler
Hastings
Heck (NV)
Heck (WA)
Hensarling
Herrera Beutler
Higgins
Hill
Himes
Hinojosa
Holding
Honda
Hoyer
Huelskamp
Huffman
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Israel
Issa
Jackson Lee
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jolly
Jordan
Joyce
Kaptur
Katko
Keating
Kelly (MS)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
Knight
Kuster
Labrador
LaHood
LaMalfa
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Loudermilk
Love
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Marchant
Massie
Matsui
McCarthy
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Meehan
Meeks
Meng
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neugebauer
Newhouse
Noem
Nolan
Norcross
Nugent
Nunes
O'Rourke
Olson
Palazzo
Pallone
Palmer
Pascrell
Paulsen
Pearce
Perlmutter
Perry
Peters
Peterson
Pittenger
Pitts
Pocan
Poe (TX)
Poliquin
Polis
Pompeo
Posey
Price (NC)
Price, Tom
Quigley
Rangel
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (NY)
Rice (SC)
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce
Ruiz
Ruppersberger
Russell
Ryan (OH)
Ryan (WI)
Salmon
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Sherman
Shimkus
Shuster
Simpson
Sinema
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stefanik
Stewart
Stivers
Stutzman
Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—4

Amash
Gohmert
Jones
Sanford

NOT VOTING—19

Brown (FL)
Crawford
Davis, Danny
Fleming
Fortenberry
Gosar
Gowdy
Grayson
Gutiérrez
Hice, Jody B.
Hudson
Kelly (IL)
Marino
Neal
Payne
Pelosi
Pingree
Rush
Sires

□ 1857

Messrs. GOHMERT and JONES changed their vote from ''yea'' to ''nay.''

Mr. JEFFRIES changed his vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

KNOW THE CBRN TERRORISM THREATS TO TRANSPORTATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3350) to require a terrorism threat assessment regarding the transportation of chemical, biological, nuclear, and radiological materials

through United States land borders and within the United States, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 18, as follows:

[Roll No. 551]

YEAS—416

Abraham
Adams
Aderholt
Aguilar
Allen
Amash
Amodei
Ashford
Babin
Barr
Barton
Bass
Beatty
Becerra
Benishek
Bera
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Blumenauer
Bonamici
Bost
Boustany
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Buck
Bucshon
Burgess
Bustos
Butterfield
Byrne
Calvert
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Castro (TX)
Chabot
Chaffetz
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clawson (FL)
Clay
Cleaver
Clyburn
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Costello (PA)
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Curbelo (FL)
Davis (CA)
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSantis
DeSaulnier
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duckworth
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers (NC)
Emmer (MN)
Engel
Eshoo
Esty
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Fleischmann
Flores
Forbes
Foster
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Griffith
Grijalva
Grothman
Guinta
Guthrie
Hahn
Hanna
Hardy
Harper
Harris
Hartzler
Hastings
Heck (NV)
Heck (WA)
Hensarling
Herrera Beutler
Higgins
Hill
Himes
Hinojosa
Holding
Honda
Hoyer
Huelskamp
Huffman
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Israel
Issa
Jackson Lee
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Kaptur
Katko
Keating
Kelly (MS)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
Knight
Kuster
Labrador
LaHood
LaMalfa
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Loudermilk
Love
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Marchant
Massie
Matsui
McCarthy
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Meehan
Meeks
Meng
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Neugebauer
Newhouse
Noem
Nolan
Norcross
Nugent
Nunes
O'Rourke
Olson
Palazzo
Pallone
Palmer
Pascrell
Paulsen
Pearce
Perlmutter
Perry
Peters
Peterson
Pittenger
Pitts
Pocan
Poe (TX)
Poliquin
Polis
Pompeo
Posey
Price (NC)
Price, Tom
Quigley
Rangel
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (NY)
Rice (SC)
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce
Ruiz
Ruppersberger
Russell
Ryan (OH)
Ryan (WI)
Salmon
Sánchez, Linda T.
Sanchez, Loretta
Sanford
Sarbanes
Scalise
Schakowsky
Schiff
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stefanik
Stewart
Stivers
Stutzman
Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—18

Barletta
Crawford
Cummings
Davis, Danny
Fleming
Fortenberry
Gosar
Gowdy
Grayson
Gutiérrez
Hice, Jody B.
Hudson
Kelly (IL)
Marino
Payne
Pelosi
Pingree
Rush

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1906

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. BARLETTA. Mr. Speaker, on rollcall No. 551 I was unavoidably detained. Had I been present, I would have voted "yes."

SUPPORTING THE PEOPLE OF UKRAINE TO FREELY ELECT THEIR GOVERNMENT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 348) supporting the right of the people of Ukraine to freely elect their government and determine their future, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the resolution, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 4, not voting 17, as follows:

[Roll No. 552]

YEAS—413

Abraham
Adams
Aderholt
Aguilar
Allen
Amash
Amodei
Ashford
Babin
Barletta
Barr
Barton
Bass
Beatty
Becerra
Benishek
Bera
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Blumenauer
Bonamici
Bost
Boustany
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Buck
Bucshon
Burgess
Bustos
Butterfield
Byrne
Calvert
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Castro (TX)
Chabot
Chaffetz
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clawson (FL)
Clay
Cleaver
Clyburn
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Costello (PA)
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSantis
DeSaulnier
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duckworth
Duffy
Duncan (SC)
Edwards
Ellison
Ellmers (NC)
Emmer (MN)
Engel
Eshoo
Esty
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Fleischmann
Flores
Forbes
Foster
Foxx
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Griffith
Grijalva
Grothman
Guinta
Guthrie
Hahn
Hanna
Hardy
Harper
Harris
Hartzler
Hastings
Heck (NV)
Heck (WA)
Hensarling
Herrera Beutler
Higgins
Hill
Himes
Hinojosa
Holding
Honda
Hoyer
Huelskamp
Huffman
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Israel
Issa
Jackson Lee
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jolly
Jordan
Joyce
Kaptur
Katko
Keating
Kelly (MS)
Kelly (PA)
Kennedy
Kildee
Kilmer

Kind
King (IA)
King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
Knight
Kuster
Labrador
LaHood
LaMalfa
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Loudermilk
Love
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Marchant
Matsui
McCarthy
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Meehan
Meeks
Meng
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Neugebauer
Newhouse
Noem
Nolan
Norcross
Nugent
Nunes
O'Rourke
Olson
Palazzo
Pallone
Palmer
Pascrell
Paulsen
Pearce
Perlmutter
Perry
Peters
Peterson
Pittenger
Pitts
Pocan
Poe (TX)
Poliquin
Polis
Pompeo
Posey
Price (NC)
Price, Tom
Quigley
Rangel
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (NY)
Rice (SC)
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce
Ruiz
Ruppersberger
Russell
Ryan (OH)
Ryan (WI)
Salmon
Sánchez, Linda T.
Sanchez, Loretta
Sanford
Sarbanes
Scalise
Schakowsky
Schiff
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Sherman
Shimkus
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stefanik
Stewart
Stivers
Stutzman
Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—4

Duncan (TN)
Jones
Massie
Rohrabacher

NOT VOTING—17

Crawford
Fleming
Fortenberry
Franks (AZ)
Gosar
Gowdy
Grayson
Gutiérrez
Hice, Jody B.
Hudson
Kelly (IL)
Marino
Payne
Pelosi
Pingree
Rush
Shuster

□ 1914

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIÉRREZ. Mr. Speaker, I was unavoidably absent in the House chamber for votes today. Had I been present, I would have voted "yea" on rollcall votes 550, 551, and 552.

LIBRARIAN OF CONGRESS SUCCESSION MODERNIZATION ACT OF 2015

Mr. HARPER. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the bill (S. 2162) to establish a 10-year term for the service of the Librarian of Congress, 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 Mississippi?

There was no objection.

The text of the bill is as follows:

S. 2162

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Librarian of Congress Succession Modernization Act of 2015''.

SEC. 2. APPOINTMENT AND TERM OF SERVICE OF LIBRARIAN OF CONGRESS.

(a) IN GENERAL.—The President shall appoint the Librarian of Congress, by and with the advice and consent of the Senate.

(b) TERM OF SERVICE.—The Librarian of Congress shall be appointed for a term of 10 years.

(c) REAPPOINTMENT.—An individual appointed to the position of Librarian of Congress, by and with the advice and consent of the Senate, may be reappointed to that position in accordance with subsections (a) and (b).

(d) EFFECTIVE DATE.—This section shall apply with respect to appointments made on or after the date of the enactment of this Act.

SEC. 3. CONFORMING AMENDMENT.

The first paragraph under the center heading ''LIBRARY OF CONGRESS'' under the center heading ''LEGISLATIVE'' of the Act entitled ''An Act Making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes'', approved February 19, 1897 (29 Stat. 544, chapter 265; 2 U.S.C. 136), is amended by striking ''to be appointed by the President, by and with the advice and consent of the Senate,''.

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.

HONORING CHIEF EDWARD J. HUDAK, JR.

(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, I rise today to congratulate Edward J. Hudak, Jr., on being sworn in this past Friday, October 16, as the chief of police for the Coral Gables Police Department.

Chief Hudak has a long record of service to south Florida, having worked for 26 years for the city of Coral Gables and its police department, helping residents and visitors alike in ''The City Beautiful,'' a city which I am so humbled and honored to represent.

As I am, Chief Hudak is a proud University of Miami Hurricane. Chief Hudak earned his undergraduate and master's degree from the U, having more recently graduated from the FBI's National Law Enforcement Executive Academy.

Coral Gables is indeed fortunate to have such a hardworking and relentless civil servant take the lead at its police department.

Congratulations, Chief Hudak, on being named the top cop of ''The City Beautiful,'' the city of Coral Gables.

HISPANIC HERITAGE MONTH

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

Mr. GALLEGO. Mr. Speaker, as we close Hispanic Heritage Month and look back at our community's history and ongoing challenges, I rise today to celebrate the 25th anniversary of the White House Initiative on Educational Excellence for Hispanics.

For 25 years, the Initiative has played an important role in advancing the dialogue and policies that have helped our community move forward. This year, as part of its anniversary celebration, the Initiative released the Bright Spots in Hispanic Education, an online national catalog. The catalog features 230 programs, organizations, and initiatives that are supporting and investing in educational attainment of Hispanics from cradle to career.

Today, I congratulate four Bright Spots in my district that have been recognized for their outstanding commitment and contributions to our community: the American Dream Academy, the Bilingual Nursing Fellows Program, the Fowler Head Start Program, and the Victoria Foundation. These programs are leading the way to close the education gap. I look forward to continuing to work with them as they find ways to ensure every child, including Latino children, has the tools they need to succeed.

REMEMBERING AITKIN COUNTY SHERIFF'S INVESTIGATOR STEVEN SANDBERG

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

Mr. PAULSEN. Mr. Speaker, I rise today with a heavy heart to honor Aitkin County Sheriff's Investigator Steven Sandberg, who was killed in the line of duty last week.

Investigator Sandberg was deeply respected by his community and was somebody who was always handling the

county's toughest cases, which meant putting himself in harm's way.

Those who knew Steven knew that he was a dedicated family man and a committed parent, not missing a single one of his daughter's basketball games.

He was also a shining light for his entire community. He was a former three-sport athlete at Aitkin High School. He served as a volunteer firefighter for 17 years, and he taught Sunday school at the local Methodist church.

Mr. Speaker, Steven Sandberg dedicated his life to serving others and keeping people safe. We honor his sacrifice. My thoughts are with his wife, Kristi, and with his daughter, Cassie, as well as with the entire community in Aitkin County.

HISPANIC HERITAGE MONTH

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

Mr. CÁRDENAS. Mr. Speaker, I come here to remind us how diverse our country is and how beautiful it is that we have been celebrating Hispanic Heritage Month for the last 30 days.

I just wanted to take the opportunity to remind everybody that when we do things like that, it is not to talk about how we are different or separate. No, it is to talk about how alike we are and to talk about how wonderful and great our country is.

The tapestry of people that come from all over the world come here to start a new life, come here to create opportunities, perhaps not for them, but for the next generation. Together, we have created the greatest country that this world has ever known and has ever seen.

From Europe, from the Americas, from Africa, from Australia, from all parts of the planet, people come to this country for a better life and a second chance.

I hope and pray that in these Chambers we can live up to the responsibility of holding true to the values of America and holding true to our responsibilities as a legislative body of this country to create and pass laws to make sure that everybody can continue to have those opportunities for generations to come.

HONORING JUNE SORG

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to recognize Elk County, Pennsylvania, Commissioner June Sorg. June was honored recently with the County Commissioners Association of Pennsylvania's Outstanding Commissioner of the Year Award and with the Special Presidential Award. This award recognizes a commissioner who has contributed to the advancement of county government.

June has a long career of public service, serving for six terms as county commissioner, totaling 24 years. In that time, she has been a leader in Elk County on issues ranging from human services, workforce investment, prison issues, infrastructure improvement, recycling, and environmental issues.

Specific accomplishments during June's tenure include consolidation of county offices to a centralized location, improvements to the county's jail, and the construction of Elk County's new emergency management center.

As you know, Mr. Speaker, county commissioners across the country dedicate countless hours toward the improvement of counties and communities that they serve. I know that June's Sorg's work proves this is true in Elk County.

HEROIN TASK FORCE AND STOP ABUSE ACT

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

Mr. GUINTA. Mr. Speaker, I rise today to thank the new members of the bipartisan task force to combat the heroin epidemic. We introduced our first piece of legislation, the Stop Abuse Act, this month.

Heroin abuse in the United States has reached unprecedented levels, increasing 63 percent over the last decade. This addictive and dangerous drug has torn a path through every community, destroying families and ruining lives.

In my home State of New Hampshire, the number of patients admitted to the State-funded treatment programs reached over 1,500 in 2013, doubling the number from 2004.

Nationwide, in 2014, heroin abuse was responsible for nearly 8,200 deaths. In just 10 years, the number of addicts has doubled to over 500,000.

To address this health crisis, we must expand coordination between local, State, and Federal governments, law enforcement agencies, and medical professionals. We must assemble the best ideas from experts around the country, which is why Congresswoman ANN KUSTER and I formed the bipartisan task force. We are doing everything possible to raise awareness, increase education, and hear from families and individuals affected by the spread of heroin.

I urge my colleagues to join our effort so we can stop this epidemic.

MINNESOTA LYNX BASKETBALL TEAM

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

Mr. ELLISON. Mr. Speaker, allow me to congratulate the Minnesota Lynx Basketball Team. This wonderful basketball team has won three titles in 5 years. This is the great sports story of our time.

I would like to just let the Minnesota Lynx, their coach, and all their fans know that we are incredibly proud of them. We celebrated, and we had a victory parade.

We had all those things happen, but the truth is that this is women's basketball. It is high quality, and it is excellent. It shows girls that women are excellent athletes, and it shows boys the same thing. This is great for our whole country and great for our community in Minnesota.

We are proud of the Minnesota Lynx.

Do you know what? I want to know if they can win another one next year. I wouldn't put it past them.

Go Minnesota Lynx.

FEDERAL DEFICIT

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

Mr. LAMALFA. Mr. Speaker, yesterday, the Treasury Department confirmed what we already knew: we have cut the Federal deficit to the lowest level since this President took office. At $439 billion, the deficit is about 10 percent lower than in 2014 and is less than one third of what it was in 2009.

Yet, earlier this week, the administration was quick to boast about announcing the deficit being down that low when we asked in the past, ''What is the plan, Mr. President, for balancing the budget ever?'' Not telling me how to do it, but when. We haven't gotten any answer.

This has been the result of discipline started by House Republicans with the Budget Control Act and other measures to keep spending in line so that we will have a chance some day to have a truly balanced budget.

If we had the economy responding and things to help spur the economy, we could reach that goal even faster, perhaps even by 2019. With the right discipline, we could balance the budget. Then no longer will we have to have a debate about whether we should be extending the debt limit, which I think is appalling for all of us here, especially for the next generation who are going to have to pay the price on that.

So this is indeed good news. We want to get that budget deficit number to zero as soon as we can and maintain the business of this country.

CONGRATULATING BAYLOR COLLEGE OF MEDICINE AND RICE UNIVERSITY

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

Ms. JACKSON LEE. Mr. Speaker, I am very excited today to congratulate the researchers from the Baylor College of Medicine and Rice University in my hometown of Houston.

On Monday, they announced an important discovery about the structure

of human genetic material, an advance that one day could enable scientists to fix genetic defects that lead to disease. This was in the journal of the Proceedings of the National Academy of Sciences. The authors included experts from Stanford, the Broad Institute of MIT and Harvard, who brought about this particular research, described the process through which a 6-foot-long string of human DNA folds and organizes itself.

The main excitement about this is that to the many children, to the many young people, to the many families who suffer the loss of a child through a deadly disease, we now have research that may alter that process and impact, if you will, the DNA that results in diseases that cause the death of our children.

Let me congratulate Baylor and Rice University for this great success, and we look forward to saving lives from Houston, Texas.

□ 1930

CHAOS IN AMERICA'S INFRASTRUCTURE SYSTEM

The SPEAKER pro tempore (Mr. LAHOOD). Under the Speaker's announced policy of January 6, 2015, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, this is chaos week in Washington, and there are a lot of things going on. Most people want to talk about Benghazi or—I don't know—maybe the Speaker, the next Speaker or the last Speaker. However, what I would like to talk about today is chaos in America's infrastructure system.

Early this morning on my way to the airport in Sacramento I was driving up Interstate 5, the highway that connects Mexico and Canada and Oregon and Washington and California. I hit a huge pothole and then another pothole. It turns out that the entire right lane was a series of potholes for the 9 miles that I traveled to get to the airport. That is not unusual, but that is the story of America's infrastructure.

Everybody here on the floor wants to talk about how our great Nation is the world's most vibrant economy, the place where intellectual infrastructure takes place, but it certainly is not the place where physical infrastructure takes place. We rank 16th among the developed nations in the world on our infrastructure.

Travel to China. High-speed rail is going every which way. They have new airports. I remember the comment of our Vice President when he flew into LaGuardia in New York City. It wasn't very complimentary.

We have a need to build the infrastructure of this Nation because it is upon the infrastructure that the economy grows. It is upon the highways that we travel and move the goods and services. It is upon the transit system that more than 45 percent of Americans depend on for their transportation.

We have got problems. I was reminded of Apollo 13 and that very famous quote coming back from space: ''Houston, we've had a problem here.'' Yep. America, we have got problems.

That is a picture of the bridge on Interstate 5 in Washington State. Just a little bit north of this bridge is the Canadian border. This bridge collapsed about 3 years ago. There are 63,500 bridges in America that are deficient, and over the last decade we have seen Americans die on bridges that have collapsed. We have got a problem.

Among other things, given all the chaos here in Washington, we have got a problem with infrastructure. The House of Representatives is going to take up an infrastructure bill this week in committee. We will talk about that a little later.

First I want to go through some of the other problems besides bridges and highways. Oh, by the way, it would take $780 billion to bring our highways up to adequate standards. That is a lot of money. Or maybe it is not. That is about three-quarters of what we have spent in Afghanistan over the last 14 years. I guess we make decisions here about where we spend money.

Forty-two percent of our highways are in inadequate condition, and congestion abounds in 42 percent of the urban highways. Yep, we have got problems, but we can solve them. We will see whether the House of Representatives and the Committee on Transportation and Infrastructure is willing to solve the problems this week when we take up the infrastructure bill here in the House of Representatives.

I would like to have my colleague from California, Representative JANICE HAHN, address one of our other problems. It is a problem that she is particularly aware of. She represents the greatest port in America, the Port of Los Angeles, and its neighboring port, the Port of Long Beach.

Representative HAHN.

Ms. HAHN. Mr. Speaker, I would like to thank my good colleague from California, Mr. GARAMENDI, for devoting this Special Order hour to the needs that we have in this country when it comes to our infrastructure.

I am sort of excited because this week, at long last, barely in time before the highway trust fund runs out of money, we are finally going to look at a long-term surface transportation bill to fund some of our Nation's most critical infrastructure, which you have been talking about.

Our Nation's highways, our roads, our bridges, they have been neglected far too long. Today we unfortunately have an infrastructure crisis. Not only do the American people rely on these roads to get from point A to point B safely and efficiently, our economy relies on them as well.

I have been advocating, as you know, for more funding for our freight network. That is the series of highways and roads that go from our ports and our manufacturing hubs and that the vast majority of our Nation's freight travel on. Our Nation's ports are hard at work, bringing in cargo from all over the world and exporting the products of American manufacturing to the growing overseas market.

Twenty-two million jobs nationwide rely on the efficient movement of goods in and out of our ports. These jobs rely on our Nation's freight network. For too long we have failed to invest in this important infrastructure and allowed it to crumble. Too many bridges along the freight network are in disrepair, and too many of our highways are unable to handle the modern levels of traffic.

Now, many of us deal with the inconvenience of traffic every day, but this same traffic also costs both businesses and consumers money, and it threatens our economy's ability to stay competitive in the 21st century global economy.

As the roads on our freight network become more and more unreliable, the cost of transporting these goods increases, and American manufacturers and consumers pay the price. That is why I proposed legislation that would drastically increase the funding of this freight network infrastructure.

I thought it would be a good idea, and my bill would have used existing customs fees to provide $2 billion every year just to fund this freight network and the infrastructure projects without, by the way, raising any taxes. I thought, by investing in our freight network, we could give American businesses and manufacturers a competitive edge and spur job creation across the country.

The highway bill that we are considering this week provides just $750 million per year in freight funding. That is less than half of what I was hoping for. But it is a start. I hope that we can continue this conversation and find ways to invest in our ports and in this freight network at the level that our economy needs.

I hope that in coming days we can work in a bipartisan way to improve the highway bill and ensure that it passes before the end of this year. I would like to see the freight network expanded to include that last mile. Those are the roads that connect everything to our ports with highways and with rail. And when we talk about improving our roads, these last mile roads are often forgotten, even when they have the greatest amount of traffic.

I hope that we can expand the freight title to include funding for on-dock rail at our ports. Investing in on-dock rail would actually ease traffic on our highways by taking a lot of those trucks off the roads. That cargo would come off the ships, go right onto the rail and then to the end consumer.

This bill is a positive step. It is not perfect. It is not as good as I would like

to have seen, but it is the right step for a long-term plan to invest in our Nation's critical infrastructure.

I am looking forward to working with you, Mr. GARAMENDI. Thank you for your leadership on this. Thank you for talking about why Make It In America makes sense. But none of that makes sense unless we can finally invest in this infrastructure in this country to, as you said, make this country great and make it work for everyone.

Mr. GARAMENDI. Representative HAHN, your leadership on the port issues is well known. You head up the PORTS Caucus here in the House of Representatives. You are constantly badgering all of us about the necessity of the ports being expanded.

We know the Eastern ports are facing the challenge of providing access for the Panamax ships, bigger ships being able to go through the Panama Canal. As you have told us so many times, we need to improve the infrastructure on the West Coast for the efficiency so that we can keep those Panamax ships on the West Coast.

The freight issue that you talked about so eloquently here is absolutely on. It is the major part of the American transportation economy. We look at roads, we look at railroads, but the notion of combining this into a comprehensive strategy in which we talk about the movement of goods, the freight movement.

Your leadership is very, very important. I thank you so very much for joining us. I know that you have a tight schedule for the evening, but you broke away to bring us the very, very important message.

I want to continue on here really with the ports. The American Society of Civil Engineers does a report card on the American infrastructure. We would fail. We would have to go back to remedial classes if their report card was somehow the way in which we would judge the work of the United States Congress because, with regard to ports, as we just discussed, it is a C, even though progress has been made.

To meet the needs of the ports, we are going to have to spend an additional $46 billion over and above what is already programmed. We are going to have to spend $748 billion in the future in order to meet the needs of the highways, and that just gets us out of the D rating provided by the American Society of Civil Engineers.

For transit, it is also a D. As I said earlier, some one-half of American households depend upon transit because they don't have a car, and 45 percent of the urban passengers cannot get the services that they need from transit.

It goes on and on and on. Bridges, a C-plus. As I said earlier, 63,500 bridges are inadequate. For the rail system, part of what Congresswoman HAHN was talking about, the railroads have invested over $75 billion of their own money improving their systems, but the intermodal programs that are so necessary require that those rails connect to the highways, to the trucking industry, and that hasn't been done. So the rails actually receive a C-plus ranking.

We have got work to do here. We have got some very, very serious problems. Let me just put this up because there are solutions available to us.

If we take a look at the problem, in this case, the global assessment of the United States is 16th for transportation infrastructure. The solution? Invest. For every dollar that we invest, the economy grows by $3.54. So when you put a dollar in, suddenly you get the economy moving. People go to work.

For every billion dollars that we invest in roads and bridges, we are going to create 21,671 jobs. Those are people that are getting good, high-quality, high-paying, middle-income jobs. Guess what. They are going to pay taxes. So you invest a dollar and you get back $3.54 of economic activity. And you get tax growth, not new taxes, but new people paying taxes.

That is what we want. We want people to go to work. We want jobs in America. We find that, if we invest in infrastructure, we have got the opportunity to create jobs, to increase the tax base, and grow the economy.

Now, on the negative side, underinvesting in infrastructure costs America over 900,000 jobs, including 97,000 jobs in manufacturing. These things go together. We have fortunately had over the years a buy-America requirement in the infrastructure financing for highways and bridges and the rest and for transit, that your tax dollars, my tax dollars, all of our tax dollars, are required to be used to buy American-made goods, equipment, services, buses, and the like.

Unfortunately, it is only 50 percent. So a transit agency can take your tax money and spend 50 percent of that tax money on buying a bus or a train from China, and the other 50 percent presumably would have to be spent on American-made services and goods.

□ 1945

Not good enough. I think it ought to be 99 percent. Why not use our tax money to buy American?

So these are the opportunities and the problems that we have available to us, and that is the large outsourcing that I just talked about.

And the solution? Make It In America. I have talked about that for 5 years here on the floor. Build the American economy with Make It In America laws and regulations. Use our tax money to buy American-made goods and equipment.

Here is what it means. Let me give you a couple of examples of the good news and the bad news. Here is why Make It In America strategies are important.

The bad news is California, my home State, where we had to rebuild the San Francisco-Oakland Bay Bridge, spanning from Oakland to the peninsula, San Francisco. It fell down during the '89 earthquake, and then we decided we had to rebuild it.

Well, you know, it takes a long time to figure out how to build it and what it is going to look like. It took forever. However, it was a multibillion-dollar project; and someone decided that it would be cheaper to buy Chinese steel than American steel, so they contracted with a Chinese steel company. The result was 3,000 jobs in China, a brand-new steel mill to manufacture the most high-quality steel. And what the Chinese sent to America was deficient. The welds were insufficient. There were problems in the quality of the steel.

The result was, at least part of that problem was, some $3.5 billion overrun. That is the bad news. California really screwed up. We say, ''Make it in America.''

Guess what happened on the other side of the continent? New York needed to rebuild a new bridge, the New York Tappan Zee Bridge. It was made with United States manufactured steel; total cost, $3.9 billion, 7,728 American jobs because they undertook a buy America requirement, and they bought it in America; on time, under budget. The Tappan Zee Bridge, good; the San Francisco Bay Bridge, bad.

Make it in America, buy American, that ought to be our policy.

I want to move on to where we are this week. On October 29, the United States Congress will engage in its favorite game: kicking the can down the road.

We will take up a transportation and infrastructure bill in the House of Representatives Transportation and Infrastructure Committee this week. Good for us. Several months late, not in time for next week's deadline. So we will kick the can down the road. We will give ourselves another couple of months to ponder how we can address the needs of America's infrastructure.

I want to suggest to you there is a way we can do it. I put this chart up to challenge all of us. This chart displays the opportunity as well as the potential for the missed opportunity.

There are three new infrastructure pieces of legislation that are floating around the United States Capitol. But before we go to those three, I want to call your attention to where we are today.

Highway funding, this is today's highway funding. We are spending somewhere around $264 billion on highways, $64.2 billion on transit. The entire amount over a 6-year period of time—this is 6 years—is $319 billion. This does not include the rail system.

So $319 billion is what we are spending today over a 6-year period of time. I have already said how inadequate that is. I won't go back through that again.

Now, the administration proposed but, frankly, never pushed, never put any weight behind it and, I think,

copped out on what is, in my view, a very, very good bill, a comprehensive bill that included rail transit—again, not included here. It was a bill that had $449 billion, not including the rail, over a 6-year period, compared to the $319 billion that we are spending today. That amounts to, what, $120 billion a year more—actually, $130 billion a year more.

That is good. That is what we need. I misquoted that. It is $130 billion over 6 years. That is the kind of money that we need to build the infrastructure.

Highways, $317 billion, over 6 years, compared to where we are today, $246 billion. Significant increase, enough to fix the potholes on I–5. Transit, $114.6 billion over 6 years, compared to today, $64 billion over 6 years. The entire sum, $449 billion, compared to $319 billion over 6 years.

That is the kind of progress that we can and must make if we want to move from 16th among the world's economies, developed economies, to get back up into the top five. That is what we need to do.

Now, once again, this does not include the rail transit. If you add the rail transit in, these numbers are a little bigger. That is the kind of effort.

The United States Senate, what did they decide to do in their bill called the Senate DRIVE Act? $276 billion compared to $246 billion over 6 years; $74.9 billion for transit, compared to $64 billion. That is good. That is $10 billion. Better, but not enough. We actually need over $114 billion or $115 billion.

The entire sum on the Senate side, not including rail, is $361 billion compared to $319 billion. Better, but not enough. Not sufficient to build the infrastructure that this economy and this society need to move out of 16th place back into the top tier of five.

Now, where is the House of Representatives?

This week, we are going to take up a bill that is less than the Senate bill and just a little, teeny, tiny bit better than what we are doing today. So if you are happy with what we are doing today, you will love the House bill. But if you don't want potholes, if you want to deal with congestion, if you want to deal with ports and freight, if you want to move from a D to a B or an A, you don't do it with the House bill.

I understand, this is a starting point. This is the beginning of negotiations. But why in the world would you begin negotiations at the bottom when you need to get to the top? It beats me. I don't get it.

We have got to build the American infrastructure. It is how we move our economy. It is how we move people back to work in good, middle-class jobs. It is how your tax money should be spent.

And how can we raise the revenue for this?

Well, we don't need to increase the gasoline or the diesel tax. Keep it the same, no increase. People can argue that it should or should not be increased, but you don't need to.

This proposal, the GROW AMERICA Act, the additional $100-plus billion dollars over 6 years to build our infrastructure, is fully paid for by keeping the gasoline and the diesel tax at the level it is today and going after the hidden profits of the United States corporations that have skipped out on their responsibility to this country.

They are hiding their profits overseas. We need to go after those profits and say: You owe it to America; bring that money back and pay your just taxes. That is how this is paid for, fully paid for.

How much? About $120 billion over 6 years, enough to get the job done.

American corporations won't be allowed to run away from their responsibility to their country. They will pay their fair share, here in America. No more tax dodges overseas, folks.

So, where are we? The question for the Congress of the United States is: Are we going to go with what we have today, just a little bit more, just keeping up with inflation? Is that good enough for America to be number one? No, it is not.

Can we do better without burdening the truckers, without burdening the commuters? We can, if we are willing to step up to the American corporations, the big and the powerful, and say: Pay your fair share.

Oh, by the way, their fair share is 14 percent, which is less than one-half of the corporate tax rate.

We will see what happens. The House of Representatives, the men and women that you have elected, are going to make some decisions. We will make a decision about Speaker eventually. That will get taken care of eventually. We will make some decisions about a few other things. But the infrastructure issue of this Nation is fundamental to economic growth.

I hope we make the right decision. I hope we make the decision to grow this economy, to make it in America, spend your tax dollars here at home, and give you the roads, the transit system, the ports, the freight movement, the airports that you need and America needs.

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

HONORING AMERICA'S PHARMACISTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the gentleman from Georgia (Mr. COLLINS) is recognized for 60 minutes as the designee of the majority leader.

Mr. COLLINS of Georgia. Mr. Speaker, I appreciate the opportunity to be here this evening. It is a good time to be back here on the floor tonight, especially after coming back from a week, I am always very pleased to go see home, be a part of folks who get outside this beltway, get outside where they get up in morning, they go to work, they do the things that families do and communities do, and they do so with a sense of purpose and work.

I think tonight we are going to bring to light, during our time together, we are going to talk about some of the great folks, our American pharmacists and the battle that they carry on every day. They are true champions on the front lines of health care.

Tonight we are going to be joined by several people. My good colleague from Georgia, BUDDY CARTER, is going to be here. DAVE LOEBSACK from Iowa is going to be here as well. We will have many people come in and out.

Over the next 60 minutes, I hope the words that we speak will encourage and inspire those who care for our constituents in their time of need.

Back in 1925, the first celebration of National Pharmaceutical Week was held October 11–17. In 2004, American Pharmacists Month was launched to bring greater awareness to the expanding role of pharmacists in the healthcare system and recognize their unwavering commitment to patient care.

On October 1, we celebrated Pharmacist Appreciation Day and participated in the third annual tweet-a-thon. This year, there were 7,214 tweets from 1,285 tweeters, and I wanted to share some of my favorite ones at this time.

They say:

> Can you give me a flu shot through the drive-through?
>
> We do more than count pills. We ensure medication safety for our patients in a variety of settings. We save lives.
>
> We filled insulin for a patient after she was refused by the big box pharmacies.
>
> What does Batman have in common with your pharmacist? They save lives.
>
> I wanted to be a pharmacist because in my small town, doctors rotated in and out, but the pharmacist knew my community.

Every year, the American Pharmacists Association Academy of Student Pharmacists creates a national theme to encourage and advocate for the profession of pharmacy, and this year the theme is: Live your ''why.'' We are going to come back to that a lot tonight, Live your ''why.''

It is incredible to read the outpouring of stories from student pharmacists around the country.

Hannah Holbrook is a pharmacy student at ULM, one of the most active and committed student pharmacist chapters in the Nation. She told a local paper: ''Even as students, we can be leaders and have impact on patients.''

I believe the next generation of pharmacists is going to do truly remarkable things that could radically transform patient care, but it won't happen unless Congress acts. We must act to level the playing field so independent and community pharmacists can not only compete, all they are asking for is a chance, and we need to make sure that we step up and do that.

Tonight, like I said, we are going to share from many as we go tonight, but I want to start off with Representative BLUM, who has come down to speak

with us. He has got to run off on some other events, but we wanted to get you here tonight. We are glad that you are here to speak on this important issue for your community and others.

I yield to the gentleman from Iowa (Mr. BLUM).

□ 2000

Mr. BLUM. Mr. Speaker, I rise today in support of pharmacies across the country, especially the independent community pharmacies who operate in a tough business climate to serve rural areas and provide patients with convenient, affordable, and personal care.

In my home State of Iowa, 72 of our 99 counties are considered medically underserved; and of these, 27 are served by only one pharmacy. Many of these areas are rural, and a large number of citizens in these sparsely populated areas rely on their community pharmacy for access to lifesaving drugs and treatments.

Unfortunately, the implementation of Federal policy to address the rising costs of drugs has left independent community pharmacists at a disadvantage. Often unable to cover the costs of maintaining and managing a storefront, community pharmacies are closing their doors at an alarming rate. This leaves many Americans without access to the timely, efficient, and personal patient services they provide.

To that end, I am most happy to cosponsor H.R. 592, to ensure that pharmacists are recognized as providers under Medicare part B so that my constituents can have access to local healthcare services instead of traveling long distances to seek out care.

Additionally, I am also proud to work with the gentleman from Georgia (Mr. COLLINS) as well as my colleagues across the aisle, such as Congressman DAVE LOEBSACK from the Second District of Iowa, to lower the cost of drugs and promote fair competition and choice, which will ultimately benefit patients.

I will continue to work to pass legislation, such as H.R. 244, to increase the transparency of drug payment rates under Medicare part D and TRICARE, while ensuring a fair, competitive market for generic drugs.

Finally, I wish to highlight the work of Hartig Drug Stores, the second-oldest family-owned independent drugstore company in America, which has locations throughout my district, including my hometown of Dubuque, Iowa. Hartig's pharmacies operate in three States, employing 437 people.

I believe we should be enacting policies that allow these kinds of local pharmacies to thrive instead of shut down. My hope is that through the continued hard work of their dedicated employees and the implementation of better policies at the Federal level, these family businesses will continue to serve patients in and around my district for many years to come.

Mr. COLLINS of Georgia. Thank you, Mr. BLUM.

I think what you have recognized are the struggles that are going on right now. And what I have found—I was speaking with a Member tonight from one of our Midwestern districts. It was on the floor as we were voting earlier. I started explaining what was going on in our independent pharmacies. This Member did not know. They had not had a chance to interact. They didn't know what was going on and the changes that were going on. So you being here tonight helps highlight that.

I think as we educate Members, this is just an inequity that is in our healthcare system that needs to be fixed.

I appreciate the gentleman from Iowa (Mr. BLUM) being here.

There are many things that are talked about in our time up here. Many times, we talk about not being able to work together. This is an issue that draws us together.

Mr. LOEBSACK and I have worked through two Congresses now on this issue. We are going to work on more together. It is my honor to yield to the gentleman from Iowa (Mr. LOEBSACK) to expound on this because we have been working on this for a while, and it is good to have you here tonight.

Mr. LOEBSACK. Thank you, Mr. COLLINS. It is great to be here. I know that you folks have a lot of things going on on your side of the aisle, and it is a testament to your commitment to this issue that you have gotten a number of your colleagues here tonight to speak to this issue, to speak to the importance of independent and community pharmacists.

It is really, really important for America that we talk about this. And as Mr. COLLINS said—and Mr. CARTER, I appreciate your invitation as well—it is really important that we speak to how important these folks are for our communities, for health care, for their patients.

Mr. BLUM, thank you for being here tonight as well.

Mr. BLUM represents the district that borders me to the north, and he mentioned the Hartig pharmacy. They have a pharmacy in Iowa City, and I took a little bit of time out of my schedule a couple years ago to visit there and to hear the problems that they have when it comes to all kinds of issues.

This month, of course, is American Pharmacists Month. It is a month during which we recognize the important role that pharmacies play in our communities. Pharmacists are, in fact, frontline healthcare providers, and they are counselors for many patients who consistently depend on their training and expertise to stay informed, to stay healthy, and to stay out of the hospital. They also play an incredibly important role in strengthening the economies of the areas they serve, particularly in rural counties like so many of those that I represent of the 24 counties I have.

It is also crucial that these pharmacies have a level playing field, as was already mentioned by the gentleman from Iowa (Mr. BLUM), when trying to run a successful business in a challenging and complex environment. Like most small-business owners, community pharmacists face many challenges to compete and negotiate on a day-to-day basis with large entities on their business transactions.

I have personally visited, as I have said, many of these pharmacies in my district, the Second District. I have learned firsthand how they often struggle to compete.

One problem I have heard, for example, from many pharmacists is that the reimbursement system—and I am sure we are going to hear more from folks about that tonight—for generic drugs is largely unregulated; and it is, in fact, a mystery to many folks. Generic prescription drugs account for the vast majority of drugs dispensed, so it is critical for pharmacists' bottom line that their reimbursement is transparent.

However, pharmacists are reimbursed for generics via the maximum allowable cost, or MAC, lists created by pharmacy benefits managers, PBMs—the drug plan middleman, something we have heard so much about. But the methodology used to create these lists is not disclosed. It is a secret. It shouldn't be a secret. It should be open. We need to have transparency on this front. Also, the lists aren't updated on a regular basis, resulting in pharmacists often being reimbursed below what it costs them to actually acquire the drugs. That makes no sense whatsoever.

So to address the problem, I partnered with the gentleman from Georgia (Mr. COLLINS) to introduce H.R. 244, the MAC Transparency Act. We have a lot of folks onboard on this. It is a bipartisan bill at a time when, as Mr. COLLINS said, there is not a lot of bipartisanship in this body at the moment.

Basically, what this bill would do is it would ensure that Federal health plan reimbursements to pharmacies keep pace with generic drug prices, which can skyrocket overnight, as we know.

I am not going to go into great detail at the moment. We have got time to talk about this a little bit more. There are other things we can talk about tonight. But I just wanted to say a few things at the outset and to just thank you again, Mr. COLLINS and Mr. CARTER, for setting this particular time aside so we can really educate our colleagues, as much as anything, about the problems facing independent community pharmacists.

Mr. COLLINS of Georgia. I thank my colleague. I do appreciate that.

And that is the issue here: education. People can look in on this. They can hear what we are talking about. They can see this education part of it.

This is found in every district. It is almost like veterans. There is no Member of Congress that doesn't have veterans' issues, because they come from

every area. Every one of our districts has independent pharmacists. And as one told me just the other day, he said, if the condition doesn't change, they will be gone in a year and a half.

I have had, even in my area, county governments who believe that they can cut their healthcare costs by going and taking the pharmacies and putting them with a PBM and centralizing it for county employees. They said that they would save X amount of dollars. And when I called my county commissioner and asked him about this, I said: You save this amount of money. But, I said: If you realize, if you take county employees out of the system, government operating this—and this is someone on my side of the aisle. I told him: You take government and put this in control, you are going to put pharmacies out of business. And I said: How much do you save when they have to lay off employees? They shutter their businesses, and you lose sales tax, property tax, and the peripheral income that comes with that.

We have got to address it, and that is why we are here tonight. This educational process is important.

When you come up through the legislative ranks—whether it is here in Congress or the State house, where I started, you meet folks who you learn to have a great deal of respect for, especially from the places that they have come and what they have done in the past.

BUDDY CARTER, the Congressman from the southeast coastline of Georgia, is one of those who actually is a pharmacist.

I think one of the things I want to emphasize tonight is—and some people might be saying: Why are you bashing pharmacists? We are not bashing pharmacists. Pharmacists are great. I love them. No matter where they work, it is the system that they are trapped in that is broken, that is hurting the individuals who need that care.

So tonight we are going to have a great perspective from one in the profession who understands this firsthand, from owning those pharmacies, but also dispensing and taking care of patients.

With that, I yield to the gentleman from Georgia (Mr. CARTER) for his comments.

Mr. CARTER of Georgia. Thank you, Representative COLLINS, and thank you for hosting this tonight. This is certainly a very important subject. It is very important to me, personally, yes, but it is more important to our healthcare system.

Mr. Speaker, for over 2,000 years, the practice of pharmacies has existed to help people with their ailments. Today, the most common pharmacy position is that of the community pharmacist. Community pharmacists are the front lines of medication, instructing and counseling on the proper use and adverse effects of medically prescribed drugs.

However, over the past decade, there have been several issues that have threatened the role of community pharmacists. Being a community pharmacist myself, I know these issues all too well. I believe that there are three main issues that we can address in Congress that will allow the community pharmacists to continue to fill the invaluable role of counseling Americans on the proper use and dangers of prescription medications.

First of all, MAC pricing transparency.

When I became a Member of the United States Congress and I got involved in government, I jokingly said that if I could learn 10 percent of all the acronyms in the Federal Government, I think I would have been a success. Then I got to thinking about it, and I feel a little silly now because there are a lot of acronyms in pharmacy as well. One of those is MAC, M-A-C, maximum allowable cost. Another is PBM, pharmacy benefits manager.

Now let's talk about MAC pricing transparency. This is a bill that is being offered, and this is a situation that needs to be taken care of. It needs to be addressed. It is perhaps one of the most pressing—if not the most pressing—issues facing community pharmacists right now.

MAC is a price list. The maximum allowable cost is a price list that lists the upper limit or the maximum amount that an insurance plan will pay for a generic drug. In other words, if you have a generic drug and it is on that MAC list, they are going to tell you what the maximum allowable cost is. That maximum allowable cost may be $10. Now, if you can buy it for $9, more power to you; but if you have to buy it for $11, you are only going to get paid $10. That is why they call it the maximum allowable cost.

Each insurance plan sets the maximum allowable cost for the plan. Some States require them to follow a certain policy, if you will, a certain procedure when they set those plans, those prices. Most States don't. In a lot of States that don't, the insurance companies can set it wherever they want to, whatever they want to set it at. They may choose a drug that is only available in a certain area for a certain price.

For instance, if I am in southeast Georgia, I may not be able to get that drug at that price that they set it at because they used the price that it is available in the northeast and is not available to us in the southeast. That is why we have got to have transparency. That is why we have got to have maximum allowable cost transparency.

PBMs are supposed to ensure that the cost of the drugs do not rise to unaffordable price levels, which is supposed to allow continued access to medications to Americans and maintain low costs for employers who provide coverage for those employees, and that is very important. They are supposed to set those prices so that their plan's recipients, the ones that are covered, are able to get those medications.

Therein lies a couple of problems. One is what I just explained, that it is not always available at the price that they set. A second is that sometimes the price goes up. We know that the price of generics have been going up significantly and rapidly. When that happens, sometimes the insurance companies, the PBMs, are slow to raise their MAC prices, which means that if I have got a MAC price of $10 and, overnight, the price of that drug went up to $20, until the insurance company raises the MAC price, I am still going to get paid $10 even though it is costing me $20. That cannot be sustainable for community pharmacists.

Community pharmacy is somewhat different from other healthcare providers in that we have a product. We actually have a product that we have to pay for. We have that product.

Now, granted, doctors' offices have injectables they have to pay for and so and so, and we understand that. But in community pharmacy, we actually have that product on our shelf, and we have got to pay for it, regardless of how much we get paid for it. The wholesaler doesn't say: Well, how much did you get paid for it? That is how much we are going to charge you.

We wish it worked that way, but it doesn't work that way.

The way it works is they have got a set price. If it is $20 and I am only getting paid $10 for it, I am losing that $10.

Now, some of you may think: Well, you can make up that $10, can't you, and charge the patient? No. You can't do that.

If they have got a copay, that copay is $5, that is what they pay. I can't charge them $15 to make up for that difference. That is not allowed. That is one of the things that is leading to the detriment of the community pharmacy.

But perhaps an even more important point there is what happens with the patient. Because, keep in mind, ultimately what we are talking about here, when we are talking about keeping community pharmacies open, when we are talking about making certain that this provider is available, we are talking about the patients.

□ 2015

We are talking about the patient and patient care. If I am not able to pay for that medication because I am not getting reimbursed enough, that patient is not going to get the medication, and that is going to lead to even more medical costs. That is why this is so vitally important. In the end, what it comes to is patient care.

What is the problem? What is the problem with PBMs, with the pharmacy benefits managers? First of all, there is no transparency. There is no transparency in the contracts with the PBMs. For example, several years ago Meridian Health Systems, a nonprofit that owns and operates six hospitals in southern New Jersey, hired a PBM to help reduce their surging medication

costs for its 12,000 employees and their families.

This PBM projected it would slice at least $763,000 from Meridian's $12 million in annual medication spending. Just 3 months into the contract Meridian was on pace to balloon by $1.3 million. This PBM insisted that it was actually saving Meridian money. It was not.

After some investigation by Meridian, Meridian discovered that this PBM was making huge gross profits ranging from $5 per prescription to multiple times that amount. In one example, Meridian was charged $92.53 on a generic bottle of antibiotics while the PBM only paid $26.91 to get the prescription filled. That is a profit spread of $65.62.

Therein lies the problem in what is referred to as the spread, the difference between what the PBM actually charged the company and the difference in what they actually paid for. That is the spread that the PBMs work on.

The amount that PBMs charge the small businesses, the customer, or the government under part D of Medicare can be significantly more than what it actually costs for them to fill the prescription. As I mentioned, PBMs don't always update their price list in a reasonable amount of time. This hurts pharmacies, and more than that, again, it hurts patients.

There has been evidence to suggest that some PBMs wait until 4 to 6 months to update that reimbursement rates after a drug price rises. There has been evidence of that.

I have experienced that while I was still working. Ten months ago, before I entered Congress, before I became a Member of Congress, when I was still running my drugstore, I experienced this. I experienced where a product would go up in cost, yet the PBM would not adjust their price, their cost, their MAC.

We would have months, literally months, where we were getting paid less than what we were having to pay for the drug. Obviously, that is not sustainable. That business model doesn't work for anyone regardless of who it is.

This leaves pharmacists getting reimbursed for drug prices that could be extremely out of date. Any small business in the country can't sustain operability when they don't know how much it costs to provide the customer with their service. You are basically asking a business owner to operate with no understanding of revenue. No one in the country can operate a business like this.

We need as much transparency as possible to make sure that PBMs are doing what they were created to do. My colleague from Georgia (Mr. COLLINS) has introduced H.R. 244, the MAC Transparency Act, which would provide much-needed transparency to the operations of PBMs and provide pharmacies, businesses, and Americans a better understanding of their insurance coverage and the true drug costs. This is a very important piece of legislation.

Another issue that is very important and extremely important to pharmacists is provider status. Now, Mr. Speaker, I graduated from pharmacy school in 1980. I have what is known as a bachelor of pharmacy degree. Back then it was a 5-year degree. The pharmacists that are graduating now are graduating with a doctor of pharmacy degree, a 4-year professional degree that usually comes after a bachelor's degree.

In most cases, they have at least 6 and, in most cases, 8 years of education. Their clinical expertise is so impressive right now. The practice of pharmacy has changed so much during the years that I have been practicing. I have seen it go from where we did nothing more than fill prescriptions to where now the pharmacist is a vital member of the healthcare team.

Mr. COLLINS mentioned a little while ago about someone asking if they could get a flu shot in a drive-through. We have actually seen that done sometimes. But the point that I want to make is pharmacists now are actually administering vaccines.

How does that help us? How does that help Americans? How does that help our healthcare system? Obviously, our vaccination rate improves. Keep in mind, in south Georgia, where I represent, rural health care is a concern. We quite often say that, in Georgia, there are two Georgias. There is north Georgia and the Atlanta metro area and then there is the rest of Georgia.

Access to health care is very important in south Georgia, particularly in the rural area of south Georgia, where you find that pharmacists are some of the most accessible healthcare professionals out there. If it were not for our pharmacists, many of these patients would not get those vaccinations, and that is very important. It is very important that we have provider status for pharmacists.

The U.S. healthcare system has come into an era of integrated care delivery systems that provide all-encompassing care to Americans. This new structure of care will provide Americans with the type of care that allows constant collaboration with all sectors of health care to provide the highest level of care.

As all of us know, the majority of Americans that rely on healthcare professionals are the elderly. However, under part B of Medicare, pharmacists are excluded from the list of providers under Medicare part B.

This is something that is going to have to change. Regardless of how you might feel about the Affordable Care Act, regardless of how you might feel about what is our state of health care here in America now, one thing is for certain. We are going to have to utilize all disciplines in health care to improve our system. We are going to have to utilize pharmacists. We are going to have to utilize nurses and physician's assistants. We are going to have to make use of all of those.

Now, to my physician friends, make no mistake about it. Doctors remain the quarterback. They remain the captains of the team. We have to have them. They are essential. But these services that have been provided in the old model where doctors did everything and the other healthcare professionals didn't participate has got to change in order for health care to sustain here in America.

We have got to utilize these. My wife is a physical therapist. The physical therapists who are graduating now, again, are so clinically oriented and they can do so much more. We find that in all different aspects in allied health care.

That is something that we have to do. That is why it is vitally important that we have provider status for pharmacists, physicians, physician's assistants, certified nurse practitioners, qualified psychologists, clinical social workers, certified nurse midwives, and certified registered nurse anesthetists.

All of those are reimbursable and covered under Medicare part B, but pharmacists are not. Pharmacists need to be included in that. These professionals make up a healthcare team that provides an integrated healthcare plan for the treatment of a patient. However, I have never experienced a patient that required this level of care without being prescribed medications. It is a vital part of it.

If we don't get the medications to them, the whole process fails. Why does the patient go to the doctor and spend all this time being diagnosed and this doctor use all of his expertise in diagnosing this patient if they are not going to get the medications? It is a vital part.

We refer to it as a three-legged stool where you have got the physician, you have got the pharmacist, and you have got the patient. All of them have to work together to make the system work.

If we really want to provide a fully integrated healthcare system, pharmacists' services should be included under Medicare. This is why my friend from Kentucky (Mr. GUTHRIE) has introduced H.R. 592, the Pharmacy in Medically Underserved Areas Enhancement Act. This legislation would include pharmacists under the list of providers under Medicare part B and provide a true integrated healthcare team for Medicare patients.

Finally, the third thing that we need to do and that Congress can do—some health plans, particularly Medicare prescription plans, have selected certain pharmacies to be the plan's preferred provider. We must have any willing provider, pharmacy legislation, rather than allow insurance plans to pick and choose a preferred pharmacy.

Now, this is something I have, unfortunately, a lot of experience with. I have been practicing for over 34 years

now. Let me tell you, I have had patients who have been with me that long. They are a part of my family.

I have provided services to them. They have come to my store. I have provided generations of services to them, to their parents, to their grandparents, and now to them and to their children. Yet, they at the first of the year come to me, some of them in tears, and tell me, ''I have got to change pharmacies. I don't want to. But my insurance plan is telling me that this is the only pharmacy I can use.''

Sometimes the PBMs will mask it by saying, ''Well, that is not true. They can use you. They can go ahead and pay for the medications and submit us the receipts and we will see if we can reimburse them or they can go to our preferred pharmacy and pay the $5 copay.'' That is not a choice. That is not a choice at all.

Other plans will tell you, ''Okay. You can use this pharmacy outside of our preferred network if you want to. The copay is going to be $45. But if you use our preferred pharmacy, the copay is going be to $5.''

Well, let me tell you, if you have 10 prescriptions, as a lot of elderly patients do, are you going to pay $450 as opposed to $50? That is not a choice. That is not something that is going to lead patients to stay with their pharmacy.

They are going to have to change, and they don't want to do that. Mr. Speaker, having a choice makes a difference. These relationships that patients have with their healthcare providers are very, very important.

So my colleague from Virginia (Mr. GRIFFITH) has offered legislation to remedy this problem. The Ensuring Seniors Access to Local Pharmacies Act of 2015 would allow Medicare enrollees to keep their longtime pharmacist if that pharmacist agrees to the terms and conditions of the Medicare prescription drug plan.

In providing this reform, we will be able to provide a free market system for prescription drug plans that will lower cost while also providing comfort to Americans. This is win-win.

Now, before you say, ''Oh, Buddy, all you are saying is that you want to force people to have to do this,'' no, not at all. I am a free market guy. You will not meet more of a free market person than me. All we are asking to do is to have the ability to compete. That is all we are asking to do, to participate in the free market.

If the insurance company—if the PBM, sets the reimbursement, if I see, okay, this is the reimbursement they are going to pay me, if I am willing to accept that reimbursement, I should be able to participate. That is all we are saying.

Give us the opportunity, if we are a willing provider, to participate. Select Networks are hurting us. But, more importantly—more importantly—they are hurting the patients.

Why is that? Because now the patient, instead of going to my pharmacy where it is convenient, where they have been going for 34 years, where their parents went, where their grandparents went, are having to go and travel long distances, particularly in south Georgia, to get to the pharmacy that is a Select pharmacy, the Select provider. A lot of times they just do without. Then what happens? Then all of a sudden medical costs rise, and we don't see adherence. That is a problem.

So those three things, Mr. Speaker, are three things that are very important to community pharmacies.

I want to thank again my colleague from Georgia (Mr. COLLINS) for bringing this up and let you know that I have been honored to serve as a pharmacist. I think it is a noble profession.

But, most importantly, I want to make sure you understand this is about the patients. If community pharmacies don't survive, this is going to mean that health care in this country suffers.

Mr. COLLINS of Georgia. Mr. Speaker, I appreciate my friend from Georgia and his passionate defense of what we are doing here tonight.

Earlier this month many of my colleagues and I sent a letter to CMS in support of proposed guidance to ensure part D plan cosponsors consistently report pharmacy price concessions. That letter was led by fellow Georgian and a good champion of pharmacists, AUSTIN SCOTT, and it is my pleasure to yield some time to him now.

Mr. AUSTIN SCOTT of Georgia. Thank you, Mr. COLLINS and Mr. LOEBSACK. I appreciate your being here. This is certainly a bipartisan issue and gets to the heart of some of the challenges in health care in our country right now. I certainly rise today in support of our Nation's community pharmacists and our pharmacies which play a critical role in our healthcare system.

Many of these independent businesses operate in underserved areas like the ones that I represent in rural Georgia, 24 counties. In areas where a doctor may be many miles away, local pharmacists deliver flu shots, give advice on over-the-counter drugs, and help with late-night drugstore runs for sick kids.

Many people see their pharmacists much more often than their doctor, and there is a very personal relationship between these community pharmacists, patients, and the physician. They are community pillars, and they contribute greatly to the economies. It is crucial that these pharmacies have a level playing field when trying to run a successful business in a challenging and complex environment.

As you know, Mr. COLLINS, I was an insurance broker for many years. I thought I might tell a very personal story about one of my clients who, shortly after their contract was issued, the gentleman's child got sick and they needed a prescription filled. So they went to the local big box pharmacist or pharmacy, and they wouldn't fill it for them.

□ 2030

Even when I, as the agent, could provide evidence that the person was insured without the card, they simply would not fill the gentleman's prescription. The local community pharmacist was the one that filled the script.

Now, the irony of it and what we are talking about here and where the real problem comes in is that, when the person got their insurance card because of the PBMs, they could no longer use that community pharmacist that was the only one that would provide the service that they needed when they actually needed it.

So it is extremely important that, when we have these business models, we keep those local community pharmacists where they are able to run a successful business and stay in business.

During the August district work period, I stopped by another drugstore, a small drug store in Quitman that had been there many, many years. Generations of people have continued to rely on them for their services.

While I was there, I watched one of our senior citizens, a lovely lady, come in. The owner called her by name. They caught up on family and friends and what was going on in life, and she had some questions about the medications.

And let me tell you that pharmacist knew the answer to every single one. He knew her history with those medications and was able to answer those questions that she asked. She left there with a smile on her face knowing that she knew what she needed to take, when she needed to take it, and what she needed to take it with.

As I stopped at these local community pharmacies like the ones I visited in August, I continued to hear concerns from them about what is happening in the pricing structure and that, if the price on a drug goes up, the insurance company has the ability and takes several months to change the rate when the price goes up. But if the price comes down, as happens in free market sometimes, they immediately reduce the price that they reimburse to the pharmacist.

There should be no excuse for the difference in the timeframe in which the reimbursement occurs. If it can be done when the price is changing to the downside, it can certainly be done in the same time limit when the price is changing to the upside.

A lot of things we have seen lately in pharmacy. We saw where a venture capitalist purchased a drug and raised the price of that drug several thousandfold overnight. That has been happening, and local community pharmacists have expressed concerns with this issue for many years.

It has happened with nitroglycerine tablets, for example, that has been around for decades and decades. They

have gone from 8 cents apiece to $8 apiece. Digoxin for a heart condition, doxycycline, the same thing has happened with these drugs.

How is this happening? And who is going to help us fix this if not for the ability to get the information from their local community pharmacist?

They are the ones that care the most, and they are the ones that are willing to help resolve the challenges with the higher drug costs in this country.

So one would ask: How is it that, in many cases, our local pharmacists are kept from being able to participate in the networks? Well, in many cases, the networks that are blocking out the local community pharmacists are actually owned by the big box pharmacies.

If you want to talk about a conflict of interest, that is about as conflicted as it gets when your big box pharmacists own the network that actually can determine who you can get your drugs from and they box out their own competition.

Quite honestly, I think it would be a wonderful issue for the Federal Trade Commission to get involved in and to bring competition back into that area.

One of the things that I think would help is H.R. 793, the Ensuring Seniors Access to Local Pharmacies Act of 2015. I want to thank my colleagues that are here that are also cosponsors for it.

This bill allows community pharmacies that are located in medically underserved areas or areas that have health professional shortages the ability to participate in Medicare part D in the preferred pharmacy networks so long as they are willing to accept the contract terms and conditions that other in-network providers operate under.

This is reasonable. This is patient choice. This keeps the small business owner out there. Let me ask you to make no mistake about it. This is big business versus small business.

One of the other things that I want to talk about is MAC, the maximum allowable cost. Pharmacists are often reimbursed for generics by this MAC list. You have heard BUDDY CARTER talk about this earlier. He certainly knows more about it than I do. This list is created by the PBMs, but nobody knows how they create this list.

As patients, we have a right to determine how the costs are derived for the drugs that we are going to take. And understand this. It is not a manufacturer's cost. It is not a manufacturer's cost. It is a maximum allowable cost. When the lists are updated, certainly it should be done in a timely manner.

I am happy to have cosponsored H.R. 244, and I certainly hope to see that bipartisan bill pass.

With that, Mr. COLLINS, thank you for taking the lead on this issue.

Our local community pharmacists are extremely important to our healthcare system. There is a way to create a scenario under which the patients have more choice and that requires keeping that local community pharmacist in business.

Mr. COLLINS of Georgia. Well, Mr. SCOTT, I don't disagree with you. I thank you for being here. You have been a great champion to this cause as well.

I think the interesting thing here—I want to repeat—basically, what we are going back to is some simple fixes. We are not asking for one to be preferred over another one.

I think exactly what the PBMs actually want is they want to prefer and they want to run you into their network and control you.

And, by the way, most people don't realize that a lot of our community pharmacists have to buy from PBM, who operate other big box stores, who, in turn, then audit them and can fine them if they don't follow the plan exactly.

These are the kind of crazy things that just obviously——

Mr. AUSTIN SCOTT of Georgia. Can I repeat one thing you just said right there?

Mr. COLLINS of Georgia. Go right ahead.

Mr. AUSTIN SCOTT of Georgia. They get to audit their competitors. Now, in what other scenario in the world could you say it is a free market when your competitor, who is the big box multibillion-dollar operation, gets to audit their small business competitor?

Mr. COLLINS of Georgia. It is baffling. That is why H.R. 244 simply says you have 7 days to update the list, number one. Number two, it says that patients will not be forced by PBMs to use a PBM-owned pharmacy, an obvious conflict of interest.

And according to Medicare data, PBM on mail order pharmacies may charge plans more, as much as 83 percent more, to fill prescriptions than community pharmacies.

Mr. LOEBSACK, you have been with us on this from day one. Tell me some more about what you are hearing out there.

Mr. LOEBSACK. Oh, my gosh. First of all, I want to thank Mr. CARTER. It is testimonials like his that I have been hearing for the last 10 years, since I have been in Congress, since I first went to an independent community pharmacist, and you spoke with such great passion.

You are not alone, as you know. Every single person like you in my district can tell me the same things that you have told me. That is why I am on these bills. That is why I am talking tonight about these issues.

I don't have the firsthand experience that you have as a pharmacist. The closest I ever got to a pharmacy, other than picking up my prescription drugs, before I got into Congress was when I was 16 and 17 years old. I was a delivery boy for Greenville Pharmacy in Sioux City, Iowa, which, by the way, still exists, since 1969. Actually, longer ago than that it was established. But I would deliver prescription drugs to folks, especially to the elderly who couldn't get out of their home, who couldn't get to the pharmacy.

That is what this is about, as you said. It is about making sure ultimately. And as a Member of Congress, my job is to make sure that folks have access to affordable quality health care.

And that is where pharmacists play such an important role, whether it is with medication therapy management or just simply consulting on an informal basis with someone who comes in and has a lot of different prescriptions and is confused by what to take and when to take them.

You folks really do such a wonderful job. And if we lost that service, as you said, because of unfair business practices, because of being squeezed by the big guys—and it doesn't make any sense at all for that to happen—then patients would suffer in the end.

That is why I support both of these pieces of legislation, two of these that have been mentioned already. 244, which Mr. COLLINS just mentioned again, to make sure that everyone understands what it is about, it is a measure that will increase transparency of generic drug payment rates in Medicare part D and the Federal Employees Health Benefits program, which serves a lot of folks, as we know, millions of folks, and in the TRICARE pharmacy program by requiring those PBMs, one, to provide pricing updates at least once every 7 days. That doesn't seem like a lot to ask, to me, and I am sure it doesn't seem like a lot to ask for you; number two, disclose the sources used to update that MAC list and to notify pharmacies of any changes in individual drug prices before these prices can be used as a basis of reimbursement. This is complete common sense. That is why there are Republicans and Democrats alike on this bill, and I hope we can move this bill forward.

In Iowa, the State legislature did pass something not quite this comprehensive, but something similar to this, because in Iowa folks understand what these PBMs are doing and what those independent community pharmacists are up against.

And the second piece of legislation, H.R. 592 that was already referenced, again, a bipartisan piece of legislation, has got 218 cosponsors. If memory serves me, that is exactly the number we need, if everybody votes, to pass a piece of legislation in this body. We could get it done. If we brought it to the floor, we could get it done.

Maybe we ought to do a discharge petition. Sorry. I don't mean to create too many anxieties there with you folks. But, nonetheless, we have got to get this thing done. It is about making sure that our pharmacists are able to continue to deliver the kind of quality health care.

Look, whatever we decide at the Federal level when it comes to utilizing pharmacists to their full potential, this legislation does stipulate that nothing

will override State scope of practice laws as well.

Because I know that a lot of folks in other professions have concerns about that, that pharmacists are going to go too far. Well, they are not going to. If States have laws in place about scope of practice, this legislation will not override that.

But it is about making sure, as Mr. CARTER said and as Mr. COLLINS would agree and others who have been so active on these issues would agree—it is about making sure that folks get the quality care that they need.

If we close down these pharmacies in these rural areas—95 percent of the folks in Iowa are within 5 miles of an independent community pharmacist—if they close down those pharmacies, those folks in my district who depend upon those pharmacies and those pharmacists are going to suffer. That is unacceptable to me.

Thanks again for giving me the time to speak on this.

Mr. COLLINS of Georgia. Mr. LOEBSACK, you hit it right. There are so many times we get to talking policy and big picture up here. The bottom line is what we do up here—and when I was in the State legislature, you could see it because you were a little bit closer—States are starting to pick up this mantle, as you just said, in Iowa and other States. But it goes back to that feeling of what I call security.

Now, as I said just a few minutes ago, the pharmacist is not the issue. The pharmacist is someone who helps in the curing process. They are part of that.

I don't want to ever have anyone who happened to watch this to say, ''Why are you bashing pharmacists?'' We are not bashing pharmacists. What we are taking shots at and what we are trying to find solutions for is an abusive practice that has been set up in the name of saving money at the expense of the patient. That is unacceptable.

It is time we have a hearing up here on those kind of abuses. I call for that. I call for the bills to be brought to the floor. Let's do those kind of things. We have got 26 cosponsors and growing daily on H.R. 244. They are understanding the issue.

As we go into this thing, one of the things that I talked about earlier and I said I was going to come back to was: Live your ''why.'' You know, think about this. I want everybody to have a choice. If you like going to the big box and getting your bananas, your shotgun shells, and your aspirin at the same place, go for it. That is great. I love it.

But if you want to go to there and then go by and see your pharmacist who opened up, hung a shingle, so to speak, had that American Dream, he sells other things—and in my pharmacy I can get a scoop of ice cream and I sit there and talk and I see people and see life. That is what it is about. It is not about forcing us in.

That is one of the problems that on our side we have had about health care in general. The government, that is not the place. This is an area where we have got our thumb sort of on the scale, and we have got to stop that. I think this is what does that, and your help has been tremendous in that regard.

Congressman CARTER, one of the things we see in Georgia and I know we have seen it in Iowa—in short, you have a story—I have got stories I am going to probably share a little bit later—just where this is has affected a patient.

Several of my pharmacists talk about how they have had customers that have been coming to them for years and then get a disease that they can't keep the medicine because it is too expensive. Do you have some examples like that where this kind of legislation would help?

Mr. CARTER of Georgia. Well, there is no question about it. As I said earlier, I am a free market guy. All I want to do is compete, and I want to compete on a level playing field. Let me compete.

You know, when I first entered pharmacy before PBMs became so vogue and became such a big part of this, it was pretty easy in the sense of being in business in pharmacy because all you had to do was be nice to the people.

□ 2045

I mean, it was about customer service. It was about taking care of the patient, and that is what we are talking about—taking care of the patient.

I told you earlier I have had generations of families who trade with me—grandparents, parents.

Mr. COLLINS of Georgia. I want to jump in right here on this, and if you have a story, we will talk about it.

My own family member had an issue, and we were discussing medication. I knew the doctor—I could call—but my first call was to my pharmacist because I said I knew I could get him; I knew he would answer; and at the time—and what was amazing was—my parents didn't buy their drugs from him, but, yet, he picked up the phone, and he heard my complaint.

Is that sort of what you see and what you have seen as well?

Mr. CARTER of Georgia. Oh, there is no question about it. In fact, I have experienced it.

Look, I have been a community pharmacist, as I said earlier, for 34 years. I have been in business for myself for almost 28 years now. I live near where my pharmacy is. I live less than 5 miles away from it. I am a member of that community. I was the mayor of that community for 9 years. For 9 years, I was mayor. I served in the State legislature. I represent them now in Congress, and I have gotten calls in the middle of the night.

What is interesting and what has been very rewarding for me professionally is when I ran for office and when I would be knocking on doors, and I would introduce myself. ''I know you. I know you. You helped my mother when she was under hospice care. You got up and went to the store and met me there one night and got her medication.'' Now, let me tell you that that makes you feel good.

Mr. COLLINS of Georgia. It does. Again, when you get into this, it is about people.

Mr. CARTER of Georgia. It is.

Mr. COLLINS of Georgia. Politics and drug stores and people. This is about politics. This is about people. It is those people. It is people. It is policy.

What kinds of things have you heard, Mr. LOEBSACK?

Mr. LOEBSACK. I just want to say one thing.

Pharmacists are among the most respected folks in all of America, and there is a reason for that.

Now, Mr. CARTER, I realize you went from being a pharmacist to being a Congressman.

Mr. COLLINS of Georgia. We do question that.

Mr. LOEBSACK. We might question your judgment about that kind of a transition, and you are finding out about that; but, nonetheless, every single time I go to a pharmacist, it is the same thing—they care. They care about their patients.

Again, I have so many stories, but it would take forever for me to recount all the stories of all of the pharmacies I have gone to in my congressional district over the last 9 years. I have 24 counties. I have a lot of local pharmacies, as you might imagine, and those pharmacists are among the most respected folks in the community. They are right up there with the clergymen; so that tells you something about them and about their profession and about how folks look up to them and about how folks depend upon them.

As you just said, they are the folks who get called when they are worried about their prescriptions. They are the folks who can be reached the most easily. Other professionals can be reached, but pharmacists are right there at the ready, and that is very important.

Mr. COLLINS of Georgia. It is.

If you are following and tracking, we can talk bills, and we can talk regulations, and those are great things; but the bottom line is what is best in the health care arena from the whole perspective.

You did a great job, Representative CARTER, about talking about the doctor and all the different agencies coming in together.

I will never forget, when growing up, the story, for me, of, when you got to the pharmacist, you were getting better. One, I had gotten through the doctor's office—I had gotten my shot, or I had gotten whatever—but I had gotten to the pharmacist's. Just give me some medicine. Let me go home. Back then, there was some tasting bad stuff—I don't know where that came from—but I remember going in, and they would take time, and they would care.

Still, in my district and in many of your districts, you can go in and look at the community pharmacist who was on the square. A lot of them had lunch counters. A lot of them had other things. They sold cards and trinkets. What is amazing to me today is I do not want to see through consolidation and corporate work a system that has a fingerprint on the scale, where government has basically allowed this to happen—to start taking away the centerpieces of American squares. When you start taking away the centerpieces of squares and of lots and of communities, both big and small—when you start doing that—then we are part of the problem. It is time we started educating everybody we can.

Do you see that?

Mr. CARTER of Georgia. I do see that.

I want to mention just two things.

First of all, as an American taxpayer, you can imagine my being in business and having what we call ''taxation without participation.'' Here we have Medicare part D plans that are paid for and supplemented through the government, which I pay taxes to, but my business is not allowed to participate. I am being taxed. I am paying my taxes and am doing what I am supposed to do. It is being used for a plan that excludes my business. How fair is that? I am not asking for anything special. All I am asking for is an even playing field.

Another thing that I want to mention is that I have intentionally not mentioned the names of PBMs. There are some good PBMs, and it is not the company that I have the problem with as much as it is the process and the model. I mean, that is very important to understand—we are talking about the model here—but I will tell you this. There have been numerous instances where companies think they are going to be saving money, and the PBMs have misled them into thinking they are going to save money. Let me tell you that these are some of the most profitable businesses around.

Mr. COLLINS of Georgia. May I jump in right here?

Mr. CARTER of Georgia. Sure.

Mr. COLLINS of Georgia. You may have heard this.

I agree with you in that there are some great PBMs out there that do work. We are not just saying PBMs in general.

The other thing that bothers me is—and I have heard this from my pharmacist, and you, I know, have experienced this, and we have talked about it, and Mr. LOEBSACK has as well—my pharmacists, my community pharmacists, are scared to say something. They are scared to talk about what is actually going on because they are scared their contracts will get canceled. They are scared that they will get another audit.

I am sorry. I am not a pharmacist. You can't audit me, and I am going to stand here and talk about it for the pharmacists because they can't. That is wrong. Anybody who wants to say that that is right, I do not understand that; but when you have got pharmacists who are just honest, hard-working people who are trying to run independent businesses and when they are scared to talk about their vendors to work a workable plan, what are we doing here? This should be easy.

Mr. LOEBSACK. It doesn't serve any of us. It certainly doesn't serve any of us in the end, because those folks are the ones who are serving us, and if they are suppressed—if their voices cannot be heard—that stifles competition. It goes back to the market. It stifles competition, and that is not good for any of us in the end.

Mr. COLLINS of Georgia. When things change and when they say that we can't give input because we are scared, that is just a problem.

We are coming up on our time of closing.

Any last comments, Mr. LOEBSACK?

Mr. LOEBSACK. Yes.

Thank you, Mr. COLLINS. Thanks again for inviting me and Mr. CARTER. I really do appreciate this.

As always, Mr. CARTER, I have learned something tonight from a pharmacist—I always do—and I really appreciate your comments.

I just want to touch upon sort of the issue of the city square. That is so important for so many of our rural districts, as you folks know all too well. It is kind of hard to explain that to our more urban colleagues, but we have to do the best that we can. A pharmacy is so absolutely critical for the economy of a small community. Yes, it is absolutely critical and necessary to serve the population in the area, but it is important for the economy as well.

We have a pharmacy—Mahaska Drug in Oskaloosa, Iowa. It is off the square a little bit, but it is such an important institution in its own right. Every Christmas, they have wonderful decorations, and they have things to sell for Christmas. I mean, people come to depend upon them to do the kinds of things they have done in providing not just the pharmacy services but other things as well. If they were to go under as a pharmacy, I am not at all sure that they would survive, and that community would suffer as a result. Folks' choices would be lessened. Their tradition would be hurt. It would be a disaster in many ways for so many of our local communities if those pharmacies were to close down.

I, for one, am with you. I am not willing to accept that. I am going to fight as hard as I possibly can with you, and we are going to do it together, holding hands across the aisle, which, as you know, doesn't get done a lot around here; but when we can come together, I think it is important for us to do that. So thanks again for organizing this tonight. I appreciate it.

Mr. COLLINS of Georgia. Mr. CARTER, would you like to add just a couple of things?

Mr. CARTER of Georgia. I will very quickly.

First of all, again, I want to thank you, Representative COLLINS and my colleagues—all of you—for participating in this. This has been a great exercise.

Among my proudest possessions are the plaques that the baseball teams give you every year whenever you sponsor a team, and I have got a wall that is just filled with them. Patients come in all the time. ''There I am. I played ball. That was the team I was on,'' and they point toward it. It was the Carter's Pharmacy team.

I want to ask you: How many PBMs have you seen sponsoring Little League Baseball teams? I mean, seriously.

Folks, we are talking about something that is essential to our communities, and this is a dire situation. I am telling you. If this is not fixed soon, you are going to see a whole profession of community pharmacies going by the wayside. This is a matter of survival here.

Again, we are not asking for a government handout. All we are asking for is to be able to compete. It is to be able to compete in a fair market, in a free market, on a level playing field. Ultimately, the loser here is going to be the patient. If we allow this to happen and community pharmacies go away, the ones who are going to suffer are going to be the patients.

Thank you again for this. I can't tell you how proud I am of my profession, a profession that I chose years ago when I was in high school and when I was a delivery driver. After I realized I was not going to be the athlete that I wanted to be, I decided it was time to get serious and decide on a profession. I did, and I could not be any prouder than the profession I chose of professional pharmacy. Thank you.

Mr. COLLINS of Georgia. I thank all of my colleagues for coming here tonight.

I am going to go back to where we started: Live your ''why.'' Live your ''why.'' That is all we are asking. Our independent pharmacists and our community pharmacists are just simply saying: Let us have an even playing field. We will play with the big boys. We don't care. Just let us have our ''why.'' When we do that, our benefits come to our communities.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HUDSON (at the request of Mr. MCCARTHY) for today on account of family reasons.

Mr. PAYNE (at the request of Ms. PELOSI) for today through October 23 on account of medical procedure.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title,

which was thereupon signed by the Speaker:

H.R. 1735. An act to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

ADJOURNMENT

Mr. COLLINS of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 56 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, October 21, 2015, 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:

3169. A letter from the Acting Under Secretary, Personnel and Readiness, Department of Defense, transmitting a letter authorizing Captain William W. Wheeler III, United States Navy, to wear the insignia of the grade of rear admiral (lower half), in accordance with 10 U.S.C. 777; to the Committee on Armed Services.

3170. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility (Otero County, NM, et al.); [Docket ID: FEMA-2015-0001] [Internal Agency Docket No.: FEMA-8403] received October 14, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Financial Services.

3171. A letter from the Executive Director, NACIQI, Office of Postsecondary Education, Department of Education, transmitting the Department's annual report of the National Advisory Committee on Institutional Quality and Integrity for FY 2015, pursuant to Sec. 114(e) of the Higher Education Act of 1965, as amended; to the Committee on Education and the Workforce.

3172. A letter from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting the Department's biennial report to Congress entitled Scientific and Clinical Status of Organ Transplantation for 2011-2012, in accordance with Sec. 376 of the Public Health Service Act, 42 U.S.C. 274d; to the Committee on Energy and Commerce.

3173. A letter from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting the Department's biennial report to Congress entitled Scientific and Clinical Status of Organ Transplantation 2008-2010, in accordance with Sec. 376 of the Public Health Service Act, 42 U.S.C. 274d; to the Committee on Energy and Commerce.

3174. A letter from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting the Department's NURSE Corps Loan Repayment and Scholarship Programs Report to Congress for FY 2014, in accordance with Sec. 846(h) of the Public Health Service Act; to the Committee on Energy and Commerce.

3175. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2-propen-1-aminium, N,N-dimethyl-N-propenyl-, chloride, homopolymer; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2015-0363; FRL-9933-98] received October 13, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Energy and Commerce.

3176. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's direct final rule — Air Plan Approval; Michigan; 2006 PM2.5 and 2008 Lead NAAQS State Board Infrastructure SIP Requirements [EPA-R05-OAR-2014-0657; FRL-9935-63-Region 5] received October 15, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Energy and Commerce.

3177. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: The 2016 Critical Use Exemption from the Phaseout of Methyl Bromide [EPA-HQ-OAR-2013-0369; FRL-9935-69-OAR] (RIN: 2060-AS44) received October 13, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Energy and Commerce.

3178. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Clean Air Act Redesignation Substitute for the Houston-Galveston-Brazoria 1-Hour Ozone Nonattainment Area; Texas [EPA-R06-OAR-2014-0259; FRL-9935-68-Region 6] received October 13, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Energy and Commerce.

3179. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's direct final rule — Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Albuquerque/Bernalillo County; Revisions to State Boards and Conflict of Interest Provisions [EPA-R06-OAR-2013-0614; FRL-9935-53-Region 6] received October 13, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Energy and Commerce.

3180. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyrimethanil; Pesticide Tolerances [EPA-HQ-OPP-2015-0012; FRL-9935-11] received October 16, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Energy and Commerce.

3181. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Poly[oxy(methyl-1,2-ethanediyl)], a-[(9Z)-1-oxo-9-octadecen-1-yl]-w-[[(9Z)-1-oxo-9-octadecen-1yl]oxy-]; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2015-0442; FRL-9935-34] received October 16, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Energy and Commerce.

3182. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's direct final rule — Texas: Final Authorization of State Hazardous Waste Management Program Revision [EPA-R06-RCRA-2015-0109; FRL-9936-00-Region 6] received October 16, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Energy and Commerce.

3183. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Potassium Salts of Hops Beta acids; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2014-0374; FRL-9933-73] received October 16, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Energy and Commerce.

3184. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's Major final rule — Petroleum Refinery Sector Risk and Technology Review and New Source Performance Standards [EPA-HQ-OAR-2010-0682; FRL-9935-40-OAR] (RIN: 2060-AQ75) received October 16, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Energy and Commerce.

3185. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's Major final rule — National Ambient Air Quality Standards for Ozone [EPA-HQ-OAR-2008-0699; FRL-9933-18-OAR] (RIN: 2060-AP38) received October 16, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Energy and Commerce.

3186. A letter from the Deputy Chief, CCR Division, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting the Commission's final rule — Ensuring Continuity of 911 Communications [PS Docket No.: 14-174] received October 13, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Energy and Commerce.

3187. A letter from the Deputy Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting the Commission's final rule — Improving 911 Reliability [PS Docket No.: 13-75]; Reliability and Continuity of Communications Networks, Including Broadband Technologies [PS Docket No.: 11-60] received October 13, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Energy and Commerce.

3188. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting a notice of a proposed lease to the government of Nicaragua, Transmittal No. 01-16, pursuant to Sec. 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3189. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report entitled ''Report of U.S. Citizen Expropriation Claims and Certain Other Commercial and Investment Disputes'', pursuant to Sec. 527(f) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, Pub. L. 103-236; to the Committee on Foreign Affairs.

3190. 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 12170 of November 14, 1979, as required by Sec. 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and Sec. 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003; to the Committee on Foreign Affairs.

3191. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Somalia that was declared in Executive Order 13536 of April 12, 2010 as required by Sec. 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and Sec. 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c); to the Committee on Foreign Affairs.

3192. A communication from the President of the United States, transmitting notification that the national emergency, with respect to significant narcotics traffickers centered in Colombia declared in Executive Order 12978 of October 21, 1995, is to continue in effect beyond October 21, 2015, as required by Sec. 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d); (H. Doc. No. 114—68); to the Committee on Foreign Affairs and ordered to be printed.

3193. A letter from the Assistant Director, Senior Executive Management Office, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998, Pub. L. 105-277, 5 U.S.C. 3345-3349d; to the Committee on Oversight and Government Reform.

3194. A letter from the Executive Analyst (Political), Food and Drug Administration, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998, Pub. L. 105-277, 5 U.S.C. 3345-3349d; to the Committee on Oversight and Government Reform.

3195. A letter from the Acting Director, U.S. Office of Personnel Management, transmitting the Office's report entitled ''Federal Student Loan Repayment Program Calendar Year 2014'', pursuant to 5 U.S.C. 5379(h)(1); to the Committee on Oversight and Government Reform.

3196. A letter from the Division Chief, Legislative Affairs and Correspondence, Bureau of Land Management, Department of the Interior, transmitting the final map and corridor boundary description for the Crooked Wild and Scenic River, pursuant to Pub. L. 90-542, Sec. 3(b), as amended; 16 U.S.C. 1271-1287; to the Committee on Natural Resources.

3197. A letter from the Branch Chief, Endangered Species Listing, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; 4(d) Rule for the Georgetown Salamander [Docket No.: FWS-R2-ES-2014-0008; 4500030113] (RIN: 1018-BA32) received October 14, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Natural Resources.

3198. A letter from the Chief, Branch of Endangered Species Listing, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Diplacus vandenbergensis (Vandenberg Monkeyflower) [Docket No.: FWS-R8-ES-2013-0049] [4500030113] (RIN: 1018-AZ33) received October 14, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Natural Resources.

3199. A letter from the Acting Listing Branch Chief, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Endangered Species Status for Trichomanes punctatum ssp. floridanum (Florida Bristle Fern) [Docket No.: FWS-R4-ES-2014-0044; 4500030113] (RIN: 1018-AY97) received October 14, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Natural Resources.

3200. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting the Department's final rule — Ohio Regulatory Program [OH-254-FOR; Docket ID: OSM-2012-0012; S1D1S SS08011000 SX066A000 156S180110; S2D2S SS08011000 SX066A000 15XS501520] received October 14, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Natural Resources.

3201. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting the Department's final rule — Kentucky Regulatory Program [SATS No.: KY-253-FOR; Docket ID: OSM-2009-0014; S1D1S SS08011000 SX064A000 167S180110; S2D2S SS08011000 SX064A000 16X501520] received October 14, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Natural Resources.

3202. A letter from the Acting Branch Chief, Endangered Species Listing, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Endangered Status for 16 Species and Threatened Status for 7 Species in Micronesia [Docket No.: FWS-R1-ES-2014-0038] [4500030113] (RIN: 1018-BA13) received October 14, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Natural Resources.

3203. A letter from the Acting Branch Chief, Endangered Species Listing, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Dakota Skipper and Poweshiek Skipperling [Docket No.: FWS-R3-ES-2013-0017] [4500030113] (RIN: 1018-AZ58) received October 14, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Natural Resources.

3204. A letter from the Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — 2015-2016 Refuge-Specific Hunting and Sport Fishing Regulations [Docket No.: FWS-HQ-NWRS-2015-0029; FXRS12650900000-156-FF09R20000] (RIN: 1018-BA57) received October 14, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Natural Resources.

3205. A letter from the Deputy Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting the Department's final rule — Pennsylvania Regulatory Program [SATS No. PA-154-FOR; Docket ID: OSM-2010-0002; S1D1S SS08011000 SX064A000 167S180110 S2D2S SS08011000 SX064A000 16XS501520] received October 14, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251;; to the Committee on Natural Resources.

3206. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processors Using Trawl Gear in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 140918791-4999-02] (RIN: 0648-XE174) received October 13, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Natural Resources.

3207. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer [Docket No.: 140117052-4402-02] (RIN: 0648-XE113) received October 13, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Natural Resources.

3208. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Northeastern United States; Scup Fishery; Adjustment to the 2015 Winter II Quota [Docket No.: 140117052-4402-02] (RIN: 0648-XE156) received October 13, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Natural Resources.

3209. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction [Docket No.: 101206604-1758-02] (RIN: 0648-XD779) received October 13, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Natural Resources.

3210. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2015 Commercial Accountability Measure and Closure for South Atlantic Snowy Grouper [Docket No.: 0907271173-0629-03] (RIN: 0648-XE181) received October 13, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Natural Resources.

3211. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition filed on behalf of workers from the Hooker Electrochemical Corporation in Niagara Falls, New York, to be added to the Special Exposure Cohort, pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 and 42 C.F.R. pt. 83; to the Committee on the Judiciary.

3212. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's interim final rule — Visas: Documentation of Nonimmigrants under the Immigration and Nationality Act, as Amended (RIN: 1400-AD17) received October 13, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on the Judiciary.

3213. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Visas: Procedures for Issuing Visas (RIN: 1400-AD84) received October 8, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on the Judiciary.

3214. A letter from the Assistant Administrator, Office of Procurement, National Aeronautics and Space Administration, transmitting the Department's final rule — NASA Federal Acquisition Regulation Supplement: Drug- and Alcohol-Free Workforce and Mission Critical Systems Personnel Reliability Program (NFS Case 2015-N002) (RIN: 2700-AE17) received October 14, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Science, Space, and Technology.

3215. A letter from the Director, Office of Regulations and Reports Clearance, Social Security Administration, transmitting the Department's final rule — Collection of Administrative Debts [Docket No.: SSA-2011-0053] (RIN: 0960-AH36) received October 13, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; to the Committee on Ways and Means.

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. GOODLATTE: Committee on the Judiciary. H.R. 1428. A bill to extend Privacy Act remedies to citizens of certified states, and for other purposes (Rept. 114–294, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. MCCAUL: Committee on Homeland Security. H.R. 3493. A bill to amend the Homeland Security Act of 2002 to establish the Securing the Cities program to enhance the ability of the United States to detect and prevent terrorist attacks and other high consequence events utilizing nuclear or other radiological materials that pose a high risk to homeland security in high-risk urban areas, and for other purposes; with an amendment (Rept. 114–295). Referred to the Committee of the Whole House on the state of the Union.

Mr. MCCAUL: Committee on Homeland Security. H.R. 3350. A bill to require a terrorism threat assessment regarding the transportation of chemical, biological, nuclear, and radiological materials through United States land borders and within the United States, and for other purposes (Rept. 114–296). Referred to the Committee of the Whole House on the state of the Union.

Mr. MCCAUL: Committee on Homeland Security. H.R. 3572. A bill to amend the Homeland Security Act of 2002 to reform, streamline, and make improvements to the Department of Homeland Security and support the Department's efforts to implement better policy, planning, management, and performance, and for other purposes; with an amendment (Rept. 114–297). Referred to the Committee of the Whole House on the state of the Union.

Mr. CHAFFETZ: Committee on Oversight and Government Reform. H.R. 598. A bill to provide taxpayers with an annual report disclosing the cost and performance of Government programs and areas of duplication among them, and for other purposes; with an amendment (Rept. 114–298). Referred to the Committee of the Whole House on the state of the Union.

Mr. CHAFFETZ: Committee on Oversight and Government Reform. H.R. 2320. A bill to provide access to and use of information by Federal agencies in order to reduce improper payments, and for other purposes; with an amendment (Rept. 114–299). Referred to the Committee of the Whole House on the state of the Union.

Ms. FOXX. Committee on Rules. House Resolution 480. Resolution providing for consideration of the bill (H.R. 10) to reauthorize the Scholarships for Opportunity and Results Act, and for other purposes, and providing for consideration of the bill (H.R. 692) to ensure the payment of interest and principal of the debt of the United States (Rept. 114–300). Referred to the House Calendar.

Mr. NEWHOUSE: Committee on Rules. House Resolution 481. Resolution providing for consideration of the bill (H.R. 1937) to require the Secretary of the Interior and the Secretary of Agriculture to more efficiently develop domestic sources of the minerals and mineral materials of strategic and critical importance to United States economic and national security and manufacturing competitiveness (Rept. 114–301). 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. 1428 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. SHUSTER (for himself, Mr. DEFAZIO, Mr. GRAVES of Missouri, and Ms. NORTON):

H.R. 3763. A bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BISHOP of Utah:

H.R. 3764. A bill to provide that an Indian group may receive Federal acknowledgment as an Indian tribe only by an Act of Congress, and for other purposes; to the Committee on Natural Resources.

By Mr. POE of Texas (for himself, Mr. COLLINS of Georgia, and Mr. JOLLY):

H.R. 3765. A bill to amend the Americans with Disabilities Act of 1990 to promote compliance through education, to clarify the requirements for demand letters, to provide for a notice and cure period before the commencement of a private civil action, and for other purposes; to the Committee on the Judiciary.

By Mr. POE of Texas (for himself and Mr. CONNOLLY):

H.R. 3766. A bill to direct the President to establish guidelines for United States foreign development and economic assistance programs, and for other purposes; to the Committee on Foreign Affairs.

By Mrs. BLACKBURN (for herself and Mr. WALKER):

H.R. 3767. A bill to amend title 44, United States Code, to prohibit the assembly or manufacture of secure credentials or their component parts by the Government Publishing Office; to the Committee on House Administration.

By Ms. BROWN of Florida:

H.R. 3768. A bill to amend title 5, United States Code, to provide that rates of basic pay for members of the Senior Executive Service are determined on the basis of the position, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Veterans' 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 Mr. DESJARLAIS (for himself and Mrs. BLACKBURN):

H.R. 3769. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating the James K. Polk Home in Columbia, Tennessee, as a unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. DOGGETT (for himself, Mr. MCDERMOTT, Mr. GENE GREEN of Texas, Mr. LEWIS, Mr. RANGEL, Ms. CLARKE of New York, Mr. VEASEY, Ms. MOORE, Ms. SCHAKOWSKY, Mr. GRIJALVA, Ms. DELAURO, Mr. BLUMENAUER, Mr. RUSH, Mr. VARGAS, Mr. TONKO, Mr. NADLER, Mr. COURTNEY, Mr. GARAMENDI, Mr. BUTTERFIELD, Mr. CARTWRIGHT, Mr. POCAN, Mr. DANNY K. DAVIS of Illinois, Mr. HASTINGS, and Ms. JUDY CHU of California):

H.R. 3770. A bill to amend title XVIII of the Social Security Act to prevent surprise billing practices, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLORES:

H.R. 3771. A bill to establish a procedure in the House of Representatives and the Senate to accomplish the policies contemplated by the Concurrent Resolution on the Budget for Fiscal Year 2016, to encourage the timely completion of fiscal policy work in Congress, and to provide for regulatory relief to grow the economy, and for other purposes; to the Committee on Rules, and in addition to the Committees on Oversight and Government Reform, the Judiciary, 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 Mrs. LOWEY (for herself, Ms. BROWN of Florida, Mr. ENGEL, Ms. NORTON, Mr. KIND, Mr. NOLAN, Mr. RANGEL, Mr. TAKANO, Mr. HASTINGS, and Mr. COHEN):

H.R. 3772. A bill to reduce childhood obesity, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON (for herself, Ms. EDWARDS, and Mrs. COMSTOCK):

H.R. 3773. A bill to amend title 49, United States Code, relating to the authority of the Secretary of Transportation under the public transportation safety program; to the Committee on Transportation and Infrastructure.

By Mr. PETERS (for himself and Mr. COOPER):

H.R. 3774. A bill to amend title 31, United States Code, to apply the debt limit only to debt held by the public and to adjust the debt limit for increases in the gross domestic product; to the Committee on Ways and Means.

By Mr. PETERS:

H.R. 3775. A bill to amend the Congressional Budget Act of 1974 to provide for a debt stabilization process, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GABBARD (for herself and Mr. HURD of Texas):

H. Res. 482. A resolution expressing the sense of the House that Congress should recognize the benefits of charitable giving and express support for the designation of #GivingTuesday; to the Committee on Ways and Means.

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. SHUSTER:

H.R. 3763.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 3 (related to regulation of Commerce with foreign Nations, and among the several States, and with Indian Tribes) and Clause 7 (related to

establishment of Post Offices and Post Roads).

By Mr. BISHOP of Utah:

H.R. 3764.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 3

By Mr. POE of Texas:

H.R. 3765.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. POE of Texas:

H.R. 3766.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 and Article 1, Section 9, Clause 7

By Mrs. BLACKBURN:

H.R. 3767.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. BROWN of Florida:

H.R. 3768.

Congress has the power to enact this legislation pursuant to the following:

Necessary and Proper Regulations to Effectuate Power—Art. I, Sec. 8, Cls. 18

The Congress shall have power [. . .] To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by the constitution in the Government of the United States, or in any Department of officer thereof

By Mr. DESJARLA1S:

H.R. 3769.

Congress has the power to enact this legislation pursuant to the following:

Clause 2 of Section 3 of Article IV of the U.S. Constitution: The Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

By Mr. DOGGETT:

H.R. 3770.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution of the United States.

By Mr. FLORES:

H.R. 3771.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 5, Clause 2 of the United States Constitution, which on confers each house of Congress the power to determine the rules of its proceedings; Article 1, Section 8, Clauses 1 and 2 of the United States Constitution, which confer on Congress the power to collect and manage revenue for the payment of debts owed by the United States and to borrow money on the credit of the United States; and Article 1, Section 9, Clause 7 of the United States Constitution, which states: ''No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law.

By Mrs. LOWEY:

H.R. 3772.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 1 of the Constitution

By Ms. NORTON:

H.R. 3773.

Congress has the power to enact this legislation pursuant to the following:

clause 3 of section 8 of article I of the Constitution.

By Mr. PETERS:

H.R. 3774.

Congress has the power to enact this legislation pursuant to the following:

Clause 2 of section 8 of article I of the Constitution.

By Mr. PETERS:

H.R. 3775.

Congress has the power to enact this legislation pursuant to the following:

Clause 2, Section 8, Article I of the Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 31: Mr. BROOKS of Alabama.

H.R. 188: Mrs. MILLER of Michigan.

H.R. 224: Ms. MAXINE WATERS of California, Mr. PASCRELL, Mr. RICHMOND, Mr. MCGOVERN, Ms. SPEIER, Mr. LEWIS, Mr. GUTIÉRREZ, Mr. CUMMINGS, Mr. CARSON of Indiana, Ms. VELÁZQUEZ, Mr. FARR, Mr. TONKO, Mr. COHEN, Ms. MATSUI, Mr. GRAYSON, and Ms. BONAMICI.

H.R. 282: Mr. BERA.

H.R. 379: Mrs. MILLER of Michigan and Mr. COHEN.

H.R. 389: Ms. DELAURO.

H.R. 448: Mr. FATTAH.

H.R. 465: Mr. EMMER of Minnesota.

H.R. 500: Mr. MCDERMOTT.

H.R. 525: Mr. HURT of Virginia.

H.R. 546: Mrs. NAPOLITANO, Mr. MICHAEL F. DOYLE of Pennsylvania, Ms. BASS, Mr. CAPUANO, Mr. NEAL, Ms. WILSON of Florida, Mr. THOMPSON of California, Mr. CARTWRIGHT, Mr. KEATING, and Mr. SESSIONS.

H.R. 563: Mr. CONYERS.

H.R. 578: Mr. LAMBORN.

H.R. 590: Ms. DUCKWORTH.

H.R. 592: Mr. GALLEGO, Mr. GRAVES of Louisiana, and Mr. CARTER of Texas.

H.R. 632: Ms. KUSTER, Mr. MEEKS, and Mr. CASTRO of Texas.

H.R. 662: Mr. PETERSON, Mrs. LUMMIS, and Mr. RICE of South Carolina.

H.R. 699: Mrs. BEATTY.

H.R. 721: Mr. WENSTRUP.

H.R. 759: Mr. QUIGLEY.

H.R. 765: Mr. COFFMAN.

H.R. 816: Mr. WILSON of South Carolina.

H.R. 834: Mr. PETERS.

H.R. 842: Ms. WILSON of Florida.

H.R. 845: Ms. DUCKWORTH.

H.R. 865: Mr. CULBERSON.

H.R. 870: Ms. SLAUGHTER, Mr. COURTNEY, and Ms. WASSERMAN SCHULTZ.

H.R. 920: Mrs. LAWRENCE.

H.R. 921: Mr. BERA.

H.R. 956: Ms. JENKINS of Kansas.

H.R. 985: Mr. SERRANO and Mr. GENE GREEN of Texas.

H.R. 990: Mr. CAPUANO.

H.R. 997: Mr. ADERHOLT and Mr. MCCAUL.

H.R. 1019: Miss RICE of New York and Mr. BISHOP of Michigan.

H.R. 1062: Ms. JENKINS of Kansas.

H.R. 1087: Mr. DEUTCH.

H.R. 1111: Mr. PAYNE.

H.R. 1141: Mr. TAKAI.

H.R. 1151: Mr. DUNCAN of Tennessee.

H.R. 1197: Ms. NORTON, Mr. PASCRELL, and Ms. ROS-LEHTINEN.

H.R. 1205: Mr. YOHO.

H.R. 1247: Mr. DANNY K. DAVIS of Illinois.

H.R. 1258: Mr. SHERMAN, Mr. NEAL, Mr. SERRANO, Ms. WASSERMAN SCHULTZ, Mr. BUTTERFIELD, Ms. JENKINS of Kansas, Mr. CLEAVER, Mr. VELA, Ms. LINDA T. SÁNCHEZ of California, and Mr. CONYERS.

H.R. 1282: Mr. GRAYSON, Ms. DUCKWORTH, and Mr. PRICE of North Carolina.

H.R. 1284: Mr. GRAYSON.

H.R. 1299: Mr. JORDAN.

H.R. 1301: Mr. CHABOT, Mr. BOST, and Mr. LOBIONDO.

H.R. 1312: Mr. ASHFORD, Mr. KEATING, and Ms. NORTON.

H.R. 1346: Mr. DELANEY.

H.R. 1347: Mr. DELANEY.

H.R. 1389: Mr. BROOKS of Alabama.

H.R. 1401: Ms. WILSON of Florida.

H.R. 1422: Ms. HERRERA BEUTLER.

H.R. 1453: Ms. BASS and Mr. DESJARLAIS.

H.R. 1457: Ms. NORTON.

H.R. 1475: Mr. SMITH of Missouri, Mr. PASCRELL, Mr. POMPEO, Mr. LOEBSACK, Mr. TOM PRICE of Georgia, and Mr. MOULTON.

H.R. 1515: Mrs. WATSON COLEMAN.

H.R. 1548: Mrs. WATSON COLEMAN.

H.R. 1550: Mr. GUINTA, Mrs. WAGNER, Mr. RENACCI, and Mr. CONNOLLY.

H.R. 1559: Mr. HULTGREN and Mr. BYRNE.

H.R. 1568: Mr. HASTINGS, Mr. CICILLINE, and Mr. LOWENTHAL.

H.R. 1602: Ms. MOORE.

H.R. 1603: Ms. JUDY CHU of California, Mr. VAN HOLLEN, Mr. HENSARLING, and Mr. MASSIE.

H.R. 1608: Mr. JEFFRIES, Mrs. BLACKBURN, and Mr. YOUNG of Iowa.

H.R. 1610: Mr. BISHOP of Michigan.

H.R. 1643: Mr. BISHOP of Michigan.

H.R. 1655: Mr. NEWHOUSE, Mr. BUCSHON, and Ms. DELBENE.

H.R. 1670: Mr. PASCRELL and Mr. CONYERS.

H.R. 1671: Mr. PAULSEN, Mr. SAM JOHNSON of Texas, and Mr. BISHOP of Michigan.

H.R. 1674: Ms. LEE.

H.R. 1684: Mr. KILMER.

H.R. 1688: Mr. RUSH.

H.R. 1716: Mr. KELLY of Pennsylvania.

H.R. 1728: Ms. LEE and Mr. GRAYSON.

H.R. 1733: Mr. BRADY of Pennsylvania.

H.R. 1736: Mr. KING of Iowa.

H.R. 1752: Mr. CARTER of Texas.

H.R. 1763: Ms. NORTON, Mr. RYAN of Ohio, Ms. KAPTUR, Ms. SCHAKOWSKY, Mr. KIND, Mr. VAN HOLLEN, Ms. SLAUGHTER, Mr. LOWENTHAL, Mr. GRIJALVA, and Mrs. BEATTY.

H.R. 1769: Mr. CRAMER, Ms. KAPTUR, Mr. WELCH, Mr. BUTTERFIELD, and Mr. POCAN.

H.R. 1784: Mr. HOLDING.

H.R. 1786: Mr. THOMPSON of Pennsylvania, Mr. HILL, and Mr. BRADY of Pennsylvania.

H.R. 1818: Mrs. KIRKPATRICK and Ms. JENKINS of Kansas.

H.R. 1854: Ms. MICHELLE LUJAN GRISHAM of New Mexico.

H.R. 1859: Ms. SCHAKOWSKY and Mr. LEWIS.

H.R. 1861: Mr. GROTHMAN.

H.R. 1877: Mr. COFFMAN and Ms. LEE.

H.R. 1956: Ms. ADAMS.

H.R. 1957: Ms. ADAMS.

H.R. 1958: Ms. BROWNLEY of California.

H.R. 1978: Mr. HUFFMAN.

H.R. 2016: Mr. KEATING, Mr. DEFAZIO, Mr. CÁRDENAS, and Ms. VELÁZQUEZ.

H.R. 2087: Mr. CICILLINE.

H.R. 2125: Mr. TONKO.

H.R. 2142: Mr. KATKO.

H.R. 2173: Mr. ELLISON.

H.R. 2221: Mr. JOHNSON of Ohio.

H.R. 2224: Mr. HASTINGS and Ms. NORTON.

H.R. 2228: Mr. LIPINSKI.

H.R. 2247: Mr. FLEMING.

H.R. 2254: Mr. VEASEY.

H.R. 2287: Mr. FINCHER and Mr. HULTGREN.

H.R. 2304: Mr. BISHOP of Michigan.

H.R. 2350: Mr. HONDA.

H.R. 2400: Mr. FORTENBERRY and Mr. WESTERMAN.

H.R. 2410: Mr. DEUTCH.

H.R. 2434: Ms. FUDGE.

H.R. 2460: Mr. SIMPSON.

H.R. 2493: Mr. GRAYSON, Mr. PRICE of North Carolina, Mr. CÁRDENAS, Ms. LEE, and Mr. CUMMINGS.

H.R. 2500: Mr. DAVID SCOTT of Georgia.

H.R. 2510: Mrs. LAWRENCE and Mr. BYRNE.

H.R. 2513: Mr. FLORES.

H.R. 2515: Ms. CLARKE of New York.

H.R. 2536: Mr. WELCH.

H.R. 2540: Ms. ADAMS.

H.R. 2568: Mr. JODY B. HICE of Georgia.
H.R. 2597: Mr. COFFMAN, Ms. JENKINS of Kansas, and Ms. STEFANIK.
H.R. 2646: Mr. HILL.
H.R. 2654: Mr. KATKO, Mr. MURPHY of Florida, Mr. BEYER, and Ms. KELLY of Illinois.
H.R. 2657: Mr. TONKO and Mr. YODER.
H.R. 2689: Mrs. DAVIS of California.
H.R. 2697: Mrs. NAPOLITANO, Ms. LEE, Mr. HASTINGS, and Mr. SCHIFF.
H.R. 2698: Mr. ZINKE, Mr. STUTZMAN, Mr. CRAMER, and Mr. HUIZENGA of Michigan.
H.R. 2710: Mr. HANNA, Mr. JOHNSON of Ohio, Mr. THOMPSON of Pennsylvania, Mr. MASSIE, and Mr. HENSARLING.
H.R. 2726: Ms. WASSERMAN SCHULTZ and Mr. MEEKS.
H.R. 2737: Mr. RENACCI and Mr. JONES.
H.R. 2764: Ms. LINDA T. SÁNCHEZ of California.
H.R. 2769: Ms. JENKINS of Kansas.
H.R. 2799: Mr. BOUSTANY.
H.R. 2801: Mr. OLSON.
H.R. 2802: Mr. MICA.
H.R. 2811: Mr. CARTWRIGHT.
H.R. 2849: Mr. CÁRDENAS, Ms. LEE, Mr. KEATING, and Mr. GRAYSON.
H.R. 2855: Ms. MCCOLLUM.
H.R. 2858: Mr. MCNERNEY, Mr. SARBANES, Mr. GENE GREEN of Texas, Mr. NEAL, Ms. WASSERMAN SCHULTZ, Mr. SERRANO, Ms. VELÁZQUEZ, Ms. KAPTUR, Mr. SIRES, Mr. CROWLEY, Mr. CLEAVER, Mr. LOEBSACK, Mr. MACARTHUR, Mr. VELA, Mr. BERA, Mr. SHERMAN, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Mr. MICHAEL F. DOYLE of Pennsylvania, and Mrs. CAROLYN B. MALONEY of New York.
H.R. 2867: Miss RICE of New York and Ms. SPEIER.
H.R. 2871: Mr. KEATING.
H.R. 2880: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2896: Mr. BROOKS of Alabama, Mrs. LUMMIS, Mrs. LOVE, and Mr. FINCHER.
H.R. 2903: Mr. CICILLINE, Mr. SIMPSON, and Mrs. BEATTY.
H.R. 2918: Ms. WILSON of Florida.
H.R. 2920: Mr. SMITH of New Jersey and Ms. VELÁZQUEZ.
H.R. 2987: Ms. FUDGE, Mr. GIBSON, Mr. SEAN PATRICK MALONEY of New York, Mr. PERLMUTTER, and Ms. SEWELL of Alabama.
H.R. 2994: Mr. ENGEL, Mr. HUFFMAN, and Mr. KEATING.
H.R. 3044: Ms. BROWNLEY of California and Mrs. BEATTY.
H.R. 3048: Mr. RUSSELL and Ms. JENKINS of Kansas.
H.R. 3063: Mr. COLE.
H.R. 3099: Ms. SCHAKOWSKY and Mr. FORTENBERRY.
H.R. 3110: Ms. GABBARD.
H.R. 3164: Ms. SLAUGHTER.
H.R. 3177: Mr. KEATING.
H.R. 3221: Ms. MCCOLLUM.
H.R. 3229: Mr. COFFMAN, Mr. RUPPERSBERGER, Mr. NEWHOUSE, Mr. CALVERT, and Ms. SLAUGHTER.
H.R. 3255: Mr. EMMER of Minnesota.
H.R. 3263: Mr. HONDA.
H.R. 3268: Mr. CLEAVER, Mr. LOEBSACK, Mr. FATTAH, Mr. KATKO, and Mr. MICHAEL F. DOYLE of Pennsylvania.
H.R. 3283: Mr. RIBBLE.
H.R. 3306: Ms. CLARKE of New York.
H.R. 3309: Mr. COOK.
H.R. 3314: Mr. OLSON and Mr. SAM JOHNSON of Texas.
H.R. 3326: Mr. KNIGHT, Mr. LAMALFA, Mr. BISHOP of Michigan, and Mrs. WAGNER.
H.R. 3339: Mrs. MIMI WALTERS of California.
H.R. 3340: Mr. MCHENRY.
H.R. 3351: Mr. JOHNSON of Georgia, Mr. POCAN, and Mr. BRADY of Pennsylvania.
H.R. 3355: Mr. DAVID SCOTT of Georgia, Ms. BROWN of Florida, and Mr. GIBSON.
H.R. 3356: Mr. ROSKAM.
H.R. 3364: Mr. WELCH, Ms. LEE, Ms. SPEIER and Ms. WILSON of Florida.
H.R. 3366: Mr. GRIJALVA, Ms. FUDGE, and Mr. HONDA.
H.R. 3381: Mr. THOMPSON of California, Mr. WALZ, Mr. COHEN, Mr. ROONEY of Florida, Mr. HONDA, Mr. TONKO, and Ms. SLAUGHTER.
H.R. 3384: Mr. MEEKS.
H.R. 3393: Mr. COFFMAN.
H.R. 3399: Mr. CONYERS, Ms. KAPTUR, Mr. POCAN, Mr. POLIS, Mr. MEEKS, Ms. DELBENE, Mr. GIBSON, Ms. LOFGREN, Mr. SMITH of Washington, Mr. RANGEL, Mr. CAPUANO, Ms. FUDGE, and Ms. KELLY of Illinois.
H.R. 3411: Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. SCHAKOWSKY, Mr. KEATING, Mr. DANNY K. DAVIS of Illinois, and Mr. RICHMOND.
H.R. 3445: Ms. SCHAKOWSKY.
H.R. 3463: Mrs. COMSTOCK.
H.R. 3470: Mr. DOLD, Ms. NORTON, Ms. EDWARDS, Mr. MURPHY of Florida, Mr. SMITH of Washington, Mr. VAN HOLLEN, Ms. DUCKWORTH, and Mr. HONDA.
H.R. 3471: Ms. JENKINS of Kansas, Mr. RYAN of Ohio, Mrs. CAPPS, Mr. JODY B. HICE of Georgia, and Ms. SINEMA.
H.R. 3480: Mr. JOHNSON of Georgia and Mr. TOM PRICE of Georgia.
H.R. 3488: Mr. HUELSKAMP, Ms. JENKINS of Kansas, and Mr. WESTERMAN.
H.R. 3514: Ms. WILSON of Florida, Mr. KILMER, Mr. SWALWELL of California, and Mrs. CAROLYN B. MALONEY of New York.
H.R. 3516: Mr. WALDEN, Mr. ALLEN, and Mr. NUNES.
H.R. 3518: Mr. BLUMENAUER.
H.R. 3520: Ms. BROWN of Florida and Mr. PASCRELL.
H.R. 3522: Mr. MCDERMOTT.
H.R. 3526: Ms. SPEIER, Mr. HUFFMAN, Mr. POCAN, Ms. CLARK of Massachusetts, Ms. TSONGAS, Ms. DELBENE, and Mr. HECK of Washington.
H.R. 3535: Ms. ESHOO.
H.R. 3542: Ms. JUDY CHU of California and Ms. EDWARDS.
H.R. 3556: Ms. JACKSON LEE and Mr. KILMER.
H.R. 3568: Ms. DUCKWORTH.
H.R. 3573: Mr. JOYCE.
H.R. 3585: Mr. LIPINSKI.
H.R. 3589: Mr. KING of New York.
H.R. 3591: Mr. COLLINS of New York, Mr. KING of New York, Mr. LARSON of Connecticut, and Mr. COOPER.
H.R. 3610: Mr. PIERLUISI.
H.R. 3618: Mr. NUNES.
H.R. 3621: Mr. COHEN.
H.R. 3630: Ms. HERRERA BEUTLER.
H.R. 3632: Ms. SPEIER.
H.R. 3636: Mr. SMITH of Texas.
H.R. 3640: Ms. WILSON of Florida and Ms. JUDY CHU of California.
H.R. 3651: Ms. GRANGER, Ms. STEFANIK, Ms. JENKINS of Kansas, Mr. CLEAVER, Mr. JONES, Ms. DUCKWORTH, Ms. LINDA T. SÁNCHEZ of California, Mr. BARR, Mr. CUELLAR, Mr. COFFMAN, Mr. WALZ, Mr. LOEBSACK, Mrs. HARTZLER, Mrs. BEATTY, and Mr. DAVID SCOTT of Georgia.
H.R. 3652: Miss RICE of New York, Ms. SCHAKOWSKY, Ms. MOORE, and Ms. JUDY CHU of California.
H.R. 3654: Mr. WEBER of Texas, Mr. DESANTIS, and Mr. LOWENTHAL.
H.R. 3664: Mr. WILSON of South Carolina and Mr. HASTINGS.
H.R. 3666: Ms. SLAUGHTER, Mr. HANNA, and Mr. TONKO.
H.R. 3668: Mr. VALADAO.
H.R. 3669: Mrs. NAPOLITANO, Ms. BROWNLEY of California, and Mr. SWALWELL of California.
H.R. 3687: Mr. CRAMER and Mr. EMMER of Minnesota.
H.R. 3691: Mr. PASCRELL.
H.R. 3696: Mr. BECERRA, Mr. GENE GREEN of Texas, Mr. COHEN, Mr. TAKAI, Mr. POCAN, Mr. YARMUTH, Ms. GABBARD, Ms. WASSERMAN SCHULTZ, Ms. NORTON, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. BONAMICI, Mrs. CAPPS, Mr. VAN HOLLEN, and Ms. FRANKEL of Florida.
H.R. 3699: Mr. CARTER of Georgia.
H.R. 3707: Mr. KILMER.
H.R. 3711: Ms. JACKSON LEE and Mr. GUTIÉRREZ.
H.R. 3712: Ms. SCHAKOWSKY.
H.R. 3720: Ms. JUDY CHU of California, Ms. LEE, and Mr. WELCH.
H.R. 3733: Mr. GARAMENDI and Ms. JUDY CHU of California.
H.R. 3744: Mr. MURPHY of Florida.
H.R. 3756: Mrs. NAPOLITANO, Ms. BROWNLEY of California, Ms. NORTON, Mr. JONES, Mr. HARPER, and Ms. BROWN of Florida.
H.R. 3757: Mr. SCHRADER, Mr. COSTA, and Mr. ASHFORD.
H.J. Res. 30: Mr. POCAN.
H.J. Res. 59: Mr. JOHNSON of Ohio and Mr. HECK of Nevada.
H. Con. Res. 86: Ms. FUDGE, Mr. HASTINGS, Ms. LEE, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. HINOJOSA, Mr. CASTRO of Texas, and Mrs. LAWRENCE.
H. Res. 12: Mr. COSTELLO of Pennsylvania.
H. Res. 28: Mr. HECK of Washington.
H. Res. 54: Mr. UPTON, Ms. WILSON of Florida and Mr. YOUNG of Iowa.
H. Res. 110: Mr. COURTNEY.
H. Res. 130: Ms. SPEIER.
H. Res. 214: Mr. CARSON of Indiana.
H. Res. 265: Mr. CICILLINE.
H. Res. 293: Mr. ROHRABACHER, Mr. WESTMORELAND, Miss RICE of New York, Mr. KELLY of Pennsylvania, and Ms. JENKINS of Kansas.
H. Res. 348: Ms. JACKSON LEE.
H. Res. 386: Mr. HASTINGS and Ms. WILSON of Florida.
H. Res. 428: Ms. WILSON of Florida, Ms. JUDY CHU of California, and Mr. LARSEN of Washington.
H. Res. 429: Ms. MCCOLLUM, Mr. PETERS, and Ms. WILSON of Florida.
H. Res. 456: Mr. POLIS.
H. Res. 467: Ms. SLAUGHTER, Mr. ENGEL, Mr. RANGEL, Mr. GUTIÉRREZ, Mr. CICILLINE, Ms. MATSUI, Mr. RUSH, Ms. JACKSON LEE, Mr. LARSON of Connecticut, Mr. DEUTCH, Mr. RICHMOND, Mr. GALLEGO, Ms. PINGREE, Ms. KAPTUR, Ms. LEE, Mr. RYAN of Ohio, Mr. SARBANES, Mrs. WATSON COLEMAN, Mrs. LAWRENCE, Mr. ISRAEL, Mr. BLUMENAUER, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. MEEKS, Mr. LYNCH, Ms. BONAMICI, Ms. CASTOR of Florida, Mrs. DAVIS of California, Mr. HASTINGS, Mr. LEVIN, Mr. KEATING, and Mr. CONYERS.
H. Res. 472: Ms. ROYBAL-ALLARD.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative CHAFFETZ, or a designee, to H.R. 10, the Scholarships for Opportunity and Results Reauthorization Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

The amendment to be offered by Representative ALAN LOWENTHAL, or a designee, to H.R. 1937, the National Strategic and Critical Minerals Production Act of 2015, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

PETITIONS, ETC.

Under clause 3 of rule XII,

32. The SPEAKER presented a petition of St. Charles Parish Council, relative to Resolution No. 6182, declaring the St. Charles Parish Council's and Parish President's support of and solidarity with all law enforcement personnel across these great United States, and to recognize and honor all of the men and women who currently serve or who have served as law enforcement officers, and in particular those who serve or have served in St. Charles Parish and the State of Louisiana; which was referred to the Committee on the Judiciary.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, FIRST SESSION

Vol. 161 WASHINGTON, TUESDAY, OCTOBER 20, 2015 No. 153

Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Righteous and Holy God, we worship You. We see Your glory in the beauty of sunrise and the splendor of sunset. Great and marvelous are Your works, for Your faithfulness sustains us. Guide our lawmakers to connect to Your eternal, essential, and unchanging holiness. With the power of Your righteous presence, renew their minds, cleanse their hearts, and guide their steps. Liberate them from the chains of pessimism, reminding them that all things are possible to those who believe. Lord, thank You for the wonder of Your love, the beauty of Your mercy, and the power of Your grace.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore 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.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. COTTON). The majority leader is recognized.

SANCTUARY CITIES BILL

Mr. MCCONNELL. Mr. President, just before the State work period, I asked Senators to consider some important questions: In a time of limited Federal resources and tough choices, is it fair to treat localities that cooperate with Federal law enforcement or work hard to follow Federal law no better than localities that refuse to help or actually actively flout the law? When a deputy sheriff puts her life on the line every day, is it fair to make her live in constant fear of being sued for simply trying to keep us safe? When felons enter our country illegally and repeatedly, is it fair to victims and families to not do what we can now to stop them?

The answer is that it isn't fair. That is why colleagues should support the legislation we will consider this afternoon. It aims to ensure more fairness to cities and States that do the right thing, redirecting certain Federal funds to them from those that choose not to do the right thing. It aims to support law enforcement officers who risk everything for our safety, protecting them from lawsuits for simply doing their federally mandated duties. It aims to deliver justice for victims and their families, substantially increasing deterrence for criminals who commit felonies and then try to illegally reenter our country—endeavoring to save more Americans from the pain these families continue to experience every day.

We all know the heartbreaking story of Kate Steinle. Kate was walking arm in arm with her father one moment, begging for help the next as she began bleeding to death in his arms. The man who ended her life shouldn't have even been there that day. He had been convicted of seven—seven—felonies and deported five times, but San Francisco is a so-called sanctuary city that arbitrarily decides when it will cooperate with the Federal Government and when it will not, and it refused to even honor the Federal Government's request for an immigration detainer.

What happened to Kate is tragic, and it is not an isolated incident. Consider this letter from Susan Oliver, who lost her husband just last year. Here is what she had to say:

The man that killed my husband, Deputy Danny Oliver, was deported several times for various felonies. However, due to the lack of coordination between law enforcement agencies, his killer was allowed back into the country. . . .

I [am] asking for only one thing. I do not want your sympathy, I want change so others will not have to endure the grief we have in our lives every day.

The bill which we will consider this afternoon is supported by law enforcement organizations such as the National Sheriffs' Association, the Federal Law Enforcement Officers Association, and the National Association of Police Organizations.

Here is what the International Union of Police Associations had to say about it:

The International Union of Police Associations is proud—

Proud—

to add our name to the list of supporters of the bill addressing ''Sanctuary Cities'' titled Stop Sanctuary Policies and Protect Americans Act.

As it now stands, our officers can be held liable for sharing relevant information and honoring immigration detainers, even when they are from federal immigration officials. This legislation remedies that.

Additionally, the bill provides a financial disincentive for cities to become or remain ''sanctuary cities''. . . .

The organization also noted that this bill would help end the ''revolving door'' of criminals who ''even though convicted of felony criminal activity and deported, unlawfully return to prey upon our citizens.''

The issue before us is not truly about immigration; it is more about keeping our communities safe. Those who defend so-called sanctuary cities callously disregard how their extreme policies hurt others. The President's own DHS Secretary has used terms such as ''not acceptable'' and ''counterproductive to public safety'' when referring to sanctuary city policies. Such extreme policies can inflict almost unimaginable pain on innocent victims and their families.

As the father of three daughters, I know—I know—we can do better. I am

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

calling on every colleague to put compassion before leftwing ideology today. This bill would support the deputy sheriff who puts her life on the line every day. This bill would provide hope and justice for victims and their families. So let's vote to support them, not defend extreme policies that actually hurt them.

MEASURES PLACED ON THE CALENDAR—S. 2181, S. 2182, AND S. 2183

Mr. MCCONNELL. Mr. President, I understand there are three bills at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will read the bills by title for the second time.

The senior assistant legislative clerk read as follows:

A bill (S. 2181) to provide guidance and priorities for Federal Government obligations in the event that the debt limit is reached.

A bill (S. 2182) to cut, cap, and balance the Federal budget.

A bill (S. 2183) to reauthorize and reform the Export-Import Bank of the United States, and for other purposes.

Mr. MCCONNELL. In order to place the bills on the calendar under the provisions of rule XIV, I object to further proceedings en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will be placed on the calendar.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

SANCTUARY CITIES BILL

Mr. REID. Mr. President, I have watched over the years my Republican colleagues who are supposedly concerned about States' rights wipe them out with a speech like the one we have just heard and the legislation before this body today.

I am told and have always believed, Republicans think States and communities should have the ability to do the things they think are appropriate. Any one of these States that my friend refers to—any one of these communities—has a right at any time to change the law. This is not a Federal law they are trying to change; they are trying to change what is taking place in cities throughout the country.

So they are States' rights, my Republican colleague's own words. It certainly doesn't belie the actions they have tried to take. The Republican leader tries to make the bill before this body a political issue. It is a Donald Trump-bashing-immigrants issue.

This bill is opposed by the National Association of Chiefs of Police, it is opposed by the National Council of Mayors, and many different organizations that believe in States' rights. My friend, the Republican leader, would just make things a lot worse, and that is an understatement.

With the provisions in this bill, it is estimated it would take 15 new huge prisons just to handle the people who would be arrested—huge prisons, costing billions of dollars. It is not smart police policy. It is not smart budget policy.

THE DEBT LIMIT

Mr. REID. Mr. President, over the last 10 months, congressional Republicans have proven they are incapable of governing—at least governing productively. Instead, Republicans are governing destructively. It is hard to understand or fathom, but this seems to be what they want: destruction. It is not a word I decided to bring into the conversation today. One Republican Congressman said very recently: ''We are looking for creative destruction in how the House operates.'' This Republican Congressman said, I repeat, ''We are looking for creative destruction in how the House operates,'' and they are as good as their word in the House and sadly also in the Senate.

Time and time again, Republican leaders have brought the United States to the brink of unnecessary disaster, and sadly here we are again, facing another manufactured crisis courtesy of Republicans in Congress. This time it is a debt limit crisis. On November 3, just 2 weeks from today, our great country—the United States of America—will default on its debt unless Republicans start legislating more constructively to solve the problem. Let's be clear about what the debt limit does and doesn't mean. Adjusting the debt limit—when it is absolutely necessary, and it will be in 2 weeks—is necessary to pay this country's bills that are already due. What we face now with the debt ceiling isn't about a penny of new spending. It is not about a penny of new programs or a penny of new taxes. It is not about creating new obligations, only meeting existing ones. The debt limit is about paying what we already owe.

What are these debts? A large, large, large chunk of these is what we owe as a result of an unpaid war, a second unpaid war, and tax breaks for the rich that were unpaid for. Remember, this great theory of President Bush was that these wars would bring a new democracy to the world. Well, the invasion of Iraq was the worst foreign policy decision probably in the history of the country. Look what it has done, and it has been done at the cost of trillions of dollars of taxpayers' money, and that is part of the debt that is due.

These tax breaks for the rich. Why did the Bush administration push these tax breaks? Because it would be great for the economy. Well, it has been great for the rich people. They are getting richer, the poorer are getting poorer, and the middle class are getting squeezed. All these tax cuts were unpaid for. If we don't act, we allow the United States to default. The day of reckoning will be terrible. We will hurt American jobs, families, businesses, and the fallout will be felt around the world. If some Republicans in Congress get their way, the United States will default on this debt. What happens then? The short answer is economic catastrophe.

The former Director of the Congressional Budget Office, Douglas Holtz-Eakin, described last week what will happen if the United States defaults:

> The first thing you'll see is a market reaction. Then you've got dramatic impacts on consumer confidence, the world's melting down again and they go into an economic fetal position . . . there's just no good news there.

This wasn't some leftwing blogger; this is a man who did a good job representing this country on a bipartisan basis in the Congressional Budget Office—by the way, during a Republican administration. He said:

> The first thing you'll see is a market reaction. Then you've got dramatic impacts of consumer confidence, the world's melting down again and they go into an economic fetal position . . . there's just no good news there.

The Republican chairman of the House Ways and Means Committee, a reasonable PAUL RYAN, said as much last week:

> If the United States missed a bond payment, it would shake the confidence of the world economy. All kinds of credit would dry up: loans for small businesses, mortgages for young families. We could even go into a recession.

That is what we will face in 2 weeks if Republicans don't get their act together, and by all signs, it doesn't appear they are going to. All signs indicate that House and Senate Republicans are still not serious about dealing with the debt limit. If they were serious about paying our bills and keeping America on sound economic footing, they would not be proposing an absurd idea of having a ''partial default.'' You can't be partially pregnant; you can't have a partial default. House Republicans have engineered legislation to pick and choose which debts to pay and which to ignore.

Listen to this: Their proposed legislation is going to pay foreign creditors first, such as China, but they don't want to meet our obligations to veterans, Medicare beneficiaries, and millions of middle-class Americans. No. They want to start paying down the debt we owe to China. Think about that. The truth is this pay-China-first approach is just default by another name. This approach would lead a middle-class family into financial ruin, and just imagine what it would do to world markets. I repeat: There is no such thing as a partial default. A partial default is a default.

We can't allow the Federal Government to be delinquent in paying its debts. We have 2 weeks to get something done, and we can if the Republicans come to their senses. This unnecessary drama over paying our bills is already rattling the financial markets. The bond market has already been hurt, and we can see it.

I say to my Republican friends, especially the leaders in the House of Representatives and the U.S. Senate: Start governing in a way that is not an embarrassment to Congress and the American people.

Mr. President, please announce what we will be doing here today.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF ANN DONNELLY TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Ann Donnelly, of New York, to be United States District Judge for the Eastern District of New York.

The PRESIDING OFFICER. Under the previous order, the time until 11 a.m. will be equally divided for debate in the usual form.

The assistant Democratic leader.

REFUGEE CRISIS IN GREECE, NOMINATION OF GAYLE SMITH, AND UKRAINE

Mr. DURBIN. Mr. President, I had the privilege of joining Senators SHAHEEN, KLOBUCHAR, and WARREN during the recess that just concluded to travel to Europe to assess the refugee flow that is spilling into Greece and ongoing Russian aggression during our visit to Ukraine.

I will start with the visit to one of our most important NATO European allies, Greece. Greece is struggling, as we all know, with its own economic challenges, but now it is facing an overwhelming flow of refugees across its border.

Almost half a million refugees have flown into Greece just this year. The bulk of the refugees come from across the Aegean Sea from Turkey. They are fleeing war and economic instability in the region. Most are from Syria, but there are many others from Afghanistan, Iraq, and other countries in peril. Many are middle-class families who are simply exhausted from years of horrific war in Syria.

I met many of them and had a chance to speak to them. Their stories are heartbreaking. They are fleeing with their children and whatever they can carry. Their destination is uncertain, but they know they can't stay in the camps or in Syria. They are the victims of smugglers and exploitation. Some of these desperate people are charged 1,000 Euros just to cross a 2-mile stretch of ocean between Turkey and Greece.

We were on the island of Lesbos, and those who were able to watch ''60 Minutes'' this week saw a presentation of what is happening on that small island of about 80,000 people where more than 400,000 refugees have come through in the last several weeks. Many of these refugees are unaccompanied children.

At one of the camps, I met a young man who said he was 17—probably 15—who had come across that stretch of water with his 8-year-old sister. Think for a moment what that family must have gone through in deciding that it was safer for this 15-year-old to take his 8-year-old sister and try to find their way to a safe place in Europe rather than stay in war-torn Syria. That is the reality of many of these refugees and the plight that they face.

On this island of Lesbos, 2,000 refugees are arriving every single day. The Greek Coast Guard showed us stacks of discarded rubber rafts. These rubber rafts are made to hold about 20 people as they cross this 3-mile stretch of ocean. They packed them with over 50 people. They charge 1,000 Euros for each adult and 500 Euros for each child.

We saw these rafts stacked up and piles of life preservers. Some of them are the types of life preservers and jackets that you might expect, but others are ridiculous. Some of them are literally pool toys, and they say so. They have written right on them that they are not to be used as life preservers. These pool toys are strapped to those little kids who are put in these rafts that come across that stretch of ocean. There were rows upon rows of cheap outboard motors that were used to propel these rafts across the straits.

Incidentally, the smugglers picked someone in the raft and told them that they were in charge. They would ask if they knew how to operate the motor. If they didn't know how to operate it, they would show them how to use it and point them in the right direction. The refugees would then head out in the hope that they would make it across safely, and many times they didn't.

Despite Greece's economic hardship, I was impressed with how the Greek people were handling this refugee crisis. Processing registration centers had been established, and many refugees were quickly on their way to resettlement in Europe.

I mentioned the 15-year-old with his 8-year-old sister. I ran into four others who spoke English, and all of them were college graduates in their 20s. One of them was a premed student who said: We just couldn't live any longer with war in Syria. We were ready to risk our lives to find a safer place.

The mayor of Lesbos has been generous and thoughtful in addressing the suffering. He told me he often thought he was handling a ticking time bomb with this refugee crisis. Instead, this island has become an example of what the rest of the world can do.

In Athens, we visited with an impressive NGO known as Praksis that is giving unaccompanied minors a safe, nurturing place to stay while they attempt to place them with families.

The United States leads the world in financial assistance for this Syrian refugee effort, but we have a moral obligation to do that and more. I have called on the administration to accept 100,000 Syrian refugees. I am a cosponsor of the emergency supplemental bill addressing refugee assistance, recently introduced by Senators GRAHAM and LEAHY.

Allow me to put the 100,000 number in perspective. Germany has agreed to accept 800,000 of these Syrian refugees. It is estimated that there are 4 million total. The United States accepted 750,000 Vietnamese refugees and over 500,000 Cuban refugees after the Castro regime took over. Those Cuban refugees included the fathers of two sitting U.S. Senators, one of whom is running for President of the United States. We accepted over 200,000 Soviet Jews who were being persecuted in that country. We have accepted refugees from Somalia and from different places around the world, such as Bosnia. We have assimilated them into America, and we can do it again.

When we go through this process of accepting refugees, we carefully check their backgrounds to make sure that they are not a threat to the United States or anybody who lives here. I think we should continue to do that, but the fact that only 1,700 have made it to our Nation in the last 4 years tells us that we need to do more.

I will continue to be a strong advocate for humanitarian safe zones in Syria so the people there can have a safe place to be treated for their illnesses and to at least live until this war comes to an end.

Let me say something else. It is embarrassing for me to stand before the Senate and note that on our Executive Calendar, which is on the desks of Senators, there includes one nominee, Gayle Smith, who has been nominated to be administrator of the United States Agency for International Development. She has been sitting on this calendar since July 29 of this year.

The USAID, which she seeks to head, is the premier frontline agency for helping refugees. Yet this good woman with a lifetime of experience is being held up in the Senate for entirely political reasons. There are no objections to her personally, and there are no objections to her background.

One Senator is holding up her nomination because the Senator stated publicly that he objects to the President's Iran nuclear agreement. Gayle Smith had nothing to do with that. The USAID had nothing to do with that. Shouldn't we appoint this good person to manage this agency to deal with this international refugee crisis?

While we are at it, they are asking that Thomas Melia of Maryland be the assistant administrator. Wouldn't we want competent management when we are talking about billions of American

tax dollars being spent wisely in this humanitarian effort? Yet they languish on this calendar.

If there are objections to these nominees, state them. If not, approve them.

After Greece, we had a visit to Ukraine. I believe what is happening there is deeply important to us in the United States, and I am committed to seeing that Ukraine succeed as a Democratic sovereign nation. It is hard to describe what has happened there in a year and a half. A shamefully corrupt regime which is deeply influenced by Russia was rejected by the Ukrainian people. As the country tried to get back on its feet and build a more transparent and Democratic future, Russia and Vladimir Putin staged an invasion first by taking over Crimea and then by invading eastern Ukraine.

The Russians have turned eastern Ukraine into a dysfunctional, grim, and abandoned wasteland, somehow under the illusion that it would be the new Russia. More than a million people have been displaced in eastern Ukraine and thousands have been killed. The captured land was even used as a base to shoot down a civilian airliner, killing hundreds. A recent Dutch investigation showed that this was done with Russian weaponry. If only President Putin would try to help with the investigation of the Malaysian plane that was shot down instead of nakedly blocking the effort of the U.N. Security Council, we would have even more information about this horrible tragedy.

Despite agreeing in Minsk to a pullback of heavy weapons, exchange of prisoners, and return of border control in the east, Russia has dragged its feet on every term of the agreement, incorrectly hoping that the world will not notice. We notice.

Yet amid all this transparent and barbaric effort to undermine Ukraine, the country has found a new unity and determination. It has taken on significant reforms. During my visit with my fellow Senators, I was struck by how many dedicated Ukrainians are working for a better future. They are now members of Parliament and local officials coming right out of the Maidan demonstration. They are giving everything they can for the future of their country.

I have been a strong supporter of President Obama's efforts to support Ukraine to train and equip its military and provide significant assistance for their courageous effort. As the world's attention is distracted to many other challenges, let's not lose sight of the ongoing struggle in Ukraine. The United States and Europe must remain united on sanctions against Russia as long as it continues to invade and occupy a sovereign nation like Ukraine.

I will conclude by recognizing the many dedicated Foreign Service officers working in our embassies that we meet with on our trips. They are on the frontlines of American leadership and generosity. Ambassador Geoffrey Pyatt in Ukraine and Ambassador David Pearce in Greece are two we worked with during our recent visit.

As the Republicans threaten government shutdown after government shutdown, let us not forget that these men and women and many like them literally risk their lives every single day standing up and representing the United States around the world.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

STOP SANCTUARY POLICIES AND PROTECT AMERICANS BILL

Mr. VITTER. Mr. President, I rise again in strong support of the Stop Sanctuary Policies and Protect Americans Act, which we will be voting on later today. I was here on the floor yesterday laying out the strong case in support of that, talking to many colleagues before this vote today, as I have been for the past several days.

Today I rise to focus on some arguments from the other side that are erroneous and misleading, quite frankly, and to debunk those arguments so everyone has the full, true, and clear picture of why this legislation is so needed.

First, I have heard a few of my colleagues talk about the need for Federal and local authorities to do a better job of working together. For instance, Senator DURBIN, who just left the floor, said: ''Federal and local authorities must do a better job of communicating and coordinating so that undocumented immigrants with serious criminal records are detained and deported, period.''

Similarly, Senator FEINSTEIN said: ''It is very clear to me that we have to improve cooperation between local, State, and Federal law enforcement.''

Let me say that I completely agree with them, and they are laying out a strong case for this legislation, not against it, because we need to do something about the cause of the noncooperation, the obstacle between that full cooperation, which absolutely needs to happen every day. Simply wishing for a better outcome isn't going to make it happen.

The fact is, there are dozens of sanctuary cities—jurisdictions that have those policies—that were cooperating in the past and that want to cooperate, but they have been faced with lawsuits from the ACLU and others and court decisions wherein local law enforcement officials could be held liable for violating an individual's constitutional rights simply for honoring a detainer request from ICE. That is ridiculous. That is an abusive threat. Our legislation on the floor today is going to remove that threat.

The Stop Sanctuary Policies and Protect Americans Act allows for that cooperation between local and Federal authorities to resume again because section 4 of the bill will facilitate State and local compliance with the ICE detainer and remove that onerous and unreasonable threat. Cooperation has been stifled by lawsuits aimed at bullying local law enforcement, and this bill will grant local law enforcement the authority to clearly comply with ICE detainers without threat of liability. It will protect them from that liability for simply complying with ICE detainers.

I will remind my colleagues that it will do nothing to infringe on an individual's civil or constitutional rights. They still have the same ability to pursue those against ICE or anyone else they choose.

That is why this legislation is supported by people who know something about what needs to happen for local and Federal authorities to cooperate. Who am I talking about? The Federal Law Enforcement Officers Association—they know what they are talking about. The International Union of Police Associations—they live it every day. The National Association of Police Organizations and the National Sheriffs' Association—don't my colleagues think they know what is needed on the ground? They do. And because they do, they strongly support this legislation.

Second, some colleagues on the other side argue that this bill won't do anything; instead, we need so-called comprehensive immigration reform such as the Gang of 8 bill. But the Gang of 8 bill that my colleagues are pushing—1,200 pages long when it passed the Senate—didn't do anything to resolve this issue of sanctuary cities. It didn't do anything to change the abusive lawsuits I am speaking about. It didn't do anything to encourage Federal and local authorities to cooperate in real time—absolutely nothing. That is just the fact, once we read the 1,200 pages. All the Gang of 8 bill does is lead with a big amnesty—an amnesty overnight—for about 11 million illegal immigrants in our country today. So that comprehensive immigration reform bill—the Gang of 8 bill or whatever we want to call it—does nothing in this area that is so crucial to fix, does nothing about sanctuary cities, does nothing to remove these abusive lawsuits as obstacles to the clear and full cooperation between Federal, State, and local authorities, which even folks on the other side of the bill admit needs to happen and is a problem right now.

There are lots of myths about our bill versus the facts.

With that in mind, I ask unanimous consent to have printed in the RECORD a myth v. fact sheet that lays out clearly the myths, the arguments made against this legislation, and the real facts of the Stop Sanctuary Policies and Protect Americans Act, S. 2146.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MYTH V. FACT—STOP SANCTUARY POLICIES ACT (S.2146)

1. S.2146 does not punish illegal immigrants who come forward to report crimes.

Myth: Under S.2146, ''reporting crimes or otherwise interacting with law enforcement could lead to immigration detention and deportation.''[1]

Fact: S.2146 provides that if a jurisdiction has a policy that local law enforcement will not inquire about the immigration status of crime victims or witnesses, such jurisdiction will not be deemed a sanctuary jurisdiction and will not lose any federal funds. See section 3(e).

2. S.2146 does not require local law enforcement to carry out federal immigration responsibilities.

Myth: S.2146 would ''require[e] state and local law enforcement to carry out the federal government's immigration enforcement responsibilities,'' and thus ''the federal government would be substituting its judgment for the judgment of state and local law enforcement agencies.''[2]

Fact: The bill does not require local law enforcement ''to carry out federal immigration responsibilities.'' Removing illegal immigrants remains the exclusive province of the federal government. The bill simply withholds certain federal funds from jurisdictions that prohibit their local law enforcement officers from cooperating with federal officials in the limited circumstance of honoring an immigration detainer.

It is politicians in sanctuary jurisdictions who, by tying the hands of local law enforcement, are ''substituting [their] judgment for the judgment of state and local law enforcement.''

3. S.2146 is necessary to keep dangerous criminals off of the streets.

Myth: ''Congress should focus on overdue reforms of the broken immigration system to allow state and local law enforcement to focus their resources on true threats—dangerous criminals and criminal organizations.''[3]

Fact: Sanctuary cities are the ones preventing local law enforcement from focusing on dangerous criminals and criminal organizations—by forbidding local law enforcement officers from holding such criminals.

The illegal immigrant who killed Kate Steinle explained that he chose to live in San Francisco because it was a sanctuary city, and he knew San Francisco would not take action against him He was right. Three months before Kate's death, the federal government asked San Francisco officials to hold him, but San Francisco refused.

4. S.2146 does not force the U.S. to bear liability for unconstitutional actions by local law enforcement.

Myth: S.2146 includes ''provisions requiring DHS to absorb all liability in lawsuits brought by individuals unlawfully detained in violation of the Fourth Amendment.''[4]

Fact: If a lawsuit alleges that a local officer knowingly violated Fourth Amendment or other constitutional rights, under S.2146, the individual officer, not the federal government, will bear all liability. See section 4(c).

For some lawsuits, the U.S. will be substituted as defendant—specifically, suits alleging that that the immigration detainer should not have been issued. But such a claim could already be brought against the U.S. under existing law; thus, S.2146 does not create a new source of liability for the federal government. S.2146 simply provides that if the federal government made the error, the federal government should be the defendant.

5. S.2146 is fully consistent with the Fourth Amendment and preserves individuals' rights to sue for constitutional violations.

Myth: ''The Fourth Amendment provides that the government cannot hold anyone in jail without getting a warrant or the approval of a judge.''[5]

Fact: The Constitution requires probable cause to detain an individual, which can be established by a judicial a warrant issued before the arrest or by a demonstration of probable cause after the arrest. Otherwise police could never arrest someone whom they see committing a crime.

S.2146 does not alter the requirement for probable cause. In fact, S.2146 explicitly preserves an individual's ability to sue if he or she is held without probable cause or has suffered any other violation of a constitutional right.

ENDNOTES

1. Email from Lutheran Immigration and Refugee Service (Oct. 19, 2015).
2. Letter from Law Enforcement Immigration Task Force (Oct. 15, 2015).
3. Letter from Law Enforcement Immigration Task Force (Oct. 15, 2015).
4. Letter from ACLU (Oct. 19, 2015).
5. Letter from ACLU (Oct. 19, 2015).

Mr. VITTER. Mr. President, let me highlight the two biggest ones. The first one is that our legislation would somehow punish and make it more difficult for illegal persons to report crimes and cooperate with local law enforcement. That is a pure myth. What is the fact? Well, read the bill, as the American people suggest. Read the bill. Our bill, S. 2146, specifically provides that if a jurisdiction has a policy that local law enforcement will not inquire about the immigration status of crime victims or witnesses, such jurisdiction will not be deemed a sanctuary jurisdiction and it will not lose Federal funds over that. So that argument is simply a myth.

The second argument often made is that somehow this legislation is requiring local law enforcement to carry out Federal immigration responsibilities. Again, that is a pure myth, a purely erroneous argument, and if we read the bill, S. 2146, we will see it is simply not true. The bill does not require local law enforcement ''to carry out Federal immigration responsibilities'' in any way, shape, or form. Removing illegal immigrants remains the exclusive province of the Federal Government. The bill simply withholds certain Federal funds from jurisdictions that prohibit exactly the cooperation that our opponents on the other side say is so necessary and correctly say is so necessary. So that, again, is the fact versus the myth that is being propagated.

Again, we have several myths versus facts as part of the record, and I urge everyone, starting with our colleagues, Democrats and Republicans, to study it carefully.

This is an important issue. Sanctuary cities are a real problem, and we need to fix that problem to move forward. So I urge my colleagues to look carefully at this issue of what is driving these sanctuary cities policies. Our legislation will take up those drivers, those obstacles, will solve those problems, and will result in the cooperation at all levels of law enforcement that we desperately need.

I urge my colleagues to vote yes later today so we can push forward with this important and critical legislation.

Mr. LEAHY. Mr. President, today, we will finally vote on the nomination of Judge Ann Donnelly to be a Federal district judge in the Eastern District of New York. She was first nominated for this judicial emergency vacancy nearly a year ago, back in November 2014. She was voted out of the Judiciary Committee by unanimous voice vote over 4 months ago on June 4, but since then she has been blocked from receiving a vote on the Senate floor. Senator SCHUMER has twice sought to secure a vote for Judge Donnelly through unanimous consent requests in July and September, but was blocked by Republicans both times. No substantive reason was given for this obstruction, which is hurting both our justice system and the people who seek justice in those courts.

Judge Donnelly is not the only New York nominee ready for a vote today on the Executive Calendar. LaShann Hall, a partner at a prominent national law firm, was nominated to the other judicial emergency vacancy in the Eastern District of New York last November as well. She was voted out of the Judiciary Committee by unanimous voice vote at the same time as Judge Donnelly, and she is still awaiting a vote.

Also waiting for a vote is Lawrence Vilardo, who has been nominated to the vacancy in the Western District of New York in Buffalo. The Western District of New York has one of the busiest caseloads in the country and handles more criminal cases than Washington, DC, Boston, or Cleveland; yet there is not a single active Federal judge in that district, and the court is staying afloat only through the voluntary efforts of two judges on senior status who are hearing cases in their retirement. Despite these circumstances, Republicans continue to hold Mr. Vilardo's nomination up as well. There is no good reason why these two other noncontroversial New York nominees could not be confirmed today. The same goes for the rest of the noncontroversial judicial nominees on the Executive Calendar.

In the Judiciary Committee, I have continued to work with Chairman GRASSLEY to hold hearings on judicial nominees. We will hold a hearing tomorrow for four more judicial nominees. But the pattern we have seen over the last 9 months is that, once nominees are voted out of committee and awaiting confirmation on the floor, the Republican leadership refuses to schedule votes. So far this year, we have only confirmed seven judges. That is not even one judge per month. Some Republicans claim that this is reasonable, but by any measure, it is not. By this same point in 2007, when I was chairman of the Judiciary Committee and we had a Republican President, the Senate had already confirmed 33 judges. At this current rate, by the end of the year, the Senate will have confirmed the fewest number of judges in more than a half century.

This pattern is especially egregious in light of the rising number of judicial vacancies. In fact, as a direct result of Republican obstruction, vacancies have

increased by more than 50 percent, from 43 to 67. That means there are not enough judges to handle the overwhelming number of cases in many of our Federal courtrooms. Additionally, the number of Federal court vacancies deemed to be ''judicial emergencies'' by the nonpartisan Administrative Office of the U.S. Courts has increased by 158 percent since the beginning of the year. There are now 30 judicial emergency vacancies that are affecting communities across the country.

The Leadership Conference on Civil and Human Rights recently issued a memorandum documenting the real life impact of the Senate Republicans' obstruction on the judicial confirmation process. Three States where communities are most hurt are Texas, Alabama, and Florida. Texas, for example, has nine judicial vacancies—with seven of them deemed to be judicial emergencies. Incredibly, one of the district court positions has been vacant for over 4 years, and a fifth circuit position in Texas has been vacant for more than 3 years. The memorandum reports that, in the Eastern District of Texas, the delays caused by the vacancy in that court has placed greater pressure on criminal defendants to forego trials and simply plead guilty to avoid uncertain and lengthy pretrial detentions. That is not justice.

Similarly, Alabama has five current vacancies that remain unfilled, and Florida has three. These rising vacancies are leading to an unsustainable situation in too many states. As Chief Judge Federico Moreno of the Southern District of Florida noted, ''It's like an emergency room in a hospital. The judges are used to it and people come in and out and get good treatment. But the question is, can you sustain it? Eventually you burn out.''

I urge the majority leader to schedule votes for the 14 other consensus judicial nominees on the Executive Calendar without further delay. If the Republican obstruction continues and if home State Senators cannot persuade the majority leader to schedule a vote for their nominees soon, then it is unlikely that even highly qualified nominees with Republican support will be confirmed by the end of the year. These are nominees that members of the leader's own party want confirmed. Let us work together to confirm nominees and help restore our third branch to full strength.

Shortly we will begin voting on Judge Ann Donnelly to fill a judicial emergency vacancy in the Federal District Court for the Eastern District of New York. Since September 2014, she has served as a judge on the New York County Supreme Court. Judge Donnelly previously presided on the Kings County Supreme Court from 2013 to 2014 and in the Bronx County Supreme Court from 2009 to 2013. Prior to becoming a judge, she worked at the New York County District Attorney's Office for 25 years as an assistant district attorney, senior trial counsel, and as chief of the Family Violence Child Abuse Bureau. She has the support of her two home State Senators, Senator SCHUMER and Senator GILLIBRAND. She was voted out of the Judiciary Committee by unanimous voice vote on June 4, 2015. I will vote to support her nomination.

Mr. VITTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FLAKE). Without objection, it is so ordered.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Ann Donnelly, of New York, to be United States District Judge for the Eastern District of New York?

Mr. FRANKEN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from New Hampshire (Mrs. SHAHEEN) is necessarily absent.

The PRESIDING OFFICER (Mr. CASSIDY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 2, as follows:

[Rollcall Vote No. 279 Ex.]

YEAS—95

Alexander	Fischer	Murphy
Ayotte	Flake	Murray
Baldwin	Franken	Nelson
Barrasso	Gardner	Paul
Bennet	Gillibrand	Perdue
Blumenthal	Grassley	Peters
Booker	Hatch	Portman
Boozman	Heinrich	Reed
Boxer	Heitkamp	Reid
Brown	Heller	Risch
Burr	Hirono	Roberts
Cantwell	Hoeven	Rounds
Capito	Inhofe	Sanders
Cardin	Isakson	Sasse
Carper	Johnson	Schatz
Casey	Kaine	Schumer
Cassidy	King	Scott
Coats	Kirk	Sessions
Cochran	Klobuchar	Shelby
Collins	Lankford	Stabenow
Coons	Leahy	Tester
Corker	Lee	Thune
Cornyn	Manchin	Tillis
Cotton	Markey	Toomey
Crapo	McCain	Udall
Cruz	McCaskill	Vitter
Daines	McConnell	Warner
Donnelly	Menendez	Warren
Durbin	Merkley	Whitehouse
Enzi	Mikulski	Wicker
Ernst	Moran	Wyden
Feinstein	Murkowski	

NAYS—2

Blunt Sullivan

NOT VOTING—3

Graham Rubio Shaheen

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

STOP SANCTUARY POLICIES AND PROTECT AMERICANS ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 2146, which the clerk shall now report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 252, S. 2146, a bill to hold sanctuary jurisdictions accountable for defying Federal law, to increase penalties for individuals who illegally reenter the United States after being removed, and to provide liability protection for State and local law enforcement who cooperate with Federal law enforcement and for other purposes.

The Senator from Texas.

Mr. CRUZ. Mr. President, the American people have demanded for years that the Federal Government faithfully enforce our Nation's immigration laws. Americans are tired of seeing their laws flouted and their communities plagued by the horrible crimes that typically accompany illegal immigration. But for too long, the pleas of the American people on this issue have gone unheeded here in Washington.

See, when it comes to the problem of illegal immigration, the political class and the business class—our Nation's elites—are of one mind. They promise robust enforcement at some point in the future but only on the condition that the American people accept a pathway to citizenship now for the millions of illegal immigrants who are already in this country.

Not wanting to be swindled, the American people wisely rejected this deal, which the Washington class calls ''comprehensive immigration reform.'' Of course, the elites don't like this one bit. So instead, they have taken matters into their own hands. They bend or ignore the law to make it more difficult for immigration enforcement officers to do their job.

We have seen this repeatedly with the Obama administration. President Obama has illegally granted amnesty to millions of illegal immigrants with no statutory authorization whatsoever, even though, before his reelection, the President assured the American people he couldn't do so without an act of Congress. As President Obama said, when asked whether he could grant amnesty, ''I am not an emperor.''

Well, I agree with President Obama. But yet, just a few months after saying he couldn't do this because he was not an emperor, apparently he discovered he was an emperor, because he did precisely what he acknowledged he lacked the constitutional authority to do.

Although the administration today claims to be focusing its resources on deporting illegal immigrants with criminal records, it has adopted a policy where many illegal immigrants that the administration deems to be low-priority criminals will not be detained and deported but will be released back into our communities.

Remarkably, in the year 2013 the Obama administration released from detention roughly 36,000 convicted criminal aliens who were actually awaiting the outcome of deportation proceedings. These criminal aliens were responsible for 193 homicide convictions. They were responsible for 426 sexual assault convictions, 303 kidnapping convictions, 1,075 aggravated assault convictions, and 16,070 drunk driving convictions. All of this was on top of the additional 68,000 illegal immigrants with criminal convictions that the Federal Government encountered in 2013 but never took into custody for deportation. Dwell on those numbers for a moment.

In 1 year, the Obama administration releases over 104,000 criminal illegal aliens, people who have come into this country illegally who have additional criminal convictions—murderers, rapists, thieves, drunk drivers.

One wonders what the administration says to the mother of a child lost to a murderer released by the Obama administration because they will not enforce the laws. One wonders what the Obama administration says to the child of a man killed by a drunk driver released by the Obama administration because they will not enforce our immigration laws.

While this administration's refusal to enforce the laws is bad enough, the scandalously poor enforcement of our immigration laws is made much, much worse by the lawless actions of the roughly 340 so-called sanctuary jurisdictions across the country. Although these jurisdictions are more than happy—eager, even—to take Federal taxpayer dollars, they go out of their way to obstruct and impede Federal immigration enforcement by adopting policies that prohibit their law enforcement officers from cooperating with Federal officers. Some of the jurisdictions even refuse to honor requests from the Federal Government to temporarily hold a criminal alien until Federal officers can take custody of the individual. Not only are these sanctuary policies an affront to the rule of law, but they are extremely dangerous.

According to a recent study by the Center for Immigration Studies, between January 1 and September 30, 2014—just a 9-month period—sanctuary jurisdictions released 9,295 alien offenders who the Federal Government was seeking to deport. That is roughly 1,000 offenders a month that sanctuary jurisdictions released to the people. Now, of those 9,295, 62 percent had prior criminal histories or other public safety issues. Amazingly, to underscore just how dangerous this is to the citizenry, 2,320 of those criminal offenders were rearrested within the 9-month period for committing new crimes after they had already been released by the sanctuary jurisdiction. If that doesn't embody lawlessness, it is difficult to imagine what does—jurisdictions that are releasing over and over criminal illegal aliens, many of them violent criminal illegal aliens, and exposing the citizens who live at home to additional public safety risk, to additional terrorist risk.

This same study found that the Federal Government was unable to reapprehend the vast majority of the alien offenders released by the sanctuary jurisdictions—69 percent as of last year. Even Homeland Security Secretary Jeh Johnson has admitted that these sanctuary policies are ''unacceptable.'' ''It is counterproductive to public safety,'' he said, ''to have this level of resistance to working with our immigration enforcement personnel.''

I am thrilled to hear the Secretary of Homeland Security say so out loud. I assume that means that the Obama administration will be supporting the legislation before this body. After all, the Secretary of Homeland Security says it is ''unacceptable,'' and that ''it is counterproductive to public safety.'' Yet, sadly, the Obama administration is not supporting the legislation before this body.

Indeed, it has taken the tragic and terrible death of Kate Steinle to galvanize action here in Washington. Kate died in the arms of her father on a San Francisco pier after being fatally shot by an illegal alien who had several felony convictions and had been deported from the United States multiple times. Her death is heartbreaking.

In the Senate Judiciary Committee we had the opportunity to hear from Kate Steinle's family. The heartbreak is even more appalling because Kate's killer had been released from custody and not turned over to the Federal Government to be deported because of San Francisco's sanctuary policy.

The city of San Francisco is proudly a sanctuary city. They say to illegal immigrants across the country and across the world: Come to San Francisco. We will protect you from Federal immigration laws. We, the elected democratic leaders of this city, welcome illegal immigrants, including violent criminal illegal immigrants such as the murderer who took Kate Steinle's life.

These policies are inexcusable. They are a threat to the public safety of the American people, and they need to end. That is why I am proud to be one of the original cosponsors of the Stop Sanctuary Policies and Protect Americans Act, which strips certain Federal funds, especially community development block grants, from jurisdictions that maintain these lawless policies. If these jurisdictions insist on making it more difficult to remove criminal aliens from our communities, then these Federal dollars should go instead to jurisdictions that will actually cooperate with the Federal Government, that are willing to enforce the law rather than aid and abet the criminals. It makes no sense to continue sending Federal money to local governments that intentionally make it more difficult and costly for the Federal Government to do its job.

But this bill doesn't just address sanctuary jurisdictions. It also addresses the problem of illegal immigrants who, like Kate Steinle's killer, are deported but illegally reenter the country, which is a felony. This class of illegal aliens has a special disregard and disdain for our Nation's laws, and too often these offenders also have serious rap sheets.

In 2012, just over a quarter of the illegal aliens apprehended by Border Patrol had prior deportation orders. That is an astounding 99,420 illegal aliens. Of the illegal reentry offenders who were actually prosecuted in fiscal year 2014—that is just 16,556 offenders—a fraction of those committed a felony. The majority of those who were prosecuted had extensive or recent criminal histories, and many were dangerous criminals. Even though the majority of offenders had serious criminal records, the average prison sentence was just 17 months, down from an average of 22 months in 2008.

In fact, more than a quarter of illegal reentry offenders received a sentence below the guidelines range because the government sponsored the low sentence. Because we are failing to adequately deter illegal aliens who have already been deported from illegally reentering the country, I introduced Kate's Law in the Senate.

I wish to thank Senators VITTER and GRASSLEY for working with me to incorporate elements of Kate's Law into this bill. I also wish to recognize and thank all of the original cosponsors who joined me in this bill—Senators BARRASSO, CORNYN, ISAKSON, JOHNSON, PERDUE, RUBIO, SULLIVAN, and TOOMEY.

Because of this bill, any illegal alien who illegally reenters the United States and has a prior aggravated felony conviction or two prior illegal reentry convictions will face a mandatory sentence of 5 years in prison. We must send the message that defiance of our laws will no longer be tolerated, whether it is by the sanctuary cities themselves or by the illegal reentry offenders who they harbor.

The problem of illegal immigration in this country will never be solved until we demonstrate to the American people that we are serious about securing the border and enforcing our immigration laws and until we have a President who is willing to and, in fact, committed to actually enforcing the laws and securing the borders.

This bill is just a small step, but at least it is a step in the right direction. Yet there will be two consequences from the vote this afternoon. First, it will be an opportunity for our friends on the Democratic side of the aisle to declare to the country on whose side they stand.

When they are campaigning for reelection, more than a few Democratic Senators tell the voters they support securing the borders. More than a few Democratic Senators tell the voters: Of course we shouldn't be releasing criminal illegal aliens. More than a few Democratic Senators claim to have no responsibility for the 104,000 criminal illegal aliens released by the Obama administration in the year 2013.

These Senators claim to have no responsibility for the murder of Kate Steinle, invited to San Francisco by that city's sanctuary city policy. This vote today will be a moment of clarity. No Democratic Senator will be able to go and tell his or her constituents: I oppose sanctuary cities. I support securing the border if they vote today in favor of sending Federal taxpayer funds to subsidize the lawlessness of sanctuary cities.

The Senate Judiciary Committee heard testimony from families who had lost loved ones to violent criminal illegal aliens—one after the other after the other. We heard about children who were sexually abused and murdered by violent illegal aliens. We heard from family members who have lost loved ones to drunk drivers illegally in this country.

During the hearing, I asked the senior Obama administration official for immigration enforcement how she could look into the eyes of those family members and justify releasing murderers, rapists, and drunk drivers over and over and over again.

Indeed, at that hearing I asked the head of immigration enforcement for the Obama administration: How many murderers did the Obama administration release this week? Her answer: I don't know. I asked her: How many rapists did the Obama administration release this week? Her answer: I don't know. How many drunk drivers? I don't know.

None of us should be satisfied with that answer or with a President and administration that refuse to enforce the laws and are willfully and repeatedly releasing violent criminal illegal aliens into our communities and endangering the lives of our families and children.

This vote today is a simple decision for every Democratic Senator: With whom do you stand? Do you stand with the violent criminal illegal aliens who are being released over and over again? Because mind you, a vote no is to say the next time the next murderer—like Kate Steinle's murderer—comes in, we should not enforce the laws, and we shouldn't have a mandatory 5-year prison sentence. Instead, we should continue sanctuary cities that welcome and embrace him until perhaps it is our family members who lose their lives.

It is my hope that in this moment of clarity the Democratic members of this body will decide they stand with the American people and not with the violent criminal illegal aliens.

It is worth noting, by the way, the standard rhetorical device that so many Democratic Senators use is to say: Well, not all immigrants are criminals. Well, of course they are not. I am the son of an immigrant who came legally to this country 58 years ago. We are a nation of immigrants, of men and women fleeing oppression and seeking freedom, but this bill doesn't deal with all immigrants. It deals with one specific subset of immigrants: criminal illegal aliens. It deals with those who come to this country illegally and also have additional criminal convictions, whether it is homicide, sexual assault, kidnapping, battery, or drunk driving. If it is the Democrats' position for partisan reasons that they would rather stand with violent criminal illegal aliens, that is a sad testament on where one of the two major political parties in this country stands today. I suspect the voters who elect them would be more than a little surprised at how that jibes with the rhetoric they use on the campaign trail.

If, as many observers predict, Democratic Senators choose to value partisan loyalty to the Obama White House over protecting the lives of the children who will be murdered by violent criminal illegal aliens in sanctuary cities if this body does not act, and if they vote on a party-line vote, as many observers have predicted, that will provide a moment of clarity. I will also suggest that it underscores the need for Republican leadership to bring this issue up again—and not in the context where Democrats can blithely block it and obstruct any meaningful reforms to protect our safety, secure the border, enforce the law, and stop violent illegal criminal aliens from threatening our safety—in the context of a must-pass bill and attach it to legislation that will actually pass in law.

I am very glad we are voting on this bill this week. That is a good and positive step. It is one of the few things in the last 10 months we have voted on that actually responds to the concerns of the men and women who elected us.

I salute leadership for bringing up this vote, but if a party-line vote blocks it, then the next step is not simply to have a vote. The next step is to attach this legislation to must-pass legislation and to actually fix the problem. Leadership loves to speak of what they call governing, and in Washington governing is always set at least an octave lower. Well, when it comes to stopping sanctuary cities and protecting our safety, we need some governing. We need to actually fix the problem rather than have a show vote.

My first entreaty is to my Democratic friends across the aisle. Regardless of areas where we differ on partisan politics, this should be an easy vote. Do you stand with the men and women of your State or do you stand with violent criminal illegal aliens? We will find out in just a couple of hours.

My second entreaty is to Republican leadership. If Democrats are partisans first rather than protecting the men and women they represent, then it is up to Republican leadership to attach this to a must-pass bill and actually pass it into law and solve the problem—not to talk about it, but to do it. It is my hope that is what all of us do together.

I yield the floor.

The PRESIDING OFFICER (Mr. FLAKE). The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise today to speak out against a bill that is misguided, stands against everything that America represents, and suggests that it will protect Americans when, in fact, it will protect Americans less.

From our founding, our principles have been guided by core values of equality, fairness, freedom, and tolerance, and in turn, we have honored the many ways that immigrants have contributed to this country since its inception. Yet the other side of the aisle is once again engaged in a stubborn, relentless, and shameful assault against immigrants.

As the son of immigrants myself, I find it hard not to take offense at the anti-immigrant rhetoric we are hearing from their Presidential candidates. It is unacceptable, deplorable, and should be renounced by every American. We are witnessing the most overtly nativist, xenophobic campaign in modern U.S. history. We have hit a new low with the extraordinarily hateful rhetoric that diminishes immigrants' contributions to American history and particularly demonizes the Latino community by labeling Mexican immigrants as rapists and criminals.

The Republican leading in the polls actually launched his Presidential candidacy by attacking immigrants, saying:

> They're bringing drugs. They're bringing crime. They're rapists.

Please spare me. It is senseless and false. Yet some of my Senate colleagues have decided to jump on the GOP's fearmongering bandwagon, seeking to blindly stamp millions of hardworking, law-abiding immigrant families as criminals and rapists, and that is why we are here today. That anti-immigrant rhetoric has made its way to the Senate floor courtesy of Donald Trump and some Republicans eager to capitalize on this rhetoric for their own political gain.

This is nothing more than another offensive anti-immigrant bill, another effort to demonize those who risk everything for a better life for themselves and their children, those who were left with no choice but to flee persecution and violence or else face a certain death. That is what we are debating here today. Those are the individuals this legislation seeks to brand as criminals.

This bill does nothing more than instigate fear and divide our Nation. Supporters of this bill may say that it is in response to a tragedy such as what happened in San Francisco, and what happened in San Francisco was a tragedy. Such tragedies will not be prevented by this legislation but by real immigration reform. I am happy to have that debate—a real debate, an honest and compassionate debate, a debate the country deserves—but that is not what is happening in this bill.

The title of the bill asserts that it will protect Americans. Well, to be clear, this bill will not protect Americans because it second guesses decisions made by local law enforcement around the country about how to best police their own communities and ensure public safety.

What is worse, this bill mandates local law enforcement to take on Federal immigration enforcement duties by threatening to strip away funding from as many as 300 local jurisdictions, from programs such as the community development block grant, community-oriented policing services, and the State Criminal Alien Assistance Program. These are programs that directly help our towns and communities. The CDBG Program grows local economies and improves the quality of life for families. It has assisted hundreds of millions of people with low and moderate incomes, stabilized neighborhoods, provided affordable housing, and improved the safety and quality of life of American citizens. The Cops on the Beat grant funds salaries and benefits for police officers who serve us every day by keeping our communities safe, and they deserve better than being dragged into partisan politics.

My colleague from Louisiana seeks to strip funding from localities that undertake the balancing of public safety considerations and refuse to act as Immigration and Customs Enforcement agents. But this bill goes even further than that. This bill isn't content with taking discretion away from local communities; it takes it away from the judicial branch. It adds new mandatory minimums when, as a nation, we are trying to move away from that approach. The new mandatory minimum sentences would have a crippling financial impact with no evidence that they would actually deter future violations of the law. They could cost American taxpayers hundreds of millions of dollars. I think that deserves a serious, thoughtful debate in the Judiciary Committee, with expert testimony on whether this really makes us safer or whether we are throwing away hard-earned taxpayer dollars. But we won't even get that debate because this bill was fast-tracked as a Republican priority, and it didn't even go through the regular committee process.

The U.S. Senate cannot nurture an environment that demonizes and dehumanizes Latinos and the entire immigrant community. By threatening to strip CDBG funding from cities, Senate Republicans are saying that it is OK to withhold funding from economically vulnerable American citizens, senior citizens, veterans, and children to promote their anti-immigrant agenda and that it is OK to cut COPS funding, which has long promoted public safety through community policing.

A one-size-fits-all approach that punishes State and local law enforcement agencies that engage in well-established community policing practices just doesn't make sense. Local communities and local law enforcement are better judges than Congress of what keeps their communities safe. Police need cooperation from the community to do their jobs. That is why over the past several years hundreds of localities across our Nation, with the support of some of the toughest police chiefs and sheriffs, have limited their involvement in Federal immigration enforcement out of concerns for community safety and violations of the Fourth Amendment. They need witnesses and victims to be able to come forward without fear of recrimination because of their immigrant status, and fear of deportation should never be a barrier to reporting crime or seeking help from the police. This fear undermines trust between law enforcement and the communities they protect and creates a chilling effect.

These policies were put in place because local jurisdictions don't want to do ICE's job for them. Effective policing cannot be achieved by forcing an unwanted role upon the police by threat of sanctions or withholding assistance, especially at a time when law enforcement agencies are strengthening police-community relations.

Furthermore, why do my Republican colleagues believe they know better than the local towns and citizens who live this day in and day out? They talk endlessly about decentralizing government, giving the power back to local communities, but not this time. It is no wonder that this bill is opposed by law enforcement, including the Fraternal Order of Police, the Law Enforcement Immigration Task Force, the U.S. Conference of Mayors, immigrant and Latino rights organizations, faith groups, and domestic violence groups, among others.

This bill is not a real solution to our broken immigration system. The bottom line is that we need comprehensive immigration reform. We passed bipartisan legislation in 2013, but we haven't had a real discussion in Congress for over 2 years.

A recent Pew poll found that 74 percent of Americans overall said that undocumented immigrants should be given a pathway to stay legally. That included 66 percent of Republicans, 74 percent of Independents, and 80 percent of Democrats who support a pathway to legal status for undocumented immigrants. This bipartisan support is not new.

Comprehensive immigration reform, previously passed in the Senate, brought millions of people out of the shadows who had to prove their identity, pass a criminal background check, pay taxes, and provide an earned path to citizenship so ICE could focus on the people who were true public safety threats. The bill also increased penalties for repeat border crossers. It included $46 billion in new resources, including no fewer than 38,000 trained, full-time, active Border Patrol agents deployed and stationed along the southern border. It increased the real GDP of our country by more than 3 percent in 2023 and 5.4 percent in 2033—an increase of roughly $700 billion in the first 10 years and $1.4 trillion in the second 10. It would have reduced the Federal deficit by $197 billion over the next decade and by another $700 billion in the following. That is almost $1 trillion in deficit spending reductions by giving 11 million people a pathway to citizenship. That was a real solution. That is the type of reform we need. That, in fact, is the opportunity that existed. Unfortunately, the other body, the House of Representatives, did not even have a vote. To the extent that Americans are less safe, it is because of their inaction that we are less safe today.

Tragedies should not be used to scapegoat immigrants. They should not be used to erode trust between law enforcement and our communities. We cannot let fear drive our policymaking.

So let's actively and collectively resist the demagoguery that threatens to shape American policymaking for the worse. I believe a vote to proceed is a vote against the Latino and immigrant communities of our country, and I hope that on a bipartisan basis we can reject it.

With that, I yield the floor.

Mrs. FEINSTEIN. Mr. President, I wish to discuss sanctuary cities.

Two women, Kate Steinle and Marilyn Pharis, were killed in California over the summer, both allegedly by undocumented individuals with criminal records.

The suspect in each case had recently been released from local custody without notice to Federal immigration officials, which could have resulted in those individuals being removed from the country instead of being released.

I believe these murders could have been prevented if there were open channels of communication between local law enforcement and Federal immigration authorities about dangerous individuals.

In both cases, those lines of communication broke down, and two women died.

In my view, local law enforcement agencies should be required to notify Federal authorities—if such notification is requested—that they plan to release a dangerous individual, such as a convicted felon.

This is a reasonable solution that would target those criminals who shouldn't be released back onto the street.

While I do support mandatory communication between local, State, and Federal officials, I do not support the bill before us today.

The bill we will soon be voting on would target all undocumented immigrants for deportation.

It would divert already stretched local law enforcement resources away from dangerous criminals and from policing in their own communities. I do not support such an action.

This bill also includes a detention requirement that goes beyond dangerous individuals—it would cover any immigrant sought to be detained.

This is a standard that could be abused in another administration, and it is potentially a huge unfunded mandate to impose on States and localities.

In addition to being an unfunded mandate, the bill would make drastic cuts to police departments, sheriffs departments, and local community programs.

Specifically it would cut the COPS Hiring Program; the State Criminal Alien Assistance Program, known as SCAAP; and the Community Development Block Grant Program.

Last year, 21 California jurisdictions received $13.2 million in COPS hiring grants to hire police officers.

California also received $57 million in SCAAP funds to help cover costs of holding undocumented immigrants.

And California communities received $356.9 million under the Community Development Block Grant Program.

As a former mayor, I know how important these funds are to local communities.

The bill would also impose lengthy Federal prison sentences on all undocumented immigrants.

This would include mothers crossing the border to see their children.

It would include agricultural workers who are vital to California's economy.

It would include other essentially innocent individuals who simply want to make a better life for themselves and their families.

In my view, this goes much too far, and I cannot support it.

I would, however, like to talk further about the murders of Kate Steinle and Marilyn Pharis and what I believe should be done to protect public safety.

Kate Steinle, a 32-year-old woman, was shot and killed in July while walking along San Francisco's Pier 14 with her father.

The suspected shooter, Juan Francisco Lopez-Sanchez, had a long criminal record.

He had seven felony convictions, including one for possession of heroin and another for manufacturing narcotics.

He had also been removed from the country five times.

The chain of events that led to Kate's murder began on March 23, when San Francisco County Sheriff Ross Mirkarimi requested that Lopez-Sanchez be transferred from Federal prison to San Francisco.

The sheriff's request was based on a 20-year-old marijuana possession warrant.

On March 26, Lopez-Sanchez was booked into San Francisco County jail.

However, the 20-year-old marijuana charge was quickly dropped, and Lopez-Sanchez was later released.

Immigration and Customs Enforcement had asked Sheriff Mirkarimi to let the agency know when Lopez-Sanchez would be released. That did not happen.

A simple phone call would have been enough, but Sheriff Mirkarimi failed to notify Federal officials.

In July, only a few months after his release, Lopez-Sanchez shot and killed Kate Steinle.

In fact, not only did the sheriff fail to notify, the failure was a consequence of a deliberate policy.

Just weeks before his office requested the transfer of Lopez-Sanchez, the sheriff adopted a policy forbidding his own deputies from notifying immigration officials.

The policy specifically states that sheriff department staff shall not provide release dates or times to immigration authorities.

Let me be clear: this isn't State law or even San Francisco law. This is the sheriff's own policy.

I believe this policy is wrong, and I have called on the sheriff to change it. San Francisco Mayor Ed Lee has made the same request.

On July 24, Marilyn Pharis was brutally attacked with a hammer and sexually assaulted in her home by two suspects.

The 64-year-old Air Force veteran died in the hospital from her injuries a week later.

One of the individuals charged with this heinous crime is a 20-year-old U.S. citizen named Jose Fernando Villagomez.

The other is a 29-year-old undocumented immigrant named Victor Aureliano Martinez Ramirez.

According to ICE, Martinez Ramirez was arrested in May 2014, but he had no prior felony convictions or deportations.

He was subject to what is called an ICE detainer request, asking the local jurisdiction to hold him until ICE could pick him up.

The local jurisdiction did not hold the suspect, nor did they notify ICE of his release.

In the ensuing months, Martinez Ramirez accumulated multiple misdemeanor convictions, including possession of methamphetamine and battery.

One of his convictions included a protection order requiring him to stay away from a particular individual.

On July 20, he pleaded guilty to additional misdemeanor charges of possessing a dagger and drug paraphernalia.

He was sentenced to 30 days, but that wasn't to begin until October 31. He was released from custody and, 4 days later, allegedly attacked, raped, and killed Marilyn Pharis in her own home.

I believe these two cases demonstrate the need for better communication between local, State, and Federal authorities before a dangerous individual with a criminal record is released.

When our committee was set to markup an earlier bill from Senator VITTER, I prepared a simple amendment to ensure such communication happens. That markup was cancelled.

I'd like to describe this approach now.

First, it would require notification by a State or local agency of the impending release of certain dangerous individuals, if ICE requests such notification.

It would apply to individuals where there is probable cause to believe they are aliens who are removable from the country and who pose a threat to the community.

Immigration offenses would be covered only if the individual had actually received more than 1 year in prison, which would happen for a person with a significant criminal history.

The amendment I prepared would not include harmful cuts to law enforcement and community programs, which I believe are unnecessary and unwise.

The legal precedents from the Supreme Court show that Congress can impose a reporting requirement on a State or local government, without threatening harmful funding cuts.

That is the approach I would take—I believe it would protect public safety without harming otherwise law-abiding immigrants or State or local law enforcement.

Before I conclude, I'd like to remind my colleagues that this is not a choice between being pro-immigrant or pro-criminal.

I am pro-immigrant. Immigrants make a tremendous contribution to this country and to my State.

They work some of the most difficult jobs, from agriculture to construction to hospitality.

They are part of the fabric of our country.

I, myself, am the daughter of an immigrant.

I strongly support comprehensive immigration reform, which I think is the only long-term solution to many of these problems.

I also support the President's executive actions to eliminate the threat of deportation for young people who have been raised here, as well as the parents of American citizens.

And I agree with immigrant advocates who want to prevent families from being separated because of a minor infraction like a broken taillight.

The position I support strikes a balance.

It would keep dangerous individuals off the street, while protecting otherwise law-abiding immigrants who are just here to work and provide their children with a better future.

I believe the deaths of Kate Steinle and Marilyn Pharis could have been prevented.

I believe we can and should fix the problems that led to their deaths by requiring that local officials notify Federal officials before they release dangerous criminals, if asked to do so.

I oppose Senator VITTER's bill, which would sweep up otherwise law-abiding immigrants and divert resources away from where they are most needed.

We should focus our efforts on dangerous criminals, and I hope that when we again take up comprehensive immigration reform, that is what happens.

I thank the Chair.

Mrs. BOXER. Mr. President, the death of Kate Steinle in San Francisco by a convicted felon who illegally crossed the border multiple times was horrific. It left a family heartbroken and shocked our community, our State, and our Nation.

We cannot allow a tragedy like this to happen again.

We should never give sanctuary to serious and violent felons, but this Republican bill is not the answer.

Getting rid of sanctuary cities will not reduce crime—in fact, it will only increase crime and make us less safe.

That is why this bill is opposed by law enforcement, immigrant rights organizations, faith groups, domestic violence groups, labor unions, housing and community development organizations, mayors of California's biggest cities, and the National League of Cities—as well as many others.

The truth is that sanctuary cities keep our neighborhoods safe by promoting trust and cooperation between police officers and immigrant communities. And that trust is essential to protecting all of us.

Let me give a quick example.

A few years ago in Seattle, more than two dozen Asian women were sexually assaulted in the same neighborhood over a 2-year period.

Because of the strong relationship between police and the community—a community where police are generally prohibited from asking about immigration status—many of the immigrant victims were willing to come forward and share information with the police, which led to the perpetrator's arrest.

Don't just take my word for it—listen to what law enforcement in our communities say about the importance of sanctuary city policies.

As former San Jose Police Chief Rob Davis said: ''We have been fortunate enough to solve some terrible cases because of the willingness of illegal immigrants to step forward, and if they saw us as part of the immigration services, I just don't know if they'd do that anymore.''

As Ohio Chief of Police Richard Biehl explained: ''Sanctuary policies and practices are not designed to harbor criminals. On the contrary, they exist to support community policing, ensuring that the community at large—including immigrant communities—trusts State and local law enforcement and feels secure in reporting criminal conduct.''

Ending sanctuary policies would keep the voices of immigrant victims and witnesses quiet.

That means crimes would go unreported, cases would go unsolved, and dangerous criminals would go unpunished.

Ending these policies would actually give sanctuary to dangerous criminals because, without the help of immigrant communities, these violent offenders will continue to threaten our safety.

We know this because there are many places in this country where immigrants do not feel safe coming forward.

As Texas Sheriff Lupe Valdez said: ''A lot of undocumented individuals came from areas where they can't trust the police. The uniform has pushed them into the shadows. Good law enforcement cannot be carried out this way.''

Just listen to some of the immigrants who were too terrified to come forward and report horrific crimes.

Take it from Maria, an immigrant survivor of serious domestic violence, who fled from Texas to Indiana, where her abuser tracked her down.

When he came to her house at midnight, she was too afraid to call 911—fearing she could be deported—so she called her lawyer over and over. Because it was the middle of the night, her attorney was not at work and came in the next morning to a series of frantic messages left on her voicemail.

Ultimately, Maria's abuser was not able to get into the house, but her life was in danger because she thought that law enforcement wasn't a safe option.

Take it from Cecilia, a young Guatemalan girl in Colorado.

Cecilia was sexually abused by a family friend at the age of 5. Her parents, undocumented immigrants, learned about the abuse, but they were terrified to report the crime to the police because they were told by family and friends that the police could not be trusted. They were told that, if they came forward, they would be reported to immigration and deported.

A year later, the same perpetrator sexually abused another young child. It wasn't until the father of that child contacted Cecilia's parents that they decided to go to the police together, and the perpetrator was caught and prosecuted.

But because of their initial fear of reporting the crime, another child was harmed.

So why would we pass a bill that could discourage victims or witnesses from coming forward for help?

Why would we pass a bill that would make it harder for law enforcement to solve crimes and keep our communities safe?

This Republican bill is also dangerous because it would cut off COPS grants that help communities protect residents by hiring officers.

We should be doing everything we can to help local police departments—not take away their ability to put officers on the street.

Republicans also want to punish communities by taking away their community development block grants, which would hurt thousands of working families who rely on these funds for safe, affordable housing and other critical services.

This GOP bill would also take away SCAAP funding, which reimburses State and local governments for the costs of incarcerating undocumented immigrants. This funding has been repeatedly slashed, and it has never been enough—especially in my State of California, which spends nearly $1 billion a year on these incarceration costs.

These cuts would have devastating impact on States and local communities.

Now, there are some California communities reviewing their specific policies and forging cooperation agreements with Federal immigration officials—and I think that's a good thing.

I believe that State and local officials should examine their policies to ensure that they are preserving the trust that law enforcement has built in our communities, while keeping serious and violent felons off our streets.

Unfortunately, this Republican bill would do the exact opposite—it would undermine the trust that has been developed between police and immigrant communities, and it would set back efforts to solve cases and put dangerous criminals behind bars.

The real question is: Why are we even considering this bill?

Why isn't Congress passing the bipartisan comprehensive immigration reform bill that the Senate passed more than 2 years ago?

That bipartisan bill would make our country safer by adding 20,000 more Border Patrol agents; increasing surveillance; and hiring additional prosecutors and judges to boost prosecutions of illegal border crossings.

The measure would also make clear that serious or violent felons will never get a pathway to citizenship or legal status.

And the bill would bring families out of the shadows—so that they don't fear being deported or separated from their families . . . so they feel comfortable cooperating with police and reporting crimes in their communities.

Let's make our communities safer by passing real immigration reform and by defeating this misguided Republican bill.

I urge my colleagues to vote no.

The PRESIDING OFFICER (Mr. CRUZ). The Senator from New York.

DONNELLY CONFIRMATION

Mr. SCHUMER. Mr. President, I am going to discuss the bill on the floor in a minute, but first I wish to take a moment to congratulate the newly confirmed district judge for the Eastern District of New York, Ann Donnelly. She just passed the Senate with a vote of 95 to 2—nearly unanimous and deservedly so.

There are few more qualified for a Federal judgeship than Ann Donnelly. She has dedicated her life to public service, having spent a quarter decade as a prosecutor in the prestigious New York County District Attorney's Office under Bob Morgenthau. She accumulated a host of awards there and rose through the leadership ranks of the office. Then, in 2009, she became a State court judge in New York, hearing a wide variety of cases. She has a stellar academic record, having graduated from the University of Michigan and Ohio State University School of Law.

I could tick off more of her accomplishments, and the list would be long, but Judge Donnelly is more than a brilliant resume. I know her well. She is at her core a kind, thoughtful, and compassionate person. Anyone who knows her or who has interacted with her even briefly knows she is fair, open-minded, and has exactly the kind of temperament that will make her an exceptional Federal judge.

I congratulate Ann Donnelly and her family—particularly her mother—on her confirmation. I know her mother is so proud of her. It is a milestone day in her career and a bright day for the Eastern District of New York.

Mr. President, today the Senate will turn its attention to a divisive immigration bill that has no hope of becoming law. Today's vote won't be on a comprehensive bill, as was the one the Senate passed 2 years ago—one that secures our borders, provides a jolt to the economy, provides a pathway to citizenship for hard-working, law-abiding immigrants who pay their taxes to get right with the law.

I want to be clear with the American people on this. Today's vote is nothing but a political show vote. Senator VITTER knows his bill has no chance of passing the Senate or being signed into law. As stated by my friend the Republican junior Senator from Nevada—here is what he said: ''You know we have votes because people are running for president, so I am not surprised we have votes because people are running for governor.'' No other sentence sums it up better as to what a waste of time this is, and that is to say nothing about the substance of the bill, which has drawn opposition from nearly every important interest group. A broad coalition of major law enforcement groups, faith groups, labor, cities, elected officials, housing advocates, and immigrant rights groups oppose this bill. I suspect there are Members of the Republican caucus who oppose many parts of it. Why? Because it is a bill that would jeopardize hundreds of millions of dollars in the name of punishing immigrants and cities where they live.

This bill would strip away community development block grants, community COPS grants to hire more cops, and SCAAP, a proposal that funds jurisdictions that are doing what many on the other side want them to do by locking up unauthorized immigrants who commit crimes. Everyone believes that if a person commits a serious crime unrelated to being an immigrant—not like crossing the border or forging a document but a serious crime—law enforcement should be required to cooperate and those folks should be deported, plain and simple. But in the name of trying to help law enforcement, this bill hurts law enforcement because it will take away so many of the grants law enforcement needs. It will take away the grants that help create a way of incarcerating those who commit serious crimes.

All of these cuts would come while also astronomically increasing the size of prison population and related costs, without decreasing the deficit by a single dime. This will put a huge burden on our State and local taxpayers. Their taxes would go way up if this bill were passed into law and implemented.

To be clear, the death of Kathryn Steinle in San Francisco was tragic. It never should have happened. I mourn not only her family but the family of any American killed in a senseless act of gun violence. For people like the killer of Ms. Steinle, law enforcement should cooperate with the Federal authorities and deport those folks.

This is not the way to exercise better law enforcement. Punishing cities and communities and yanking Federal funding from cops will not get us to a better immigration system or safeguard our communities.

The bill we passed in 2013, which I was proud to author with a number of Democratic and Republican colleagues, is the opposite of this bill in every way. Our bill was supported by a broad coalition of groups, from business, labor, faith communities, immigrant communities, and law enforcement. Our bill paid for itself and went on to decrease the deficit by $160 billion over 10 years and to increase GDP by 3.3 percent. Our bill secured the border—this bill doesn't do that—not only with more resources and staff but by cracking down on repeat border crossers and those who overstay their visas. It did it in a smart way. The goal of our friend from Louisiana isn't accomplished in his bill, but it is in comprehensive immigration reform—the goal of making sure those who are repeat border crossers and those who overstay their visas are dealt with properly.

Our bill paved a tough but fair pathway to citizenship, shielding law-abiding immigrants from deportation, fostering trust with law enforcement, and exposing the criminals in their communities who would rather live in the shadows.

Our bill was a bipartisan compromise. There is no compromise here. I daresay many of my colleagues on the other side of the aisle, when they look at provisions in this bill, do not like them. This is a show vote—a vote, as my Republican colleague from Nevada said, to help someone in his quest for political office.

There are so many vitally important policy debates we could be turning to today. Instead, the Senate Republican leadership insists on leading us into this dark, divisive place for nothing more than political theater. Think of the urgent bipartisan issues we should be working on, including the debt ceiling. We are about to default because of the shenanigans going on on the other side. The Perkins Loan Program so that kids can go to college; the land and water conservation programs are expiring. The highway bill—we don't have a highway bill, yet we are doing this. And if we don't take action by the end of the year, millions of seniors will see a 52-percent increase in their Medicare bill. How many Americans would want us to do that and not the divisive show vote that has no chance of passing?

I urge my colleagues to oppose this bill. Just as importantly, I beg my colleagues to join us on this side of the aisle in turning to a serious debate on comprehensive immigration reform—something they have so far refused to do.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

The Senator is advised that the Senate is under an order to recess at this time.

Mr. TOOMEY. Mr. President, I ask unanimous consent that I be recognized for such time as I may consume and that Senator HIRONO be recognized following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOOMEY. Mr. President, I rise to speak on S. 2146, the Stop Sanctuary Policies and Protect Americans Act, which the Senate will vote on shortly and which our colleagues have been speaking about.

First, I want to recognize and thank my colleagues for joining in this effort—Senator VITTER, Senator GRASSLEY, Senator CRUZ, and Senator JOHNSON—and introducing this very important bill. I can't believe the way it is being mischaracterized, and I will try to address some of those mischaracterizations.

Let's be clear. This bill is about keeping our communities safe from violent crime. That is what it is about. It is necessary because of the sanctuary cities that we have across America.

This is not a manufactured problem. This is a very real problem. There is one father who knows about it all too well. Jim Steinle was walking arm in arm with his daughter on a pier in San Francisco. Suddenly a gunman leaps out, opens fire, and hits Kate. She falls into her father's arms and pleads, ''Help me, dad,'' while she bleeds to death.

What is so outrageous about this, among other things, is that the shooter never should have been on the pier that day, in the first place. He was an illegal immigrant who had been convicted of seven felonies. He had been deported

five times, and there he is on the San Francisco pier, shooting and killing an innocent woman. It is more outrageous than that. Just 3 months earlier, the Department of Homeland Security had asked the San Francisco Police Department, when they had picked up this man, to hold him until DHS officials could come and get him. They had made that specific request when this man was in the custody of the San Francisco Police Department, but San Francisco refused to cooperate. Knowing that DHS wanted them to hold this man for a short period of time until their agents could get there and take him into custody, having had that request from DHS, San Francisco said no, and they released him so he could then go out and commit a murder.

Why in the world would they release a man such as this when DHS has asked them to hold him? It is because San Francisco is a sanctuary city. What that means is that it is the policy of the city of San Francisco—having commanded their local law enforcement, their police department—to not cooperate with Federal officials seeking to prosecute immigration issues. Even when they want to cooperate, they are forbidden from cooperating. Think about how absurd this is.

If Federal officials had called the San Francisco Police Department about any other kind of crime—larceny, burglary, a trademark violation—they would have been happy to cooperate. They would have cooperated, in fact. But because the crime was related to illegal immigration, the San Francisco Police Department's hands were tied. The police were forced to release the man who would then go on and kill Kate Steinle. As a father of three young children, I can't even begin to think about the pain that the Steinles just went through, and what is so maddening is that it was entirely unnecessary.

Sadly, this is not the only case, as you know. According to the Department of Homeland Security, during an 8-month period last year, sanctuary jurisdictions—cities and counties that have adopted this policy of noncooperation—have released over 8,000 illegal immigrants they had in their custody, and 1,800 of these were later arrested for criminal acts. This includes two cities that refused to hold individuals who had been arrested for child sexual abuse. In both cases the individuals were later arrested for sexually assaulting young children. This is how outrageous this has become.

For the record, let me make it clear that I completely understand that the vast majority of immigrants would not commit these crimes. That is not what this is about. But the truth of the matter is that any large group of individuals is going to have a certain number of criminals within it. Of the 11 million people who are here illegally, some are inevitably violent criminals.

The Stop Sanctuary Policies and Protect Americans Act provides a solution to this in three parts. First, under our legislation sanctuary jurisdictions will lose certain Federal funds. If a city or county or municipality decides they will declare or forbid their law enforcement officials from cooperating and even sharing information with Federal Department of Homeland Security officials, they will lose some Federal funding.

Second, this legislation includes Kate's Law. This provides for a mandatory minimum 5-year sentence for a person who reenters the United States illegally after having been convicted of an aggravated felony or having been convicted twice before of illegal reentry.

Finally, there is the third part of this legislation. Across America dozens of municipalities that had been cooperating with Federal immigration officials have been forced to become sanctuary communities or counties because several Federal courts have held that local law enforcement may not cooperate when DHS asks them to hold an illegal immigrant. They maintain that there is not the statutory authority for local law enforcement to do so. Therefore, if the local police were to cooperate, as they should, they would be liable for damages, and this would apply even to dangerous criminal cases. We solve that problem by making it clear that when local law enforcement is acting in a fashion consistent with what DHS is requesting—what DHS has the authority to do themselves—then there would be no such legal liability.

Some of my Democratic colleagues have said that we don't need this legislation and that all we need is greater cooperation between Federal and local law enforcement. Well, that is absolutely factually incorrect. It is not possible to have the level of cooperation that we need to have because of these court decisions, because the court decisions effectively are precluding the kind of cooperation that we need. That is why Congress needs to act.

We need to make it clear that local law enforcement can in fact hold somebody that the Department of Homeland Security needs to have held, just as the Department of Homeland Security has that authority themselves. The Stop Sanctuary Policies and Protect Americans Act provides a valid solution. It confirms that local law enforcement officers are allowed to cooperate when Federal officials ask them to hold illegal immigrants.

It is carefully drafted to protect individual liberties. If an individual's civil liberties or constitutional rights are violated, than that individual can still file suit and can still seek a remedy, and that is as it should be. But this legislation to stop sanctuary policies act really should have very broad bipartisan support.

Let's keep in mind the people we are talking about here. As a practical matter, the only cases in which this applies is that small subset of illegal immigrants who even the Obama administration wishes to hold for deportation—only that small subset of people that the Obama administration believes is dangerous enough to warrant removal. Really, we can't even have local law enforcement officials cooperate under those circumstances?

President Obama's own Secretary of Homeland Security has declared that sanctuary cities are ''not acceptable.'' He has described them as ''counterproductive to public safety.'' There is no real basis for voting no on this.

Opponents have turned to misrepresenting this in many ways, but the facts are overwhelming.

There are three national law enforcement groups that have written a powerful letter addressing some of the misrepresentations that have been made about this bill. They have reaffirmed their support for this bill. They include the National Sheriffs' Association, the National Association of Police Organizations, and the Federal Law Enforcement Officers Association.

Mr. President, I ask unanimous consent to have their letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCTOBER 20, 2015.

Senator DAVID VITTER,
U.S. Senate, Hart Senate Office Bldg., Washington, DC.
Chairman CHUCK GRASSLEY,
U.S. Senate, Hart Senate Office Bldg., Washington, DC.
Senator RON JOHNSON,
U.S. Senate, Hart Senate Office Bldg., Washington, DC.
Senator PAT TOOMEY,
U.S. Senate, Russell Senate Office Bldg., Washington, DC.
Senator TED CRUZ,
U.S. Senate, Russell Senate Office Bldg., Washington, DC.

DEAR SENATORS VITTER, TOOMEY, GRASSLEY, CRUZ, AND JOHNSON: On behalf of the National Sheriffs' Association, the National Association of Police Organizations, and the Federal Law Enforcement Officers Association and the local, state, and federal law enforcement officers we represent, we write to reiterate out support for the Stop Sanctuary Policies and Protect Americans Act (S.2146) and to correct some misrepresentations regarding the Act.

As the law enforcement officers on the front lines working to protect our communities, we know firsthand the challenges facing police officers. We know when a bill makes our jobs more difficult and when a bill makes our jobs easier.

We have been surprised to hear some misrepresent this bill and its effects on law enforcement.

For example, some have claimed that the Stop Sanctuary Policies Act will ''requir[e] state and local law enforcement to carry out the federal government's immigration enforcement responsibilities,'' and thus ''the federal government would be substituting its judgment for the judgment of state and local law enforcement agencies.'' Nothing in the Stop Sanctuary Policies Act requires local law enforcement ''to carry out federal immigration responsibilities.'' Removing illegal immigrants remains the exclusive province of the federal government. The bill simply withholds certain federal funds from jurisdictions that prohibit their local law enforcement officers from cooperating with

federal officials in the limited circumstance of honoring an immigration detainer. It is politicians in sanctuary jurisdictions who, by tying the hands of local law enforcement, are ''substituting [their] judgment for the judgment of state and local law enforcement.''

Others have resorted to scare tactics, warning that that S.2146 will lead to the deportation of those who report crimes to law enforcement. This is simply false. The bill provides that if a jurisdiction has a policy that it will not inquire about the immigration status of crime victims or witnesses, the jurisdiction will not be deemed a sanctuary jurisdiction and will not lose any federal funds.

To be clear: We believe the Stop Sanctuary Policies Act will make America safer, enhance the ability of police to protect and serve, and provide greater flexibility for law enforcement officers at every level—federal, state, and local.

We also write to address those Members of Congress who insist that the Stop Sanctuary Policies Act is not needed; instead, Congress should ''encourage'' local officers to cooperate with federal officials. This ignores one crucial fact: Across America, federal courts have issued decisions forbidding local officers from cooperating with federal requests to hold an illegal immigrant. These decisions provide that local law enforcement and municipalities may be sued if they cooperate with federal officials to detain dangerous criminals. Under these decisions, even if a federal official would have had the authority to hold the individual, local law enforcement can still be sued.

Too often, local law enforcement officers are left with a terrible choice: Either release an individual who has been convicted of or arrested for violent crimes, or be sued and lose funds that are needed to protect our communities. As a result of these lawsuits, scores of cities and counties across America have become sanctuary jurisdictions.

The Stop Sanctuary Policies Act provides a solution. The bill confirms that local law enforcement may cooperate with federal requests to hold an illegal immigrant. The bill provides that when local officers comply with such requests, they are delegated the same powers to hold an illegal immigrant as a DHS official would have. If the detention would have been legal if carried out by the Department of Homeland Security (DHS), then under S.2146 it is still legal; it does not become a crime simply because it is a local sheriff acting instead of a DHS official.

This provision was carefully drafted to protect individual liberties. It preserves an individual's ability to sue for a violation of a constitutional or civil rights, regardless of whether the violation was the result of negligence or was purposeful. Under S.2146, if there was no basis to detain the individual—DHS issued the request for someone in the U.S. legally—the individual may still sue for a violation of rights. The difference is that the party responsible for the error, the federal government, is liable; not a local police officer or jailer acting in good faith. If a local law enforcement officer acts improperly—mistreating an individual or continuing to hold an individual after federal officials issue a release order—the individual may sue, with the local officer liable for all costs and judgments.

Contrary to the assertions of the American Civil Liberties Union (ACLU)—the party that has orchestrated these lawsuits against local law enforcement officers—the Stop Sanctuary Policies Act is fully consistent with the Fourth Amendment. In a letter to Congress, the ACLU states, ''The Fourth Amendment provides that the government cannot hold anyone in jail without getting a warrant or the approval of a judge.'' The fact is that the Constitution requires probable cause to detain an individual, which can be established by a judicial warrant issued before the arrest or by a demonstration of probable cause after the arrest. Otherwise police could never arrest someone whom they see committing a crime. The Stop Sanctuary Policies Act does not alter the requirement for probable cause. To the contrary, S.2146 explicitly preserves an individual's ability to sue if he or she is held without probable cause or has suffered any other violation of a constitutional right.

The ACLU also tries scare tactics. It claims that the Stop Sanctuary Policies Act includes ''provisions requiring DHS to absorb all liability in lawsuits brought by individuals unlawfully detained in violation of the Fourth Amendment.'' This is false. If a lawsuit alleges that a local officer knowingly violated Fourth Amendment or other constitutional rights, then under S.2146, the individual officer will bear all liability—not the federal government. For some lawsuits, the U.S. will be substituted as defendant—specifically, suits alleging that that the immigration detainer should not have been issued. But such a claim could already be brought against the U.S. under existing law; thus, S.2146 does not create a new source of liability for the federal government. S.2146 simply provides that if the federal government made the error, the federal government should be the defendant.

We, the law enforcement officers of America, are on the front lines day after day. We know the challenges of apprehending criminals and the difficulties of working with crime victims and witnesses—especially those who may be fearful of local and federal authorities. Based on our collective knowledge and experience, we strongly support the Stop Sanctuary Policies Act (S.2146) and urge the Senate to pass this important legislation.

Sincerely,

NATIONAL SHERIFFS' ASSOCIATION.
NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS.
FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION.

Mr. TOOMEY. Mr. President, let me finish by reminding my colleagues that the vote we are about to have is not actually a vote on this bill in its current form. If Members object to a provision in it or they want to add a provision in it, then, by all means, let's vote to get on the bill. Let's open up debate, and we will have amendments, we will have a discussion, and we will have a debate. They are free to attempt to improve this bill and modify this bill, as they see fit.

This vote today is not a final passage vote. It is a vote on whether the issue of sanctuary jurisdictions is important enough to merit the Senate's consideration.

I was just shocked to hear one of our colleagues describe this bill as a waste of time. Really, a waste of time? That is unbelievable. How could the lives of Kate Steinle and the other victims who have been lost because of this ridiculous policy be a waste of the Senate's time when the courts are precluding the cooperation between local and Federal law enforcement officials because we have not acted? There is a simple solution. It starts with passing a motion to proceed so we can get on this bill and hopefully complete it successfully. I think the lives of Kate Steinle and the other victims are not a waste of time. I think we should be addressing this issue. We should be addressing it today.

I urge my colleagues to vote aye so that we can begin considering this very important—and it should be broadly supported—bipartisan piece of legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, I would like to urge my colleagues to oppose S. 2146, the Stop Sanctuary Policies and Protect Americans Act.

Hundreds of cities and local jurisdictions across our country have financial, constitutional, and public safety concerns with using scarce local tax dollars to hold immigrants in jail when they otherwise would be entitled to release under the law. These cities and towns are being called sanctuary cities because they have made a local and fact-based choice to keep their communities safe rather than serve as an arm of immigration enforcement.

This bill would create new criminal penalties for undocumented immigrants and make life even harder for them, most of whom are honest, hard-working people, not criminals. The bill also takes severe steps to penalize these sanctuary cities by stripping them of critical community block grants and Federal homeland security and law enforcement funding. While this bill purports to protect our communities, it is strongly opposed by law enforcement, victims' advocates, and local and State government leaders.

Why do they oppose this bill?

Demonizing our immigrant communities and using them as scapegoats does not make America safer. Decades of research shows the following: that immigrants as a group are not a threat to public safety, that immigrants are less likely to commit serious crimes than the rest of Americans, and that the higher rates of immigration are associated with lower rates of violent crime.

Law enforcement is clear. This bill would limit their ability to keep all people in their communities safe. Good community policy requires collaboration and trust. Our law enforcement officials want to spend their time going after people who truly pose a threat to our safety. This bill would have us spend limited resources pursuing hard-working though undocumented members of their communities with no criminal history. Community law enforcement should not be coerced, because that is what this bill would require. It is a requirement. Community law enforcement should not be coerced into serving as an arm of Federal Immigration and Customs Enforcement. That is what this bill does. Nobody is talking about voluntary collaboration and support for Federal Government

enforcement of laws. Throughout this Congress, my Republican colleagues often rail against the Federal Government telling State and local governments what to do, but now when it comes to something as important as public safety and law enforcement, it is suddenly OK to second guess State and local law enforcement?

Instead of turning hard-working immigrants into bogeymen, we should be focusing on real solutions for violent crime in our communities. If my colleagues who support this bill are serious about addressing violence in America, then they should come to the table to talk about how we can strengthen our laws to keep guns out of the hands of criminals and the mentally ill.

I have been saying, along with many of my colleagues for over a year now, if my Republican colleagues want to discuss immigration reform, we welcome that debate. Everyone agrees our immigration system is broken and needs reform. It has been 28 months since the Senate passed a comprehensive immigration bill that had strong bipartisan support.

Even though it was not perfect from my perspective, we nonetheless worked together to come up with a compromise bill, but House Republicans ducked the issue and refused to take up the immigration reform bill. The Senate comprehensive immigration bill would have reduced the Federal deficit by $1 trillion in just two decades because of the broad economic benefits immigration reform granted.

It would have protected and united families, strengthened our border security, improved our economy, and encouraged job creation in our country. The Senate's bill would have gotten millions of people out of the shadows, requiring them to pass criminal background checks and earn their path to citizenship. It would have let immigration enforcement officials focus on true security threats to our country.

The Senate's immigration bill included $46 billion in new resources to help our Border Patrol, Immigration and Customs Enforcement agents. Of this amount, roughly $30 billion was added to the bill to further secure our borders, but that is not enough for some Republicans. Apparently, some will not be happy until we literally round up every undocumented immigrant—some 11 million of them in our country—and deport them, which would be catastrophic to our economy, not to mention impossible to do. The current sanctuary cities debate is not the first time some have tried to use myths about immigrants to scare Americans. This rhetoric could not be further from the truth about immigrants.

I urge my colleagues to oppose these scare tactics and to vote no on the motion to proceed to S. 2146.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:48 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CORKER).

STOP SANCTUARY POLICIES AND PROTECT AMERICANS ACT—MOTION TO PROCEED—Continued

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 252, S. 2146, a bill to hold sanctuary jurisdictions accountable for defying Federal law, to increase penalties for individuals who illegally reenter the United States after being removed, and to provide liability protection for State and local law enforcement who cooperate with Federal law enforcement and for other purposes.

Mitch McConnell, David Vitter, John Barrasso, Dan Sullivan, David Perdue, Bill Cassidy, Ron Johnson, Steve Daines, James Lankford, James E. Risch, John Boozman, Mike Lee, Richard C. Shelby, John Cornyn, Jeff Sessions, Johnny Isakson, Patrick J. Toomey.

The PRESIDING OFFICER (Mr. PORTMAN). By unanimous consent the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 2146, a bill to hold sanctuary jurisdictions accountable for defying Federal law, to increase penalties for individuals who illegally reenter the United States after being removed, and to provide liability protection for State and local law enforcement who cooperate with Federal law enforcement and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 54, nays 45, as follows:

[Rollcall Vote No. 280 Leg.]

YEAS—54

Alexander	Capito	Cornyn
Ayotte	Cassidy	Cotton
Barrasso	Coats	Crapo
Blunt	Cochran	Cruz
Boozman	Collins	Daines
Burr	Corker	Donnelly
Enzi	Lankford	Rounds
Ernst	Lee	Rubio
Fischer	Manchin	Sasse
Flake	McCain	Scott
Gardner	McConnell	Sessions
Grassley	Moran	Shelby
Hatch	Murkowski	Sullivan
Heller	Paul	Thune
Hoeven	Perdue	Tillis
Inhofe	Portman	Toomey
Isakson	Risch	Vitter
Johnson	Roberts	Wicker

NAYS—45

Baldwin	Heinrich	Nelson
Bennet	Heitkamp	Peters
Blumenthal	Hirono	Reed
Booker	Kaine	Reid
Boxer	King	Sanders
Brown	Kirk	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Markey	Stabenow
Casey	McCaskill	Tester
Coons	Menendez	Udall
Durbin	Merkley	Warner
Feinstein	Mikulski	Warren
Franken	Murphy	Whitehouse
Gillibrand	Murray	Wyden

NOT VOTING—1

Graham

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 45.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Senator from Florida.

UNANIMOUS CONSENT REQUEST—S. 1082

Mr. RUBIO. Mr. President, I don't think any of us in any of the 50 States have not had calls from our constituents about the Veterans' Administration. I know that certainly in Florida, I have. We are blessed to have so many people who are either in uniform or have served in uniform.

We make two fundamental promises to the men and women who serve our country. The first is that if we ever put them into hostility, they will be better equipped, better trained, and have more information than their adversaries. I, of course, fear that all three of those promises have eroded.

Here is the second promise we make to them: After they take care of us and they come home, we will take care of them. That is a promise that, sadly, is also not being kept.

There are a lot of different issues we can get into when it comes to veterans and what they are facing in this country, but one that has received a lot of attention is the Veterans' Administration and in particular the role it plays in providing health care for those returning or those who have served our country and have been facing challenges ever since. We have all had the phone calls to our office, and we have seen the media reports about it.

I am proud that last year we were able to pass legislation that gave the Secretary of the VA the ability to fire senior executives who weren't doing their jobs. This is the point—and this is where I always stop and remind everyone there are really good people working in the VA. In fact, the enormous majority of people at the VA are good people who care passionately about our veterans. There are some phenomenal VA facilities in this country, and then there are some facilities

that aren't working. There are some individuals within that agency who, quite frankly, are not doing their jobs well. The problem is that they can't be held accountable because they are protected by law, and as a result they can't be removed.

We expanded that law a year ago to include the ability to fire senior executives who weren't doing their jobs, but to date that has not been used to much effect. So earlier this year we introduced followup legislation, and the followup legislation gives the Secretary of the Department the authority to remove any employee of Veterans Affairs based on performance—or lack thereof—or misconduct. It gives them the authority to remove such individuals from the civil service or demote the individual through a reduction in grade or annual pay rate.

I am proud that this bill has gone through the process here in the Senate. It has passed out of committee and is now ready for action. I hope we will take action on this. There is a different version in the House. It has also gone through their committees, and they are waiting for their process to move it through. There are some differences between the two, which, of course, would be worked out in conference.

I think the prudent thing to do at this point, given the fact that the Senate bill has worked its way through the process and is now ready for action, is to take action. This is about creating accountability. By the way, this is about taking care of our veterans, but it is also about taking care of the people at the VA who are doing their jobs. This is also about them. It isn't fair to them that people who aren't doing their jobs continue in their positions and in many instances are increasing the workload on others because they are not performing or carrying their weight.

That is why I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 272, S. 1082; further, that the committee-reported amendments be agreed to, the bill, as amended, be read a third time and passed, and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, reserving the right to object, I respect deeply and in fact support the arguments made by my colleague from Florida. There are goals here to be served, and I strongly support them as well. Accountability has been lacking for too long in the Department of Veterans Affairs. That is a simple fact on which we can all agree. In fact, we took a major step in the right direction with the passage of the access and accountability act during the last session with bipartisan support.

I would support this measure if a number of simple changes were made to it to comply with the Constitution. This measure lacks some of the basic constitutional guarantees that again and again the Supreme Court of the United States has said are absolutely mandatory. This bill, unfortunately, fails to provide sufficient notice in advance of any firing or disciplinary action, a statement of cause, a right to be heard, and an opportunity for basic administrative constitutional guarantees.

I commit to work with my colleague from Florida on seeking to improve this bill. In fact, I have proposed a measure that is now pending in the Committee on Veterans' Affairs, S. 1856, which will improve the management of the VA in many of the same ways, but it avoids these constitutional pitfalls.

As a former attorney general, I care deeply about enforcement, which is to say effective enforcement. A disciplinary action now under appeal in the Federal circuit will decide the constitutionality of exactly these procedures. In the meantime, we ought to avoid creating unnecessary litigation and challenge to a law that should be enforced effectively. This one, unfortunately, cannot be. I believe strongly there are measures and ways to achieve greater accountability. It isn't a luxury or convenience; it is a necessity that the VA is held accountable. The more effective way to hold the VA accountable is to pass a measure that is fully constitutional and, in addition, provides more effective protection for whistleblowers. They are the ones who come forward speaking truth to power. They are the ones with critical facts necessary for accountability. This measure, unfortunately, fails to afford sufficient protection for those whistleblowers. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Florida.

Mr. RUBIO. Mr. President, the difference between this bill and the one in the House is the Whistleblower Protection Act. So if that is the issue the Senator is concerned with, I would ask if the Senator from Connecticut would then be willing not to object, to lift the objection, if we could move forward on the House bill that is now here and ready for us to take up as well because it does contain the whistleblower protection language.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I would be more than willing—indeed, happy—to work with my colleague from Florida on specific language that improves the whistleblower protection language. I think his bill takes a step in the right direction by providing that the Office of Special Counsel provide approval for any disciplinary action. That is a good step, but I believe it could be made more effective. I think the opportunity to be heard with notice for cause or discipline or firing is essential to effective enforcement. I share the goal—strongly share it—of making sure that accountability is enforced.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Again, the House version of this bill, which is ready for us to take up today, has stronger accountability language which we do not oppose. It simply was not included for purposes of time at the committee level. But we are prepared to move now, if we could, because the House version is here and ready for action on our part, and it has the stronger accountability language. It sounds as though, no matter what, we are probably going to have a delay here on acting on this matter.

I would say this for people watching here in the Gallery or at home or anywhere they might see it later—I just want everybody to understand what we are saying here. All we are saying in this bill is that if you work for the VA and you aren't doing your job, they get to fire you. I think people are shocked that doesn't actually exist in the entire government since there is no other job in the country where, if you don't do your job, you don't get fired. But in this instance, we are just limiting it to one agency. This should actually be the rule in the entire government. If you are not doing your job, you should get fired. But this is just limiting it to the VA because we have a crisis there with the lack of accountability.

I would hope we can move forward on this, and I am prepared to listen to anyone who wants to improve this. We went through the normal course and process in the Senate. We went through the committee. It had hearings. Opportunities for amendments were offered at the time. So if there is a good-faith effort—and I believe that there is—then let's improve this and take action on it. We need to have a VA that is more interested in the welfare and security of our veterans than the job security of Federal employees.

I said at the outset that there are really good people at the VA. The vast majority of employees at the VA are doing their jobs and doing them well. They care about these veterans. It isn't fair to them that there are people on the payroll taking up seats, taking up slots, taking up money, and taking up time who aren't doing their jobs, and they literally cannot be fired. They literally cannot be removed. It is a near impossibility. The process is so expensive, so long, so troublesome, so complicated that in essence they cannot be removed.

Unfortunately, we will not be able to move forward on this today, it appears, but I hope that in quick succession we will be able to come together and get this done to provide a higher level of accountability that is so necessary in every agency of government but none more so than Veterans Affairs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, one last word. I want to simply concur

in the very powerful and eloquent statements made by my colleague from Florida. I think we all share those sentiments in this body that—and I am quoting now from legislation: Any employee who engages in malfeasance, overprescription of medication, insubordination, violation of any duty of care should be disciplined and very possibly fired.

We are talking about the process to achieve that end. I can commit that I will work with my colleague from Florida to make sure this body approves a measure that is effective as a deterrent to those kinds of violations of basic duty. To be effective as a deterrent, it has to be enforceable, and that is our common goal here.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, a few moments ago the Senate refused to move forward on an important piece of legislation, sometimes called the sanctuary cities bill. I want to explain for whoever may be listening and particularly for my colleagues what a terrible mistake our Democratic colleagues made—with the exception of two—by voting to block consideration of this piece of legislation.

What this bill would do is withhold Federal funds from jurisdictions that basically violate current law—that violate the information-sharing requirement in immigration law, Section 642 of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act. Secondly, it would withhold Federal funds from those jurisdictions that refuse to honor the lawful, legal process known as the detainer, or request to notify Federal authorities if local law enforcement decides to release an illegal immigrant who happens to have been arrested for some other unrelated reason.

This is a truly important issue. As we have seen from the news, Kate Steinle out in California was killed by somebody who had repeatedly violated our laws not only by entering the country illegally but also by committing offenses against the persons and property of American citizens. Essentially what happens is when local jurisdictions give up and refuse to honor the detainers or give notice to Federal authorities before they release individuals, then people are going to get hurt. The Kate Steinles of the world will get killed.

In my State of Texas, we have had Houston police officers and other law enforcement personnel killed by illegal immigrants who have routinely broken our laws and have terrible criminal records. But if we can't get the cooperation of local law enforcement authorities to work with the Federal authorities, then unfortunately public safety will be harmed.

I am going to pull back a little bit and ask my colleagues to look at this perhaps from 30,000 feet. There is a reason at the time our Constitution was written that article VI, clause 2 simply said the Federal law is the supreme law of the land. In other words, Federal laws trump State laws and local laws.

If we think about it, as James Madison said, if we didn't have Federal law as the supreme law of the land, essentially the authority of the whole country—the elected officials, the President, the Congress, those serving in the Federal Government—the laws of the country would be made subordinate to the parts of the country—the cities, the counties, the States—that essentially defy Federal law, and our system would be in chaos.

Indeed, what our colleagues across the aisle appear to have ratified here is not one Nation under the law, but a confederation of different jurisdictions that can pick and choose what laws they want to comply with. That is a recipe for chaos.

One of the reasons I think the American people are so angry with what they see happening in Washington these days—indeed, I think they have moved beyond anger to fear. They are fearful for the future of our country. When we see individual cities and States effectively nullify Federal law by refusing to cooperate or saying: We don't care what the Federal Government says; we are going to impose our own will, this is a recipe for chaos and for the very fabric of our country to unravel.

At different points in our Nation's history we have had States which said: We aren't going to respect Federal law; we are going to nullify it, in effect. That is what these cities that defy the Federal authorities and the supremacy of Federal law are doing. They are saying we don't have to comply with the law, and so the American people—I think out of apprehension over what they see happening here when States, cities, and other jurisdictions decide to pick and choose which laws will apply—realize this is a recipe for disunity and, in this case, for danger.

The people whom we are fighting for are families and communities that want to live in peace and safety in their local communities. That is what this legislation is about. This legislation, of course, is called Stop Sanctuary Policies and Protect Americans Act. All it does, simply stated, is to restore law and order across the country and to hold certain cities that want to defy Federal law accountable. It would limit Federal funding for State and local governments that refuse to cooperate. Basically, the Stop Sanctuary Policies and Protect Americans Act encourages compliance with Federal law, as I said a moment ago, and uses the power of the purse to withhold Federal funds from those jurisdictions that refuse to cooperate with the Federal law. The goal, as I said, is to protect our communities from those who would pose a danger to our society. It does not target legal immigrants who seek to live a law-abiding and productive life here.

Frankly, I do not understand the Democrats'—with the exception of two who voted to get on this legislation and offer amendments and constructive suggestions—refusal to move this legislation forward, because it harms the public safety and it causes our country to become a confederation of different jurisdictions that can pick and choose which laws they want to enforce.

I mentioned one terrible incident over the summer, the murder of Kate Steinle in San Francisco by an illegal immigrant with a known and lengthy criminal record. This is just one example. This sad story poignantly demonstrates the consequences of the administration's abject failure when it comes to enforcing our immigration laws. People get hurt. People get killed. This legislation would address the root cause of this tragedy by targeting criminal aliens and those local entities that refuse to do anything to help the Kate Steinles of the world, and it would specifically serve to counter the policies of those city governments, such as San Francisco, that are known to shield criminal aliens from deportation. They openly defy the 1996 Federal law that requires information sharing. They openly refuse to cooperate with Federal orders and detainers and to notify the Federal Government when people are released from their jail sentence even though they know there is an outstanding deportation order pending.

This bill also extends the mandatory minimum sentence for those who attempt to reenter the country after being removed for breaking our laws. Time and again we are met with the tragic news of some other American citizen who was killed, injured or assaulted by somebody who has reentered the country, after being removed for violating our laws, and keeps coming back and committing other criminal acts.

We need to send a clear signal to those who attempt to enter our country illegally and violate and ignore our laws that they will have to answer for them and certainly will not be allowed to come back.

Some have rightly noted that this bill is not about immigration reform, and I agree. This bill is simply about enforcing our current law and holding those jurisdictions that refuse to comply with current law accountable by withholding Federal funds.

This legislation underscores the concept that, unbelievably, has been lost among municipalities across the country. Despite what the current administration might have us think, upholding the Federal law is not a suggestion. It is a legal requirement for all of us. We can't, in good faith, ask the American people to trust us when it comes to reforming our broken immigration system until they see us willing to stand up and enforce the laws that are currently on the books and hold those jurisdictions, municipalities, States, and other local entities that refuse to comply with Federal law accountable. That

is why organizations such as the National Sheriffs' Association and the National Association of Police Organizations have voiced their support for this legislation.

To sum up, the Stop Sanctuary Policies and Protect Americans Act really serves as a confidence-building exercise for Congress. If the American people don't see us actually stepping up and demanding that local jurisdictions enforce current law, how can they expect us to pass complex immigration reform legislation to address our broken immigration system? Unfortunately, in this confidence-building exercise, the Senate, led by our colleagues across the aisle, has failed in that confidence-building exercise. What they have done is to reinforce the belief that there are Members of the Senate who believe that local jurisdictions can openly defy Federal law and there will be no recourse and no accountability.

Frankly, it is hard for me to understand how our Democratic colleagues can, in good conscience, block this legislation, given some of the horrific crimes that have occurred, such as the crime that was committed against Kate Steinle in San Francisco. There are many, many, many tragic examples of this happening over and over in our country. This was our opportunity to do something about it, but unfortunately, for reasons unbeknownst to me, our Democratic colleagues will not even allow us to pass a bill which will hold jurisdictions that refuse to enforce current Federal law accountable.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LANKFORD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, this week we have been discussing and taking up legislation to address the problem of sanctuary cities. In fact, just earlier today, we had a procedural vote on a motion to proceed to actually get on the bill. It failed. It only had 54 votes. The threshold in the Senate to get on a bill is 60 votes. Democrats here in the Senate decided to block consideration of this bill and to have that 60-vote threshold in play, and as a consequence, it failed. We had 54 votes. I think only two Democratic Senators voted to proceed to this legislation, and I would argue that is very unfortunate because this is a piece of legislation which represents common sense and what I think the American people want us to be focused on when it comes to the issue of dealing with crime in our communities and illegal immigration in a way that ensures that those who come to this country and commit crimes aren't allowed to stay here.

According to the Department of Homeland Security, there are 334 jurisdictions across our country right now that have official policies discouraging cooperation with Federal immigration enforcement officers. Among other things, that means these jurisdictions regularly ignore what are called detainers, requests from the Department of Homeland Security to hold an individual for deportation. As a city prepares to release an illegal immigrant who has been convicted of or charged with a crime, the Department of Homeland Security will send a detainer asking that the individual be held for a brief period—usually 48 hours—until Federal immigration officers can take custody.

In a majority of the cities across the country, law enforcement would simply comply with this request and hold the individual until the Department of Homeland Security can arrive, but in sanctuary cities officials regularly ignore these requests and simply release these individuals from jail and back into the population at large—a practice that has resulted in the release of approximately 1,000 undocumented criminals per month. According to information from U.S. Immigration and Customs Enforcement, 9,295 imprisoned individuals whom Federal officials sought to deport were released into the population between January 1 and September 30 of last year. They released 9,295 imprisoned individuals in just 9 months. Of those 9,295 individuals, 5,947, or 62 percent, had a significant prior criminal history or presented a threat to public safety even before the arrest that preceded their release, and many went on to be arrested again within a short period of time.

There is a terrible human cost to sanctuary cities' decision to refuse to cooperate with U.S. immigration law. There has been a lot of discussion on the floor about Kate Steinle. Kate Steinle paid that cost when she was murdered on a San Francisco pier while walking with her father on July 1, 2015. She was shot by an undocumented immigrant who had been convicted of no fewer than seven felonies—seven felonies—prior to the decision of the city of San Francisco to ignore a request from the Department of Homeland Security and then go on and release this man into the population.

Unfortunately, Kate Steinle is not alone. Marilyn Pharis of Santa Maria, CA, was raped and then bludgeoned by an undocumented immigrant who had previously been arrested for battery but had been released after the local sheriff's office decided to ignore a request to detain him until he could be taken into Federal custody.

A 2-year-old California girl—a 2-year-old—was brutally beaten by her mother's boyfriend, an undocumented immigrant with felony drug and drunk driving convictions, who was released on bail after the crime despite a request from Federal officials that he be detained.

In 2011, Dennis McCann was killed when he was hit and dragged by a car driven by a drunk driver with a blood alcohol content nearly four times the legal limit. His killer turned out to be Saul Chavez, an undocumented immigrant with a prior drunk driving conviction. After Dennis McCann's death, the Department of Homeland Security filed a request asking that Immigration and Customs Enforcement be notified if Chavez was scheduled to be released. Cook County, however, chose to ignore this request, and after being released on bail, Dennis's killer apparently fled the country. Four years later, Dennis's family is still waiting to see justice done.

Unfortunately, I could go on and on. Decisions to release undocumented immigrants convicted of crimes, instead of detaining them for Federal officials, have resulted in far too many tragedies like those of Marilyn Pharis and Kate Steinle, and too many families in this country are mourning as a result.

Cooperation between local and Federal law enforcement is essential to protecting Americans, and detainer requests from the Department of Homeland Security are a key tool that helps Federal officials make sure dangerous individuals are not going back onto our Nation's streets.

When cities and counties ignore these requests, they force immigration officers to attempt to track down undocumented criminals after they have been released into the community. According to the Center for Immigration Studies, this requires an exponentially larger expenditure of funds and manpower and success is not guaranteed. Immigration and Customs Enforcement needs the support of cities and local law enforcement if it is going to keep these individuals off our Nation's streets.

The legislation we have been discussing today would take a substantial step forward toward handling the threat posed by sanctuary cities. The Stop Sanctuary Policies and Protect Americans Act, which has strong support from law enforcement organizations and victims' families, will withhold Federal funds under three grant programs and redirect those funds to jurisdictions that comply with Federal immigration laws. It will also provide crucial legal protections to law enforcement officers that will allow them to cooperate with Federal immigration authorities without the fear of lawsuits.

This act also incorporates provisions known as Kate's Law, named after Kate Steinle. These provisions would increase the maximum penalty for illegally reentering the United States after being deported and create a maximum penalty of 10 years for reentering the country illegally after being deported three or more times. Kate's Law would also create a mandatory minimum sentence of 5 years for those reentering the country after having been convicted of an aggravated felony prior to deportation or for those who reenter the country after two previous convictions for illegal reentry.

What happened to Kate Steinle on that pier in San Francisco should never have happened. It likely could have been prevented if San Francisco had chosen to respect the Department of Homeland Security's request to hold her killer until immigration officers could pick him up.

I hope the stop sanctuary policies act will move forward in the Senate so we will be able to send a version of this legislation to the President. It is time we started ensuring that dangerous criminals like Kate Steinle's killer don't end up back on the streets. We have that opportunity today. We ought to vote to move to this bill.

What is truly remarkable and amazing is that we couldn't even get on the bill to debate it. It was blocked by our colleagues on the other side who prevented even proceeding to the bill—a motion to proceed, which takes 60 votes in the Senate. It would have been very easy to get on the bill and at least have that debate. If they didn't like the provisions in the bill, they would have an opportunity to amend it and discuss the bill as we should be doing in the Senate, but instead the Democratic Senators chose to block the consideration, even the very consideration of legislation that would go to great lengths to try and prevent the types of tragedies we witnessed this last summer with Kate Steinle and so many others who have fallen prey to acts of violence by those who are here illegally and have prior experience with the law, prior convictions, and who are clear dangers to people and families all across this country.

It is a tragedy we weren't able to get on the bill. I hope our Democratic colleagues will change their minds and allow us to proceed to this legislation, to debate it, to vote on it, to pass it, and to send it to the President for his signature.

CYBERSECURITY INFORMATION SHARING BILL

Mr. President, I also wish to speak in support of S. 754, which I think we will be discussing momentarily, the Cybersecurity Information Sharing Act, or what is referred to as CISA, which the Senate is going to be debating this week. I commend Chairman BURR and Vice Chairman FEINSTEIN for their bipartisan work to bring this bill to the floor.

It seems that every week we learn of another serious cyber attack against U.S. businesses and government agencies. The most devastating recent attack is the one against the Office of Personnel Management that compromised the background check information of more than 21 million Americans. The pace of such attacks appears to be accelerating. According to the security firm Symantec, last year alone, more than 300 million new types of malicious software or computer viruses were introduced on the Web or nearly, if my colleagues can believe this, 1 million new threats each and every day.

Just last month, Director of National Intelligence James Clapper testified before the House Intelligence Committee that ''cyber threats to U.S. national and economic security are increasing in frequency, scale, sophistication, and severity of impact.''

From my position as head of the Senate commerce committee, I have promoted the great potential of the emerging Internet of Things—which promises to yield improvements in convenience, efficiency, and safety by connecting everyday products to the Web—but I have also held several hearings on the cyber security risks and challenges that accompany an increasingly connected world. By increasing the sharing of cyber threat information between and among the private and public sectors, the bill would authorize the voluntary sharing of cyber threat information and would provide commonsense liability protections for companies that share such information with the government or their peers, when they abide by the bill's requirements. The goal is to help companies and the government better protect their networks from malicious cyber attacks by sharing information about those threats earlier and more broadly.

Similar bipartisan legislation was reported by the Senate Intelligence Committee last year that was never considered by the Democratic-controlled Senate at the time. This year the Intelligence Committee passed a bill by a bipartisan vote of 14 to 1, which should portend a strong bipartisan vote on the floor of the Senate.

The House of Representatives has also passed two bills to facilitate the sharing of cyber threats, so we are now within striking distance of finally enacting critical cyber security information-sharing legislation after several false starts in recent years.

I know some have questioned whether this bill provides appropriate protections for personal privacy and civil liberties. I appreciate these concerns, and I believe the bill's sponsors have meaningfully addressed them, including through modifications to be included in a managers' amendment.

This bill is not a surveillance bill. Among other things, the modified bill would limit the sharing of information to that defined as ''cyber threat indicators'' and ''defensive measures'' taken to detect, prevent or mitigate cyber security threats.

The bill also requires private sector and Federal entities to remove personally identifiable information prior to sharing threat indicators, and the Federal Government can only use the cyber threat information it receives for cyber security purposes and to address a narrow set of crimes, such as the sexual exploitation of children.

The bill also requires regular oversight of the government's sharing activities by the Privacy and Civil Liberties Oversight Board created after 9/11 and by relevant agency inspectors general.

In the end, it is important to remember that CISA is about cyber threats—like the malware being used by criminals in hostile states—not personal information. Meanwhile, failing to enact this bill could actually make it easier for criminals in rogue states to continue collecting our personal information from vulnerable systems.

Let me be clear. This is not a silver bullet and it will not render cyberspace completely safe—no bill can do that—but CISA is an important piece of the ongoing effort to improve our cyber security.

Late last year, after a decade without passing major cyber security legislation, Congress enacted five cyber security laws that target other pieces of the cyber puzzle. I coauthored one of these—the Cybersecurity Enhancement Act—with former Senator Jay Rockefeller. This law ensures the continuation of a voluntary and private sector-led process at the Commerce Department's National Institute of Standards and Technology, or what we refer to as NIST, to identify best practices to protect our Nation's critical infrastructure from cyber threats. The Cybersecurity Enhancement Act also promotes cutting-edge research, public awareness of cyber security risks, and improvements in our cyber security workforce.

CISA will work together with this new law and others to ensure that businesses have timely warning about current threats so they can better protect themselves—and all of us—from cyber attacks. It does so in a manner that protects individual privacy and avoids government mandates.

I look forward to the coming debate on the bill—including a healthy consideration of amendments—and I urge my colleagues to join the bipartisan sponsors and a broad coalition of stakeholders around this country in supporting this much needed legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, since we are still on the sanctuaries bill, before we turn to the cyber legislation, I ask unanimous consent that I be allowed to address the Senate after Chairman BURR has completed his remarks and after Ranking Member FEINSTEIN has completed her remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, we are quickly moving to a point where I think the majority leader will come to the floor and will call up the cyber security bill.

Let me remind my colleagues that we have been on the floor briefly before, and the conclusion then was that we agreed to a unanimous consent request that made in order 22 amendments. It was not a limiting UC. So there is the opportunity for additional amendments to come to the floor.

As we start, I say to my colleagues that if we have a level of cooperation

by the Members—if in fact they come, debate, and vote on amendments—we can resolve this in literally a matter of a couple of days. If people want to try to obstruct, then it is going to be a lengthy process procedurally.

I don't think there is a lot new that we are going to learn. What is the fact? The fact is that actors around the world continue to attack U.S. systems and, in many cases, penetrate them: Sony Films, Anthem Health, OPM.

The Presiding Officer, as a member of our committee, knows that the amount of personal data that is being accumulated out there somewhere provides almost a roadmap to everything about anybody. What we are attempting to do with this cyber bill I want the American people to understand: This is not to prevent cyber attacks. I would love to figure out technologically how we do it. Nobody has been able to do it. What this is designed to do is to minimize the data that is lost, to minimize the personal information that an individual gleans out of going into a database and pulling out that information.

The vice chairman and I have worked with other members of the committee to report a bill out of the committee on a 14-to-1 vote. We are now almost 3 months behind the House of Representatives, which has passed two bills that we desperately need to get out of the Senate in a piece of legislation that we could conference with the House of Representatives. In a conversation just this morning that I had with the White House, they are supportive of this bill getting out of the Senate and having the bill on the President's desk so that he could sign it into law and we could have this in place.

Let me make some overall points on the cyber bill. One, most importantly, it is voluntary. Any business in America can choose to participate or not to participate. They can tell the Federal Government that they have been penetrated. They can provide the appropriate data for us to begin the forensics and to tell them in real time: Here is a defensive software package you can put on your system that will make it immune from that tool again. But more importantly, it might minimize the amount of data that is lost and certainly would allow the government to then broadcast to business more widely: Here is the tool that is being used today and here is the defensive mechanism to keep other businesses from having the same penetration and data loss.

Now, it is important that I say that when we started there were 22 amendments that were placed in order. I am proud to tell my colleagues that we have worked out eight of those amendments. They will be incorporated in a managers' amendment that will also have an additional six amendments that we think strengthen the concerns that have been expressed about privacy. They also address certain areas of cross-jurisdiction, such as the Department of Homeland Security. We now have those chairmen and those ranking members fully on board in support of this legislation. Now we have to go through the process. At the root of this is moving forward a piece of legislation on cyber that is a voluntary piece of legislation by companies.

I mentioned real time. I know the Presiding Officer has heard this in committee. If we can't promise real time, we can't promise to anybody who is willing to provide the data that we can actually stop or minimize data loss. So it is absolutely crucial that this all function in real time. To have a voluntary program that involves real time transfer of information means that there have to be incentives for that to be done.

Let me just point out two things. For a company to talk to a competitor after they have been attacked and penetrated, we provide antitrust protection to them to talk directly to that competitor as fast as they possibly can to find out whether we have multiple systems that are at risk. For the company to report to the Federal Government we provide liability protection just for the transfer of that information. As Members read the bill, they will see that statutorily we don't allow personal data that is unrelated to the forensics—needed to identify who did the attack, with what type of a tool, and what the defensive mechanism is—that statutorily cannot be transferred from a private company to the government. Additionally, we say to every Federal agency that might receive in real time this data that if there is personal data that is transmitted from a company to the Federal Government, you cannot distribute personal data.

I am not sure how it gets stronger than where we are, but I have come to this conclusion after working on this legislation for this entire year—and the vice chairman has worked on it for multiple years: There are some people who don't want legislation. We have met with every person who had a good thought—legislation that would send us in a positive direction but still embrace the policy found in this legislation. It is limited, but there are some who we can't in fact satisfy.

So let me say this to those companies that have expressed opposition to this piece of legislation. It is really clear. Choose not to participate. It is voluntary. To those companies that find no value in it, if you have an aversion to what we have written, don't participate—even though a majority of businesses in America are actually calling my office and the vice chairman's office saying: When are we going to get this done? We need this. We need it.

It is that simple. That is the beauty of it being voluntary. Voluntary also means that the U.S. Chamber of Commerce is 100 percent supportive of this legislation. Now we never have full agreement from a membership of an association, but it takes a majority—in fact, it takes well over a majority—for an organization such as that to come out publicly supporting it. So I say very boldly, if you don't like the piece of legislation, it is real easy: You just don't participate in it.

Some have called this a surveillance bill. Let me just knock that down real quick. First, this bill requires private companies and the government to eliminate any irrelevant personal, identifiable information before sharing cyber threat indicators or defensive measures. Second, this bill does not allow the government to monitor private networks or computers. Third, this bill does not allow the government to shut down Web sites or require companies to turn over personal information. Fourth, this bill does not permit the government to retain or use cyber threat information for anything other than cyber security purposes, identifying the cyber security threat, protecting individuals from death or serious bodily or economic harm, and protecting minors or investigating limited cyber crime offenses. Fifth, it provides rigorous oversight and requires a periodic interagency inspector general report to assess whether the government has violated any of the requirements found in this act. The report would also assess any impact this bill may have on privacy and civil liberties.

Finally, our managers' amendment has incorporated additional provisions that enhance privacy protection. First, our managers' amendment omitted the government's ability to use cyber information to investigate or prosecute serious violent felonies.

Personally, I thought that was a pretty good thing. I can understand where it is outside of the scope of a cyber bill, but information about a felony that you learned in this I thought was something the American people would want us to act on. Individuals raised issues on it. We dropped it out of the bill.

Secondly, our managers' amendment limited cyber threat information sharing authorities to those that are shared for cyber security purposes. In other words, it is only for cyber security purposes.

Both of these changes ensure that nothing in our bill reaches beyond the focused cyber security threats that it intends to prevent and deter. Nothing in this bill creates any potential for surveillance authorities. Despite rumors to the contrary, CISA's voluntary cyber threat indicator sharing authorities do not provide in any way for the government to spy on or use library and book records, gun sales, tax records, educational records or medical records. Given that cyber hackers have hacked into and stolen so much publicly disclosed private, personal information, it is astounding that privacy groups would oppose a bill that has nothing to do with surveillance and seeks to protect their private information from being stolen. I guess that has been the most troubling aspect of the road we have traveled—that we are trying to protect personal data, and yet

the groups that say they are the stewards of personal data are the ones that, in fact, are the most vocal on this.

CISA ensures the government cannot install, employ or otherwise use cyber security systems on private sector networks. No one can hack back into a company computer system even if their purpose is to protest against or quash cyber attacks.

The government cannot retain or use cyber threat information for anything other than cyber security purposes; preventing, investigating, disrupting or prosecuting limited cyber crimes; protecting minors; and protecting individuals from death or serious bodily or economic harm. The government cannot use cyber threat information in regulatory proceedings.

That is what we are here talking about. This is voluntary and it is targeted at minimizing data loss. It is targeted at trying to protect the personal data of the American people found in every database in every company around the world.

Mr. President, I am going to turn to my vice chairman as we get ready for Senator WYDEN to make remarks and for leader MCCONNELL to come to the floor.

I would put Members on notice once again. It is our intent to have some opening comments, to actually make the managers' amendment pending, to make those amendments that were part of the unanimous consent agreement but not worked out as part of the managers' package pending.

I encourage those Members who have authorship of those pending amendments to come and debate them, and we will schedule a vote for them. If you have additional amendments, come and offer those amendments and we will start debate on it. It is our goal, with the cooperation of Members, to work expeditiously through all of the amendments one wants to consider and to dispose of them and to finalize cyber security legislation in the Senate so we can move to the House and conference a bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I want to begin by saying that I very much agree with what Chairman BURR has just stated. It is factual. It is the truth.

For me, I have worked on this issue for 7 years now. And this is actually the third bill that we have tried to move.

I want to thank the two leaders for bringing the bill to the floor, and I hope it can be considered quickly.

Up front I want to make clear, if it hasn't been made clear, that this legislation is a first step only to improve our Nation's defenses against cyber attack and cyber intrusion. It is not a panacea, and it will not end our vulnerabilities. But it is the most effective first legislative step we believe that we can take.

This legislation is about providing legal clarity and legal protection so that companies can share cyber threat information voluntarily with each other and with the government. It provides companies the protections they need and puts strong privacy rules in place.

At the beginning of this debate, I think it is important to talk about the depth and breadth of the cyber threat we actually face every day, because rarely does a month go by without the announcement of a significant cyber attack or intrusion on an American company or an agency of the U.S. Government. These attacks compromise sensitive personal information, intellectual property or both.

Just in the last year, major banks, health insurers, tech companies, and retailers have seen tens of millions of their customers' sensitive data stolen through cyber means. In 2014 the Internet security company Symantec reported that over 348 million identities were exposed through data breaches. Threats in cyber space do not just risk the personal data of Americans. They are a significant and growing drain on our economy as malicious actors steal our money, rob companies of intellectual property, and threaten our ability to innovate.

The cyber security company McAfee and the think tank Center for Strategic and International Studies estimated last year that the cost of cyber crime is more than $400 billion annually. The same study stated that losses from cyber theft could cost the United States as many as 200,000 jobs. These are not theoretical risks; they are happening today and every day.

As we know all too well in the wake of cyber intrusions at the Office of Personnel Management, cyber threats are not only aimed against the private sector. They are also aimed against the public sector. Every day, foreign nation-states and cyber criminals scour U.S. Government systems and our defense industrial base for information on government programs and personnel—every single day.

More than 22 million government employees and security clearance applicants had massive amounts of personal information stolen from the Office of Personnel Management, reportedly taken by China. These employees now face increased risk of theft and fraud, and also their information could be used for intelligence operations against them and the United States.

As bad as this is—and it is bad—we have seen in the last few years an acceleration of an even more concerning trend, that of cyber attack instead of just cyber theft. In 2012 major U.S. financial institutions saw an unprecedented wave of denial-of-service attacks on their systems.

Saudi Aramco—reported to be the world's largest oil and gas company—was the victim of a cyber attack that wiped out a reported three-quarters of its corporate computers. In 2013 we saw further escalations of these threats as waves of denial-of-service attacks were aimed at some of our largest banks. In early 2014 Iran launched a cyber attack on the Sands Casino which, according to the public testimony of the Director of National Intelligence, James Clapper, rendered thousands of computer systems inoperable. Last November we saw one of the most publicized cyber attacks when North Korean attacks broke into Sony Pictures Entertainment, stole vast amounts of sensitive and personal data, and destroyed the company's internal network.

These breaches of personal information and loss of intellectual property and destructive attacks continue online every day. It is only a matter of time before America's critical infrastructure—major banks, the electric grid, dams, waterways, the air traffic control system, and others—is targeted for a cyber attack that could seriously affect hundreds of thousands of lives.

Clearly it is well beyond the time to act. There is no legislative or administrative step we can take that will end cyber crimes and cyber warfare. However, since the Intelligence Committee began looking seriously at this in 2008, we have heard consistently that improving the exchange of information about cyber threats and cyber vulnerabilities can yield a real and significant improvement to U.S. cyber security. That is why this bill is the top cyber legislative priority for the Congress, the Obama administration, and the business community.

I have heard directly from dozens of corporate executives about the importance of cyber security legislation, as have the Intelligence Committee staff in hundreds of meetings over the course of years in drafting this legislation. As Chairman BURR has said, not only has the U.S. Chamber of Commerce called for this legislation but so have dozens—specifically 52—of industry groups representing some of the largest sectors of our economy. On the floor in early August, I listed 40 associations that have written in support of the legislation. Today there are 52.

I ask unanimous consent that the list of supporters of this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CYBERSECURITY INFORMATION SHARING ACT

ENDORSEMENTS

Agricultural Retailers Association, Airlines for America, Alliance of Automobile Manufacturers, American Bankers Association, American Cable Association, American Chemistry Council, American Coatings Association, American Fuel & Petrochemical Manufacturers, American Gaming Association, American Gas Association, American Insurance Association American Petroleum Institute.

American Public Power Association, American Water Works Association, ASIS International, Association of American Railroads, Association of Metropolitan Water Agencies, BITS—Financial Services Roundtable, College of Healthcare Information Management,

Computing Technology Industry Association, Executives Computing Technology Industry Association, Edison Electric Institute, Electronic Payments Coalition, Electronic Transactions Association, Federation of American Hospitals, Food Marketing Institute.

Global Automakers, GridWise Alliance, Healthcare Information and Management Systems Society, Health Information Trust Alliance, Large Public Power Council, National Association of Chemical Distributors, National Association of Manufacturers, National Association of Mutual Insurance Companies, National Association of Water Companies, National Business Coalition on e-Commerce & Privacy, National Cable & Telecommunications Association, National Retail Federation.

National Rural Electric Cooperative Association, Property Casualty Insurers Association of America, Real Estate Roundtable, Retail Industry Leaders Association, Rural Broadband Association, Security Industry Association, Software & Information Industry Association, Society of Chemical Manufacturers & Affiliates, Telecommunications Industry Association, Transmission Access Policy Study Group, United States Telecom Association, U.S. Chamber of Commerce, Utilities Telecom Council, Wireless Association.

Mrs. FEINSTEIN. Mr. President, regrettably this is the third attempt to pass a cyber security information sharing bill in recent years. In 2012 the Lieberman-Collins Cybersecurity Act of 2012 was on the floor. It included a title on information sharing which the Intelligence Committee helped produce. It was an important piece of legislation, but it only received one Republican vote.

Last Congress, then-vice chairman of the Intelligence Committee Saxby Chambliss and I set out to draft a narrower bill just on information sharing in the hopes of attracting bipartisan support. The Intelligence Committee approved a bill in 2014 by a strong bipartisan vote of 12 to 3, but it never reached the Senate floor due to privacy concerns. So this is the third try.

I am very pleased that Chairman BURR and I now have the opportunity to bring a bill to the floor that both sides can and should support. This bill is bipartisan. It is narrowly focused. It puts in place a number of privacy protections, many of which we will outline shortly. I believe the bipartisan vote of 14 to 1 in the Senate Intelligence Committee in March underscores this fact. I would like to commend Senator BURR's leadership and his willingness to negotiate a bipartisan bill with me that can and should—and I hope will—receive a strong vote in the Senate. Let me take a few minutes to describe the main features of the bill and its privacy protections.

In short, it does the following five things:

First, the bill recognizes that the Federal Government has information about cyber threats that it can and should share with the private sector and with State, local, and tribal governments. The bill requires the Director of National Intelligence to put in place a process to increase the sharing of information on cyber threats already in the government's hands with the private sector to help protect an individual or a business. So that is the sharing between the government and the private sector. This includes sharing classified data with those with security clearances and an appropriate need to know but also requires the DNI to set up a process to declassify more information to help all companies secure their networks. We have heard over and over again from companies that the information they get from the government today is not sufficient. That needs to change.

Second, the bill provides clear authorization for private sector entities to take appropriate actions. That includes an authorization for a company to monitor its networks or information on its networks for cyber security purposes only. No other type of monitoring is permitted, nor is the use of information acquired through such monitoring allowed for purposes other than cyber security.

There is also an authorization for a company to implement a defensive measure on its network to detect, prevent, or mitigate a cyber threat. This authorization by definition does not authorize a defensive measure that destroys, renders unusable, or substantially harms a computer system or information on someone else's network. This is an important point. There has been concern that the bill would immunize a company for damage it might cause to other people's networks. The managers' amendment makes clear that the authorization in this bill allows companies to block malicious traffic coming from outside their network and stop threats on their systems but not conduct offensive activities or otherwise have substantial effects off their networks.

Finally, there is an authorization for companies to share limited cyber threat information or defensive measures with other companies or with government agencies. It does not authorize sharing anything other than cyber information. In a critical change, the managers' amendment states that sharing is for cyber security purposes only. So this really is a very limited authorization.

It is important to note that while these activities are authorized, they are not mandatory. Information sharing, monitoring, and use of defensive measures are all voluntary. The bill makes explicit that there are no requirements for a company to act or not to act.

I have heard from technology companies in the past couple of weeks that they are concerned that this bill requires them to share customer information with the government. That is false. Companies can choose to participate or they can choose not to. If they do, they can only share cyber threat information, not their company's personal information or their online activity.

The third thing this bill does is it puts in place procedures and limitations for how the government will receive, handle, and use cyber information provided by the private sector. The bill requires two sets of policies and procedures. The first set—to be written by the Attorney General and the Secretary of Homeland Security—requires that cyber information that comes to the Federal Government will be made available to all appropriate Federal departments and agencies without unnecessary delay and that the information sharing system inside the government is auditable and is consistent with privacy safeguards.

The second set of required guidelines is designed to limit the privacy impact of the sharing of cyber information and specifically limits the government's receipt, retention, use, and dissemination of personal information. These guidelines are to be written by the Attorney General. They will be made public.

The bill specifically limits the use of cyber information by the government. Federal agencies can only use the information received through this bill for a cyber security purpose, for the purpose of identifying a cyber threat, preventing or responding to an imminent threat of death, serious bodily harm, serious economic harm, including an imminent terrorist attack, preventing or responding to a serious threat of harm to a minor, and preventing, investigating, or prosecuting specific cyber-related crimes.

Fourth, the bill creates what we call in shorthand a portal at the Department of Homeland Security and requires that cyber information is received by the government through the Homeland Security portal, from which it can be distributed quickly and responsibly to appropriate departments and agencies. This portal was the joint proposal a few years ago by former DHS Secretary Janet Napolitano, FBI Director Bob Mueller, and NSA Director Keith Alexander. The purpose of the portal is to centralize the entry point for cyber information sharing so that the government can effectively and efficiently receive that cyber information, can protect privacy, and can ensure that all the appropriate departments with cyber security responsibility can quickly learn about threats.

A key aspect of this centralized portal is to enable information to move where it needs to go automatically. Once cyber threat information enters the portal, it will be shared in real time—meaning without human intervention and at machine speed—to the other appropriate Federal agencies. The belief is that they can put in a filter and do a privacy scrub, if you will, just in case there is any private information, such as a Social Security number, a driver's license number, or something like that, that can be instantly moved out.

Such a real-time exchange is necessary because if there are indications that a cyber attack is underway, the

response to stop that attack will need to be immediate and not subject to any delay. The bill makes clear that this can and should be done in a way that ensures that privacy is protected, improving both privacy protections and the ability to quickly protect sensitive systems.

Fifth and finally, the bill provides liability protection to companies that act in accord with the bill's provisions. Specifically, the bill provides liability protection for companies that properly monitor their computer networks or that share information the way the bill allows. The bill specifically does not protect companies from liability in the case of gross negligence or willful misconduct, nor does it protect those who do not follow its privacy protections.

As I mentioned earlier, there are many privacy protections throughout the bill. Because this is a key point of interest for a number of Senators, I wish to list 10 of them.

No. 1, it is voluntary. The bill doesn't require companies to do anything they choose not to do. There is no requirement to share information with another company or with the government, and the government cannot compel any sharing by the private sector. So if there is this tech company or that tech company that doesn't want to provide this information, don't do it. Nothing forces you to do it. This is 100 percent voluntary.

No. 2, it narrowly defines the term ''cyber threat indicator'' to limit the amount of information that may be shared under the bill. Only information that is necessary to describe or identify cyber threats can be shared.

No. 3, the authorizations are clear, but they are limited. Companies are fully authorized to do three things: monitor their networks or provide monitoring services to their customers to identify cyber threats, use limited defensive measures to protect against cyber threats on their networks, and share and receive cyber information with each other and with Federal, State or local governments. No surveillance, no sharing of personal or customer information is allowed.

No. 4, there are mandatory steps that companies must take before sharing any cyber threat information with other companies or the government. Companies must review information before it is shared for irrelevant privacy information, and they are required to remove any such information that is found. A bank would not be able to share a customer's name or account information. Social Security numbers, addresses, passwords, and credit information would be unrelated to a cyber threat and would, except in very exceptional circumstances, be removed by the company before sharing.

No. 5, the bill requires that the Attorney General establish mandatory guidelines to protect the privacy of any information the government receives. These guidelines will be public. The guidelines will limit how long the government can retain any information and provide notification requirements and a process to destroy mistakenly shared information. It also requires the Attorney General to create sanctions for any government official who does not follow these mandatory privacy guidelines.

No. 6, the Department of Homeland Security, not the Department of Defense or the intelligence community, is the primary recipient of the shared cyber information.

No. 7, the managers' amendment includes a new provision, which was suggested by Senator CARPER, with the backing of a number of privacy groups, to allow the Department of Homeland Security—and I say this again—to scrub the data as it goes through the portal to make sure it does not contain irrelevant personal information.

No. 8, the bill restricts the government's use of voluntarily shared information to cyber security efforts, imminent threats to public safety, protection of minors, and cyber crimes. Unlike previous versions, the government cannot use this information for general counterterrorism analysis or to prosecute noncyber crimes.

No. 9, the bill limits liability protection to only monitoring for cyber threats and sharing information about them when a company complies with the bill's privacy requirements, and it explicitly excludes protection for gross negligence or willful misconduct.

No. 10, above and beyond these mandatory protections, there are a number of oversight mechanisms in the bill which involve Congress, the heads of agencies, the inspectors general, and the Privacy and Civil Liberties Oversight Board.

In sum, this bill allows for strictly voluntary sharing of cyber security information with many layers of privacy protections.

As I have noted, the managers' amendment that we will consider shortly, I hope, will include several key privacy protections. We will be describing them in more detail when we turn to that amendment.

Mr. President, I hope this has made clear that we have tried to very carefully balance the need for improved cyber security with the need to protect privacy and private sector interests. As I said earlier, this is the third bill on information sharing. We have learned from the prior two efforts.

It is clear from the headlines and multiple data breach notifications that customers and employees are now receiving that this bill is necessary and we need to act now instead of after a major cyber attack seriously impacts hundreds or thousands of lives or costs us billions or trillions of dollars.

We have a good bill. I know there are some cynics. I know there are some tech companies that may be worried about what their customers might do. Then don't participate if you don't want to, but I have talked to enough CEOs who have said to me: Please do this. We need this ability to share, and the only way we can get this ability is with liability protection for sharing cyber threat material, so this is very important.

I again thank the chairman for everything he has done to lead this effort. It is my hope that we will have a good, civil debate and that we will be able to pass this bill with a substantial margin.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, this afternoon we begin the discussion of cyber security legislation. I think it is important to say at the outset that I think everybody who hears the notion that the Senate is talking about cyber security would say: Boy, you have to be for that. We all read about cyber hacks regularly, so you ask: Why not be for what they are talking about in the Senate?

I begin by way of saying that the fact is not every bill with cyber security in the title is necessarily a good idea. I believe this bill will do little to make Americans safer but will potentially reduce the personal privacy of millions of Americans in a very substantial way. In the beginning, I think it is particularly telling who opposes this legislation at this time. The Business Software Alliance has said they cannot support this bill. They have members such as Apple, IBM, and Microsoft, and they are saying that at this time they cannot be for this bill. The Computer and Communications Industry Association has members such as Google, Facebook, and Amazon. They have said they cannot support the legislation at this time. America's librarians cannot support it at this time. Twitter cannot support it at this time. Wikimedia Foundation and Yelp can't support it at this time.

The groups I am talking about are ones with members who have companies with millions and millions of customers, and they are saying they can't support this bill at this time.

I think I know why these companies that didn't have a problem with previous kinds of versions of this legislation are saying they don't support it. These companies are hearing from their customers and they are worried their customers are saying: This doesn't look like it is going to protect our privacy. Of course, we want to be safe. We also want to have our liberty. Ben Franklin famously said anyone who gives up their liberty to have security really doesn't deserve either—so we know what Americans want.

I would submit the reason these companies are coming out in opposition to this legislation is they don't want their customers to lose confidence in their products. They are looking at this legislation, and they are saying the privacy protections are woefully inadequate and their customers are going to lose confidence in their products.

I appreciate that the managers are trying to make the bill better. It is

quite clear to me, having listened to two colleagues—whom I respect very much—that they are very much aware that their bill has attracted widespread opposition. The comment was made that Apple, Google, everyone should be for this.

I would say again—respectfully to my colleagues, the authors, with whom I have served since we all came to the committee together—even with the managers' amendment, the core privacy issues are not being dealt with.

I would just read now from a few of the comments—maybe I am missing something. Maybe I heard a list of all the privacy issues that had been addressed. I haven't seen any privacy groups the Democrats or Republicans look to saying they support the privacy protections in the bill, but let me give you an example of a few who surely don't.

This is what Yelp says: ''Congress is trying to pass a 'cyber security' bill that threatens your privacy.''

This is what the American Library Association is saying. I will admit, Mr. President, I am a little bit tilted toward librarians because my late mother was a librarian. We all appreciate the librarians we grew up with. The librarians say that this bill ''de facto grants broad new mass data collection powers to many federal, as well as state and even local government agencies.''

Salesforce, a major player in the digital space located in California, says:

> At Salesforce, trust is our number one value and nothing is more important to our company than the privacy of our customers' data. . . . Salesforce does not support CISA and has never supported CISA.

They have a hashtag.

> Follow #StopCISA for updates.

This is the group that represents the Computer and Communications Industry Association—this is Google, Amazon, and Microsoft, the biggest major tech companies. Again, these are companies with millions of customers, and the companies are worried that this bill lacks privacy protections and their customers are going to lose confidence in some of what may be done under this. They say they support the goals, of course—which we all do—of dealing with real threats and sharing information. They state: ''But such a system should not come at the expense of users' privacy, need not be used for purposes unrelated to cyber security, and must not enable activities that might actively destabilize the infrastructure the bill aims to protect.''

Mr. President, we heard my colleague, the chair of the committee, a member of the Committee on Finance whom I have worked with often, say that the most important feature of the legislation is that it is voluntary. The fact is that it is voluntary for companies. It will be mandatory for their customers. And the fact is that companies can participate without the knowledge and consent of their customers, and they are immune from customer oversight and lawsuits if they do so. I am all for companies sharing information about malware and foreign hackers with the government, but there ought to be a strong requirement to filter out unrelated personal information about customers.

I want to emphasize this because this is probably my strongest point of disagreement with my friends who are the sponsors. There is not in this bill a strong requirement to filter out unrelated personal information about these millions of customers who are going to be affected. This bill would allow companies to hand over a large amount of private and personal information about millions of their customers with only a cursory review. In my judgment, information about those who have been victims of hacks should not be treated in essentially the same way as information about the hackers. Without a strong requirement to filter out unrelated personal information, that is unfortunately what this bill does.

At the outset of this discussion, we were told this bill would have substantial security benefits. I heard for days, for example, that this bill would have prevented the OPM attack, that it would have stopped the serious attack on government personnel records. After technologists reviewed that particular argument, that claim has essentially been withdrawn.

There is a saying now in the cyber security field: If you can't protect it, don't collect it. If more personal consumer information flows to the government without strong protections, my view is it is going to end up being a prime target for hackers.

Sharing information about cyber security threats is clearly a worthy goal, and I would like to find ways to encourage more of that responsibly. Yet if you share more information without strong privacy protections, millions of Americans will say: That is not a cyber security bill; it is a surveillance bill. My hope is that, working in a bipartisan way, by the time we have completed this legislation on the floor, that will not be the case.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BURR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURR. Mr. President, I listened patiently to my friend and colleague, and we are on the committee together, so this is not the first time we have had a frank discussion. But let me say to those companies that have reached out to him, and he listed them—I am not going to bother going through 53 associations and the number of companies that are represented because there are hundreds and hundreds. They are sectors of our economy. It is the financial industry. It is automotive. It is practically everybody in retail.

There are a couple of things that still shock me because I really can't make the connection. A technology company has a tremendous amount of users, and those users put their personal data on that—pick one—and the company says there is nothing more important than protecting the data of their users. It strikes me, because I was in business for 17 years before I came to this insane place, that any business in the world would say: I don't have a problem with putting this in place as long as I don't have to use it. I can make a decision whether I use it or whether I don't.

It may be that when they get an opportunity to see the final product and it is in place, they may say: Well, you know what, this isn't so bad. This actually took care of some of the concerns we have.

But to make a blanket statement for a company whose No. 1 concern is the protection of its customers' data—to ignore the threat today that is real and will be felt by everybody, if it hasn't been felt by them, and not have something in place is irresponsible by those companies.

Again, I point to the fact that if this were a mandatory program, I could understand why they might, for market share reasons or marketing reasons, go out and say: We are not covered by this. But this is voluntary for everybody. There is not a soul in the world who has to participate. But the ones that are really concerned about their customers' data, the ones that really understand there are companies, individuals, and countries trying to hack their systems will succumb to the fact that something is better than nothing.

It is sort of like going home to North Carolina—and I see the leader is coming—where this year we have had a rash of sharks. It is one thing to know there are sharks out there and swim and say: How could one bite me? Well, you know you have hackers out there. It seems as if you take precautions when you go swimming, and it seems as if you should take precautions to keep from being hacked.

With that, I yield the floor.

The PRESIDING OFFICER. The majority leader.

CYBERSECURITY INFORMATION SHARING ACT of 2015

Mr. McCONNELL. Mr. President, under the order of August 5, 2015, I ask that the Chair lay before the Senate S. 754.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 754, which the clerk will report.

The senior assistant legislative clerk read as follows:

> A bill (S. 754) to improve cybersecurity in the United States through enhanced sharing of information about cybersecurity threats, and for other purposes.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 2716

(Purpose: In the nature of a substitute)

Mr. BURR. Mr. President, as under the previous order, I call up the Burr-Feinstein amendment, which is at the desk, and I ask unanimous consent that it be reported by number.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. BURR] proposes an amendment numbered 2716.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. BURR. Mr. President, for the information of all Senators, this substitute includes agreed-upon language on the following amendments: Carper, No. 2615; Carper, No. 2627; Coats, No. 2604; Flake, No. 2580; Gardner, No. 2631; Kirk, No. 2603; Tester, No. 2632; Wyden, No. 2622, and, I might add, a handful of amendments that have been worked out in addition to those which were part of that unanimous consent agreement by both the vice chair and myself.

The vice chair and I have a number of amendments to be made pending under the previous consent order, and I ask unanimous consent that they be called up and reported by number.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2581, AS MODIFIED, TO AMENDMENT NO. 2716

Mr. BURR. Mr. President, I call up the Cotton amendment No. 2581, as modified, to correct the instruction line.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The bill clerk read as follows:

The Senator from North Carolina [Mr. BURR], for Mr. COTTON, proposes an amendment numbered 2581, as modified, to amendment No. 2716.

The amendment is as follows:

(Purpose: To exempt from the capability and process within the Department of Homeland Security communication between a private entity and the Federal Bureau of Investigation or the United States Secret Service regarding cybersecurity threats)

On page 31, strike line 13 and insert the following:

authority regarding a cybersecurity threat; and

(iii) communications between a private entity and the Federal Bureau of Investigation or the United States Secret Service regarding a cybersecurity threat;

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, let me add at this time that the vice chairman and I have worked aggressively, as have our staffs, to incorporate the suggestions and the concerns Members and companies have raised with us. If we believed they made the legislation stronger—stronger from the standpoint of minimizing data loss and stronger from the standpoint of the privacy concerns—let me assure my colleagues we have accepted those and we have incorporated them in the managers' amendment. If, in fact, we couldn't agree or felt that it in any way was detrimental to the legislation, the vice chair and I have agreed to oppose those amendments.

I think it is important that this bill represent exactly what we have sold: an information sharing bill, a bill that is voluntary.

So I would suggest to those who hear this debate and say ''I don't really understand all this cyber stuff. I hear about it and don't really understand it,'' let me put it in these terms. What this legislation does is it creates a community watch program, and like any neighborhood watch program, the spirit of what we are trying to do is to protect the neighborhood. It doesn't mean that every resident on every street in that community in that neighborhood is going to be a participant, but it means that neighborhood is committed to making sure that if crimes are happening, they are out there to stop them, to report them, and maybe through reporting them, the number of crimes over time will continue to decrease.

Well, I would share with you that is what we are doing with the cyber security bill. We are out now trying to set up the framework for a community watch program, one that is voluntary, that doesn't require every person to participate, but it says: For those of you who can embrace this and can report the crimes, it is not only beneficial to you, it is beneficial to everybody.

So I respect the fact there are a few companies out there saying: This is no good; we shouldn't have this. Really? Do you want to deny this to everybody? There are a heck of a lot of businesses that have made the determination that this is beneficial to their business, that it is beneficial to their sector.

This is beneficial to the overall U.S. economy. That is what the Senate is here to do. We are not here to pick winners and losers; we are here to create a framework everybody can operate in that advances the United States in the right direction.

Shortly we will have an opportunity to make pending some additional amendments, and I encourage all Members, if your amendment is pending, to come down and debate it. If you have additional amendments, please come down and offer them and debate them. With the cooperation of Members, we can process these in a matter of days and we can then send this out of the Senate and be at a point where we could conference with the House.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. AYOTTE). Without objection, it is so ordered.

AMENDMENT NO. 2552, AS MODIFIED, TO AMENDMENT NO. 2716

Mrs. FEINSTEIN. Madam President, I call up the Coons amendment No. 2552, as modified.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The bill clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for Mr. COONS, proposes an amendment numbered 2552, as modified, to amendment No. 2716.

The amendment, as modified, is as follows:

(Purpose: To modify section 5 to require DHS to review all cyber threat indicators and countermeasures in order to remove certain personal information)

Beginning on page 23, strike line 3 and all that follows through page 33, line 10 and insert the following:

(3) REQUIREMENTS CONCERNING POLICIES AND PROCEDURES.—Consistent with the guidelines required by subsection (b), the policies and procedures developed and promulgated under this subsection shall—

(A) ensure that cyber threat indicators shared with the Federal Government by any entity pursuant to section 4 that are received through the process described in subsection (c) of this section and that satisfy the requirements of the guidelines developed under subsection (b)—

(i) are shared in an automated manner with all of the appropriate Federal entities;

(ii) are not subject to any unnecessary delay, interference, or any other action that could impede receipt by all of the appropriate Federal entities; and

(iii) may be provided to other Federal entities;

(B) ensure that cyber threat indicators shared with the Federal Government by any entity pursuant to section 4 in a manner other than the process described in subsection (c) of this section—

(i) are shared as quickly as operationally practicable with all of the appropriate Federal entities;

(ii) are not subject to any unnecessary delay, interference, or any other action that could impede receipt by all of the appropriate Federal entities; and

(iii) may be provided to other Federal entities;

(C) consistent with this Act, any other applicable provisions of law, and the fair information practice principles set forth in appendix A of the document entitled ''National Strategy for Trusted Identities in Cyberspace'' and published by the President in April 2011, govern the retention, use, and dissemination by the Federal Government of cyber threat indicators shared with the Federal Government under this Act, including the extent, if any, to which such cyber threat indicators may be used by the Federal Government; and

(D) ensure there is—

(i) an audit capability; and

(ii) appropriate sanctions in place for officers, employees, or agents of a Federal entity who knowingly and willfully conduct activities under this Act in an unauthorized manner.

(4) GUIDELINES FOR ENTITIES SHARING CYBER THREAT INDICATORS WITH FEDERAL GOVERNMENT.—

(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Attorney General shall develop and make publicly available guidance to assist entities and promote sharing of cyber threat indicators with Federal entities under this Act.

(B) CONTENTS.—The guidelines developed and made publicly available under subparagraph (A) shall include guidance on the following:

(i) Identification of types of information that would qualify as a cyber threat indicator under this Act that would be unlikely to include personal information of or identifying a specific person not necessary to describe or identify a cyber security threat.

(ii) Identification of types of information protected under otherwise applicable privacy laws that are unlikely to be necessary to describe or identify a cybersecurity threat.

(iii) Such other matters as the Attorney General considers appropriate for entities sharing cyber threat indicators with Federal entities under this Act.

(b) PRIVACY AND CIVIL LIBERTIES.—

(1) GUIDELINES OF ATTORNEY GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Attorney General shall, in coordination with heads of the appropriate Federal entities and in consultation with officers designated under section 1062 of the National Security Intelligence Reform Act of 2004 (42 U.S.C. 2000ee–1), develop, submit to Congress, and make available to the public interim guidelines relating to privacy and civil liberties which shall govern the receipt, retention, use, and dissemination of cyber threat indicators by a Federal entity obtained in connection with activities authorized in this Act.

(2) FINAL GUIDELINES.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall, in coordination with heads of the appropriate Federal entities and in consultation with officers designated under section 1062 of the National Security Intelligence Reform Act of 2004 (42 U.S.C. 2000ee–1) and such private entities with industry expertise as the Attorney General considers relevant, promulgate final guidelines relating to privacy and civil liberties which shall govern the receipt, retention, use, and dissemination of cyber threat indicators by a Federal entity obtained in connection with activities authorized in this Act.

(B) PERIODIC REVIEW.—The Attorney General shall, in coordination with heads of the appropriate Federal entities and in consultation with officers and private entities described in subparagraph (A), periodically review the guidelines promulgated under subparagraph (A).

(3) CONTENT.—The guidelines required by paragraphs (1) and (2) shall, consistent with the need to protect information systems from cybersecurity threats and mitigate cybersecurity threats—

(A) limit the impact on privacy and civil liberties of activities by the Federal Government under this Act;

(B) limit the receipt, retention, use, and dissemination of cyber threat indicators containing personal information of or identifying specific persons, including by establishing—

(i) a process for the timely destruction of such information that is known not to be directly related to uses authorized under this Act; and

(ii) specific limitations on the length of any period in which a cyber threat indicator may be retained;

(C) include requirements to safeguard cyber threat indicators containing personal information of or identifying specific persons from unauthorized access or acquisition, including appropriate sanctions for activities by officers, employees, or agents of the Federal Government in contravention of such guidelines;

(D) include procedures for notifying entities and Federal entities if information received pursuant to this section is known or determined by a Federal entity receiving such information not to constitute a cyber threat indicator;

(E) protect the confidentiality of cyber threat indicators containing personal information of or identifying specific persons to the greatest extent practicable and require recipients to be informed that such indicators may only be used for purposes authorized under this Act; and

(F) include steps that may be needed so that dissemination of cyber threat indicators is consistent with the protection of classified and other sensitive national security information.

(c) CAPABILITY AND PROCESS WITHIN THE DEPARTMENT OF HOMELAND SECURITY.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security, in coordination with the heads of the appropriate Federal entities, shall develop and implement a capability and process within the Department of Homeland Security that—

(A) shall accept from any entity in real time cyber threat indicators and defensive measures, pursuant to this section;

(B) shall, upon submittal of the certification under paragraph (2) that such capability and process fully and effectively operates as described in such paragraph, be the process by which the Federal Government receives cyber threat indicators and defensive measures under this Act that are shared by a private entity with the Federal Government through electronic mail or media, an interactive form on an Internet website, or a real time, automated process between information systems except—

(i) communications between a Federal entity and a private entity regarding a previously shared cyber threat indicator; and

(ii) communications by a regulated entity with such entity's Federal regulatory authority regarding a cybersecurity threat;

(C) shall require the Department of Homeland Security to review all cyber threat indicators and defensive measures received and remove any personal information of or identifying a specific person not necessary to identify or describe the cybersecurity threat before sharing such indicator or defensive measure with appropriate Federal entities;

(D) ensures that all of the appropriate Federal entities receive in an automated manner such cyber threat indicators as quickly as operationally possible from the Department of Homeland Security;

(E) is in compliance with the policies, procedures, and guidelines required by this section; and

(F) does not limit or prohibit otherwise lawful disclosures of communications, records, or other information, including—

(i) reporting of known or suspected criminal activity, by an entity to any other entity or a Federal entity;

(ii) voluntary or legally compelled participation in a Federal investigation; and

(iii) providing cyber threat indicators or defensive measures as part of a statutory or authorized contractual requirement.

(2) CERTIFICATION.—Not later than 10 days prior to the implementation of the capability and process required by paragraph (1), the Secretary of Homeland Security shall, in consultation with the heads of the appropriate Federal entities, certify to Congress whether such capability and process fully and effectively operates—

(A) as the process by which the Federal Government receives from any entity a cyber threat indicator or defensive measure under this Act; and

(B) in accordance with the policies, procedures, and guidelines developed under this section.

(3) PUBLIC NOTICE AND ACCESS.—The Secretary of Homeland Security shall ensure there is public notice of, and access to, the capability and process developed and implemented under paragraph (1) so that—

(A) any entity may share cyber threat indicators and defensive measures through such process with the Federal Government; and

(B) all of the appropriate Federal entities receive such cyber threat indicators and defensive measures as quickly as operationally practicable with receipt through the process within the Department of Homeland Security.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 2582 TO AMENDMENT NO. 2716

Mr. BURR. Madam President, I call up the Flake amendment No. 2582.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The bill clerk read as follows:

The Senator from North Carolina [Mr. BURR], for Mr. FLAKE, proposes an amendment numbered 2582 to amendment No. 2716.

The amendment is as follows:

(Purpose: To terminate the provisions of the Act after six years)

At the end, add the following:

SEC. 11. EFFECTIVE PERIOD.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall be in effect during the 6-year period beginning on the date of the enactment of this Act.

(b) EXCEPTION.—With respect to any action authorized by this Act or information obtained pursuant to an action authorized by this Act, which occurred before the date on which the provisions referred to in subsection (a) cease to have effect, the provisions of this Act shall continue in effect.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 2612, AS MODIFIED, TO AMENDMENT NO. 2716

Mrs. FEINSTEIN. Madam President, I call up the Franken amendment No. 2612, as modified.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The bill clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for Mr. FRANKEN, proposes an amendment numbered 2612, as modified, to amendment No. 2716.

The amendment, as modified, is as follows:

(Purpose: To improve the definitions of cybersecurity threat and cyber threat indicator)

Beginning on page 4, strike line 12 and all that follows through page 5, line 21, and insert the following:

system that is reasonably likely to result in an unauthorized effort to adversely impact the security, availability, confidentiality, or integrity of an information system or information that is stored on, processed by, or transiting an information system.

(B) EXCLUSION.—The term ''cybersecurity threat'' does not include any action that

solely involves a violation of a consumer term of service or a consumer licensing agreement.

(6) CYBER THREAT INDICATOR.—The term ''cyber threat indicator'' means information that is necessary to describe or identify—

(A) malicious reconnaissance, including anomalous patterns of communications that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat or security vulnerability;

(B) a method of defeating a security control or exploitation of a security vulnerability;

(C) a security vulnerability, including anomalous activity that appears to indicate the existence of a security vulnerability;

(D) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to unwittingly enable the defeat of a security control or exploitation of a security vulnerability;

(E) malicious cyber command and control;

(F) the harm caused by an incident, including a description of the information exfiltrated as a result of a particular cybersecurity threat;

(G) any other attribute of a cybersecurity threat, if disclosure of such information is not otherwise prohibited by law; or

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 2548, AS MODIFIED, TO AMENDMENT NO. 2716

Mr. BURR. Madam President, I call up the Heller amendment No. 2548, as modified, to correct the instruction line.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The bill clerk read as follows:

The Senator from North Carolina [Mr. BURR], for Mr. HELLER, proposes an amendment numbered 2548, as modified, to amendment No. 2716.

The amendment, as modified, is as follows:

(Purpose: To protect information that is reasonably believed to be personal information or information that identifies a specific person)

On page 12, line 19, strike ''knows'' and insert ''reasonably believes''.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 2587, AS MODIFIED, TO AMENDMENT NO. 2716

Mrs. FEINSTEIN. Madam President, I call up the Leahy amendment No. 2587, as modified.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The bill clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for Mr. LEAHY, proposes an amendment numbered 2587, as modified, to amendment No. 2716.

The amendment, as modified, is as follows:

(Purpose: To strike the FOIA exemption)

Beginning on page 35, strike line 1 and all that follows through page 35, line 13.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 2564, AS MODIFIED, TO AMENDMENT NO. 2716

Mr. BURR. Madam President, I call up the Paul amendment No. 2564, as modified, to correct the instruction line.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The bill clerk read as follows:

The Senator from North Carolina [Mr. BURR], for Mr. PAUL, proposes an amendment numbered 2564, as modified, to amendment No. 2716.

The amendment, as modified, is as follows:

(Purpose: To prohibit liability immunity to applying to private entities that break user or privacy agreements with customers)

On page 40, after line 24, insert the following:

(d) EXCEPTION.—This section shall not apply to any private entity that, in the course of monitoring information under section 4(a) or sharing information under section 4(c), breaks a user agreement or privacy agreement with a customer of the private entity.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 2557 TO AMENDMENT NO. 2716

Mrs. FEINSTEIN. Madam President, I call up the Mikulski amendment No. 2557.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The bill clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for Ms. MIKULSKI, proposes an amendment numbered 2557 to amendment No. 2716.

The amendment is as follows:

(Purpose: To provide amounts necessary for accelerated cybersecurity in response to data breaches)

At the appropriate place, insert the following:

SEC. _____. FUNDING.

(a) IN GENERAL.—Effective on the date of enactment of this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2015, an additional amount for the appropriations account appropriated under the heading ''SALARIES AND EXPENSES'' under the heading ''OFFICE OF PERSONNEL MANAGEMENT'', $37,000,000, to remain available until September 30, 2017, for accelerated cybersecurity in response to data breaches.

(b) EMERGENCY DESIGNATION.—The amount appropriated under subsection (a) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, and shall be available only if the President subsequently so designates such amount and transmits such designation to the Congress.

AMENDMENT NO. 2626 TO AMENDMENT NO. 2716

Mrs. FEINSTEIN. Madam President, I call up the Whitehouse amendment No. 2626.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The bill clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for Mr. WHITEHOUSE, proposes an amendment numbered 2626 to amendment No. 2716.

The amendment is as follows:

(Purpose: To amend title 18, United States Code, to protect Americans from cybercrime)

At the end, add the following:

SEC. ____. STOPPING THE SALE OF AMERICANS' FINANCIAL INFORMATION.

Section 1029(h) of title 18, United States Code, is amended by striking ''if—'' and all that follows through ''therefrom.'' and inserting ''if the offense involves an access device issued, owned, managed, or controlled by a financial institution, account issuer, credit card system member, or other entity organized under the laws of the United States, or any State, the District of Columbia, or other Territory of the United States.''.

SEC. ____. SHUTTING DOWN BOTNETS.

(a) AMENDMENT.—Section 1345 of title 18, United States Code, is amended—

(1) in the heading, by inserting ''**and abuse**'' after ''**fraud**'';

(2) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking ''or'' at the end;

(ii) in subparagraph (C), by inserting ''or'' after the semicolon; and

(iii) by inserting after subparagraph (C) the following:

''(D) violating or about to violate paragraph (1), (4), (5), or (7) of section 1030(a) where such conduct would affect 100 or more protected computers (as defined in section 1030) during any 1-year period, including by denying access to or operation of the computers, installing malicious software on the computers, or using the computers without authorization;''; and

(B) in paragraph (2), by inserting '', a violation described in subsection (a)(1)(D),'' before ''or a Federal''; and

(3) by adding at the end the following:

''(c) A restraining order, prohibition, or other action described in subsection (b), if issued in circumstances described in subsection (a)(1)(D), may, upon application of the Attorney General—

''(1) specify that no cause of action shall lie in any court against a person for complying with the restraining order, prohibition, or other action; and

''(2) provide that the United States shall pay to such person a fee for reimbursement for such costs as are reasonably necessary and which have been directly incurred in complying with the restraining order, prohibition, or other action.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of section for chapter 63 is amended by striking the item relating to section 1345 and inserting the following:

''1345. Injunctions against fraud and abuse.''.

SEC. ____. AGGRAVATED DAMAGE TO A CRITICAL INFRASTRUCTURE COMPUTER.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1030 the following:

''§ 1030A. Aggravated damage to a critical infrastructure computer

''(a) OFFENSE.—It shall be unlawful, during and in relation to a felony violation of section 1030, to knowingly cause or attempt to cause damage to a critical infrastructure computer, if such damage results in (or, in the case of an attempted offense, would, if completed have resulted in) the substantial impairment—

''(1) of the operation of the critical infrastructure computer; or

''(2) of the critical infrastructure associated with such computer.

''(b) PENALTY.—Any person who violates subsection (a) shall, in addition to the term of punishment provided for the felony violation of section 1030, be fined under this title, imprisoned for not more than 20 years, or both.

''(c) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law—

''(1) a court shall not place any person convicted of a violation of this section on probation;

''(2) except as provided in paragraph (4), no term of imprisonment imposed on a person under this section shall run concurrently with any term of imprisonment imposed on the person under any other provision of law, including any term of imprisonment imposed for the felony violation of section 1030;

''(3) in determining any term of imprisonment to be imposed for the felony violation of section 1030, a court shall not in any way reduce the term to be imposed for such violation to compensate for, or otherwise take into account, any separate term of imprisonment imposed or to be imposed for a violation of this section; and

''(4) a term of imprisonment imposed on a person for a violation of this section may, in the discretion of the court, run concurrently, in whole or in part, only with another term of imprisonment that is imposed by the court at the same time on that person for an additional violation of this section, if such discretion shall be exercised in accordance with any applicable guidelines and policy statements issued by the United States Sentencing Commission pursuant to section 994 of title 28.

''(d) DEFINITIONS.—In this section

''(1) the terms 'computer' and 'damage' have the meanings given the terms in section 1030; and

''(2) the term 'critical infrastructure' has the meaning given the term in section 1016(e) of the USA PATRIOT Act (42 U.S.C. 5195c(e)).''.

(b) TABLE OF SECTIONS.—The table of sections for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1030 the following:

''1030A. Aggravated damage to a critical infrastructure computer.''.

SEC. ___. STOPPING TRAFFICKING IN BOTNETS.

(a) IN GENERAL.—Section 1030 of title 18, United States Code, is amended—

(1) in subsection (a), by striking paragraph (6) and inserting the following:

''(6) knowing such conduct to be wrongful, intentionally traffics in any password or similar information, or any other means of access, further knowing or having reason to know that a protected computer would be accessed or damaged without authorization in a manner prohibited by this section as the result of such trafficking;'';

(2) in subsection (c)—

(A) in paragraph (2), by striking '', (a)(3), or (a)(6)'' each place it appears and inserting ''or (a)(3)''; and

(B) in paragraph (4)—

(i) in subparagraph (C)(i), by striking ''or an attempt to commit an offense''; and

(ii) in subparagraph (D), by striking clause (ii) and inserting the following:

''(ii) an offense, or an attempt to commit an offense, under subsection (a)(6);''; and

(3) in subsection (g), in the first sentence, by inserting '', except for a violation of subsection (a)(6),'' after ''of this section''.

AMENDMENT NO. 2621, AS MODIFIED, TO AMENDMENT NO. 2716

Mrs. FEINSTEIN. Madam President, I call up the Wyden amendment No. 2621, as modified.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The bill clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for Mr. WYDEN, proposes an amendment numbered 2621, as modified, to amendment No. 2716.

The amendment, as modified, is as follows:

(Purpose: To improve the requirements relating to removal of personal information from cyber threat indicators before sharing)

On page 17, strike lines 9 through 22 and insert the following:

(A) review such cyber threat indicator and remove, to the extent feasible, any personal information of or identifying a specific individual that is not necessary to describe or identity a cybersecurity threat; or

(B) implement and utilize a technical capability configured to remove, to the extent feasible, any personal information of or identifying a specific individual contained within such indicator that is not necessary to describe or identify a cybersecurity threat.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Madam President, as the vice chair and I have said numerous times this afternoon, nothing would make us happier than for Members to come to the floor. We have amendments pending. We have a managers' amendment. Everybody knows exactly what is in this bill. Let's start the debate. Let's vote on amendments. Let's end this process in a matter of days. We are prepared to vote on every amendment.

So at this time, I ask unanimous consent that on Thursday, October 22, at 11 a.m., the Senate vote on the pending amendments to the Burr-Feinstein substitute to S. 754, with a 60-vote threshold for those amendments that are not germane; and that following the disposition of the amendments, the substitute, as amended, if amended, be agreed to, the bill, as amended, be read a third time, and the Senate vote on passage with a 60-vote threshold for passage.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, I certainly support most of the amendments that were just described. However, I am especially troubled about amendment No. 2626, which would significantly expand a badly outdated Computer Fraud and Abuse Act. I have sought to modernize the Computer Fraud and Abuse Act, and I believe that amendment No. 2626 would take that law—the Computer Fraud and Abuse Act—in the wrong direction. I would object to any unanimous consent request that includes that amendment. Therefore, I object to this request.

The PRESIDING OFFICER. Objection is heard.

The Senator from North Carolina.

Mr. BURR. Madam President, the Senate functions best when Members are free to come to the floor and offer amendments, debate the amendments, and have a vote on the amendments. I might even share Senator WYDEN's concerns about that particular piece of legislation. I am not sure. It is a judiciary issue. The vice chair is on the Judiciary Committee. It is an amendment that we were not able to pass in the managers' amendment. But as the vice chair and I said at the beginning of this process, we would like the Senate to function like it is designed, where every Member feels invested, and if they have a great idea, come down, introduce it as an amendment, debate it, and let your colleagues vote up or down against it. If we can't move forward with a process like that, then it is difficult to see how in a reasonable amount of time we are going to complete this agenda.

So I would only urge my colleague from Oregon that there is nothing to be scared about. This is a process we will go through, and a nongermane amendment, which I think this would be listed as—I look for my staff. It would be a nongermane amendment—requiring 60 votes, a threshold that the Senate designed to pass practically anything.

So I urge him to reconsider at some point, and I will make a similar unanimous consent request once he has had an opportunity to think about it. But also, we will work to see if in fact that amendment might be modified in a way that might make it a little more acceptable for the debate and for colleagues to vote on it.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, as the Senate turns its focus to legislation related to the critical issue of our Nation's cyber security and in the light of Chinese President Xi Jinping's state visit last month, I would like to reflect on America's security in cyber space.

As the global economy becomes increasingly dependent on the Internet, the exponential increase in the number and scale of cyber attacks and cyber thefts are straining our relationship with international trading partners throughout the world. This is especially true for our important trade relationship with China. This year alone, the United States has experienced some of the largest cyber attacks in our Nation's history—many of which are believed to have been perpetrated by the Chinese. Just last February, hackers breached the customer records of the health insurance company Anthem Blue Cross Blue Shield. Many news sources reported that China was responsible for the attack. This cyber attack resulted in the theft of approximately 80 million customers' personally identifiable information, including Social Security numbers and information that can be used for identity theft.

In the early summer, cyber criminals also hacked United Airlines, compromising manifest data that detailed the movement of millions of Americans. According to the news media, China was again believed to have been responsible.

But the most devastating cyber attack this year was on the U.S. Government's Office of Personnel Management. This past June, sources report that the OPM data breach, considered the worst cyber intrusion ever perpetrated against the U.S. Government,

affected about 21.5 million Federal employees and contractors. Hackers successfully accessed sensitive personal information, including security clearance files, Social Security numbers, and information about employees' contacts and families. Again, China was the suspected culprit.

Most troubling, the OPM breach included over 19.7 million background investigation records for cleared U.S. Government employees. The exposure of this highly sensitive information not only puts our national security at risk but also raises concern that foreign governments may be keeping detailed databases on Federal workers and their associations.

I was pleased during the Chinese President's visit to Washington last month that President Obama expressed his ''very serious concerns about growing cyber threats'' and stated that the cyber theft of intellectual property and commercial trade secrets ''has to stop.'' President Obama and President Xi Jinping came to an agreement not to ''conduct or knowingly support'' cyber theft of intellectual property or commercial trade secrets.

Even so, Director of Intelligence James Clapper expressed doubts about the agreement in a hearing before the Senate Armed Services Committee last week. When Chairman MCCAIN asked Mr. Clapper if he was optimistic about the deal, he told members of the committee he was not. I add my skepticism of this agreement to the growing chorus of lawmakers, military leaders, and intelligence community personnel who have voiced similar concerns.

As Admiral Rogers, head of the National Security Agency and U.S. Cyber Command, has said, ''China is the biggest proponent of cyberattacks being waged against the U.S.'' We must do more to defend ourselves against this growing threat. Unfortunately, I have been disappointed in this administration's inability to protect our Federal computer systems from cyber intrusions and to hold criminals accountable for their participation in cyber attacks committed against the United States. Sadly, the cyber threats facing our Nation are not limited to China. Investigators believe Russia, North Korea, Iran, and several other nations have also launched cyber attacks against our government, U.S. citizens, and of course companies. These attacks are increasing both in severity and in number.

In April, Russian hackers accessed White House networks containing sensitive information, including emails sent and received by the President himself.

In May, hackers breached IRS servers to gain access to 330,000 American taxpayers' tax returns. That same month a fraudulent stock trader manipulated U.S. markets, costing the stock exchange an estimated $1 trillion in just 36 minutes. In July, it was reported that a Russian spear phishing attack shut down the Joint Chiefs of Staff email system for 11 days. Just 1 month ago, hackers stole the personal data of 15 million T-Mobile customers by breaching Experian, the company that processes credit checks for prospective customers. This stolen data includes names, birth dates, addresses, Social Security numbers, and credit card information.

These breaches have a serious and real cost for the victims. According to the Federal Trade Commission, the average identity fraud victim in 2012 incurred an average of $365 in losses. Incredibly, all of these high-profile breaches have occurred this year, making 2015 perhaps the worst year ever in terms of attacks on our national cyber security.

Prior to 2015, we also saw several high-profile breaches at large American corporations, including Target, Home Depot, Sony, and others. Our lack of effective cyber security policies and procedures threatens the safety of our people, the strength of our national defense, and the future of our economy. We must be more vigilant in reinforcing our cyber infrastructure to better defend ourselves against these attacks. In doing so, Congress must create a deterrent for those who seek to commit cyber attacks against our Nation. Our adversaries must know they will suffer dire consequences if they attack the United States. Finding a solution to this critical problem must be an urgent priority for the Senate.

I agree with Leader MCCONNELL that we must move forward in the Senate with legislation to improve our Nation's cyber security practices and policies. I am supportive of the objectives outlined in Chairman BURR and Vice Chairperson FEINSTEIN's bipartisan Cybersecurity Information Sharing Act, CISA.

I was pleased to see the Senate Select Committee on Intelligence pass the Burr-Feinstein CISA bill out of the committee by an overwhelming bipartisan vote of 14 to 1. This important legislation incentivizes and authorizes private sector companies to voluntarily share cyber threat information in real time that can be useful in detecting cyber attacks and in preventing future cyber intrusions.

I also commend Chairman BURR and Vice Chairman FEINSTEIN's efforts to include provisions in CISA to protect personal privacy, including a measure that prevents a user's personally identifiable information from being shared with government agencies. Additionally, CISA sets limits on information that can be collected or monitored by allowing information to be used only for cyber security purposes.

As the American economy grows ever more dependent on the Internet, I believe CISA represents an important first step in protecting our Nation's critical infrastructure from the devastating impact of cyber attacks. Congress must do more to adequately protect and secure America's presence in cyber space.

In light of recent revelations highlighting our Federal Government's inability to adequately protect and secure classified data and other sensitive information, I joined Senator CARPER, the ranking member of the Homeland Security and Governmental Affairs Committee, in introducing the Federal Computer Security Act.

The Hatch-Carper bill shines light on whether our Federal Government is using the most up-to-date cyber security practices and software to protect Federal computer systems and databases from both external cyber attackers and insider threats. Specifically, this legislation requires Federal agency inspectors general to report to Congress on the security practices and software used to safeguard classified and personally identifiable information on Federal computer systems themselves.

This bill also requires each Federal agency to submit a report to each respective congressional committee with oversight jurisdiction describing in detail to each committee which security access controls the agency is implementing to protect unauthorized access to classified and sensitive, personally identifiable information on government computers.

Requiring an accounting of each Federal agency's security practices, software, and technology is a logical first step in bolstering our Nation's cyber infrastructure. These reports will guide Congress in crafting legislation to prevent future large-scale data breaches and ensure that unauthorized users are not able to access classified and sensitive information.

Agencies should be employing multifactor authentication policies and should be implementing software to detect and monitor cyber security threats. They should also be using the most up-to-date technology and security controls. The future of our Nation's cyber security starts with our Federal Government practicing good cyber hygiene. In strengthening our security infrastructure, the Federal Government should be accountable to the American people, especially when cyber attacks affect millions of taxpayers.

I have heard from many constituents who have expressed concerns about the state of America's cyber security. I am honored to represent a State that is an emerging center of technological advancement and innovation, with the growing hub of computer companies expanding across a metropolitan area known as Silicon Slopes. The people of Utah recognize that our Nation's future depends on America's ability to compete in the digital area. They understand we must create effective cyber security policies so we can continue to lead the world in innovation and technology advancement.

I am pleased to announce that an amended version of the Federal Computer Security Act is included in Chairman BURR and Vice Chairman

FEINSTEIN's managers' package. I wish to express my appreciation to both the chairman and vice chairman for their willingness to work with me in fine-tuning this legislation. I appreciate it. I wish to also thank Chairman RON JOHNSON and Ranking Member TOM CARPER of the Homeland Security and Governmental Affairs Committee for their efforts in this endeavor as well.

In addition to broad bipartisan support in the Senate, the Federal Computer Security Act enjoys support from key industry stakeholders. Some of our Nation's largest computer security firms support the bill, including Symantec, Adobe, and CA Technologies. Several industry groups have also voiced their support, including the Business Software Alliance and the IT Alliance for the Public Sector.

I commend Intelligence Committee Chairman BURR and Vice Chairman FEINSTEIN for their leadership in managing this critical cyber security legislation. As Leader MCCONNELL works to restore the Senate to its proper function, I am grateful we have been able to consider this legislation in an open and transparent fashion. By reinstating the open amendment process, we have not only been able to vote on dozens of amendments this year, we have been able to refine legislation through robust consideration and debate. I think we voted on approximately 160-plus amendments so far this year, and they are about evenly split between Democrats and Republicans.

With the renewal of longstanding Senate practices, we are passing meaningful laws that will better serve the needs of the American people. May we build on the foundation of success as we work to improve this critically important Cybersecurity Information Sharing Act.

I wish to again thank the distinguished leaders of this Intelligence Committee. Having served 18 years on the Intelligence Committee, I really appreciate the work that both of them have done, especially on this bill, and I look forward to its passage.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I thank the distinguished Senator from Utah for his words. They are much appreciated, as is his friendship as well. I think he knows that. I believe the chairman feels certainly as strongly if not more strongly than I do.

I rose to be able to make a brief statement about the sanctuary bill as in morning business, if that is possible.

The PRESIDING OFFICER. Without objection, it is so ordered.

STOP SANCTUARY POLICIES AND PROTECT AMERICANS BILL

Mrs. FEINSTEIN. Madam President, I voted against Senator VITTER's bill. I believe it goes much too far. My longer statement is in the RECORD, but I want to respond to some of what I heard today. I do believe we should ensure that there is a notification prior to release of a dangerous individual with a criminal record, just as Senator SCHUMER said on this floor. I do believe we could take a narrow action to do just that. We could focus on dangerous individuals and not on all undocumented immigrants who happen to be taken into State or local custody. We could require notification without threatening vital law enforcement and local government funding, as Senator VITTER's bill does.

I had an amendment prepared for the Judiciary Committee's consideration when the committee had scheduled the bill for markup over a series of weeks, but the committee canceled its markup, so we were on the floor today with a bill that has never been heard in full by the Judiciary Committee.

Senator VITTER's bill includes a notification requirement and a detention requirement. It is not limited to those who are dangerous or have particular criminal records. It would cover a farmworker who was detained for a broken taillight or a mother who was detained for similar reasons, taking her away from her children. This is a standard that could be abused in another administration, and it is potentially a huge unfunded mandate to impose on States and localities.

The bill would also impose lengthy criminal sentences at the Federal level for individuals coming across the border to see their families or to perform work that is vital to the economy of California and the Nation. For example, in California, virtually the majority, if not all, of the farmworkers are undocumented. It happens to be a fact. It is why the agriculture jobs bill was part of the immigration reform act which was before this body and passed this body and went to the House and had no action.

Although Members on the other side state that this bill has support among law enforcement, I will note that the Major Cities Chiefs Association, the Major County Sheriffs' Association, the Fraternal Order of Police, the United States Conference of Mayors, and the National League of Cities are opposed to this bill or have submitted letters opposing threats to Federal law enforcement funding over this issue.

So, bottom line, I do believe we should do something about the circumstance that led to the tragic murder of Kate Steinle, which occurred in my city and State, and the tragic murder of Marilyn Pharis, which happened in the middle part of my State. I will support a reasonable effort to do just that, but this is not a targeted effort. It is too broad, and so I opposed it. My full statement is in the RECORD, but because it was spoken about on the floor, I did want to add these words.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Madam President, moving back to cyber security, we now have S. 754 before the Senate, and we have a managers' package that is pending. We have a number of amendments that have been accepted and incorporated in the managers' package. We have several amendments that we could not reach agreement on, but those Members have the opportunity to come to the Senate floor. The amendments are already pending. They can debate those amendments, and they can have a vote on their amendment. For Members who might just now be engaging or who have had an opportunity to further read the bill, there are still present opportunities to offer perfecting amendments.

Let me suggest to my colleagues that when the vice chairman and I started down this road, we knew we couldn't reach unanimous consent of every company in the country and every Member of Congress. It was our goal, and I think we are pretty close to it when we look at the numbers. But there will be companies that object to this bill for some reason that I might not recognize.

The vice chairman has said this and I have said it and I want to reiterate it another time: This bill is voluntary. It does not require any company in America to participate in this. It does not require any entity to turn over information to the Federal Government for purposes of the Federal Government partnering with that company to determine who hacked their system, who penetrated, and who exfiltrated personal data. If a company has made the determination that they don't want to support this bill for whatever reason, I am resigned to the fact that that is a debate between their customers and themselves. It is, in fact, their customers that have to question the actions of the company.

I can confidently tell my colleagues that Senator FEINSTEIN and I have done everything to make sure there is wholesome participation by companies on a voluntary basis. We see tremendous value in those parts of our government that are experts at processing attacks like this to be able to identify who did it and what tools were used but, more importantly, what software defensive mechanism we can put on our systems to limit any additional exfiltration of data and, more broadly, to the rest of the business community say: Here is an attack that is in progress. Here is the tool they are using. Here is how you defend your data.

Now, we leave open, if we pass it, that there may be a company that decides they don't support this legislation. They can still participate in this program. Do we think if they get a call from the Department of Homeland Security or from the National Security Agency saying ''Here is an attack that is happening; here is the tool they are using,'' they are going to look at their system and say ''Is it in our system?'' They get the benefit of still participating and partnering with the Federal Government, even though they didn't support the legislation.

I know over the next day or so the vice chairman and I will concentrate on sharing with Members what is actually in the managers' package. We don't leave it up to staff just to cover it.

Let me just briefly share 15 points that I would make about the managers' package.

No. 1, it eliminates the government's uses for noncyber crimes; in other words, a removal of the serious violent felonies.

No. 2, it limits the authorizations to share cyber threat information for cyber security purposes, period.

No. 3, it eliminates new FOIA exemptions. In other words, everybody is under the same FOIA regulations that existed prior to this legislation being enacted.

No. 4, it ensures defensive measures are properly limited. We can't get wild and put these things in places that government shouldn't be, regardless of what the threat is.

No. 5, it includes the Secretary of Homeland Security as coauthor—coauthor—of government-sharing guidelines. I think this is an incredibly important part. The individual who is in charge of Homeland Security, that Secretary, is actively involved in the guidelines that are written.

No. 6, it clarifies exceptions to the DHS portal entry point for the transfer of information.

No. 7, it adds a requirement that the procedures for government sharing include procedures for notifying U.S. persons whose personal information is known to have been shared in violation—in violation—of this act. In other words, if a company mistakenly transmits information, the government is required to notify that individual. But, additionally, the government is statutorily required not to disseminate that information to any other Federal agency once it comes in and is identified.

No. 8, it clarifies the real-time automated process for sharing through that DHS portal.

No. 9, it clarifies that private entities are not required to share information with the Federal Government or another private entity.

No. 10, it adds a Federal cyber security enhancement title.

No. 11, it adds a study on mobile device security.

No. 12, it adds a requirement for the Secretary of State to produce an international cyber space policy strategy.

No. 13, it adds a reporting provision concerning the apprehension and prosecution of international cyber criminals.

No. 14, it improves the contents of the biannual report on CISA's implementation. My colleagues might remember, as some have raised issues on this, they have said: Why are there not more reports? There are biannual reports on the implementation and how it is done.

No. 15, and last, is additional technical and conforming edits.

Now, we didn't get into detail. We will get into detail later, but I say that because if that has in any way triggered with somebody who felt they were opposed to the bill because of something they were told was in it, maybe it was covered by one of those 15 things that I just talked about. They are things that were brought to the attention of the vice chairman and me, and we sat down and looked at it. If we didn't feel as though it changed the intent of the bill—and we have always erred on the side of protecting personal data, of not letting this legislation extend outside of what it was intended to do. Where we have drawn the line is when we believed that the effort was to thwart the effectiveness of this legislation.

I will remind my colleagues one last time: This legislation does not prevent cyber attacks. This legislation is designed to minimize the loss of the personal data of the customers of the companies that are penetrated by these cyber actors.

As we stand here today, we have had some rather significant breaches within the United States. I remind my colleagues that just today it was proposed that a high school student has hacked the unclassified accounts, the personal email, of the Secretary of the Department of Homeland Security and the Director of the CIA. Is there anybody who really thinks that this is going to go away because we are having a debate in the Senate and in the Congress of the United States, that the people who commit these acts and go without any identification are going to quit? No. It is going to become more rampant and more rampant and more rampant. From the standpoint of 2 of 15 Members who are designated by the U.S. Senate and its leadership to, on behalf of the other 85, look at the most sensitive information that our country can accumulate about threats, as many threads of threats as we look at today on the security of the American people, I think I can speak for the vice chairman: We are just as concerned about the economic security of the United States based upon the threat that we are faced with from cyber actors here at home and, more importantly, around the world.

I urge my colleagues, if you have something to contribute, come to the floor and contribute it. If you have an amendment already pending, come to the floor and debate it and vote on it. Give us the ability to work through the great thoughts of all 100 Members, but recognize the fact that those individuals whom you have entrusted to represent you with the most sensitive information that exists in our country came to a 14-to-1 vote when they passed this originally out of the Intelligence Committee. That is because of how grave we see the threat and how real the attackers are.

I thank the vice chairman. She has been absolutely wonderful to work with through this process. We are going to have a long couple of days if we process all of this, but I am willing to be here as long as it takes so that we can move on to conference with the House.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I thank the chairman for those words. I have one little duty left.

AMENDMENT NO. 2626

Madam President, I call for the regular order with respect to Whitehouse amendment No. 2626.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 2626, AS MODIFIED

Mrs. FEINSTEIN. I ask that the amendment be modified with the changes that are at the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

At the end, add the following:

SEC. ___. STOPPING THE SALE OF AMERICANS' FINANCIAL INFORMATION.

Section 1029(h) of title 18, United States Code, is amended by striking ''title if—'' and all that follows through ''therefrom.'' and inserting ''title if the offense involves an access device issued, owned, managed, or controlled by a financial institution, account issuer, credit card system member, or other entity organized under the laws of the United States, or any State, the District of Columbia, or other Territory of the United States.''.

SEC. ___. SHUTTING DOWN BOTNETS.

(a) AMENDMENT.—Section 1345 of title 18, United States Code, is amended—

(1) in the heading, by inserting ''**and abuse**'' after ''**fraud**'';

(2) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking ''or'' at the end;

(ii) in subparagraph (C), by inserting ''or'' after the semicolon; and

(iii) by inserting after subparagraph (C) the following:

''(D) violating or about to violate section 1030(a)(5) where such conduct has caused or would cause damage (as defined in section 1030) without authorization to 100 or more protected computers (as defined in section 1030) during any 1-year period, including by—

''(i) impairing the availability or integrity of the protected computers without authorization; or

''(ii) installing or maintaining control over malicious software on the protected computers that, without authorization, has caused or would cause damage to the protected computers;''; and

(B) in paragraph (2), by inserting '', a violation described in subsection (a)(1)(D),'' before ''or a Federal''; and

(3) by adding at the end the following:

''(c) A restraining order, prohibition, or other action described in subsection (b), if issued in circumstances described in subsection (a)(1)(D), may, upon application of the Attorney General—

''(1) specify that no cause of action shall lie in any court against a person for complying with the restraining order, prohibition, or other action; and

''(2) provide that the United States shall pay to such person a fee for reimbursement for such costs as are reasonably necessary and which have been directly incurred in

complying with the restraining order, prohibition, or other action.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of section for chapter 63 is amended by striking the item relating to section 1345 and inserting the following:

''1345. Injunctions against fraud and abuse.''.

SEC. ___. AGGRAVATED DAMAGE TO A CRITICAL INFRASTRUCTURE COMPUTER.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1030 the following:

''§ 1030A. Aggravated damage to a critical infrastructure computer

''(a) OFFENSE.—It shall be unlawful, during and in relation to a felony violation of section 1030, to knowingly cause or attempt to cause damage to a critical infrastructure computer, if such damage results in (or, in the case of an attempted offense, would, if completed have resulted in) the substantial impairment—

''(1) of the operation of the critical infrastructure computer; or

''(2) of the critical infrastructure associated with such computer.

''(b) PENALTY.—Any person who violates subsection (a) shall, in addition to the term of punishment provided for the felony violation of section 1030, be fined under this title, imprisoned for not more than 20 years, or both.

''(c) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law—

''(1) a court shall not place any person convicted of a violation of this section on probation;

''(2) except as provided in paragraph (4), no term of imprisonment imposed on a person under this section shall run concurrently with any term of imprisonment imposed on the person under any other provision of law, including any term of imprisonment imposed for the felony violation of section 1030;

''(3) in determining any term of imprisonment to be imposed for the felony violation of section 1030, a court shall not in any way reduce the term to be imposed for such violation to compensate for, or otherwise take into account, any separate term of imprisonment imposed or to be imposed for a violation of this section; and

''(4) a term of imprisonment imposed on a person for a violation of this section may, in the discretion of the court, run concurrently, in whole or in part, only with another term of imprisonment that is imposed by the court at the same time on that person for an additional violation of this section, if such discretion shall be exercised in accordance with any applicable guidelines and policy statements issued by the United States Sentencing Commission pursuant to section 994 of title 28.

''(d) DEFINITIONS.—In this section

''(1) the terms 'computer' and 'damage' have the meanings given the terms in section 1030; and

''(2) the term 'critical infrastructure' means systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have catastrophic regional or national effects on public health or safety, economic security, or national security.''.

(b) TABLE OF SECTIONS.—The table of sections for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1030 the following:

''1030A. Aggravated damage to a critical infrastructure computer.''.

SEC. ___. STOPPING TRAFFICKING IN BOTNETS.

(a) IN GENERAL.—Section 1030 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (7), by adding ''or'' at the end; and

(B) by inserting after paragraph (7) the following:

''(8) intentionally traffics in the means of access to a protected computer, if—

''(A) the trafficker knows or has reason to know the protected computer has been damaged in a manner prohibited by this section; and

''(B) the promise or agreement to pay for the means of access is made by, or on behalf of, a person the trafficker knows or has reason to know intends to use the means of access to—

''(i) damage the protected computer in a manner prohibited by this section; or

''(ii) violate section 1037 or 1343;'';

(2) in subsection (c)(3)—

(A) in subparagraph (A), by striking ''(a)(4) or (a)(7)'' and inserting ''(a)(4), (a)(7), or (a)(8)''; and

(B) in subparagraph (B), by striking ''(a)(4), or (a)(7)'' and inserting ''(a)(4), (a)(7), or (a)(8)'';

(3) in subsection (e)—

(A) in paragraph (11), by striking ''and'' at the end;

(B) in paragraph (12), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(13) the term 'traffic', except as provided in subsection (a)(6), means transfer, or otherwise dispose of, to another as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value.''; and

(4) in subsection (g), in the first sentence, by inserting '', except for a violation of subsection (a)(8),'' after ''of this section''.

Mrs. FEINSTEIN. I thank the Chair and yield the floor.

Mr. BURR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PERDUE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SANCTUARY CITIES BILL

Mr. PERDUE. Madam President, I rise to speak very briefly about the Stop Sanctuary Cities Act, which I was proud to cosponsor in the Senate. Simply put, this legislation protects American citizens from criminal illegal immigrants. Today, at least 340 cities across our country are choosing not to enforce our Nation's immigration laws. These sanctuary cities have become a safe haven for criminals who are not only in the United States illegally but also are committing additional crimes and repeatedly reentering trying our country after being deported. This summer we witnessed the tragic impact this lawlessness has on American citizens when Kate Steinle was murdered in San Francisco, a sanctuary city, by a felon living in our country illegally and who was previously deported five separate times. Three months prior to Kate's tragic death, the Department of Homeland Security actually asked San Francisco to detain her murderer, but the sanctuary city refused to cooperate and released the criminal back into the community. Had they not done that, had they turned that person over to Homeland Security as they were requested, Kate might still be with us.

This is unconscionable. I do not think I can overstate the importance of this Stop Sanctuary Cities Act to the American people and to the people of my home State of Georgia. The fact is that Kate Steinle did not have to die at the hands of a seven-time convicted felon and a five-time deportee. Kate and many others would not have died if our country had a functional immigration system and a government that actually enforces our laws.

This is why it is absolutely crucial that we stop sanctuary cities and address this illegal immigration crisis, which has also become a national security crisis. This bill would have done just that, and yet we were not able to even get it on the floor to have a debate. This is what drives people in my home State absolutely apoplectic. We want to get these bills to the floor, have an open debate, and let's let Americans see how we all vote on critical issues like this.

It is a very sad day, indeed, when this body cannot come together to stop rogue cities from breaking our Nation's laws, protecting the livelihood of American citizens, and support our law enforcement officials. I thank Senator VITTER and Chairman GRASSLEY for working closely with the victims' families and law enforcement to produce this legislation. I hope we can continue to debate this and get this bill back on the floor. I will keep fighting to stop this lawlessness and protect all Americans.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GARDNER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, last week the former head of the National Oceanic and Atmospheric Administration, Robert M. Hoyt, passed away at the age of 92. Dr. Hoyt served this Nation under five Presidents and pioneered the peaceful use of satellites to understand our weather and climate. He said:

> We do have environmental problems and they're serious ones, the preservation of species among them, but the climate is the environmental problem that's so pervasive in its effects on the society. . . . The climate is really the only environmental characteristic that can utterly change our society and our civilization.

That was in 1977. That same year, James F. Black, a top scientific researcher at the Exxon Corporation,

gave that company's executives a similar warning. ''[T]here is general scientific agreement,'' he told Exxon's Management Committee, ''that the most likely manner in which mankind is influencing the global climate is through carbon dioxide release from the burning of fossil fuels.'' According to emerging reports, Exxon executives kept that warning a closely guarded company secret for years.

I rise today for the 115th time to urge that we wake up to the threat of climate change. I rise in the midst of a decades-long purposeful corporate campaign of misinformation, which has held this Congress and this Nation back from taking meaningful action to prevent that utter change.

Scrutiny of the corporate campaign of misinformation intensifies, and scrutiny of the fossil fuel polluters behind it intensifies, and the regular cast of rightwing climate denier attack dogs have their hackles up.

On May 6 I gave a speech on the floor of the Senate. The speech compared the misinformation campaign by the fossil fuel industry about the dangers of carbon pollution to the tobacco industry's misinformation campaign about the dangers of its product. The relevance of that comparison is that the U.S. Department of Justice, under the civil provisions of the Federal racketeer influenced and corrupt organizations statute—RICO for short—brought an action against the tobacco industry. The United States alleged that the tobacco industry's misinformation campaign was fraudulent, and the United States won in a lengthy and thorough decision by U.S. District Judge Gladys Kessler.

You can go ahead and read them. DOJ's complaint and Judge Kessler's decision can be found at the Web sites of the Justice Department and the Public Health Law Center, respectively, and they are linked on my Web site, whitehouse.senate.gov/climate change. I will warn you that Judge Kessler's decision is a long one, but it makes good reading.

The comparison is strong. There are whole sections of the Department of Justice civil RICO complaint and whole sections of Judge Kessler's decision where you can remove the word ''tobacco'' and put in the word ''carbon'' and remove the word ''health'' and put in the word ''climate,'' and the parallel with the fossil fuel industry climate denial campaign is virtually perfect.

This is not an idea I just cooked up. Look at the academic work of Professor Robert Brulle of Drexel University and Professor Riley Dunlap of Oklahoma State University. Look at the investigative work of Naomi Oreskes' book ''Merchants of Doubt,'' David Michaels' book ''Doubt is Their Product,'' and Gerald Markowitz and David Rosner's book ''Deceit and Denial,'' describing this industry-backed machinery of deception.

Look at the journalistic work of Neela Banerjee, Lisa Song, David Hasemyer, and John Cushman, Jr., in the recent reporting of InsideClimate News about what Exxon knew about climate change versus the falsehoods that Exxon chose to tell the public. Look at a separate probe by journalists Sara Jerving, Katie Jennings, Masako Melissa Hirsch, and Susanne Rust in the Los Angeles Times.

From all their work, we know now that Exxon, for instance, knew about the effect of its carbon pollution as far back as the late 1970s but ultimately chose to fund a massive misinformation campaign rather than tell the truth. ''No corporation,'' said professor and climate change activist Bill McKibben, ''has ever done anything this big and this bad.''

Just today, the person who probably knows the most about the tobacco litigation, the assistant attorney general of the United States who prosecuted that case as a civil matter and won it in the U.S. District Court, Sharon Eubanks, said about the climate denial RICO idea: ''I think a RICO action is plausible and should be considered.''

This is how Judge Kessler depicted the culpable conduct of the tobacco industry in her decision in that case: ''Defendants have intentionally maintained and coordinated their fraudulent position on addiction and nicotine as an important part of their overall efforts to influence public opinion and persuade people that smoking is not dangerous.''

Now compare that to the findings of Dr. Brulle, whose research shines light on the dark-money campaigns that fund and support climate denial. This climate denial operation, to quote Dr. Brulle, is ''a deliberate and organized effort to misdirect the public discussion and distort the public's understanding of climate.''

The parallels between what the tobacco industry did and what the fossil fuel industry is doing now are so striking, I suggested in my speech of May 6, that it was worth a look, that civil discovery could reveal whether the fossil fuel industry's activities cross that same line into racketeering.

I said that again in an op-ed piece I wrote in the Washington Post on May 29 regarding the civil RICO action against tobacco. Oh my, what a caterwauling has ensued from the fossil fuel industry trolls. Here is a quick highlight reel of the tempest of rightwing invective.

One climate denier, Christopher Monckton, declared: ''Senator WHITEHOUSE is a fascist goon.''

Another denier compared me to Torquemada, the infamous torturer of the Inquisition.

The official Exxon responder got so excited about this suggestion that he used a word I am not even allowed to use on the Senate floor. He forgot rule No. 1 in crisis management: Don't lose your cool.

The rightwing Web site breitbart.com responded by calling me ''the preposterous Democrat senator for Rhode Island'' and saying the notion that there is an industry-led effort to mislead the American people about the harm caused by carbon pollution is ''a joke,'' a conspiracy theory on par with Area 51 or the faking of the Moon landing. Well, tell that to the tobacco industry.

Paul Gigot, the editorial page editor of the Wall Street Journal, said global warming concerns ''are based on computer models, not by actual evidence, not by actual evidence of what we've seen so far.'' Tell that to the scientists who measure the effects of climate change every day, particularly in our oceans.

The polluter-funded George C. Marshall Institute, a longtime climate denial outfit—and who knows how they got to take respectable George C. Marshall's name and slap it on the front of a climate denial industry front—they wrote that this was an attack on constitutional rights. Well, that kind of presumes the answer because there is no constitutional right to commit fraud.

Similarly, Calvin Beisner, founder of another phony baloney industry front called the Cornwall Alliance, said the same: The mere suggestion of considering this action represents a ''direct attack on the rights to freedom of speech and the press guaranteed by the First Amendment'' and is ''horrifically bad for science.'' Coming from a science-denial outfit, that concern for science is rich. Again, fraud is not protected by the First Amendment.

In the National Review, I was accused of wanting to launch ''organized crime investigations . . . against people and institutions that disagree with [me] about global warming'' in order to ''lock people up as Mafiosi.'' Crime? Lock people up? Let's remember, we are talking about civil RICO, not criminal. No one went to jail in the tobacco case. Investigating the organized climate denial scheme under civil RICO is not about putting people in jail.

Query why the National Review would mislead people about such an obvious fact, and they are not alone. The rightwing blogosphere has lit up with nonsense about how this is a criminal charge. Read the tobacco complaint. It is on the Department of Justice Web site. Even people who purport to be legal scholars are misleading folks that way. All a civil RICO case does is get people to actually have to tell the truth under oath in front of an actual impartial judge or jury and under cross-examination, which the Supreme Court has described as ''the greatest legal invention ever invented for the discovery of truth.'' No more spin and deception—but that is exactly the audience polluters and their allies cannot bear, so the flacks set off criminal smokescreens and launch fascist goon and Torquemada hysterics.

A few weeks ago, 20 scientists agreed with me and wrote a letter to Attorney General Lynch supporting the idea of using civil RICO. That was too much for the troll-in-chief for the fossil fuel

industry, the Wall Street Journal editorial page. The Wall Street Journal editorial page has long been an industry science-denial mouthpiece. They use the same playbook every time: one, deny the science; two, question the motives of reformers; and three, exaggerate the costs of reforms.

For example, when scientists warned that chlorofluorocarbons could break down the atmosphere's ozone layer, the Wall Street Journal ran editorials—for decades—devaluing the science, attacking scientists and reformers, and exaggerating the costs associated with regulating CFCs. It turns out they were dead wrong.

When acid rain was falling in the Northeast, the Wall Street Journal editorial page questioned the science, claimed the sulphur dioxide cleanup effort was driven by politics, and said fixing it carried a huge price tag. Ultimately, the Journal's editorial page, after years of this, had to recant and admit that the cap-and-trade program for sulphur dioxide ''saves about $700 million annually compared with the cost of traditional regulation and has been reducing emissions by four million tons annually.''

Now, on climate change, the Journal is back to the same pattern: Deny the science, question the motives of climate scientists, exaggerate the costs of tackling carbon pollution.

For decades, the Journal has been persistently publishing editorials against taking any action to prevent manmade climate change. On this, the editorial page said that by talking about civil RICO, I am trying to ''forcibly silence'' the denial apparatus. Forcibly silence? First of all, against the billions of the Koch brothers and the billions of ExxonMobil, fat chance that I have much ''force'' to use. And silence? I don't want them silent. I want them testifying in a forum where they have to tell the truth.

Is the Journal really saying that in a forum where climate deniers have to tell the truth, their only response would have to be silence? Making them tell the truth ''forcibly silences'' them? The only thing civil RICO silences is fraud.

By the way, the Journal editorial never mentions that the government won the civil RICO case against tobacco and on very similar facts. That would detract from the fable. Whom does the Journal cast as their victim in their fable? None other than Willie Soon, whom they said I singled out for—this is what they said—having ''published politically inconvenient research on changes in solar radiation.'' Politically inconvenient research.

Actually, what is inconvenient for Dr. Soon is that the New York Times reported that he got more than half his funding from big fossil fuel interests such as ExxonMobil and the Charles Koch Foundation to the tune of $1.2 million and didn't disclose it. Dr. Soon's research contracts even gave his industry backers a chance for comment and input before he published, and he referred to the papers he produced for them as ''deliverables.'' In case anyone listening doesn't know this, that is not how real science works. Of course, none of this sordid financial conflict is even mentioned by the Wall Street Journal editorial page. They would rather pretend that Dr. Soon is being singled out for ''politically inconvenient'' views. Please.

It gets better. In the editorial, the role of neutral expert commenting on all of this goes to Georgia Tech's Judith Curry. She offers the opinion that my ''demand . . . for legal persecution . . . represents a new low in the politicization of science.'' This is a particularly rich and conflict-riddled opinion, as Ms. Curry is herself a repeat anti-climate witness performing regularly in committees for Republicans here in Congress. Again, there is no mention of this interest of Ms. Curry's in the Wall Street Journal editorial.

The fossil fuel industry's climate denial machine rivals or exceeds that of the tobacco industry in size, scope, and complexity. Its purpose is to cast doubt about the reality of climate change in order to forestall moves toward cleaner fuels and to allow the Kochs and the Exxons of the world to continue making money at everybody else's expense. And the Wall Street Journal editorial page plays its part in this machine.

Even though it is only the editorial page and not the Journal's well-regarded newsroom, facts and logic are supposed to matter. Ignoring the successful tobacco litigation, omitting the salient fact of Dr. Soon being paid by the industry involved in his research, and bringing in a climate denier as their neutral voice without even disclosing that conflict—I would like to see the Wall Street Journal editorial page get that editorial by the editorial standards of their own newsroom.

So why all the histrionics on the far right? Why all the deliberate subterfuge between civil and criminal RICO? Why all the name-calling? Have we perhaps touched a little nerve? Have we made the hit a bit too close to home? Maybe a civil RICO case is indeed plausible and should be considered. Are the cracks in the dark castle of climate denial as it crumbles beginning to maybe rattle the occupants?

Whatever the motivation of the Wall Street Journal and other rightwing climate denial outfits, it is clearly long past time for this climate denial scheme to come in from the talk shows and the blogosphere and have to face the kind of truth-testing audience a civil RICO investigation could provide. It is time to let the facts take their place and let climate denial face that greatest legal engine ever invented for the discovery of truth.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for the Burr-Feinstein amendment No. 2716.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the amendment No. 2716 to S. 754, a bill to improve cybersecurity in the United States through enhanced sharing of information about cybersecurity threats, and for other purposes.

Mitch McConnell, John Cornyn, Johnny Isakson, Richard Burr, John McCain, Shelley Moore Capito, Orrin G. Hatch, John Thune, Chuck Grassley, Pat Roberts, John Barrasso, Jeff Flake, Lamar Alexander, Bill Cassidy, Deb Fischer, Susan M. Collins, Patrick J. Toomey.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for the underlying bill, S. 754.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 754, an original bill to improve cybersecurity in the United States through enhanced sharing of information about cybersecurity threats, and for other purposes.

Mitch McConnell, John Cornyn, Johnny Isakson, Richard Burr, John McCain, Shelley Moore Capito, Orrin G. Hatch, John Thune, Chuck Grassley, Pat Roberts, John Barrasso, Jeff Flake, Lamar Alexander, Bill Cassidy, Deb Fischer, Susan M. Collins, Patrick J. Toomey.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE EXPLANATION

Mr. RUBIO. Mr. President, on September 28, 2015, I was unable to vote on the motion to proceed to a short-term budget—continuing resolution—that, among other measures, denied taxpayer funding to Planned Parenthood. I would have voted no.

On September 30, 2015, I was unable to vote on final passage of a short-term budget—continuing resolution—to fund

the government through December 11, 2015, including taxpayer funding for Planned Parenthood. I would have voted no.

REMEMBERING JEFFREY A. MATHIAS

Mr. MARKEY. Mr. President, I am a cosponsor of a resolution the Senate is likely to pass this evening honoring the lives of the 33 crew members aboard the *El Faro* which sank near the Bahamas during Hurricane Joaquin earlier this month.

I want to take this opportunity to express my deepest sympathy and sincere condolences to the family of *El Faro* crewman Jeffrey A. Mathias of Kingston, MA. He was just 42 years old.

Jeff loved the sea. When he attended Tabor Academy, he learned how to sail aboard the school's sailing ship the *Tabor Boy*. Jeff followed his passion to the prestigious Massachusetts Maritime Academy, where in 1996 he graduated with a degree in marine engineering. Upon graduation, he worked at Seamass and then Altran, where he was involved with nuclear power plants. In 1998, he landed his dream job on a cargo vessel.

Jeff sailed to Africa, Europe, North Korea, Alaska, Hawaii, California, and the Caribbean. He reached the officer's position of chief engineer and was responsible for shaft repairs on many vessels.

Jeff leaves his beloved wife, Jennifer Brides Mathias; his 3 adored children, daughters Hayden, 7, Heidi, 5, and son, Caleb, 3, all of Kingston. He also leaves behind his parents, J. Barry and Lydia Jones Mathias, of Kingston and his brother John.

Another son of Massachusetts who loved the sea was President John F. Kennedy. He famously stated, ''I really don't know why it is that all of us are so committed to the sea, except I think it's because in addition to the fact that the sea changes, and the light changes, and ships change, it's because we all came from the sea. And it is an interesting biological fact that all of us have in our veins the exact same percentage of salt in our blood that exists in the ocean, and, therefore, we have salt in our blood, in our sweat, in our tears. We are tied to the ocean. And when we go back to the sea—whether it is to sail or to watch it—we are going back from whence we came.''

I also offer my condolences to the family, friends, and loved ones of every member of the *El Faro* crew.

ADDITIONAL STATEMENTS

TRIBUTE TO SERGEANT MICHAELA BOUSHEY AND STAFF SERGEANT SHAYNE BOUSHEY

• Mr. DAINES. Mr. President, I wish to recognize SGT Michaela Boushey and SSG Shayne Boushey as Montanans of the Week. These two soldiers represent not only the best that Montana has to offer, but the best this country has to offer.

SGT Michaela Boushey served in the Montana Army National Guard for 8 years. For 4 years, she served in the 112th Security and Support Detachment Aviation Unit whose mission is to protect our borders, collect and transmit intelligence, and to provide support for the Department of Justice. Michaela's commitments and service to our country has never faltered, and we are so grateful for her service, sacrifice, and loyalty to our great Nation.

Her husband, SSG Shayne Boushey, was deployed with both the infantry battalion and the military police company. During his deployment to Afghanistan, Shayne and his team were targeted by Taliban forces. When a suicide bomber detonated himself, 6 were killed and 13 were seriously wounded. Shayne's fast thinking, bravery, and resolve in this life-threatening situation saved the lives of many in his team.

We owe our freedom to these soldiers and the thousands of American servicemembers like them. It is with the humblest gratitude that I thank them for their courage and unwavering loyalty.•

TRIBUTE TO CHASE DELLWO

• Mr. DAINES. Mr. President, today I would like to highlight an incredibly courageous Montanan and a man very dear to my staff and me: Chase Dellwo. Chase is a strong example of the courage, bravery, and quick thinking that sets Montanans apart.

Chase Dellwo, like myself and many other Montanans, is a hunter. In recent weeks, however, Chase showed resolve that many could never achieve. While bow hunting with his brother recently, Chase climbed up a narrow creek expecting to drive a herd of elk toward his waiting brother.

Having been focused on the elk, Chase did not notice the sleeping grizzly bear 3 feet from where he stood. Startling the now awake animal, Chase soon found himself head to head with this 400-pound bear. Chase recounts later that there was no time for him to draw his weapon back before he had been knocked off his feet and bit on the top and back of his head.

With his eye swollen shut, part of his scalp hanging over his eye, and blood pouring from his wounds, he suffered through the animal's repeated assaults. This attack in normal circumstances would have been the end of a hunter's life, but not in the case of Chase Dellwo. Mid-attack, Chase remembered an article his grandmother had sent him about large animals having terrible gag reflexes.

This quick thinking led him to plunge his arm down the animal's throat, enacting the bear's gag reflex, and subsequently scaring the animal away. Despite incredible disorientation, he found his way to his brother and was in turn rushed to the nearest hospital.

After undergoing multiple hours of surgery to fix his many lacerations, Chase sat with his wife, defending the bear, saying that it had been just as startled as he had. His many injuries led to multiple stitches, staples, and a hospital stay, but this 26-year-old remains alive and has encouraged Montana residents to be more aware of the animals that share their land.

I commend Chase on his courage and smarts that saved his life and wish him luck on both his recovery and the upcoming hunting season.•

REMEMBERING BETTE BAILLY

• Mr. GARDNER. Mr. President, I wish to honor the life of Bette Bailly from Burlington, CO, who passed away earlier this month after serving nearly 50 years in the broadcast industry.

Bette was an inspiration to others in her professional life and in her community. She was due to celebrate 50 years of dedicated service at her station, KNAB–AM, in just 2 years' time and was honored and recognized with numerous awards throughout her career. As a businesswoman, Bette was hard-charging and took a no-nonsense approach to broadcasting. Her tenacity was well known and respected throughout Northeastern Colorado.

Bette was also devoted to the Burlington community. She volunteered her time at the Burlington Chamber of Commerce, the Rotary Club, numerous local boards, and her church.

Undoubtedly, Bette will be missed dearly by her family, her community, and the State of Colorado. We will never forget her contributions to local broadcasting.•

RECOGNIZING BERKLEY SCHOOLS

• Mr. PETERS. Mr. President, I wish to recognize the 175th Anniversary of Berkley Schools. I appreciate the opportunity to recognize this truly significant milestone in the history of the Berkley School District and the city of Berkley, MI. I am proud of Berkley's enduring commitment to providing quality public education and wish it many more decades of successful service to its students and their families.

Throughout its history, the Berkley School District has set the benchmark in public education, ensuring its students are prepared for success, both as individuals and leaders in an increasingly global community. The district's continued dedication to academics is apparent in its recognition by North Central Accreditation, as well as the many honors its students have received in marketing, communications, literacy and poetry, robotics, and video production. Berkley High School boasts 21 advanced placement and college level courses—more than any other traditional high school campus—and provides the highest math curriculum of any high school in Michigan's Oakland County. Additionally, the district's Norup International

School is the United States only K–8 International Baccalaureate program housed on one campus. It is no surprise Berkley High School enjoys a 98 percent graduation rate, with nearly 100 percent of those graduates enrolling in colleges and universities.

In addition to ensuring its students' success in the classroom, the Berkley School District provides an opportunity for students to participate in a wide variety of varsity sports, clubs, and student organizations. From football and softball, to rugby and skiing, students can compete for the Berkley Bears throughout the year. Students also entertain as members of the high school's marching band, symphonic band, concert band, and jazz band, as well as with its three choirs and theater program. I applaud the Berkley School District for providing opportunities for students to explore art, music, and literature.

Berkley had been associated with education for nearly a century when the city was incorporated in 1932. The Berkley School was mentioned as part of the Royal Oak Township School District No. 7 in 1840. It was housed in the Blackmon School, at the corner of Coolidge and Catalpa, from 1840 until a new school building was established in 1901. The new building, named South School, was located at the northeast corner of Coolidge and 11 Mile Road until it was converted into a dormitory for teachers in 1920. The district's growth was swift. In 1921, the district built Angell School, a four-room building, on Bacon Street. Four years later, in 1925, the district added two more schools, Pattengill and Burton, which were occupied before they were even completed.

Despite its success, the Berkley School District was not immune to the hardships of the Great Depression. In January 1930, all pupils were placed on half days, half of the faculty was dismissed, bus service was eliminated, and the gym was closed. The following year, the district was forced to close Burton and Pattengill schools. Fortunately, both schools were reopened in time for the ''baby boom'' that followed the end of World War II. As the district's population grew, Berkley High School opened in 1949, followed by Tyler and Oxford Schools in 1951; Hamilton School in 1952; and the district's two junior high schools, Anderson and Norup, in 1956 and 1957.

Today, the Berkley School District continues to be a leader in providing excellent public education in the State of Michigan. It serves as an example of how community-driven, quality education can not only enrich the lives of students, but also drive the growth and quality of life in the surrounding community for generations. I am pleased to help celebrate the 175th Anniversary of Berkley Schools and wish it many more decades of successful service to its students and their families.●

RECOGNIZING THE UNIVERSITY OF CENTRAL FLORIDA'S COLLEGIATE CYBER DEFENSE CLUB

● Mr. RUBIO. Mr. President, as October marks Cyber Security Awareness Month, I wish to recognize the University of Central Florida, UCF, Collegiate Cyber Defense Club on winning the 2015 National Collegiate Cyber Defense Competition's Alamo Cup for a second year in a row in April 2015. This achievement not only exemplifies the boundless educational opportunities provided by UCF, but also demonstrates how students in Florida are leading the next generation of growth and development in increasingly vital 21st century industries.

The UCF Collegiate Cyber Defense Club, also known as Hack@UCF was founded in 2012 and today has 200 members that represent the university in cyber competitions around the Nation. Most notably, Hack@UCF annually competes in the National Collegiate Cyber Defense Competition, CCDC. In partnership with the Center for Infrastructure Assurance and Security, CIAS, at the University of Texas at San Antonio, the CCDC started in 2005 to provide educational institutions with a controlled environment to further educate and assess the future generation's skills in combatting cyber attacks. This year, the competition challenged 2,400 undergraduate and graduate students representing 200 colleges and universities to operate and maintain a mock business, while continuously defending against cyber attacks created by government and industry experts.

I am proud that the talented students of UCF were able to stand out as the best collegiate team during the competition for the past 2 years. As our Nation will continue to face the threat of cyber attacks on our economy, businesses, and national security, it is critical to promote and invest in educational programs that empower students and provide them with the necessary tools to be successful in this industry.

It is an honor to congratulate all members of the UCF Collegiate Cyber Defense Club on this achievement. I hope it will inspire other students in the State of Florida and across the Nation to get involved in the cyber security industry. I wish the group an abundance of success in the future and the best of luck in next year's competition.●

TRIBUTE TO DR. FRANK FIERMONTE

● Mr. SANDERS. Mr. President, I wish to recognize Dr. Frank Fiermonte, a physician from Orleans, VT, who cared for the people of Vermont's North Country with distinction for many years. As Vermont's Northland Journal prepares to publish the final installment of a series on Dr. Fiermonte, I want to join in recognizing his service to Vermont.

Dr. Fiermonte was a true ''country doctor'' who was willing to travel long distances to see his patients at all hours and in all seasons. I have heard Frank tell many an anecdote about how, after a home visit to a rural area, family and friends of the patient had to help him get his car unstuck during mud season or dug out from a snow bank in the winter.

Like many country doctors, he served a vast area, encompassing not just his hometown of Derby, but also a wide swath of Orleans and Essex Counties and even across the border into Quebec. Yet he intimately knew all of the families he served, which sometimes spanned several generations. The stories from North Country residents in the Northland Journal make it clear that Dr. Fiermonte made a tremendous impact on the community. This quote from a former Derby resident stands out in particular: ''Dr. Fiermonte was a godsend to the Derby area. He was always available day or night.''

What always strikes me most about Frank is how personal the practice of medicine was for him. In today's modern world, health care can sometimes be a very impersonal experience. In fact, there is much discussion in Vermont and Washington about returning to a more patient-centered system. We would do well to learn from people like Dr. Frank Fiermonte and his contemporaries, who are the embodiment of that ideal. Motivated by the desire to serve his community and deliver the best care possible, for Dr. Fiermonte, it was all about the patient.

Dr. Frank Fiermonte has earned my deepest respect, and I thank him for his years of service to the North Country.●

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2181. A bill to provide guidance and priorities for Federal Government obligations in the event that the debt limit is reached.

S. 2182. A bill to cut, cap, and balance the Federal budget.

S. 2183. A bill to reauthorize and reform the Export-Import Bank of the United States, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. RUBIO (for himself and Mr. CARDIN):

S. 2184. A bill to direct the President to establish guidelines for United States foreign development and economic assistance programs, and for other purposes; to the Committee on Foreign Relations.

By Ms. HEITKAMP (for herself, Ms. AYOTTE, Ms. COLLINS, Mrs. CAPITO, Mr. HOEVEN, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Ms. HIRONO, and Mrs. GILLIBRAND):

S. 2185. A bill to require the Secretary of the Treasury to mint coins in recognition of the fight against breast cancer; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. RUBIO:

S. 2186. A bill to provide the legal framework necessary for the growth of innovative private financing options for students to fund postsecondary education, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PAUL (for himself and Mr. ROBERTS):

S. Res. 290. A resolution expressing the sense of the Senate that any protocol to, or other agreement regarding, the United Nations Framework Convention on Climate Change of 1992, negotiated at the 2015 United Nations Climate Change Conference in Paris will be considered a treaty requiring the advice and consent of the Senate; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 134

At the request of Mr. WYDEN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 134, a bill to amend the Controlled Substances Act to exclude industrial hemp from the definition of marihuana, and for other purposes.

S. 314

At the request of Mr. GRASSLEY, the names of the Senator from Montana (Mr. TESTER) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 314, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of pharmacist services.

S. 370

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 370, a bill to require breast density reporting to physicians and patients by facilities that perform mammograms, and for other purposes.

S. 403

At the request of Ms. KLOBUCHAR, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 403, a bill to revise the authorized route of the North Country National Scenic Trail in northeastern Minnesota and to extend the trail into Vermont to connect with the Appalachian National Scenic Trail, and for other purposes.

S. 613

At the request of Mrs. GILLIBRAND, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 613, a bill to amend the Richard B. Russell National School Lunch Act to improve the efficiency of summer meals.

S. 637

At the request of Mr. CRAPO, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 637, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 851

At the request of Mr. THUNE, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 851, a bill to promote neutrality, simplicity, and fairness in the taxation of digital goods and digital services.

S. 1013

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 1013, a bill to amend title XVIII of the Social Security Act to provide for coverage and payment for complex rehabilitation technology items under the Medicare program, and for other purposes.

S. 1077

At the request of Mr. BENNET, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 1077, a bill to provide for expedited development of and priority review for breakthrough devices.

S. 1082

At the request of Mr. INHOFE, his name was added as a cosponsor of S. 1082, a bill to amend title 38, United States Code, to provide for the removal or demotion of employees of the Department of Veterans Affairs based on performance or misconduct, and for other purposes.

S. 1315

At the request of Mr. ENZI, the names of the Senator from Kansas (Mr. MORAN) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 1315, a bill to protect the right of law-abiding citizens to transport knives interstate, notwithstanding a patchwork of local and State prohibitions.

S. 1375

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 1375, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 1394

At the request of Mr. MERKLEY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1394, a bill to amend the Federal Water Pollution Control Act to establish within the Environmental Protection Agency a Columbia River Basin Restoration Program.

S. 1493

At the request of Mr. ISAKSON, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1493, a bill to provide for an increase, effective December 1, 2015, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

S. 1520

At the request of Ms. KLOBUCHAR, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of S. 1520, a bill to protect victims of stalking from violence.

S. 1539

At the request of Mrs. MURRAY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1539, a bill to amend the Richard B. Russell National School Lunch Act to establish a permanent, nationwide summer electronic benefits transfer for children program.

S. 1559

At the request of Ms. AYOTTE, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Wisconsin (Ms. BALDWIN), the Senator from Massachusetts (Mr. MARKEY) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1559, a bill to protect victims of domestic violence, sexual assault, stalking, and dating violence from emotional and psychological trauma caused by acts of violence or threats of violence against their pets.

S. 1624

At the request of Ms. STABENOW, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1624, a bill to provide predictability and certainty in the tax law, create jobs, and encourage investment.

S. 1686

At the request of Ms. BALDWIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1686, a bill to amend the Internal Revenue Code of 1986 to provide for the proper tax treatment of personal service income earned in passthru entities.

S. 1766

At the request of Mr. SCHATZ, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 1766, a bill to direct the Secretary of Defense to review the discharge characterization of former members of the Armed Forces who were discharged by reason of the sexual orientation of the member, and for other purposes.

S. 1767

At the request of Mr. ISAKSON, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 1767, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to combination products, and for other purposes.

S. 1789

At the request of Mr. RUBIO, the names of the Senator from Oregon (Mr. MERKLEY), the Senator from South Dakota (Mr. ROUNDS) and the Senator

from Connecticut (Mr. MURPHY) were added as cosponsors of S. 1789, a bill to improve defense cooperation between the United States and the Hashemite Kingdom of Jordan.

S. 1801

At the request of Ms. KLOBUCHAR, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1801, a bill to amend the Internal Revenue Code of 1986 to treat certain farming business machinery and equipment as 5-year property for purposes of depreciation.

S. 1831

At the request of Mr. TOOMEY, the names of the Senator from Wisconsin (Ms. BALDWIN) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 1831, a bill to revise section 48 of title 18, United States Code, and for other purposes.

S. 1833

At the request of Mr. CASEY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1833, a bill to amend the Richard B. Russell National School Lunch Act to improve the child and adult care food program.

S. 1882

At the request of Mr. CARDIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1882, a bill to support the sustainable recovery and rebuilding of Nepal following the recent, devastating earthquakes near Kathmandu.

S. 1926

At the request of Ms. MIKULSKI, the names of the Senator from Massachusetts (Mr. MARKEY) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 1926, a bill to ensure access to screening mammography services.

S. 1931

At the request of Mr. MORAN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1931, a bill to reaffirm that certain land has been taken into trust for the benefit of certain Indian tribes.

S. 1944

At the request of Mr. SULLIVAN, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 1944, a bill to require each agency to repeal or amend 1 or more rules before issuing or amending a rule.

S. 2002

At the request of Mr. CORNYN, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 2002, a bill to strengthen our mental health system and improve public safety.

S. 2028

At the request of Mr. PAUL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2028, a bill to amend the Federal Credit Union Act, to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes.

S. 2034

At the request of Mr. TOOMEY, the names of the Senator from Wyoming (Mr. BARRASSO), the Senator from Arkansas (Mr. COTTON), the Senator from Idaho (Mr. RISCH), the Senator from Idaho (Mr. CRAPO), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Nebraska (Mrs. FISCHER), the Senator from Louisiana (Mr. CASSIDY), the Senator from Utah (Mr. LEE), the Senator from Arizona (Mr. MCCAIN), the Senator from Montana (Mr. DAINES), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 2034, a bill to amend title 18, United States Code, to provide additional aggravating factors for the imposition of the death penalty based on the status of the victim.

S. 2042

At the request of Mrs. MURRAY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2042, a bill to amend the National Labor Relations Act to strengthen protections for employees wishing to advocate for improved wages, hours, or other terms or conditions of employment and to provide for stronger remedies for interference with these rights, and for other purposes.

S. 2067

At the request of Mr. WICKER, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 2067, a bill to establish EUREKA Prize Competitions to accelerate discovery and development of disease-modifying, preventive, or curative treatments for Alzheimer's disease and related dementia, to encourage efforts to enhance detection and diagnosis of such diseases, or to enhance the quality and efficiency of care of individuals with such diseases.

S. 2136

At the request of Mr. VITTER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2136, a bill to establish the Regional SBIR State Collaborative Initiative Pilot Program, and for other purposes.

S. 2145

At the request of Mr. LEAHY, the names of the Senator from Illinois (Mr. DURBIN), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. 2145, a bill to make supplemental appropriations for fiscal year 2016.

S. 2146

At the request of Mr. VITTER, the names of the Senator from Nebraska (Mrs. FISCHER) and the Senator from South Carolina (Mr. SCOTT) were added as cosponsors of S. 2146, a bill to hold sanctuary jurisdictions accountable for defying Federal law, to increase penalties for individuals who illegally reenter the United States after being removed, and to provide liability protection for State and local law enforcement who cooperate with Federal law enforcement and for other purposes.

S. 2148

At the request of Mr. WYDEN, the names of the Senator from Massachusetts (Ms. WARREN), the Senator from California (Mrs. BOXER) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. 2148, a bill to amend title XVIII of the Social Security Act to prevent an increase in the Medicare part B premium and deductible in 2016.

S. 2163

At the request of Ms. KLOBUCHAR, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 2163, a bill to amend title 23, United States Code, to direct the Secretary of Transportation to require that broadband conduits be installed as a part of certain highway construction projects, and for other purposes.

S. RES. 282

At the request of Mrs. SHAHEEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 282, a resolution supporting the goals and ideals of American Diabetes Month.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 290—EXPRESSING THE SENSE OF THE SENATE THAT ANY PROTOCOL TO, OR OTHER AGREEMENT REGARDING, THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE OF 1992, NEGOTIATED AT THE 2015 UNITED NATIONS CLIMATE CHANGE CONFERENCE IN PARIS WILL BE CONSIDERED A TREATY REQUIRING THE ADVICE AND CONSENT OF THE SENATE

Mr. PAUL (for himself and Mr. ROBERTS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 290

Whereas the 105th Congress passed S. Res. 98, which required the Kyoto Protocol to the United Nations Framework Convention on Climate Change of 1992 to receive Senate advice and consent prior to ratification: Now, therefore, be it

Resolved, That it is the sense of the Senate that any protocol to, or other agreement regarding, the United Nations Framework Convention on Climate Change of 1992, negotiated at the 2015 United Nations Climate Change Conference in Paris will be considered a treaty requiring the advice and consent of the Senate.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2713. Mr. WHITEHOUSE (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 754, to improve cybersecurity in the United States through enhanced sharing of information about cybersecurity threats, and for other purposes; which was ordered to lie on the table.

SA 2714. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 209, to amend the Indian Tribal Energy Development and Self-Determination Act of 2005, and for other purposes; which was ordered to lie on the table.

SA 2715. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 754, to improve cybersecurity in the United States through enhanced sharing of information about cybersecurity threats, and for other purposes; which was ordered to lie on the table.

SA 2716. Mr. BURR (for himself and Mrs. FEINSTEIN) proposed an amendment to the bill S. 754, supra.

SA 2717. Mr. UDALL (for himself, Mrs. SHAHEEN, Mr. TESTER, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 754, supra; which was ordered to lie on the table.

SA 2718. Mr. UDALL (for himself, Mrs. SHAHEEN, Mr. TESTER, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 754, supra; which was ordered to lie on the table.

SA 2719. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 754, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2713. Mr. WHITEHOUSE (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 754, to improve cybersecurity in the United States through enhanced sharing of information about cybersecurity threats, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. STOPPING THE SALE OF AMERICANS' FINANCIAL INFORMATION.

Section 1029(h) of title 18, United States Code, is amended by striking ''title if—'' and all that follows through ''therefrom.'' and inserting ''title if the offense involves an access device issued, owned, managed, or controlled by a financial institution, account issuer, credit card system member, or other entity organized under the laws of the United States, or any State, the District of Columbia, or other Territory of the United States.''.

SEC. ___. SHUTTING DOWN BOTNETS.

(a) AMENDMENT.—Section 1345 of title 18, United States Code, is amended—

(1) in the heading, by inserting ''**and abuse**'' after ''**fraud**'';

(2) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking ''or'' at the end;

(ii) in subparagraph (C), by inserting ''or'' after the semicolon; and

(iii) by inserting after subparagraph (C) the following:

''(D) violating or about to violate section 1030(a)(5) where such conduct has caused or would cause damage (as defined in section 1030) without authorization to 100 or more protected computers (as defined in section 1030) during any 1-year period, including by—

''(i) impairing the availability or integrity of the protected computers without authorization; or

''(ii) installing or maintaining control over malicious software on the protected computers that, without authorization, has caused or would cause damage to the protected computers;''; and

(B) in paragraph (2), by inserting '', a violation described in subsection (a)(1)(D),'' before ''or a Federal''; and

(3) by adding at the end the following:

''(c) A restraining order, prohibition, or other action described in subsection (b), if issued in circumstances described in subsection (a)(1)(D), may, upon application of the Attorney General—

''(1) specify that no cause of action shall lie in any court against a person for complying with the restraining order, prohibition, or other action; and

''(2) provide that the United States shall pay to such person a fee for reimbursement for such costs as are reasonably necessary and which have been directly incurred in complying with the restraining order, prohibition, or other action.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of section for chapter 63 is amended by striking the item relating to section 1345 and inserting the following:

''1345. Injunctions against fraud and abuse.''.

SEC. ___. AGGRAVATED DAMAGE TO A CRITICAL INFRASTRUCTURE COMPUTER.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1030 the following:

''§ 1030A. Aggravated damage to a critical infrastructure computer

''(a) OFFENSE.—It shall be unlawful, during and in relation to a felony violation of section 1030, to knowingly cause or attempt to cause damage to a critical infrastructure computer, if such damage results in (or, in the case of an attempted offense, would, if completed have resulted in) the substantial impairment—

''(1) of the operation of the critical infrastructure computer; or

''(2) of the critical infrastructure associated with such computer.

''(b) PENALTY.—Any person who violates subsection (a) shall, in addition to the term of punishment provided for the felony violation of section 1030, be fined under this title, imprisoned for not more than 20 years, or both.

''(c) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law—

''(1) a court shall not place any person convicted of a violation of this section on probation;

''(2) except as provided in paragraph (4), no term of imprisonment imposed on a person under this section shall run concurrently with any term of imprisonment imposed on the person under any other provision of law, including any term of imprisonment imposed for the felony violation of section 1030;

''(3) in determining any term of imprisonment to be imposed for the felony violation of section 1030, a court shall not in any way reduce the term to be imposed for such violation to compensate for, or otherwise take into account, any separate term of imprisonment imposed or to be imposed for a violation of this section; and

''(4) a term of imprisonment imposed on a person for a violation of this section may, in the discretion of the court, run concurrently, in whole or in part, only with another term of imprisonment that is imposed by the court at the same time on that person for an additional violation of this section, if such discretion shall be exercised in accordance with any applicable guidelines and policy statements issued by the United States Sentencing Commission pursuant to section 994 of title 28.

''(d) DEFINITIONS.—In this section

''(1) the terms 'computer' and 'damage' have the meanings given the terms in section 1030; and

''(2) the term 'critical infrastructure' means systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have catastrophic regional or national effects on public health or safety, economic security, or national security.''.

(b) TABLE OF SECTIONS.—The table of sections for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1030 the following:

''1030A. Aggravated damage to a critical infrastructure computer.''.

SEC. ___. STOPPING TRAFFICKING IN BOTNETS.

(a) IN GENERAL.—Section 1030 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (7), by adding ''or'' at the end; and

(B) by inserting after paragraph (7) the following:

''(8) intentionally traffics in the means of access to a protected computer, if—

''(A) the trafficker knows or has reason to know the protected computer has been damaged in a manner prohibited by this section; and

''(B) the promise or agreement to pay for the means of access is made by, or on behalf of, a person the trafficker knows or has reason to know intends to use the means of access to—

''(i) damage the protected computer in a manner prohibited by this section; or

''(ii) violate section 1037 or 1343;'';

(2) in subsection (c)(3)—

(A) in subparagraph (A), by striking ''(a)(4) or (a)(7)'' and inserting ''(a)(4), (a)(7), or (a)(8)''; and

(B) in subparagraph (B), by striking ''(a)(4), or (a)(7)'' and inserting ''(a)(4), (a)(7), or (a)(8)'';

(3) in subsection (e)—

(A) in paragraph (11), by striking ''and'' at the end;

(B) in paragraph (12), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(13) the term 'traffic', except as provided in subsection (a)(6), means transfer, or otherwise dispose of, to another as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value.''; and

(4) in subsection (g), in the first sentence, by inserting '', except for a violation of subsection (a)(8),'' after ''of this section''.

SA 2714. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 209, to amend the Indian Tribal Energy Development and Self-Determination Act of 2005, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Indian Tribal Energy Development and Self-Determination Act Amendments of 2015''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
TITLE I—INDIAN TRIBAL ENERGY DEVELOPMENT AND SELF-DETERMINATION ACT AMENDMENTS
Sec. 101. Indian tribal energy resource development.
Sec. 102. Indian tribal energy resource regulation.
Sec. 103. Tribal energy resource agreements.
Sec. 104. Technical assistance for Indian tribal governments.
Sec. 105. Conforming amendments.
Sec. 106. Report.

TITLE II—MISCELLANEOUS AMENDMENTS

Sec. 201. Issuance of preliminary permits or licenses.
Sec. 202. Tribal biomass demonstration project.
Sec. 203. Weatherization program.
Sec. 204. Appraisals.
Sec. 205. Leases of restricted lands for Navajo Nation.
Sec. 206. Extension of tribal lease period for the Crow Tribe of Montana.
Sec. 207. Trust status of lease payments.

TITLE I—INDIAN TRIBAL ENERGY DEVELOPMENT AND SELF-DETERMINATION ACT AMENDMENTS

SEC. 101. INDIAN TRIBAL ENERGY RESOURCE DEVELOPMENT.

(a) IN GENERAL.—Section 2602(a) of the Energy Policy Act of 1992 (25 U.S.C. 3502(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (C), by striking ''and'' after the semicolon;

(B) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(E) consult with each applicable Indian tribe before adopting or approving a well spacing program or plan applicable to the energy resources of that Indian tribe or the members of that Indian tribe.''; and

(2) by adding at the end the following:

''(4) PLANNING.—

''(A) IN GENERAL.—In carrying out the program established by paragraph (1), the Secretary shall provide technical assistance to interested Indian tribes to develop energy plans, including—

''(i) plans for electrification;

''(ii) plans for oil and gas permitting, renewable energy permitting, energy efficiency, electricity generation, transmission planning, water planning, and other planning relating to energy issues;

''(iii) plans for the development of energy resources and to ensure the protection of natural, historic, and cultural resources; and

''(iv) any other plans that would assist an Indian tribe in the development or use of energy resources.

''(B) COOPERATION.—In establishing the program under paragraph (1), the Secretary shall work in cooperation with the Office of Indian Energy Policy and Programs of the Department of Energy.''.

(b) DEPARTMENT OF ENERGY INDIAN ENERGY EDUCATION PLANNING AND MANAGEMENT ASSISTANCE PROGRAM.—Section 2602(b)(2) of the Energy Policy Act of 1992 (25 U.S.C. 3502(b)(2)) is amended—

(1) in the matter preceding subparagraph (A), by inserting '', intertribal organization,'' after ''Indian tribe'';

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(3) by inserting after subparagraph (B) the following:

''(C) activities to increase the capacity of Indian tribes to manage energy development and energy efficiency programs;''.

(c) DEPARTMENT OF ENERGY LOAN GUARANTEE PROGRAM.—Section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)) is amended—

(1) in paragraph (1), by inserting ''or a tribal energy development organization'' after ''Indian tribe'';

(2) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking ''guarantee'' and inserting ''guaranteed'';

(B) in subparagraph (A), by striking ''or'';

(C) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(D) by adding at the end the following:

''(C) a tribal energy development organization, from funds of the tribal energy development organization.''; and

(3) in paragraph (5), by striking ''The Secretary of Energy may'' and inserting ''Not later than 1 year after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2015, the Secretary of Energy shall''.

SEC. 102. INDIAN TRIBAL ENERGY RESOURCE REGULATION.

Section 2603(c) of the Energy Policy Act of 1992 (25 U.S.C. 3503(c)) is amended—

(1) in paragraph (1), by striking ''on the request of an Indian tribe, the Indian tribe'' and inserting ''on the request of an Indian tribe or a tribal energy development organization, the Indian tribe or tribal energy development organization''; and

(2) in paragraph (2)(B), by inserting ''or tribal energy development organization'' after ''Indian tribe''.

SEC. 103. TRIBAL ENERGY RESOURCE AGREEMENTS.

(a) AMENDMENT.—Section 2604 of the Energy Policy Act of 1992 (25 U.S.C. 3504) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''or'' after the semicolon at the end;

(ii) in subparagraph (B)—

(I) by striking clause (i) and inserting the following:

''(i) an electric production, generation, transmission, or distribution facility (including a facility that produces electricity from renewable energy resources) located on tribal land; or''; and

(II) in clause (ii)—

(aa) by inserting '', at least a portion of which have been'' after ''energy resources'';

(bb) by inserting ''or produced from'' after ''developed on''; and

(cc) by striking ''and'' after the semicolon at the end and inserting ''or''; and

(iii) by adding at the end the following:

''(C) pooling, unitization, or communitization of the energy mineral resources of the Indian tribe located on tribal land with any other energy mineral resource (including energy mineral resources owned by the Indian tribe or an individual Indian in fee, trust, or restricted status or by any other persons or entities) if the owner, or, if appropriate, lessee, of the resources has consented or consents to the pooling, unitization, or communitization of the other resources under any lease or agreement; and''; and

(B) by striking paragraph (2) and inserting the following:

''(2) a lease or business agreement described in paragraph (1) shall not require review by, or the approval of, the Secretary under section 2103 of the Revised Statutes (25 U.S.C. 81), or any other provision of law (including regulations), if the lease or business agreement—

''(A) was executed—

''(i) in accordance with the requirements of a tribal energy resource agreement in effect under subsection (e) (including the periodic review and evaluation of the activities of the Indian tribe under the agreement, to be conducted pursuant to subparagraphs (D) and (E) of subsection (e)(2)); or

''(ii) by the Indian tribe and a tribal energy development organization for which the Indian tribe has obtained a certification pursuant to subsection (h); and

''(B) has a term that does not exceed—

''(i) 30 years; or

''(ii) in the case of a lease for the production of oil resources, gas resources, or both, 10 years and as long thereafter as oil or gas is produced in paying quantities.'';

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

''(b) RIGHTS-OF-WAY.—An Indian tribe may grant a right-of-way over tribal land without review or approval by the Secretary if the right-of-way—

''(1) serves—

''(A) an electric production, generation, transmission, or distribution facility (including a facility that produces electricity from renewable energy resources) located on tribal land;

''(B) a facility located on tribal land that extracts, produces, processes, or refines energy resources; or

''(C) the purposes, or facilitates in carrying out the purposes, of any lease or agreement entered into for energy resource development on tribal land;

''(2) was executed—

''(A) in accordance with the requirements of a tribal energy resource agreement in effect under subsection (e) (including the periodic review and evaluation of the activities of the Indian tribe under the agreement, to be conducted pursuant to subparagraphs (D) and (E) of subsection (e)(2)); or

''(B) by the Indian tribe and a tribal energy development organization for which the Indian tribe has obtained a certification pursuant to subsection (h); and

''(3) has a term that does not exceed 30 years.'';

(3) by striking subsection (d) and inserting the following:

''(d) VALIDITY.—No lease or business agreement entered into, or right-of-way granted, pursuant to this section shall be valid unless the lease, business agreement, or right-of-way is authorized by subsection (a) or (b).'';

(4) in subsection (e)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—

''(A) AUTHORIZATION.—On or after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2015, a qualified Indian tribe may submit to the Secretary a tribal energy resource agreement governing leases, business agreements, and rights-of-way under this section.

''(B) NOTICE OF COMPLETE PROPOSED AGREEMENT.—Not later than 60 days after the date on which the tribal energy resource agreement is submitted under subparagraph (A), the Secretary shall—

''(i) notify the Indian tribe as to whether the agreement is complete or incomplete;

''(ii) if the agreement is incomplete, notify the Indian tribe of what information or documentation is needed to complete the submission; and

''(iii) identify and notify the Indian tribe of the financial assistance, if any, to be provided by the Secretary to the Indian tribe to assist in the implementation of the tribal energy resource agreement, including the environmental review of individual projects.

''(C) EFFECT.—Nothing in this paragraph precludes the Secretary from providing any financial assistance at any time to the Indian tribe to assist in the implementation of the tribal energy resource agreement.'';

(B) in paragraph (2)—

(i) by striking ''(2)(A)'' and all that follows through the end of subparagraph (A) and inserting the following:

''(2) PROCEDURE.—

''(A) EFFECTIVE DATE.—

''(i) IN GENERAL.—On the date that is 271 days after the date on which the Secretary receives a tribal energy resource agreement from a qualified Indian tribe under paragraph (1), the tribal energy resource agreement shall take effect, unless the Secretary disapproves the tribal energy resource agreement under subparagraph (B).

''(ii) REVISED TRIBAL ENERGY RESOURCE AGREEMENT.—On the date that is 91 days after the date on which the Secretary receives a revised tribal energy resource agreement from a qualified Indian tribe under paragraph (4)(B), the revised tribal energy resource agreement shall take effect, unless the Secretary disapproves the revised tribal energy resource agreement under subparagraph (B).'';

(ii) in subparagraph (B)—

(I) by striking ''(B)'' and all that follows through clause (ii) and inserting the following:

''(B) DISAPPROVAL.—The Secretary shall disapprove a tribal energy resource agreement submitted pursuant to paragraph (1) or (4)(B) only if—

''(i) a provision of the tribal energy resource agreement violates applicable Federal law (including regulations) or a treaty applicable to the Indian tribe;

''(ii) the tribal energy resource agreement does not include 1 or more provisions required under subparagraph (D); or''; and

(II) in clause (iii)—

(aa) in the matter preceding subclause (I), by striking ''includes'' and all that follows through ''section—'' and inserting ''does not include provisions that, with respect to any lease, business agreement, or right-of-way to which the tribal energy resource agreement applies—'';

(bb) by striking subclauses (I), (II), (V), (VIII), and (XV);

(cc) by redesignating clauses (III), (IV), (VI), (VII), (IX) through (XIV), and (XVI) as clauses (I), (II), (III), (IV), (V) through (X), and (XI), respectively;

(dd) in item (bb) of subclause (XI) (as redesignated by item (cc))—

(AA) by striking ''or tribal''; and

(BB) by striking the period at the end and inserting a semicolon; and

(ee) by adding at the end the following:

''(XII) include a certification by the Indian tribe that the Indian tribe has—

''(aa) carried out a contract or compact under title I or IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) for a period of not less than 3 consecutive years ending on the date on which the Indian tribe submits the application without material audit exception (or without any material audit exceptions that were not corrected within the 3-year period) relating to the management of tribal land or natural resources; or

''(bb) substantial experience in the administration, review, or evaluation of energy resource leases or agreements or has otherwise substantially participated in the administration, management, or development of energy resources located on the tribal land of the Indian tribe; and

''(XIII) at the option of the Indian tribe, identify which functions, if any, authorizing any operational or development activities pursuant to a lease, right-of-way, or business agreement approved by the Indian tribe, that the Indian tribe intends to conduct.'';

(iii) in subparagraph (C)—

(I) by striking clauses (i) and (ii);

(II) by redesignating clauses (iii) through (v) as clauses (ii) through (iv), respectively; and

(III) by inserting before clause (ii) (as redesignated by subclause (II)) the following:

''(i) a process for ensuring that—

''(I) the public is informed of, and has reasonable opportunity to comment on, any significant environmental impacts of the proposed action; and

''(II) the Indian tribe provides responses to relevant and substantive public comments on any impacts described in subclause (I) before the Indian tribe approves the lease, business agreement, or right-of-way.'';

(iv) in subparagraph (D)(ii), by striking ''subparagraph (B)(iii)(XVI)'' and inserting ''subparagraph (B)(iv)(XI)''; and

(v) by adding at the end the following:

''(F) EFFECTIVE PERIOD.—A tribal energy resource agreement that takes effect pursuant to this subsection shall remain in effect to the extent any provision of the tribal energy resource agreement is consistent with applicable Federal law (including regulations), unless the tribal energy resource agreement is—

''(i) rescinded by the Secretary pursuant to paragraph (7)(D)(iii)(II); or

''(ii) voluntarily rescinded by the Indian tribe pursuant to the regulations promulgated under paragraph (8)(B) (or successor regulations).'';

(C) in paragraph (4), by striking ''date of disapproval'' and all that follows through the end of subparagraph (C) and inserting the following: ''date of disapproval, provide the Indian tribe with—

''(A) a detailed, written explanation of—

''(i) each reason for the disapproval; and

''(ii) the revisions or changes to the tribal energy resource agreement necessary to address each reason; and

''(B) an opportunity to revise and resubmit the tribal energy resource agreement.'';

(D) in paragraph (6)—

(i) in subparagraph (B)—

(I) by striking ''(B) Subject to'' and inserting the following:

''(B) Subject only to''; and

(II) by striking ''subparagraph (D)'' and inserting ''subparagraphs (C) and (D)'';

(ii) in subparagraph (C), in the matter preceding clause (i), by inserting ''to perform the obligations of the Secretary under this section and'' before ''to ensure''; and

(iii) in subparagraph (D), by adding at the end the following:

''(iii) Nothing in this section absolves, limits, or otherwise affects the liability, if any, of the United States for any—

''(I) term of any lease, business agreement, or right-of-way under this section that is not a negotiated term; or

''(II) losses that are not the result of a negotiated term, including losses resulting from the failure of the Secretary to perform an obligation of the Secretary under this section.'';

(E) in paragraph (7)—

(i) in subparagraph (A), by striking ''has demonstrated'' and inserting ''the Secretary determines has demonstrated with substantial evidence'';

(ii) in subparagraph (B), by striking ''any tribal remedy'' and inserting ''all remedies (if any) provided under the laws of the Indian tribe'';

(iii) in subparagraph (D)—

(I) in clause (i), by striking ''determine'' and all that follows through the end of the clause and inserting the following: ''determine—

''(I) whether the petitioner is an interested party; and

''(II) if the petitioner is an interested party, whether the Indian tribe is not in compliance with the tribal energy resource agreement as alleged in the petition.'';

(II) in clause (ii), by striking ''determination'' and inserting ''determinations''; and

(III) in clause (iii), in the matter preceding subclause (I) by striking ''agreement'' the first place it appears and all that follows through '', including'' and inserting ''agreement pursuant to clause (i), the Secretary shall only take such action as the Secretary determines necessary to address the claims of noncompliance made in the petition, including'';

(iv) in subparagraph (E)(i), by striking ''the manner in which'' and inserting '', with respect to each claim made in the petition, how''; and

(v) by adding at the end the following:

''(G) Notwithstanding any other provision of this paragraph, the Secretary shall dismiss any petition from an interested party that has agreed with the Indian tribe to a resolution of the claims presented in the petition of that party.'';

(F) in paragraph (8)—

(i) by striking subparagraph (A);

(ii) by redesignating subparagraphs (B) through (D) as subparagraphs (A) through (C), respectively; and

(iii) in subparagraph (A) (as redesignated by clause (ii))—

(I) in clause (i), by striking ''and'' at the end;

(II) in clause (ii), by adding ''and'' after the semicolon; and

(III) by adding at the end the following:

''(iii) amend an approved tribal energy resource agreement to assume authority for approving leases, business agreements, or rights-of-way for development of another energy resource that is not included in an approved tribal energy resource agreement without being required to apply for a new tribal energy resource agreement;'' and

(G) by adding at the end the following:

''(9) EFFECT.—Nothing in this section authorizes the Secretary to deny a tribal energy resource agreement or any amendment to a tribal energy resource agreement, or to limit the effect or implementation of this section, due to lack of promulgated regulations.'';

(5) by redesignating subsection (g) as subsection (j); and

(6) by inserting after subsection (f) the following:

''(g) FINANCIAL ASSISTANCE IN LIEU OF ACTIVITIES BY THE SECRETARY.—

''(1) IN GENERAL.—Any amounts that the Secretary would otherwise expend to operate or carry out any program, function, service, or activity (or any portion of a program, function, service, or activity) of the Department that, as a result of an Indian tribe carrying out activities under a tribal energy resource agreement, the Secretary does not expend, the Secretary shall, at the request of the Indian tribe, make available to the Indian tribe in accordance with this subsection.

''(2) ANNUAL FUNDING AGREEMENTS.—The Secretary shall make the amounts described in paragraph (1) available to an Indian tribe through an annual written funding agreement that is negotiated and entered into with the Indian tribe that is separate from the tribal energy resource agreement.

''(3) EFFECT OF APPROPRIATIONS.—Notwithstanding paragraph (1)—

''(A) the provision of amounts to an Indian tribe under this subsection is subject to the availability of appropriations; and

''(B) the Secretary shall not be required to reduce amounts for programs, functions, services, or activities that serve any other Indian tribe to make amounts available to an Indian tribe under this subsection.

''(4) DETERMINATION.—

''(A) IN GENERAL.—The Secretary shall calculate the amounts under paragraph (1) in accordance with the regulations adopted under section 103(b) of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2015.

''(B) APPLICABILITY.—The effective date or implementation of a tribal energy resource agreement under this section shall not be delayed or otherwise affected by—

''(i) a delay in the promulgation of regulations under section 103(b) of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2015;

''(ii) the period of time needed by the Secretary to make the calculation required under paragraph (1); or

''(iii) the adoption of a funding agreement under paragraph (2).

''(h) CERTIFICATION OF TRIBAL ENERGY DEVELOPMENT ORGANIZATION.—

''(1) IN GENERAL.—Not later than 90 days after the date on which an Indian tribe submits an application for certification of a tribal energy development organization in accordance with regulations promulgated under section 103(b) of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2015, the Secretary shall approve or disapprove the application.

''(2) REQUIREMENTS.—The Secretary shall approve an application for certification if—

''(A)(i) the Indian tribe has carried out a contract or compact under title I or IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.); and

''(ii) for a period of not less than 3 consecutive years ending on the date on which the Indian tribe submits the application, the contract or compact—

''(I) has been carried out by the Indian tribe without material audit exceptions (or without any material audit exceptions that were not corrected within the 3-year period); and

''(II) has included programs or activities relating to the management of tribal land; and

''(B)(i) the tribal energy development organization is organized under the laws of the Indian tribe;

''(ii)(I) the majority of the interest in the tribal energy development organization is owned and controlled by the Indian tribe (or the Indian tribe and 1 or more other Indian tribes) the tribal land of which is being developed; and

''(II) the organizing document of the tribal energy development organization requires that the Indian tribe with jurisdiction over the land maintain at all times the controlling interest in the tribal energy development organization;

''(iii) the organizing document of the tribal energy development organization requires that the Indian tribe (or the Indian tribe and 1 or more other Indian tribes) the tribal land of which is being developed own and control at all times a majority of the interest in the tribal energy development organization; and

''(iv) the organizing document of the tribal energy development organization includes a statement that the organization shall be subject to the jurisdiction, laws, and authority of the Indian tribe.

''(3) ACTION BY SECRETARY.—If the Secretary approves an application for certification pursuant to paragraph (2), the Secretary shall, not more than 10 days after making the determination—

''(A) issue a certification stating that—

''(i) the tribal energy development organization is organized under the laws of the Indian tribe and subject to the jurisdiction, laws, and authority of the Indian tribe;

''(ii) the majority of the interest in the tribal energy development organization is owned and controlled by the Indian tribe (or the Indian tribe and 1 or more other Indian tribes) the tribal land of which is being developed;

''(iii) the organizing document of the tribal energy development organization requires that the Indian tribe with jurisdiction over the land maintain at all times the controlling interest in the tribal energy development organization;

''(iv) the organizing document of the tribal energy development organization requires that the Indian tribe (or the Indian tribe and 1 or more other Indian tribes the tribal land of which is being developed) own and control at all times a majority of the interest in the tribal energy development organization; and

''(v) the certification is issued pursuant this subsection;

''(B) deliver a copy of the certification to the Indian tribe; and

''(C) publish the certification in the Federal Register.

''(i) SOVEREIGN IMMUNITY.—Nothing in this section waives the sovereign immunity of an Indian tribe.''.

(b) REGULATIONS.—Not later than 1 year after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2015, the Secretary shall promulgate or update any regulations that are necessary to implement this section, including provisions to implement—

(1) section 2604(e)(8) of the Energy Policy Act of 1992 (25 U.S.C. 3504(e)(8)), including the process to be followed by an Indian tribe amending an existing tribal energy resource agreement to assume authority for approving leases, business agreements, or rights-of-way for development of an energy resource that is not included in the tribal energy resource agreement;

(2) section 2604(g) of the Energy Policy Act of 1992 (25 U.S.C. 3504(g)) including the manner in which the Secretary, at the request of an Indian tribe, shall—

(A) identify the programs, functions, services, and activities (or any portions of programs, functions, services, or activities) that the Secretary will not have to operate or carry out as a result of the Indian tribe carrying out activities under a tribal energy resource agreement;

(B) identify the amounts that the Secretary would have otherwise expended to operate or carry out each program, function, service, and activity (or any portion of a program, function, service, or activity) identified pursuant to subparagraph (A); and

(C) provide to the Indian tribe a list of the programs, functions, services, and activities (or any portions of programs, functions, services, or activities) identified pursuant subparagraph (A) and the amounts associated with each program, function, service, and activity (or any portion of a program, function, service, or activity) identified pursuant to subparagraph (B); and

(3) section 2604(h) of the Energy Policy Act of 1992 (25 U.S.C. 3504(h)), including the process to be followed by, and any applicable criteria and documentation required for, an Indian tribe to request and obtain the certification described in that section.

SEC. 104. TECHNICAL ASSISTANCE FOR INDIAN TRIBAL GOVERNMENTS.

Section 2602(b) of the Energy Policy Act of 1992 (25 U.S.C. 3502(b)) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) TECHNICAL AND SCIENTIFIC RESOURCES.—In addition to providing grants to Indian tribes under this subsection, the Secretary shall collaborate with the Directors of the National Laboratories in making the full array of technical and scientific resources of the Department of Energy available for tribal energy activities and projects.''.

SEC. 105. CONFORMING AMENDMENTS.

(a) DEFINITION OF TRIBAL ENERGY DEVELOPMENT ORGANIZATION.—Section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501) is amended—

(1) by redesignating paragraphs (9) through (12) as paragraphs (10) through (13), respectively;

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

''(9) The term 'qualified Indian tribe' means an Indian tribe that has—

''(A) carried out a contract or compact under title I or IV of the Indian Self Determination and Education Assistance Act (25 U.S.C. 450 et seq.) for a period of not less than 3 consecutive years ending on the date on which the Indian tribe submits the application without material audit exception (or without any material audit exceptions that were not corrected within the 3-year period) relating to the management of tribal land or natural resources; or

''(B) substantial experience in the administration, review, or evaluation of energy resource leases or agreements or has otherwise substantially participated in the administration, management, or development of energy resources located on the tribal land of the Indian tribe.''; and

(3) by striking paragraph (12) (as redesignated by paragraph (1)) and inserting the following:

''(12) The term 'tribal energy development organization' means—

''(A) any enterprise, partnership, consortium, corporation, or other type of business organization that is engaged in the development of energy resources and is wholly owned by an Indian tribe (including an organization incorporated pursuant to section 17 of the Indian Reorganization Act of 1934 (25 U.S.C. 477) or section 3 of the Act of June 26, 1936 (25 U.S.C. 503) (commonly known as the 'Oklahoma Indian Welfare Act')); and

''(B) any organization of 2 or more entities, at least 1 of which is an Indian tribe, that has the written consent of the governing bodies of all Indian tribes participating in the organization to apply for a grant, loan, or other assistance under section 2602 or to enter into a lease or business agreement with, or acquire a right-of-way from, an Indian tribe pursuant to subsection (a)(2)(A)(ii) or (b)(2)(B) of section 2604.''.

(b) INDIAN TRIBAL ENERGY RESOURCE DEVELOPMENT.—Section 2602 of the Energy Policy Act of 1992 (25 U.S.C. 3502) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''tribal energy resource development organizations'' and inserting ''tribal energy development organizations''; and

(B) in paragraph (2), by striking ''tribal energy resource development organizations'' each place it appears and inserting ''tribal energy development organizations''; and

(2) in subsection (b)(2), by striking ''tribal energy resource development organization'' and inserting ''tribal energy development organization''.

(c) WIND AND HYDROPOWER FEASIBILITY STUDY.—Section 2606(c)(3) of the Energy Policy Act of 1992 (25 U.S.C. 3506(c)(3)) is amended by striking ''energy resource development'' and inserting ''energy development''.

(d) CONFORMING AMENDMENTS.—Section 2604(e) of the Energy Policy Act of 1992 (25 U.S.C. 3504(e)) is amended—

(1) in paragraph (3)—

(A) by striking ''(3) The Secretary'' and inserting the following:

''(3) NOTICE AND COMMENT; SECRETARIAL REVIEW.—The Secretary''; and

(B) by striking ''for approval'';

(2) in paragraph (4), by striking ''(4) If the Secretary'' and inserting the following:

''(4) ACTION IN CASE OF DISAPPROVAL.—If the Secretary'';

(3) in paragraph (5)—

(A) by striking ''(5) If an Indian tribe'' and inserting the following:

''(5) PROVISION OF DOCUMENTS TO SECRETARY.—If an Indian tribe''; and

(B) in the matter preceding subparagraph (A), by striking ''approved'' and inserting ''in effect'';

(4) in paragraph (6)—

(A) by striking ''(6)(A) In carrying out'' and inserting the following:

''(6) SECRETARIAL OBLIGATIONS AND EFFECT OF SECTION.—

''(A) In carrying out'';

(B) in subparagraph (A), by indenting clauses (i) and (ii) appropriately;

(C) in subparagraph (B), by striking ''approved'' and inserting ''in effect''; and

(D) in subparagraph (D)—

(i) in clause (i), by striking ''an approved tribal energy resource agreement'' and inserting ''a tribal energy resource agreement in effect under this section''; and

(ii) in clause (ii), by striking ''approved by the Secretary'' and inserting ''in effect''; and

(5) in paragraph (7)—

(A) by striking ''(7)(A) In this paragraph'' and inserting the following:

''(7) PETITIONS BY INTERESTED PARTIES.—

''(A) In this paragraph'';

(B) in subparagraph (A), by striking ''approved by the Secretary'' and inserting ''in effect'';

(C) in subparagraph (B), by striking ''approved by the Secretary'' and inserting ''in effect''; and

(D) in subparagraph (D)(iii)—

(i) in subclause (I), by striking ''approved''; and

(ii) in subclause (II)—

(I) by striking ''approval of'' in the first place it appears; and

(II) by striking ''subsection (a) or (b)'' and inserting ''subsection (a)(2)(A)(i) or (b)(2)(A)''.

SEC. 106. REPORT.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that details with respect to activities for energy development on Indian land, how the Department of the Interior—

(1) processes and completes the reviews of energy-related documents in a timely and transparent manner;

(2) monitors the timeliness of agency review for all energy-related documents;

(3) maintains databases to track and monitor the review and approval process for energy-related documents associated with conventional and renewable Indian energy resources that require Secretarial approval prior to development, including—

(A) any seismic exploration permits;

(B) permission to survey;

(C) archeological and cultural surveys;

(D) access permits;

(E) environmental assessments;

(F) oil and gas leases;

(G) surface leases;

(H) rights-of-way agreements; and

(I) communitization agreements;

(4) identifies in the databases—

(A) the date lease applications and permits are received by the agency;

(B) the status of the review;

(C) the date the application or permit is considered complete and ready for review;

(D) the date of approval; and

(E) the start and end dates for any significant delays in the review process;

(5) tracks in the databases, for all energy-related leases, agreements, applications, and permits that involve multiple agency review—

(A) the dates documents are transferred between agencies;

(B) the status of the review;

(C) the date the required reviews are completed; and

(D) the date interim or final decisions are issued.

(b) INCLUSIONS.—The report under subsection (a) shall include—

(1) a description of any intermediate and final deadlines for agency action on any Secretarial review and approval required for Indian conventional and renewable energy exploration and development activities;

(2) a description of the existing geographic database established by the Bureau of Indian Affairs, explaining—

(A) how the database identifies—

(i) the location and ownership of all Indian oil and gas resources held in trust;

(ii) resources available for lease; and

(iii) the location of—

(I) any lease of land held in trust or restricted fee on behalf of any Indian tribe or individual Indian; and

(II) any rights-of-way on that land in effect;

(B) how the information from the database is made available to—

(i) the officials of the Bureau of Indian Affairs with responsibility over the management and development of Indian resources; and

(ii) resource owners; and

(C) any barriers to identifying the information described in subparagraphs (A) and (B) or any deficiencies in that information; and

(3) an evaluation of—

(A) the ability of each applicable agency to track and monitor the review and approval process of the agency for Indian energy development; and

(B) the extent to which each applicable agency complies with any intermediate and final deadlines.

TITLE II—MISCELLANEOUS AMENDMENTS

SEC. 201. ISSUANCE OF PRELIMINARY PERMITS OR LICENSES.

(a) IN GENERAL.—Section 7(a) of the Federal Power Act (16 U.S.C. 800(a)) is amended by striking ''States and municipalities'' and inserting ''States, Indian tribes, and municipalities''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall not affect—

(1) any preliminary permit or original license issued before the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2015; or

(2) an application for an original license, if the Commission has issued a notice accepting that application for filing pursuant to section 4.32(d) of title 18, Code of Federal Regulations (or successor regulations), before the date of enactment of the Indian Tribal Energy Development and Self-Determination Act Amendments of 2015.

(c) DEFINITION OF INDIAN TRIBE.—For purposes of section 7(a) of the Federal Power Act (16 U.S.C. 800(a)) (as amended by subsection (a)), the term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 202. TRIBAL BIOMASS DEMONSTRATION PROJECT.

(a) PURPOSE.—The purpose of this section is to establish a biomass demonstration project for federally recognized Indian tribes and Alaska Native corporations to promote biomass energy production.

(b) TRIBAL BIOMASS DEMONSTRATION PROJECT.—The Tribal Forest Protection Act of 2004 (Public Law 108–278; 118 Stat. 868) is amended—

(1) in section 2(a), by striking ''In this section'' and inserting ''In this Act''; and

(2) by adding at the end the following:

''SEC. 3. TRIBAL BIOMASS DEMONSTRATION PROJECT.

''(a) STEWARDSHIP CONTRACTS OR SIMILAR AGREEMENTS.—For each of fiscal years 2016 through 2020, the Secretary shall enter into stewardship contracts or similar agreements (excluding direct service contracts) with Indian tribes to carry out demonstration projects to promote biomass energy production (including biofuel, heat, and electricity generation) on Indian forest land and in nearby communities by providing reliable supplies of woody biomass from Federal land.

''(b) DEMONSTRATION PROJECTS.—In each fiscal year for which projects are authorized, at least 4 new demonstration projects that meet the eligibility criteria described in subsection (c) shall be carried out under contracts or agreements described in subsection (a).

''(c) ELIGIBILITY CRITERIA.—To be eligible to enter into a contract or agreement under this section, an Indian tribe shall submit to the Secretary an application—

''(1) containing such information as the Secretary may require; and

''(2) that includes a description of—

''(A) the Indian forest land or rangeland under the jurisdiction of the Indian tribe; and

''(B) the demonstration project proposed to be carried out by the Indian tribe.

''(d) SELECTION.—In evaluating the applications submitted under subsection (c), the Secretary shall—

''(1) take into consideration—

''(A) the factors set forth in paragraphs (1) and (2) of section 2(e); and

''(B) whether a proposed project would—

''(i) increase the availability or reliability of local or regional energy;

''(ii) enhance the economic development of the Indian tribe;

''(iii) result in or improve the connection of electric power transmission facilities serving the Indian tribe with other electric transmission facilities;

''(iv) improve the forest health or watersheds of Federal land or Indian forest land or rangeland;

''(v) demonstrate new investments in infrastructure; or

''(vi) otherwise promote the use of woody biomass; and

''(2) exclude from consideration any merchantable logs that have been identified by the Secretary for commercial sale.

''(e) IMPLEMENTATION.—The Secretary shall—

''(1) ensure that the criteria described in subsection (c) are publicly available by not later than 120 days after the date of enactment of this section; and

''(2) to the maximum extent practicable, consult with Indian tribes and appropriate intertribal organizations likely to be affected in developing the application and otherwise carrying out this section.

''(f) REPORT.—Not later than September 20, 2018, the Secretary shall submit to Congress a report that describes, with respect to the reporting period—

''(1) each individual tribal application received under this section; and

''(2) each contract and agreement entered into pursuant to this section.

''(g) INCORPORATION OF MANAGEMENT PLANS.—In carrying out a contract or agreement under this section, on receipt of a request from an Indian tribe, the Secretary shall incorporate into the contract or agreement, to the maximum extent practicable, management plans (including forest management and integrated resource management plans) in effect on the Indian forest land or rangeland of the respective Indian tribe.

''(h) TERM.—A contract or agreement entered into under this section—

''(1) shall be for a term of not more than 20 years; and

''(2) may be renewed in accordance with this section for not more than an additional 10 years.''.

(c) ALASKA NATIVE BIOMASS DEMONSTRATION PROJECT.—

(1) DEFINITIONS.—In this subsection:

(A) FEDERAL LAND.—The term ''Federal land'' means—

(i) land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(ii) public lands (as defined in section 103 of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1702)), the surface of which is administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(B) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(C) SECRETARY.—The term ''Secretary'' means—

(i) the Secretary of Agriculture, with respect to land under the jurisdiction of the Forest Service; and

(ii) the Secretary of the Interior, with respect to land under the jurisdiction of the Bureau of Land Management.

(D) TRIBAL ORGANIZATION.—The term ''tribal organization'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) AGREEMENTS.—For each of fiscal years 2016 through 2020, the Secretary shall enter into an agreement or contract with an Indian tribe or a tribal organization to carry out a demonstration project to promote biomass energy production (including biofuel, heat, and electricity generation) by providing reliable supplies of woody biomass from Federal land.

(3) DEMONSTRATION PROJECTS.—In each fiscal year for which projects are authorized, at least 1 new demonstration project that meets the eligibility criteria described in paragraph (4) shall be carried out under contracts or agreements described in paragraph (2).

(4) ELIGIBILITY CRITERIA.—To be eligible to enter into a contract or agreement under this subsection, an Indian tribe or tribal organization shall submit to the Secretary an application—

(A) containing such information as the Secretary may require; and

(B) that includes a description of the demonstration project proposed to be carried out by the Indian tribe or tribal organization.

(5) SELECTION.—In evaluating the applications submitted under paragraph (4), the Secretary shall—

(A) take into consideration whether a proposed project would—

(i) increase the availability or reliability of local or regional energy;

(ii) enhance the economic development of the Indian tribe;

(iii) result in or improve the connection of electric power transmission facilities serving the Indian tribe with other electric transmission facilities;

(iv) improve the forest health or watersheds of Federal land or non-Federal land;

(v) demonstrate new investments in infrastructure; or

(vi) otherwise promote the use of woody biomass; and

(B) exclude from consideration any merchantable logs that have been identified by the Secretary for commercial sale.

(6) IMPLEMENTATION.—The Secretary shall—

(A) ensure that the criteria described in paragraph (4) are publicly available by not later than 120 days after the date of enactment of this subsection; and

(B) to the maximum extent practicable, consult with Indian tribes and appropriate tribal organizations likely to be affected in developing the application and otherwise carrying out this subsection.

(7) REPORT.—Not later than September 20, 2018, the Secretary shall submit to Congress a report that describes, with respect to the reporting period—

(A) each individual application received under this subsection; and

(B) each contract and agreement entered into pursuant to this subsection.

(8) TERM.—A contract or agreement entered into under this subsection—

(A) shall be for a term of not more than 20 years; and

(B) may be renewed in accordance with this subsection for not more than an additional 10 years.

SEC. 203. WEATHERIZATION PROGRAM.

Section 413(d) of the Energy Conservation and Production Act (42 U.S.C. 6863(d)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) RESERVATION OF AMOUNTS.—

''(A) IN GENERAL.—Subject to subparagraph (B) and notwithstanding any other provision of this part, the Secretary shall reserve from amounts that would otherwise be allocated to a State under this part not less than 100 percent, but not more than 150 percent, of an amount which bears the same proportion to the allocation of that State for the applicable fiscal year as the population of all low-income members of an Indian tribe in that State bears to the population of all low-income individuals in that State.

''(B) RESTRICTIONS.—Subparagraph (A) shall apply only if—

''(i) the tribal organization serving the low-income members of the applicable Indian tribe requests that the Secretary make a grant directly; and

''(ii) the Secretary determines that the low-income members of the applicable Indian tribe would be equally or better served by making a grant directly than a grant made to the State in which the low-income members reside.

''(C) PRESUMPTION.—If the tribal organization requesting the grant is a tribally designated housing entity (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) that has operated without material audit exceptions (or without any material audit exceptions that were not corrected within a 3-year period), the Secretary shall presume that the low-income members of the applicable Indian tribe would be equally or better served by making a grant directly to the tribal organization than by a grant made to the State in which the low-income members reside.'';

(2) in paragraph (2)—

(A) by striking ''The sums'' and inserting ''ADMINISTRATION.—The amounts'';

(B) by striking ''on the basis of his determination'';

(C) by striking ''individuals for whom such a determination has been made'' and inserting ''low-income members of the Indian tribe''; and

(D) by striking ''he'' and inserting ''the Secretary''; and

(3) in paragraph (3), by striking ''In order'' and inserting ''APPLICATION.—In order''.

SEC. 204. APPRAISALS.

(a) IN GENERAL.—Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.) is amended by adding at the end the following:

''SEC. 2607. APPRAISALS.

''(a) IN GENERAL.—For any transaction that requires approval of the Secretary and involves mineral or energy resources held in trust by the United States for the benefit of an Indian tribe or by an Indian tribe subject to Federal restrictions against alienation, any appraisal relating to fair market value of those resources required to be prepared under applicable law may be prepared by—

''(1) the Secretary;

''(2) the affected Indian tribe; or

''(3) a certified, third-party appraiser pursuant to a contract with the Indian tribe.

''(b) SECRETARIAL REVIEW AND APPROVAL.—Not later than 45 days after the date on which the Secretary receives an appraisal prepared by or for an Indian tribe under paragraph (2) or (3) of subsection (a), the Secretary shall—

''(1) review the appraisal; and

''(2) approve the appraisal unless the Secretary determines that the appraisal fails to meet the standards set forth in regulations promulgated under subsection (d).

''(c) NOTICE OF DISAPPROVAL.—If the Secretary determines that an appraisal submitted for approval under subsection (b) should be disapproved, the Secretary shall give written notice of the disapproval to the Indian tribe and a description of—

''(1) each reason for the disapproval; and

''(2) how the appraisal should be corrected or otherwise cured to meet the applicable standards set forth in the regulations promulgated under subsection (d).

''(d) REGULATIONS.—The Secretary shall promulgate regulations to carry out this section, including standards the Secretary shall use for approving or disapproving the appraisal described in subsection (a).''.

SEC. 205. LEASES OF RESTRICTED LANDS FOR NAVAJO NATION.

(a) IN GENERAL.—Subsection (e)(1) of the first section of the Act of August 9, 1955 (commonly known as the ''Long-Term Leasing Act'') (25 U.S.C. 415(e)(1)), is amended—

(1) by striking '', except a lease for'' and inserting '', including a lease for'';

(2) by striking subparagraph (A) and inserting the following:

''(A) in the case of a business or agricultural lease, 99 years;'';

(3) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(C) in the case of a lease for the exploration, development, or extraction of any mineral resource (including geothermal resources), 25 years, except that—

''(i) any such lease may include an option to renew for 1 additional term of not to exceed 25 years; and

''(ii) any such lease for the exploration, development, or extraction of an oil or gas resource shall be for a term of not to exceed 10 years, plus such additional period as the Navajo Nation determines to be appropriate in any case in which an oil or gas resource is produced in a paying quantity.''.

(b) GAO REPORT.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall prepare and submit to Congress a report describing the progress made in carrying out the amendment made by subsection (a).

SEC. 206. EXTENSION OF TRIBAL LEASE PERIOD FOR THE CROW TRIBE OF MONTANA.

Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)), is amended in the second sentence by inserting '', land held in trust for the Crow Tribe of Montana'' after ''Devils Lake Sioux Reservation''.

SEC. 207. TRUST STATUS OF LEASE PAYMENTS.

(a) DEFINITION OF SECRETARY.—In this section, the term ''Secretary'' means the Secretary of the Interior.

(b) TREATMENT OF LEASE PAYMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2) and at the request of the Indian tribe or individual Indian, any advance

payments, bid deposits, or other earnest money received by the Secretary in connection with the review and Secretarial approval under any other Federal law (including regulations) of a sale, lease, permit, or any other conveyance of any interest in any trust or restricted land of any Indian tribe or individual Indian shall, upon receipt and prior to Secretarial approval of the contract or conveyance instrument, be held in the trust fund system for the benefit of the Indian tribe and individual Indian from whose land the funds were generated.

(2) RESTRICTION.—If the advance payment, bid deposit, or other earnest money received by the Secretary results from competitive bidding, upon selection of the successful bidder, only the funds paid by the successful bidder shall be held in the trust fund system.

(c) USE OF FUNDS.—

(1) IN GENERAL.—On the approval of the Secretary of a contract or other instrument for a sale, lease, permit, or any other conveyance described in subsection (b)(1), the funds held in the trust fund system and described in subsection (b), along with all income generated from the investment of those funds, shall be disbursed to the Indian tribe or individual Indian landowners.

(2) ADMINISTRATION.—If a contract or other instrument for a sale, lease, permit, or any other conveyance described in subsection (b)(1) is not approved by the Secretary, the funds held in the trust fund system and described in subsection (b), along with all income generated from the investment of those funds, shall be paid to the party identified in, and in such amount and on such terms as set out in, the applicable regulations, advertisement, or other notice governing the proposed conveyance of the interest in the land at issue.

(d) APPLICABILITY.—This section shall apply to any advance payment, bid deposit, or other earnest money received by the Secretary in connection with the review and Secretarial approval under any other Federal law (including regulations) of a sale, lease, permit, or any other conveyance of any interest in any trust or restricted land of any Indian tribe or individual Indian on or after the date of enactment of this Act.

SA 2715. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 754, to improve cybersecurity in the United States through enhanced sharing of information about cybersecurity threats, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON THE INDEFINITE DETENTION OF CITIZENS AND LAWFUL PERMANENT RESIDENTS.

Section 4001 of title 18, United States Code, is amended—

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

''(a) No citizen or lawful permanent resident shall be imprisoned or otherwise detained by the United States except consistent with the Constitution and pursuant to an Act of Congress that expressly authorizes such imprisonment or detention.'';

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

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

''(b)(1) A general authorization to use military force, a declaration of war, or any similar authority, on its own, shall not be construed to authorize the imprisonment or detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States.

''(2) Paragraph (1) applies to an authorization to use military force, a declaration of war, or any similar authority enacted before, on, or after the date of the enactment of the Cybersecurity Information Sharing Act of 2015.

''(3) This section shall not be construed to authorize the imprisonment or detention of a citizen of the United States, a lawful permanent resident of the United States, or any other person who is apprehended in the United States.''.

SA 2716. Mr. BURR (for himself and Mrs. FEINSTEIN) proposed an amendment to the bill S. 754, to improve cybersecurity in the United States through enhanced sharing of information about cybersecurity threats, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Table of contents.

TITLE I—CYBERSECURITY INFORMATION SHARING

Sec. 101. Short title.
Sec. 102. Definitions.
Sec. 103. Sharing of information by the Federal Government.
Sec. 104. Authorizations for preventing, detecting, analyzing, and mitigating cybersecurity threats.
Sec. 105. Sharing of cyber threat indicators and defensive measures with the Federal Government.
Sec. 106. Protection from liability.
Sec. 107. Oversight of Government activities.
Sec. 108. Construction and preemption.
Sec. 109. Report on cybersecurity threats.
Sec. 110. Conforming amendment.

TITLE II—FEDERAL CYBERSECURITY ENHANCEMENT

Sec. 201. Short title.
Sec. 202. Definitions.
Sec. 203. Improved Federal network security.
Sec. 204. Advanced internal defenses.
Sec. 205. Federal cybersecurity requirements.
Sec. 206. Assessment; reports.
Sec. 207. Termination.
Sec. 208. Identification of information systems relating to national security.
Sec. 209. Direction to agencies.

TITLE III—FEDERAL CYBERSECURITY WORKFORCE ASSESSMENT

Sec. 301. Short title.
Sec. 302. Definitions.
Sec. 303. National cybersecurity workforce measurement initiative.
Sec. 304. Identification of cyber-related roles of critical need.
Sec. 305. Government Accountability Office status reports.

TITLE IV—OTHER CYBER MATTERS

Sec. 401. Study on mobile device security.
Sec. 402. Department of State international cyberspace policy strategy.
Sec. 403. Apprehension and prosecution of international cyber criminals.
Sec. 404. Enhancement of emergency services.
Sec. 405. Improving cybersecurity in the health care industry.
Sec. 406. Federal computer security.
Sec. 407. Strategy to protect critical infrastructure at greatest risk.

TITLE I—CYBERSECURITY INFORMATION SHARING

SEC. 101. SHORT TITLE.

This title may be cited as the ''Cybersecurity Information Sharing Act of 2015''.

SEC. 102. DEFINITIONS.

In this title:

(1) AGENCY.—The term ''agency'' has the meaning given the term in section 3502 of title 44, United States Code.

(2) ANTITRUST LAWS.—The term ''antitrust laws''—

(A) has the meaning given the term in section 1 of the Clayton Act (15 U.S.C. 12);

(B) includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that section 5 of that Act applies to unfair methods of competition; and

(C) includes any State law that has the same intent and effect as the laws under subparagraphs (A) and (B).

(3) APPROPRIATE FEDERAL ENTITIES.—The term ''appropriate Federal entities'' means the following:

(A) The Department of Commerce.
(B) The Department of Defense.
(C) The Department of Energy.
(D) The Department of Homeland Security.
(E) The Department of Justice.
(F) The Department of the Treasury.
(G) The Office of the Director of National Intelligence.

(4) CYBERSECURITY PURPOSE.—The term ''cybersecurity purpose'' means the purpose of protecting an information system or information that is stored on, processed by, or transiting an information system from a cybersecurity threat or security vulnerability.

(5) CYBERSECURITY THREAT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''cybersecurity threat'' means an action, not protected by the First Amendment to the Constitution of the United States, on or through an information system that may result in an unauthorized effort to adversely impact the security, availability, confidentiality, or integrity of an information system or information that is stored on, processed by, or transiting an information system.

(B) EXCLUSION.—The term ''cybersecurity threat'' does not include any action that solely involves a violation of a consumer term of service or a consumer licensing agreement.

(6) CYBER THREAT INDICATOR.—The term ''cyber threat indicator'' means information that is necessary to describe or identify—

(A) malicious reconnaissance, including anomalous patterns of communications that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat or security vulnerability;

(B) a method of defeating a security control or exploitation of a security vulnerability;

(C) a security vulnerability, including anomalous activity that appears to indicate the existence of a security vulnerability;

(D) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to unwittingly enable the defeat of a security control or exploitation of a security vulnerability;

(E) malicious cyber command and control;

(F) the actual or potential harm caused by an incident, including a description of the information exfiltrated as a result of a particular cybersecurity threat;

(G) any other attribute of a cybersecurity threat, if disclosure of such attribute is not otherwise prohibited by law; or

(H) any combination thereof.

(7) DEFENSIVE MEASURE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''defensive measure'' means an action, device, procedure, signature, technique, or other measure applied to an information system or information that is stored on, processed by, or transiting

an information system that detects, prevents, or mitigates a known or suspected cybersecurity threat or security vulnerability.

(B) EXCLUSION.—The term ''defensive measure'' does not include a measure that destroys, renders unusable, provides unauthorized access to, or substantially harms an information system or data on an information system not belonging to—

(i) the private entity operating the measure; or

(ii) another entity or Federal entity that is authorized to provide consent and has provided consent to that private entity for operation of such measure.

(8) ENTITY.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term ''entity'' means any private entity, non-Federal government agency or department, or State, tribal, or local government (including a political subdivision, department, or component thereof).

(B) INCLUSIONS.—The term ''entity'' includes a government agency or department of the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

(C) EXCLUSION.—The term ''entity'' does not include a foreign power as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

(9) FEDERAL ENTITY.—The term ''Federal entity'' means a department or agency of the United States or any component of such department or agency.

(10) INFORMATION SYSTEM.—The term ''information system''—

(A) has the meaning given the term in section 3502 of title 44, United States Code; and

(B) includes industrial control systems, such as supervisory control and data acquisition systems, distributed control systems, and programmable logic controllers.

(11) LOCAL GOVERNMENT.—The term ''local government'' means any borough, city, county, parish, town, township, village, or other political subdivision of a State.

(12) MALICIOUS CYBER COMMAND AND CONTROL.—The term ''malicious cyber command and control'' means a method for unauthorized remote identification of, access to, or use of, an information system or information that is stored on, processed by, or transiting an information system.

(13) MALICIOUS RECONNAISSANCE.—The term ''malicious reconnaissance'' means a method for actively probing or passively monitoring an information system for the purpose of discerning security vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

(14) MONITOR.—The term ''monitor'' means to acquire, identify, or scan, or to possess, information that is stored on, processed by, or transiting an information system.

(15) PRIVATE ENTITY.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term ''private entity'' means any person or private group, organization, proprietorship, partnership, trust, cooperative, corporation, or other commercial or nonprofit entity, including an officer, employee, or agent thereof.

(B) INCLUSION.—The term ''private entity'' includes a State, tribal, or local government performing electric or other utility services.

(C) EXCLUSION.—The term ''private entity'' does not include a foreign power as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

(16) SECURITY CONTROL.—The term ''security control'' means the management, operational, and technical controls used to protect against an unauthorized effort to adversely affect the confidentiality, integrity, and availability of an information system or its information.

(17) SECURITY VULNERABILITY.—The term ''security vulnerability'' means any attribute of hardware, software, process, or procedure that could enable or facilitate the defeat of a security control.

(18) TRIBAL.—The term ''tribal'' has the meaning given the term ''Indian tribe'' in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 103. SHARING OF INFORMATION BY THE FEDERAL GOVERNMENT.

(a) IN GENERAL.—Consistent with the protection of classified information, intelligence sources and methods, and privacy and civil liberties, the Director of National Intelligence, the Secretary of Homeland Security, the Secretary of Defense, and the Attorney General, in consultation with the heads of the appropriate Federal entities, shall develop and promulgate procedures to facilitate and promote—

(1) the timely sharing of classified cyber threat indicators in the possession of the Federal Government with cleared representatives of relevant entities;

(2) the timely sharing with relevant entities of cyber threat indicators or information in the possession of the Federal Government that may be declassified and shared at an unclassified level;

(3) the sharing with relevant entities, or the public if appropriate, of unclassified, including controlled unclassified, cyber threat indicators in the possession of the Federal Government;

(4) the sharing with entities, if appropriate, of information in the possession of the Federal Government about cybersecurity threats to such entities to prevent or mitigate adverse effects from such cybersecurity threats; and

(5) the period sharing, through publication and targeted outreach, of cybersecurity best practices that are developed based on ongoing analysis of cyber threat indicators and information in possession of the Federal Government, with attention to accessibility and implementation challenges faced by small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 532)).

(b) DEVELOPMENT OF PROCEDURES.—

(1) IN GENERAL.—The procedures developed and promulgated under subsection (a) shall—

(A) ensure the Federal Government has and maintains the capability to share cyber threat indicators in real time consistent with the protection of classified information;

(B) incorporate, to the greatest extent practicable, existing processes and existing roles and responsibilities of Federal and non-Federal entities for information sharing by the Federal Government, including sector specific information sharing and analysis centers;

(C) include procedures for notifying, in a timely manner, entities that have received a cyber threat indicator from a Federal entity under this title that is known or determined to be in error or in contravention of the requirements of this title or another provision of Federal law or policy of such error or contravention;

(D) include requirements for Federal entities sharing cyber threat indicators or defensive measures to implement and utilize security controls to protect against unauthorized access to or acquisition of such cyber threat indicators or defensive measures;

(E) include procedures that require a Federal entity, prior to the sharing of a cyber threat indicator—

(i) to review such cyber threat indicator to assess whether such cyber threat indicator contains any information that such Federal entity knows at the time of sharing to be personal information or information that identifies a specific person not directly related to a cybersecurity threat and remove such information; or

(ii) to implement and utilize a technical capability configured to remove any personal information or information that identifies a specific person not directly related to a cybersecurity threat; and

(F) include procedures for notifying, in a timely manner, any United States person whose personal information is known or determined to have been shared by a Federal entity in violation of this Act.

(2) COORDINATION.—In developing the procedures required under this section, the Director of National Intelligence, the Secretary of Homeland Security, the Secretary of Defense, and the Attorney General shall coordinate with appropriate Federal entities, including the Small Business Administration and the National Laboratories (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)), to ensure that effective protocols are implemented that will facilitate and promote the sharing of cyber threat indicators by the Federal Government in a timely manner.

(c) SUBMITTAL TO CONGRESS.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the heads of the appropriate Federal entities, shall submit to Congress the procedures required by subsection (a).

SEC. 104. AUTHORIZATIONS FOR PREVENTING, DETECTING, ANALYZING, AND MITIGATING CYBERSECURITY THREATS.

(a) AUTHORIZATION FOR MONITORING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a private entity may, for cybersecurity purposes, monitor—

(A) an information system of such private entity;

(B) an information system of another entity, upon the authorization and written consent of such other entity;

(C) an information system of a Federal entity, upon the authorization and written consent of an authorized representative of the Federal entity; and

(D) information that is stored on, processed by, or transiting an information system monitored by the private entity under this paragraph.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed—

(A) to authorize the monitoring of an information system, or the use of any information obtained through such monitoring, other than as provided in this title; or

(B) to limit otherwise lawful activity.

(b) AUTHORIZATION FOR OPERATION OF DEFENSIVE MEASURES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a private entity may, for cybersecurity purposes, operate a defensive measure that is applied to—

(A) an information system of such private entity in order to protect the rights or property of the private entity;

(B) an information system of another entity upon written consent of such entity for operation of such defensive measure to protect the rights or property of such entity; and

(C) an information system of a Federal entity upon written consent of an authorized representative of such Federal entity for operation of such defensive measure to protect the rights or property of the Federal Government.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed—

(A) to authorize the use of a defensive measure other than as provided in this subsection; or

(B) to limit otherwise lawful activity.

(c) AUTHORIZATION FOR SHARING OR RECEIVING CYBER THREAT INDICATORS OR DEFENSIVE MEASURES.—

(1) IN GENERAL.—Except as provided in paragraph (2) and notwithstanding any other provision of law, an entity may, for a cybersecurity purpose and consistent with the protection of classified information, share with, or receive from, any other entity or the Federal Government a cyber threat indicator or defensive measure.

(2) LAWFUL RESTRICTION.—An entity receiving a cyber threat indicator or defensive measure from another entity or Federal entity shall comply with otherwise lawful restrictions placed on the sharing or use of such cyber threat indicator or defensive measure by the sharing entity or Federal entity.

(3) CONSTRUCTION.—Nothing in this subsection shall be construed—

(A) to authorize the sharing or receiving of a cyber threat indicator or defensive measure other than as provided in this subsection; or

(B) to limit otherwise lawful activity.

(d) PROTECTION AND USE OF INFORMATION.—

(1) SECURITY OF INFORMATION.—An entity monitoring an information system, operating a defensive measure, or providing or receiving a cyber threat indicator or defensive measure under this section shall implement and utilize a security control to protect against unauthorized access to or acquisition of such cyber threat indicator or defensive measure.

(2) REMOVAL OF CERTAIN PERSONAL INFORMATION.—An entity sharing a cyber threat indicator pursuant to this title shall, prior to such sharing—

(A) review such cyber threat indicator to assess whether such cyber threat indicator contains any information that the entity knows at the time of sharing to be personal information or information that identifies a specific person not directly related to a cybersecurity threat and remove such information; or

(B) implement and utilize a technical capability configured to remove any information contained within such indicator that the entity knows at the time of sharing to be personal information or information that identifies a specific person not directly related to a cybersecurity threat.

(3) USE OF CYBER THREAT INDICATORS AND DEFENSIVE MEASURES BY ENTITIES.—

(A) IN GENERAL.—Consistent with this title, a cyber threat indicator or defensive measure shared or received under this section may, for cybersecurity purposes—

(i) be used by an entity to monitor or operate a defensive measure that is applied to—

(I) an information system of the entity; or

(II) an information system of another entity or a Federal entity upon the written consent of that other entity or that Federal entity; and

(ii) be otherwise used, retained, and further shared by an entity subject to—

(I) an otherwise lawful restriction placed by the sharing entity or Federal entity on such cyber threat indicator or defensive measure; or

(II) an otherwise applicable provision of law.

(B) CONSTRUCTION.—Nothing in this paragraph shall be construed to authorize the use of a cyber threat indicator or defensive measure other than as provided in this section.

(4) USE OF CYBER THREAT INDICATORS BY STATE, TRIBAL, OR LOCAL GOVERNMENT.—

(A) LAW ENFORCEMENT USE.—

(i) PRIOR WRITTEN CONSENT.—Except as provided in clause (ii), a cyber threat indicator shared with a State, tribal, or local government under this section may, with the prior written consent of the entity sharing such indicator, be used by a State, tribal, or local government for the purpose of preventing, investigating, or prosecuting any of the offenses described in section 105(d)(5)(A)(vi).

(ii) ORAL CONSENT.—If exigent circumstances prevent obtaining written consent under clause (i), such consent may be provided orally with subsequent documentation of the consent.

(B) EXEMPTION FROM DISCLOSURE.—A cyber threat indicator shared with a State, tribal, or local government under this section shall be—

(i) deemed voluntarily shared information; and

(ii) exempt from disclosure under any State, tribal, or local law requiring disclosure of information or records.

(C) STATE, TRIBAL, AND LOCAL REGULATORY AUTHORITY.—

(i) IN GENERAL.—Except as provided in clause (ii), a cyber threat indicator or defensive measure shared with a State, tribal, or local government under this title shall not be directly used by any State, tribal, or local government to regulate, including an enforcement action, the lawful activity of any entity, including an activity relating to monitoring, operating a defensive measure, or sharing of a cyber threat indicator.

(ii) REGULATORY AUTHORITY SPECIFICALLY RELATING TO PREVENTION OR MITIGATION OF CYBERSECURITY THREATS.—A cyber threat indicator or defensive measures shared as described in clause (i) may, consistent with a State, tribal, or local government regulatory authority specifically relating to the prevention or mitigation of cybersecurity threats to information systems, inform the development or implementation of a regulation relating to such information systems.

(e) ANTITRUST EXEMPTION.—

(1) IN GENERAL.—Except as provided in section 108(e), it shall not be considered a violation of any provision of antitrust laws for 2 or more private entities to exchange or provide a cyber threat indicator, or assistance relating to the prevention, investigation, or mitigation of a cybersecurity threat, for cybersecurity purposes under this title.

(2) APPLICABILITY.—Paragraph (1) shall apply only to information that is exchanged or assistance provided in order to assist with—

(A) facilitating the prevention, investigation, or mitigation of a cybersecurity threat to an information system or information that is stored on, processed by, or transiting an information system; or

(B) communicating or disclosing a cyber threat indicator to help prevent, investigate, or mitigate the effect of a cybersecurity threat to an information system or information that is stored on, processed by, or transiting an information system.

(f) NO RIGHT OR BENEFIT.—The sharing of a cyber threat indicator with an entity under this title shall not create a right or benefit to similar information by such entity or any other entity.

SEC. 105. SHARING OF CYBER THREAT INDICATORS AND DEFENSIVE MEASURES WITH THE FEDERAL GOVERNMENT.

(a) REQUIREMENT FOR POLICIES AND PROCEDURES.—

(1) INTERIM POLICIES AND PROCEDURES.—Not later than 60 days after the date of the enactment of this Act, the Attorney General and the Secretary of Homeland Security shall, in coordination with the heads of the appropriate Federal entities, develop and submit to Congress interim policies and procedures relating to the receipt of cyber threat indicators and defensive measures by the Federal Government.

(2) FINAL POLICIES AND PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Attorney General and the Secretary of Homeland Security shall, in coordination with the heads of the appropriate Federal entities, promulgate final policies and procedures relating to the receipt of cyber threat indicators and defensive measures by the Federal Government.

(3) REQUIREMENTS CONCERNING POLICIES AND PROCEDURES.—Consistent with the guidelines required by subsection (b), the policies and procedures developed and promulgated under this subsection shall—

(A) ensure that cyber threat indicators shared with the Federal Government by any entity pursuant to section 104(c) through the real-time process described in subsection (c) of this section—

(i) are shared in an automated manner with all of the appropriate Federal entities;

(ii) are only subject to a delay, modification, or other action due to controls established for such real-time process that could impede real-time receipt by all of the appropriate Federal entities when the delay, modification, or other action is due to controls—

(I) agreed upon unanimously by all of the heads of the appropriate Federal entities;

(II) carried out before any of the appropriate Federal entities retains or uses the cyber threat indicators or defensive measures; and

(III) uniformly applied such that each of the appropriate Federal entities is subject to the same delay, modification, or other action; and

(iii) may be provided to other Federal entities;

(B) ensure that cyber threat indicators shared with the Federal Government by any entity pursuant to section 104 in a manner other than the real time process described in subsection (c) of this section—

(i) are shared as quickly as operationally practicable with all of the appropriate Federal entities;

(ii) are not subject to any unnecessary delay, interference, or any other action that could impede receipt by all of the appropriate Federal entities; and

(iii) may be provided to other Federal entities;

(C) consistent with this title, any other applicable provisions of law, and the fair information practice principles set forth in appendix A of the document entitled ''National Strategy for Trusted Identities in Cyberspace'' and published by the President in April, 2011, govern the retention, use, and dissemination by the Federal Government of cyber threat indicators shared with the Federal Government under this title, including the extent, if any, to which such cyber threat indicators may be used by the Federal Government; and

(D) ensure there are—

(i) audit capabilities; and

(ii) appropriate sanctions in place for officers, employees, or agents of a Federal entity who knowingly and willfully conduct activities under this title in an unauthorized manner.

(4) GUIDELINES FOR ENTITIES SHARING CYBER THREAT INDICATORS WITH FEDERAL GOVERNMENT.—

(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Attorney General and the Secretary of Homeland Security shall develop and make publicly available guidance to assist entities and promote sharing of cyber threat indicators with Federal entities under this title.

(B) CONTENTS.—The guidelines developed and made publicly available under subparagraph (A) shall include guidance on the following:

(i) Identification of types of information that would qualify as a cyber threat indicator under this title that would be unlikely to include personal information or information that identifies a specific person not directly related to a cyber security threat.

(ii) Identification of types of information protected under otherwise applicable privacy laws that are unlikely to be directly related to a cybersecurity threat.

(iii) Such other matters as the Attorney General and the Secretary of Homeland Security consider appropriate for entities sharing cyber threat indicators with Federal entities under this title.

(b) PRIVACY AND CIVIL LIBERTIES.—

(1) GUIDELINES OF ATTORNEY GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Attorney General shall, in coordination with heads of the appropriate Federal entities and in consultation with officers designated under section 1062 of the National Security Intelligence Reform Act of 2004 (42 U.S.C. 2000ee–1), develop, submit to Congress, and make available to the public interim guidelines relating to privacy and civil liberties which shall govern the receipt, retention, use, and dissemination of cyber threat indicators by a Federal entity obtained in connection with activities authorized in this title.

(2) FINAL GUIDELINES.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall, in coordination with heads of the appropriate Federal entities and in consultation with officers designated under section 1062 of the National Security Intelligence Reform Act of 2004 (42 U.S.C. 2000ee–1) and such private entities with industry expertise as the Attorney General considers relevant, promulgate final guidelines relating to privacy and civil liberties which shall govern the receipt, retention, use, and dissemination of cyber threat indicators by a Federal entity obtained in connection with activities authorized in this title.

(B) PERIODIC REVIEW.—The Attorney General shall, in coordination with heads of the appropriate Federal entities and in consultation with officers and private entities described in subparagraph (A), periodically, but not less frequently than once every two years, review the guidelines promulgated under subparagraph (A).

(3) CONTENT.—The guidelines required by paragraphs (1) and (2) shall, consistent with the need to protect information systems from cybersecurity threats and mitigate cybersecurity threats—

(A) limit the effect on privacy and civil liberties of activities by the Federal Government under this title;

(B) limit the receipt, retention, use, and dissemination of cyber threat indicators containing personal information or information that identifies specific persons, including by establishing—

(i) a process for the timely destruction of such information that is known not to be directly related to uses authorized under this title; and

(ii) specific limitations on the length of any period in which a cyber threat indicator may be retained;

(C) include requirements to safeguard cyber threat indicators containing personal information or information that identifies specific persons from unauthorized access or acquisition, including appropriate sanctions for activities by officers, employees, or agents of the Federal Government in contravention of such guidelines;

(D) include procedures for notifying entities and Federal entities if information received pursuant to this section is known or determined by a Federal entity receiving such information not to constitute a cyber threat indicator;

(E) protect the confidentiality of cyber threat indicators containing personal information or information that identifies specific persons to the greatest extent practicable and require recipients to be informed that such indicators may only be used for purposes authorized under this title; and

(F) include steps that may be needed so that dissemination of cyber threat indicators is consistent with the protection of classified and other sensitive national security information.

(c) CAPABILITY AND PROCESS WITHIN THE DEPARTMENT OF HOMELAND SECURITY.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security, in coordination with the heads of the appropriate Federal entities, shall develop and implement a capability and process within the Department of Homeland Security that—

(A) shall accept from any entity in real time cyber threat indicators and defensive measures, pursuant to this section;

(B) shall, upon submittal of the certification under paragraph (2) that such capability and process fully and effectively operates as described in such paragraph, be the process by which the Federal Government receives cyber threat indicators and defensive measures under this title that are shared by a private entity with the Federal Government through electronic mail or media, an interactive form on an Internet website, or a real time, automated process between information systems except—

(i) consistent with section 104, communications between a Federal entity and a private entity regarding a previously shared cyber threat indicator to describe the relevant cybersecurity threat or develop a defensive measure based on such cyber threat indicator; and

(ii) communications by a regulated entity with such entity's Federal regulatory authority regarding a cybersecurity threat;

(C) ensures that all of the appropriate Federal entities receive in an automated manner such cyber threat indicators shared through the real-time process within the Department of Homeland Security;

(D) is in compliance with the policies, procedures, and guidelines required by this section; and

(E) does not limit or prohibit otherwise lawful disclosures of communications, records, or other information, including—

(i) reporting of known or suspected criminal activity, by an entity to any other entity or a Federal entity;

(ii) voluntary or legally compelled participation in a Federal investigation; and

(iii) providing cyber threat indicators or defensive measures as part of a statutory or authorized contractual requirement.

(2) CERTIFICATION.—Not later than 10 days prior to the implementation of the capability and process required by paragraph (1), the Secretary of Homeland Security shall, in consultation with the heads of the appropriate Federal entities, certify to Congress whether such capability and process fully and effectively operates—

(A) as the process by which the Federal Government receives from any entity a cyber threat indicator or defensive measure under this title; and

(B) in accordance with the policies, procedures, and guidelines developed under this section.

(3) PUBLIC NOTICE AND ACCESS.—The Secretary of Homeland Security shall ensure there is public notice of, and access to, the capability and process developed and implemented under paragraph (1) so that—

(A) any entity may share cyber threat indicators and defensive measures through such process with the Federal Government; and

(B) all of the appropriate Federal entities receive such cyber threat indicators and defensive measures in real time with receipt through the process within the Department of Homeland Security.

(4) OTHER FEDERAL ENTITIES.—The process developed and implemented under paragraph (1) shall ensure that other Federal entities receive in a timely manner any cyber threat indicators and defensive measures shared with the Federal Government through such process.

(5) REPORT ON DEVELOPMENT AND IMPLEMENTATION.—

(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report on the development and implementation of the capability and process required by paragraph (1), including a description of such capability and process and the public notice of, and access to, such process.

(B) CLASSIFIED ANNEX.—The report required by subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(d) INFORMATION SHARED WITH OR PROVIDED TO THE FEDERAL GOVERNMENT.—

(1) NO WAIVER OF PRIVILEGE OR PROTECTION.—The provision of cyber threat indicators and defensive measures to the Federal Government under this title shall not constitute a waiver of any applicable privilege or protection provided by law, including trade secret protection.

(2) PROPRIETARY INFORMATION.—Consistent with section 104(c)(2), a cyber threat indicator or defensive measure provided by an entity to the Federal Government under this title shall be considered the commercial, financial, and proprietary information of such entity when so designated by the originating entity or a third party acting in accordance with the written authorization of the originating entity.

(3) EXEMPTION FROM DISCLOSURE.—Cyber threat indicators and defensive measures provided to the Federal Government under this title shall be—

(A) deemed voluntarily shared information and exempt from disclosure under section 552 of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records; and

(B) withheld, without discretion, from the public under section 552(b)(3)(B) of title 5, United States Code, and any State, tribal, or local provision of law requiring disclosure of information or records.

(4) EX PARTE COMMUNICATIONS.—The provision of a cyber threat indicator or defensive measure to the Federal Government under this title shall not be subject to a rule of any Federal agency or department or any judicial doctrine regarding ex parte communications with a decision-making official.

(5) DISCLOSURE, RETENTION, AND USE.—

(A) AUTHORIZED ACTIVITIES.—Cyber threat indicators and defensive measures provided to the Federal Government under this title may be disclosed to, retained by, and used by, consistent with otherwise applicable provisions of Federal law, any Federal agency or department, component, officer, employee, or agent of the Federal Government solely for—

(i) a cybersecurity purpose;

(ii) the purpose of identifying a cybersecurity threat, including the source of such cybersecurity threat, or a security vulnerability;

(iii) the purpose of identifying a cybersecurity threat involving the use of an information system by a foreign adversary or terrorist;

(iv) the purpose of responding to, or otherwise preventing or mitigating, an imminent threat of death, serious bodily harm, or serious economic harm, including a terrorist act or a use of a weapon of mass destruction;

(v) the purpose of responding to, or otherwise preventing or mitigating, a serious threat to a minor, including sexual exploitation and threats to physical safety; or

(vi) the purpose of preventing, investigating, disrupting, or prosecuting an offense arising out of a threat described in clause (iv) or any of the offenses listed in—

(I) sections 1028 through 1030 of title 18, United States Code (relating to fraud and identity theft);

(II) chapter 37 of such title (relating to espionage and censorship); and

(III) chapter 90 of such title (relating to protection of trade secrets).

(B) PROHIBITED ACTIVITIES.—Cyber threat indicators and defensive measures provided to the Federal Government under this title shall not be disclosed to, retained by, or used by any Federal agency or department for any use not permitted under subparagraph (A).

(C) PRIVACY AND CIVIL LIBERTIES.—Cyber threat indicators and defensive measures provided to the Federal Government under this title shall be retained, used, and disseminated by the Federal Government—

(i) in accordance with the policies, procedures, and guidelines required by subsections (a) and (b);

(ii) in a manner that protects from unauthorized use or disclosure any cyber threat indicators that may contain personal information or information that identifies specific persons; and

(iii) in a manner that protects the confidentiality of cyber threat indicators containing personal information or information that identifies a specific person.

(D) FEDERAL REGULATORY AUTHORITY.—

(i) IN GENERAL.—Except as provided in clause (ii), cyber threat indicators and defensive measures provided to the Federal Government under this title shall not be directly used by any Federal, State, tribal, or local government to regulate, including an enforcement action, the lawful activities of any entity, including activities relating to monitoring, operating defensive measures, or sharing cyber threat indicators.

(ii) EXCEPTIONS.—

(I) REGULATORY AUTHORITY SPECIFICALLY RELATING TO PREVENTION OR MITIGATION OF CYBERSECURITY THREATS.—Cyber threat indicators and defensive measures provided to the Federal Government under this title may, consistent with Federal or State regulatory authority specifically relating to the prevention or mitigation of cybersecurity threats to information systems, inform the development or implementation of regulations relating to such information systems.

(II) PROCEDURES DEVELOPED AND IMPLEMENTED UNDER THIS TITLE.—Clause (i) shall not apply to procedures developed and implemented under this title.

SEC. 106. PROTECTION FROM LIABILITY.

(a) MONITORING OF INFORMATION SYSTEMS.—No cause of action shall lie or be maintained in any court against any private entity, and such action shall be promptly dismissed, for the monitoring of information systems and information under section 104(a) that is conducted in accordance with this title.

(b) SHARING OR RECEIPT OF CYBER THREAT INDICATORS.—No cause of action shall lie or be maintained in any court against any entity, and such action shall be promptly dismissed, for the sharing or receipt of cyber threat indicators or defensive measures under section 104(c) if—

(1) such sharing or receipt is conducted in accordance with this title; and

(2) in a case in which a cyber threat indicator or defensive measure is shared with the Federal Government, the cyber threat indicator or defensive measure is shared in a manner that is consistent with section 105(c)(1)(B) and the sharing or receipt, as the case may be, occurs after the earlier of—

(A) the date on which the interim policies and procedures are submitted to Congress under section 105(a)(1) and guidelines are submitted to Congress under section 105(b)(1); or

(B) the date that is 60 days after the date of the enactment of this Act.

(c) CONSTRUCTION.—Nothing in this section shall be construed—

(1) to require dismissal of a cause of action against an entity that has engaged in gross negligence or willful misconduct in the course of conducting activities authorized by this title; or

(2) to undermine or limit the availability of otherwise applicable common law or statutory defenses.

SEC. 107. OVERSIGHT OF GOVERNMENT ACTIVITIES.

(a) BIENNIAL REPORT ON IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and not less frequently than once every 2 years thereafter, the heads of the appropriate Federal entities shall jointly submit and the Inspector General of the Department of Homeland Security, the Inspector General of the Intelligence Community, the Inspector General of the Department of Justice, the Inspector General of the Department of Defense, and the Inspector General of the Department of Energy, in consultation with the Council of Inspectors General on Financial Oversight, shall jointly submit to Congress a detailed report concerning the implementation of this title during—

(A) in the case of the first report submitted under this paragraph, the most recent 1-year period; and

(B) in the case of any subsequent report submitted under this paragraph, the most recent 2-year period.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include, for the period covered by the report, the following:

(A) An assessment of the sufficiency of the policies, procedures, and guidelines required by section 105 in ensuring that cyber threat indicators are shared effectively and responsibly within the Federal Government.

(B) An evaluation of the effectiveness of real-time information sharing through the capability and process developed under section 105(c), including any impediments to such real-time sharing.

(C) An assessment of the sufficiency of the procedures developed under section 103 in ensuring that cyber threat indicators in the possession of the Federal Government are shared in a timely and adequate manner with appropriate entities, or, if appropriate, are made publicly available.

(D) An assessment of whether cyber threat indicators have been properly classified and an accounting of the number of security clearances authorized by the Federal Government for the purposes of this title.

(E) A review of the type of cyber threat indicators shared with the appropriate Federal entities under this title, including the following:

(i) The number of cyber threat indicators received through the capability and process developed under section 105(c).

(ii) The number of times that information shared under this title was used by a Federal entity to prosecute an offense consistent with section 105(d)(5)(A).

(iii) The degree to which such information may affect the privacy and civil liberties of specific persons.

(iv) A quantitative and qualitative assessment of the effect of the sharing of such cyber threat indicators with the Federal Government on privacy and civil liberties of specific persons, including the number of notices that were issued with respect to a failure to remove personal information or information that identified a specific person not directly related to a cybersecurity threat in accordance with the procedures required by section 105(b)(3)(D).

(v) The adequacy of any steps taken by the Federal Government to reduce such effect.

(F) A review of actions taken by the Federal Government based on cyber threat indicators shared with the Federal Government under this title, including the appropriateness of any subsequent use or dissemination of such cyber threat indicators by a Federal entity under section 105.

(G) A description of any significant violations of the requirements of this title by the Federal Government.

(H) A summary of the number and type of entities that received classified cyber threat indicators from the Federal Government under this title and an evaluation of the risks and benefits of sharing such cyber threat indicators.

(3) RECOMMENDATIONS.—Each report submitted under paragraph (1) may include recommendations for improvements or modifications to the authorities and processes under this title.

(4) FORM OF REPORT.—Each report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) REPORTS ON PRIVACY AND CIVIL LIBERTIES.—

(1) BIENNIAL REPORT FROM PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.—Not later than 2 years after the date of the enactment of this Act and not less frequently than once every 2 years thereafter, the Privacy and Civil Liberties Oversight Board shall submit to Congress and the President a report providing—

(A) an assessment of the effect on privacy and civil liberties by the type of activities carried out under this title; and

(B) an assessment of the sufficiency of the policies, procedures, and guidelines established pursuant to section 105 in addressing concerns relating to privacy and civil liberties.

(2) BIENNIAL REPORT OF INSPECTORS GENERAL.—

(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act and not less frequently than once every 2 years thereafter, the Inspector General of the Department of Homeland Security, the Inspector General of the Intelligence Community, the Inspector General of the Department of Justice, the Inspector General of the Department of Defense, and the Inspector General of the Department of Energy shall, in consultation with the Council of Inspectors General on Financial Oversight, jointly submit to Congress a report on the receipt, use, and dissemination of cyber threat indicators and defensive measures that have been shared with Federal entities under this title.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include the following:

(i) A review of the types of cyber threat indicators shared with Federal entities.

(ii) A review of the actions taken by Federal entities as a result of the receipt of such cyber threat indicators.

(iii) A list of Federal entities receiving such cyber threat indicators.

(iv) A review of the sharing of such cyber threat indicators among Federal entities to identify inappropriate barriers to sharing information.

(3) RECOMMENDATIONS.—Each report submitted under this subsection may include such recommendations as the Privacy and Civil Liberties Oversight Board, with respect to a report submitted under paragraph (1), or the Inspectors General referred to in paragraph (2)(A), with respect to a report submitted under paragraph (2), may have for improvements or modifications to the authorities under this title.

(4) FORM.—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex.

SEC. 108. CONSTRUCTION AND PREEMPTION.

(a) OTHERWISE LAWFUL DISCLOSURES.—Nothing in this title shall be construed—

(1) to limit or prohibit otherwise lawful disclosures of communications, records, or other information, including reporting of known or suspected criminal activity, by an entity to any other entity or the Federal Government under this title; or

(2) to limit or prohibit otherwise lawful use of such disclosures by any Federal entity, even when such otherwise lawful disclosures duplicate or replicate disclosures made under this title.

(b) WHISTLE BLOWER PROTECTIONS.—Nothing in this title shall be construed to prohibit or limit the disclosure of information protected under section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats), section 7211 of title 5, United States Code (governing disclosures to Congress), section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military), section 1104 of the National Security Act of 1947 (50 U.S.C. 3234) (governing disclosure by employees of elements of the intelligence community), or any similar provision of Federal or State law.

(c) PROTECTION OF SOURCES AND METHODS.—Nothing in this title shall be construed—

(1) as creating any immunity against, or otherwise affecting, any action brought by the Federal Government, or any agency or department thereof, to enforce any law, executive order, or procedure governing the appropriate handling, disclosure, or use of classified information;

(2) to affect the conduct of authorized law enforcement or intelligence activities; or

(3) to modify the authority of a department or agency of the Federal Government to protect classified information and sources and methods and the national security of the United States.

(d) RELATIONSHIP TO OTHER LAWS.—Nothing in this title shall be construed to affect any requirement under any other provision of law for an entity to provide information to the Federal Government.

(e) PROHIBITED CONDUCT.—Nothing in this title shall be construed to permit price-fixing, allocating a market between competitors, monopolizing or attempting to monopolize a market, boycotting, or exchanges of price or cost information, customer lists, or information regarding future competitive planning.

(f) INFORMATION SHARING RELATIONSHIPS.—Nothing in this title shall be construed—

(1) to limit or modify an existing information sharing relationship;

(2) to prohibit a new information sharing relationship;

(3) to require a new information sharing relationship between any entity and another entity or a Federal entity; or

(4) to require the use of the capability and process within the Department of Homeland Security developed under section 105(c).

(g) PRESERVATION OF CONTRACTUAL OBLIGATIONS AND RIGHTS.—Nothing in this title shall be construed—

(1) to amend, repeal, or supersede any current or future contractual agreement, terms of service agreement, or other contractual relationship between any entities, or between any entity and a Federal entity; or

(2) to abrogate trade secret or intellectual property rights of any entity or Federal entity.

(h) ANTI-TASKING RESTRICTION.—Nothing in this title shall be construed to permit a Federal entity—

(1) to require an entity to provide information to a Federal entity or another entity;

(2) to condition the sharing of cyber threat indicators with an entity on such entity's provision of cyber threat indicators to a Federal entity or another entity; or

(3) to condition the award of any Federal grant, contract, or purchase on the provision of a cyber threat indicator to a Federal entity or another entity.

(i) NO LIABILITY FOR NON-PARTICIPATION.—Nothing in this title shall be construed to subject any entity to liability for choosing not to engage in the voluntary activities authorized in this title.

(j) USE AND RETENTION OF INFORMATION.—Nothing in this title shall be construed to authorize, or to modify any existing authority of, a department or agency of the Federal Government to retain or use any information shared under this title for any use other than permitted in this title.

(k) FEDERAL PREEMPTION.—

(1) IN GENERAL.—This title supersedes any statute or other provision of law of a State or political subdivision of a State that restricts or otherwise expressly regulates an activity authorized under this title.

(2) STATE LAW ENFORCEMENT.—Nothing in this title shall be construed to supersede any statute or other provision of law of a State or political subdivision of a State concerning the use of authorized law enforcement practices and procedures.

(l) REGULATORY AUTHORITY.—Nothing in this title shall be construed—

(1) to authorize the promulgation of any regulations not specifically authorized by this title;

(2) to establish or limit any regulatory authority not specifically established or limited under this title; or

(3) to authorize regulatory actions that would duplicate or conflict with regulatory requirements, mandatory standards, or related processes under another provision of Federal law.

(m) AUTHORITY OF SECRETARY OF DEFENSE TO RESPOND TO CYBER ATTACKS.—Nothing in this title shall be construed to limit the authority of the Secretary of Defense to develop, prepare, coordinate, or, when authorized by the President to do so, conduct a military cyber operation in response to a malicious cyber activity carried out against the United States or a United States person by a foreign government or an organization sponsored by a foreign government or a terrorist organization.

SEC. 109. REPORT ON CYBERSECURITY THREATS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the heads of other appropriate elements of the intelligence community, shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on cybersecurity threats, including cyber attacks, theft, and data breaches.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the current intelligence sharing and cooperation relationships of the United States with other countries regarding cybersecurity threats, including cyber attacks, theft, and data breaches, directed against the United States and which threaten the United States national security interests and economy and intellectual property, specifically identifying the relative utility of such relationships, which elements of the intelligence community participate in such relationships, and whether and how such relationships could be improved.

(2) A list and an assessment of the countries and nonstate actors that are the primary threats of carrying out a cybersecurity threat, including a cyber attack, theft, or data breach, against the United States and which threaten the United States national security, economy, and intellectual property.

(3) A description of the extent to which the capabilities of the United States Government to respond to or prevent cybersecurity threats, including cyber attacks, theft, or data breaches, directed against the United States private sector are degraded by a delay in the prompt notification by private entities of such threats or cyber attacks, theft, and breaches.

(4) An assessment of additional technologies or capabilities that would enhance the ability of the United States to prevent and to respond to cybersecurity threats, including cyber attacks, theft, and data breaches.

(5) An assessment of any technologies or practices utilized by the private sector that could be rapidly fielded to assist the intelligence community in preventing and responding to cybersecurity threats.

(c) ADDITIONAL REPORT.—At the time the report required by subsection (a) is submitted, the Director of National Intelligence shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report containing the information required by subsection (b)(2).

(d) FORM OF REPORT.—The report required by subsection (a) shall be made available in classified and unclassified forms.

(e) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term ''intelligence community'' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SEC. 110. CONFORMING AMENDMENT.

Section 941(c)(3) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C. 2224 note) is amended by inserting at the end the following: ''The Secretary may share such information with other Federal entities if such information consists of cyber threat indicators and defensive measures and such information is shared consistent with the policies and procedures promulgated by the Attorney General and the Secretary of Homeland Security under section 105 of the Cybersecurity Information Sharing Act of 2015.''.

TITLE II—FEDERAL CYBERSECURITY ENHANCEMENT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Federal Cybersecurity Enhancement Act of 2015''.

SEC. 202. DEFINITIONS.

In this title—

(1) the term ''agency'' has the meaning given the term in section 3502 of title 44, United States Code;

(2) the term ''agency information system'' has the meaning given the term in section 228 of the Homeland Security Act of 2002, as added by section 203(a);

(3) the term ''appropriate congressional committees'' means—

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

(B) the Committee on Homeland Security of the House of Representatives;

(4) the terms ''cybersecurity risk'' and ''information system'' have the meanings given those terms in section 227 of the Homeland Security Act of 2002, as so redesignated by section 203(a);

(5) the term ''Director'' means the Director of the Office of Management and Budget;

(6) the term ''intelligence community'' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)); and

(7) the term ''Secretary'' means the Secretary of Homeland Security.

SEC. 203. IMPROVED FEDERAL NETWORK SECURITY.

(a) IN GENERAL.—Subtitle C of title II of the Homeland Security Act of 2002 (6 U.S.C. 141 et seq.) is amended—

(1) by redesignating section 228 as section 229;

(2) by redesignating section 227 as subsection (c) of section 228, as added by paragraph (4), and adjusting the margins accordingly;

(3) by redesignating the second section designated as section 226 (relating to the national cybersecurity and communications integration center) as section 227;

(4) by inserting after section 227, as so redesignated, the following:

''SEC. 228. CYBERSECURITY PLANS.

''(a) DEFINITIONS.—In this section—

''(1) the term 'agency information system' means an information system used or operated by an agency or by another entity on behalf of an agency;

''(2) the terms 'cybersecurity risk' and 'information system' have the meanings given those terms in section 227; and

''(3) the term 'intelligence community' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

''(b) INTRUSION ASSESSMENT PLAN.—

''(1) REQUIREMENT.—The Secretary, in coordination with the Director of the Office of Management and Budget, shall develop and implement an intrusion assessment plan to identify and remove intruders in agency information systems.

''(2) EXCEPTION.—The intrusion assessment plan required under paragraph (1) shall not apply to the Department of Defense, a national security system, or an element of the intelligence community.'';

(5) in section 228(c), as so redesignated, by striking ''section 226'' and inserting ''section 227''; and

(6) by inserting after section 229, as so redesignated, the following:

''SEC. 230. FEDERAL INTRUSION DETECTION AND PREVENTION SYSTEM.

''(a) DEFINITIONS.—In this section—

''(1) the term 'agency' has the meaning given that term in section 3502 of title 44, United States Code;

''(2) the term 'agency information' means information collected or maintained by or on behalf of an agency;

''(3) the term 'agency information system' has the meaning given the term in section 228; and

''(4) the terms 'cybersecurity risk' and 'information system' have the meanings given those terms in section 227.

''(b) REQUIREMENT.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall deploy, operate, and maintain, to make available for use by any agency, with or without reimbursement—

''(A) a capability to detect cybersecurity risks in network traffic transiting or traveling to or from an agency information system; and

''(B) a capability to prevent network traffic associated with such cybersecurity risks from transiting or traveling to or from an agency information system or modify such network traffic to remove the cybersecurity risk.

''(2) REGULAR IMPROVEMENT.—The Secretary shall regularly deploy new technologies and modify existing technologies to the intrusion detection and prevention capabilities described in paragraph (1) as appropriate to improve the intrusion detection and prevention capabilities.

''(c) ACTIVITIES.—In carrying out subsection (b), the Secretary—

''(1) may access, and the head of an agency may disclose to the Secretary or a private entity providing assistance to the Secretary under paragraph (2), information transiting or traveling to or from an agency information system, regardless of the location from which the Secretary or a private entity providing assistance to the Secretary under paragraph (2) accesses such information, notwithstanding any other provision of law that would otherwise restrict or prevent the head of an agency from disclosing such information to the Secretary or a private entity providing assistance to the Secretary under paragraph (2);

''(2) may enter into contracts or other agreements with, or otherwise request and obtain the assistance of, private entities to deploy and operate technologies in accordance with subsection (b);

''(3) may retain, use, and disclose information obtained through the conduct of activities authorized under this section only to protect information and information systems from cybersecurity risks;

''(4) shall regularly assess through operational test and evaluation in real world or simulated environments available advanced protective technologies to improve detection and prevention capabilities, including commercial and non-commercial technologies and detection technologies beyond signature-based detection, and utilize such technologies when appropriate;

''(5) shall establish a pilot to acquire, test, and deploy, as rapidly as possible, technologies described in paragraph (4);

''(6) shall periodically update the privacy impact assessment required under section 208(b) of the E-Government Act of 2002 (44 U.S.C. 3501 note); and

''(7) shall ensure that—

''(A) activities carried out under this section are reasonably necessary for the purpose of protecting agency information and agency information systems from a cybersecurity risk;

''(B) information accessed by the Secretary will be retained no longer than reasonably necessary for the purpose of protecting agency information and agency information systems from a cybersecurity risk;

''(C) notice has been provided to users of an agency information system concerning access to communications of users of the agency information system for the purpose of protecting agency information and the agency information system; and

''(D) the activities are implemented pursuant to policies and procedures governing the operation of the intrusion detection and prevention capabilities.

''(d) PRIVATE ENTITIES.—

''(1) CONDITIONS.—A private entity described in subsection (c)(2) may not—

''(A) disclose any network traffic transiting or traveling to or from an agency information system to any entity without the consent of the Department or the agency that disclosed the information under subsection (c)(1); or

''(B) use any network traffic transiting or traveling to or from an agency information system to which the private entity gains access in accordance with this section for any purpose other than to protect agency information and agency information systems against cybersecurity risks or to administer a contract or other agreement entered into pursuant to subsection (c)(2) or as part of another contract with the Secretary.

''(2) LIMITATION ON LIABILITY.—No cause of action shall lie in any court against a private entity for assistance provided to the Secretary in accordance with this section and any contract or agreement entered into pursuant to subsection (c)(2).

''(3) RULE OF CONSTRUCTION.—Nothing in paragraph (2) shall be construed to authorize an Internet service provider to break a user agreement with a customer without the consent of the customer.

''(e) ATTORNEY GENERAL REVIEW.—Not later than 1 year after the date of enactment of this section, the Attorney General shall review the policies and guidelines for the program carried out under this section to ensure that the policies and guidelines are consistent with applicable law governing the acquisition, interception, retention, use, and disclosure of communications.''.

(b) PRIORITIZING ADVANCED SECURITY TOOLS.—The Director and the Secretary, in consultation with appropriate agencies, shall—

(1) review and update governmentwide policies and programs to ensure appropriate prioritization and use of network security monitoring tools within agency networks; and

(2) brief appropriate congressional committees on such prioritization and use.

(c) AGENCY RESPONSIBILITIES.—

(1) IN GENERAL.—Except as provided in paragraph (2)—

(A) not later than 1 year after the date of enactment of this Act or 2 months after the date on which the Secretary makes available the intrusion detection and prevention capabilities under section 230(b)(1) of the Homeland Security Act of 2002, as added by subsection (a), whichever is later, the head of each agency shall apply and continue to utilize the capabilities to all information traveling between an agency information system and any information system other than an agency information system; and

(B) not later than 6 months after the date on which the Secretary makes available improvements to the intrusion detection and prevention capabilities pursuant to section 230(b)(2) of the Homeland Security Act of 2002, as added by subsection (a), the head of each agency shall apply and continue to utilize the improved intrusion detection and prevention capabilities.

(2) EXCEPTION.—The requirements under paragraph (1) shall not apply to the Department of Defense, a national security system, or an element of the intelligence community.

(3) DEFINITION.—Notwithstanding section 202, in this subsection, the term ''agency information system'' means an information system owned or operated by an agency.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit an agency from applying the intrusion detection and prevention capabilities under section 230(b)(1) of the Homeland Security Act

of 2002, as added by subsection (a), at the discretion of the head of the agency or as provided in relevant policies, directives, and guidelines.

(d) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by striking the items relating to the first section designated as section 226, the second section designated as section 226 (relating to the national cybersecurity and communications integration center), section 227, and section 228 and inserting the following:

''Sec. 226. Cybersecurity recruitment and retention.
''Sec. 227. National cybersecurity and communications integration center.
''Sec. 228. Cybersecurity plans.
''Sec. 229. Clearances.
''Sec. 230. Federal intrusion detection and prevention system.''.

SEC. 204. ADVANCED INTERNAL DEFENSES.

(a) ADVANCED NETWORK SECURITY TOOLS.—

(1) IN GENERAL.—The Secretary shall include in the Continuous Diagnostics and Mitigation Program advanced network security tools to improve visibility of network activity, including through the use of commercial and free or open source tools, to detect and mitigate intrusions and anomalous activity.

(2) DEVELOPMENT OF PLAN.—The Director shall develop and implement a plan to ensure that each agency utilizes advanced network security tools, including those described in paragraph (1), to detect and mitigate intrusions and anomalous activity.

(b) IMPROVED METRICS.—The Secretary, in collaboration with the Director, shall review and update the metrics used to measure security under section 3554 of title 44, United States Code, to include measures of intrusion and incident detection and response times.

(c) TRANSPARENCY AND ACCOUNTABILITY.—The Director, in consultation with the Secretary, shall increase transparency to the public on agency cybersecurity posture, including by increasing the number of metrics available on Federal Government performance websites and, to the greatest extent practicable, displaying metrics for department components, small agencies, and micro agencies.

(d) MAINTENANCE OF TECHNOLOGIES.—Section 3553(b)(6)(B) of title 44, United States Code, is amended by inserting '', operating, and maintaining'' after ''deploying''.

(e) EXCEPTION.—The requirements under this section shall not apply to the Department of Defense, a national security system, or an element of the intelligence community.

SEC. 205. FEDERAL CYBERSECURITY REQUIREMENTS.

(a) IMPLEMENTATION OF FEDERAL CYBERSECURITY STANDARDS.—Consistent with section 3553 of title 44, United States Code, the Secretary, in consultation with the Director, shall exercise the authority to issue binding operational directives to assist the Director in ensuring timely agency adoption of and compliance with policies and standards promulgated under section 11331 of title 40, United States Code, for securing agency information systems.

(b) CYBERSECURITY REQUIREMENTS AT AGENCIES.—

(1) IN GENERAL.—Consistent with policies, standards, guidelines, and directives on information security under subchapter II of chapter 35 of title 44, United States Code, and the standards and guidelines promulgated under section 11331 of title 40, United States Code, and except as provided in paragraph (2), not later than 1 year after the date of the enactment of this Act, the head of each agency shall—

(A) identify sensitive and mission critical data stored by the agency consistent with the inventory required under the first subsection (c) (relating to the inventory of major information systems) and the second subsection (c) (relating to the inventory of information systems) of section 3505 of title 44, United States Code;

(B) assess access controls to the data described in subparagraph (A), the need for readily accessible storage of the data, and individuals' need to access the data;

(C) encrypt or otherwise render indecipherable to unauthorized users the data described in subparagraph (A) that is stored on or transiting agency information systems;

(D) implement a single sign-on trusted identity platform for individuals accessing each public website of the agency that requires user authentication, as developed by the Administrator of General Services in collaboration with the Secretary; and

(E) implement identity management consistent with section 504 of the Cybersecurity Enhancement Act of 2014 (Public Law 113–274; 15 U.S.C. 7464), including multi-factor authentication, for—

(i) remote access to an agency information system; and

(ii) each user account with elevated privileges on an agency information system.

(2) EXCEPTION.—The requirements under paragraph (1) shall not apply to an agency information system for which—

(A) the head of the agency has personally certified to the Director with particularity that—

(i) operational requirements articulated in the certification and related to the agency information system would make it excessively burdensome to implement the cybersecurity requirement;

(ii) the cybersecurity requirement is not necessary to secure the agency information system or agency information stored on or transiting it; and

(iii) the agency has all taken necessary steps to secure the agency information system and agency information stored on or transiting it; and

(B) the head of the agency or the designee of the head of the agency has submitted the certification described in subparagraph (A) to the appropriate congressional committees and the agency's authorizing committees.

(3) CONSTRUCTION.—Nothing in this section shall be construed to alter the authority of the Secretary, the Director, or the Director of the National Institute of Standards and Technology in implementing subchapter II of chapter 35 of title 44, United States Code. Nothing in this section shall be construed to affect the National Institute of Standards and Technology standards process or the requirement under section 3553(a)(4) of such title or to discourage continued improvements and advancements in the technology, standards, policies, and guidelines used to promote Federal information security.

(c) EXCEPTION.—The requirements under this section shall not apply to the Department of Defense, a national security system, or an element of the intelligence community.

SEC. 206. ASSESSMENT; REPORTS.

(a) DEFINITIONS.—In this section—

(1) the term ''intrusion assessments'' means actions taken under the intrusion assessment plan to identify and remove intruders in agency information systems;

(2) the term ''intrusion assessment plan'' means the plan required under section 228(b)(1) of the Homeland Security Act of 2002, as added by section 203(a) of this Act; and

(3) the term ''intrusion detection and prevention capabilities'' means the capabilities required under section 230(b) of the Homeland Security Act of 2002, as added by section 203(a) of this Act.

(b) THIRD PARTY ASSESSMENT.—Not later than 3 years after the date of enactment of this Act, the Government Accountability Office shall conduct a study and publish a report on the effectiveness of the approach and strategy of the Federal Government to securing agency information systems, including the intrusion detection and prevention capabilities and the intrusion assessment plan.

(c) REPORTS TO CONGRESS.—

(1) INTRUSION DETECTION AND PREVENTION CAPABILITIES.—

(A) SECRETARY OF HOMELAND SECURITY REPORT.—Not later than 6 months after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the appropriate congressional committees a report on the status of implementation of the intrusion detection and prevention capabilities, including—

(i) a description of privacy controls;

(ii) a description of the technologies and capabilities utilized to detect cybersecurity risks in network traffic, including the extent to which those technologies and capabilities include existing commercial and non-commercial technologies;

(iii) a description of the technologies and capabilities utilized to prevent network traffic associated with cybersecurity risks from transiting or traveling to or from agency information systems, including the extent to which those technologies and capabilities include existing commercial and non-commercial technologies;

(iv) a list of the types of indicators or other identifiers or techniques used to detect cybersecurity risks in network traffic transiting or traveling to or from agency information systems on each iteration of the intrusion detection and prevention capabilities and the number of each such type of indicator, identifier, and technique;

(v) the number of instances in which the intrusion detection and prevention capabilities detected a cybersecurity risk in network traffic transiting or traveling to or from agency information systems and the number of times the intrusion detection and prevention capabilities blocked network traffic associated with cybersecurity risk; and

(vi) a description of the pilot established under section 230(c)(5) of the Homeland Security Act of 2002, as added by section 203(a) of this Act, including the number of new technologies tested and the number of participating agencies.

(B) OMB REPORT.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Director shall submit to Congress, as part of the report required under section 3553(c) of title 44, United States Code, an analysis of agency application of the intrusion detection and prevention capabilities, including—

(i) a list of each agency and the degree to which each agency has applied the intrusion detection and prevention capabilities to an agency information system; and

(ii) a list by agency of—

(I) the number of instances in which the intrusion detection and prevention capabilities detected a cybersecurity risk in network traffic transiting or traveling to or from an agency information system and the types of indicators, identifiers, and techniques used to detect such cybersecurity risks; and

(II) the number of instances in which the intrusion detection and prevention capabilities prevented network traffic associated with a cybersecurity risk from transiting or traveling to or from an agency information

system and the types of indicators, identifiers, and techniques used to detect such agency information systems.

(2) OMB REPORT ON DEVELOPMENT AND IMPLEMENTATION OF INTRUSION ASSESSMENT PLAN, ADVANCED INTERNAL DEFENSES, AND FEDERAL CYBERSECURITY BEST PRACTICES.—The Director shall—

(A) not later than 6 months after the date of enactment of this Act, and 30 days after any update thereto, submit the intrusion assessment plan to the appropriate congressional committees;

(B) not later than 1 year after the date of enactment of this Act, and annually thereafter, submit to Congress, as part of the report required under section 3553(c) of title 44, United States Code—

(i) a description of the implementation of the intrusion assessment plan;

(ii) the findings of the intrusion assessments conducted pursuant to the intrusion assessment plan;

(iii) advanced network security tools included in the Continuous Diagnostics and Mitigation Program pursuant to section 204(a)(1);

(iv) the results of the assessment of the Secretary of best practices for Federal cybersecurity pursuant to section 205(a); and

(v) a list by agency of compliance with the requirements of section 205(b); and

(C) not later than 1 year after the date of enactment of this Act, submit to the appropriate congressional committees—

(i) a copy of the plan developed pursuant to section 204(a)(2); and

(ii) the improved metrics developed pursuant to section 204(b).

SEC. 207. TERMINATION.

(a) IN GENERAL.—The authority provided under section 230 of the Homeland Security Act of 2002, as added by section 203(a) of this Act, and the reporting requirements under section 206(c) shall terminate on the date that is 7 years after the date of enactment of this Act.

(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to affect the limitation of liability of a private entity for assistance provided to the Secretary under section 230(d)(2) of the Homeland Security Act of 2002, as added by section 203(a) of this Act, if such assistance was rendered before the termination date under subsection (a) or otherwise during a period in which the assistance was authorized.

SEC. 208. IDENTIFICATION OF INFORMATION SYSTEMS RELATING TO NATIONAL SECURITY.

(a) IN GENERAL.—Except as provided in subsection (c), not later than 180 days after the date of enactment of this Act—

(1) the Director of National Intelligence, in coordination with the heads of other agencies, shall—

(A) identify all unclassified information systems that provide access to information that may provide an adversary with the ability to derive information that would otherwise be considered classified;

(B) assess the risks that would result from the breach of each unclassified information system identified in subparagraph (A); and

(C) assess the cost and impact on the mission carried out by each agency that owns an unclassified information system identified in subparagraph (A) if the system were to be subsequently designated as a national security system, as defined in section 11103 of title 40, United States Code; and

(2) the Director of National Intelligence shall submit to the appropriate congressional committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report that includes the findings under paragraph (1).

(b) FORM.—The report submitted under subsection (a)(2) shall be in unclassified form, and shall include a classified annex.

(c) EXCEPTION.—The requirements under subsection (a)(1) shall not apply to the Department of Defense, a national security system, or an element of the intelligence community.

SEC. 209. DIRECTION TO AGENCIES.

(a) IN GENERAL.—Section 3553 of title 44, United States Code, is amended by adding at the end the following:

''(h) DIRECTION TO AGENCIES.—

''(1) AUTHORITY.—

''(A) IN GENERAL.—Subject to subparagraph (B), in response to a known or reasonably suspected information security threat, vulnerability, or incident that represents a substantial threat to the information security of an agency, the Secretary may issue an emergency directive to the head of an agency to take any lawful action with respect to the operation of the information system, including such systems owned or operated by another entity on behalf of an agency, that collects, processes, stores, transmits, disseminates, or otherwise maintains agency information, for the purpose of protecting the information system from, or mitigating, an information security threat.

''(B) EXCEPTION.—The authorities of the Secretary under this subsection shall not apply to a system described subsection (d) or to a system described in paragraph (2) or (3) of subsection (e).

''(2) PROCEDURES FOR USE OF AUTHORITY.—The Secretary shall—

''(A) in coordination with the Director, establish procedures governing the circumstances under which a directive may be issued under this subsection, which shall include—

''(i) thresholds and other criteria;

''(ii) privacy and civil liberties protections; and

''(iii) providing notice to potentially affected third parties;

''(B) specify the reasons for the required action and the duration of the directive;

''(C) minimize the impact of a directive under this subsection by—

''(i) adopting the least intrusive means possible under the circumstances to secure the agency information systems; and

''(ii) limiting directives to the shortest period practicable;

''(D) notify the Director and the head of any affected agency immediately upon the issuance of a directive under this subsection;

''(E) consult with the Director of the National Institute of Standards and Technology regarding any directive under this subsection that implements standards and guidelines developed by the National Institute of Standards and Technology;

''(F) ensure that directives issued under this subsection do not conflict with the standards and guidelines issued under section 11331 of title 40;

''(G) consider any applicable standards or guidelines developed by the National Institute of Standards and issued by the Secretary of Commerce under section 11331 of title 40; and

''(H) not later than February 1 of each year, submit to the appropriate congressional committees a report regarding the specific actions the Secretary has taken pursuant to paragraph (1)(A).

''(3) IMMINENT THREATS.—

''(A) IN GENERAL.—Notwithstanding section 3554, the Secretary may authorize the use of protective capabilities under the control of the Secretary for communications or other system traffic transiting to or from or stored on an agency information system for the purpose of ensuring the security of the information or information system or other agency information systems, if—

''(i) the Secretary determines there is an imminent threat to agency information systems;

''(ii) the Secretary determines a directive under subsection (b)(2)(C) or paragraph (1)(A) is not reasonably likely to result in a timely response to the threat;

''(iii) the Secretary determines the risk posed by the imminent threat outweighs any adverse consequences reasonably expected to result from the use of protective capabilities under the control of the Secretary;

''(iv) the Secretary provides prior notice to the Director, and the head and chief information officer (or equivalent official) of each agency to which specific actions will be taken pursuant to subparagraph (A), and notifies the appropriate congressional committees and authorizing committees of each such agencies within seven days of taking an action under this subsection of—

''(I) any action taken under this subsection; and

''(II) the reasons for and duration and nature of the action;

''(v) the action of the Secretary is consistent with applicable law; and

''(vi) the Secretary authorizes the use of protective capabilities in accordance with the advance procedures established under subparagraph (C).

''(B) LIMITATION ON DELEGATION.—The authority under this subsection may not be delegated by the Secretary.

''(C) ADVANCE PROCEDURES.—The Secretary shall, in coordination with the Director, and in consultation with the heads of Federal agencies, establish procedures governing the circumstances under which the Secretary may authorize the use of protective capabilities subparagraph (A). The Secretary shall submit the procedures to Congress.

''(4) LIMITATION.—The Secretary may direct or authorize lawful action or protective capability under this subsection only to—

''(A) protect agency information from unauthorized access, use, disclosure, disruption, modification, or destruction; or

''(B) require the remediation of or protect against identified information security risks with respect to—

''(i) information collected or maintained by or on behalf of an agency; or

''(ii) that portion of an information system used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency.

''(i) ANNUAL REPORT TO CONGRESS.—Not later than February 1 of each year, the Director shall submit to the appropriate congressional committees a report regarding the specific actions the Director has taken pursuant to subsection (a)(5), including any actions taken pursuant to section 11303(b)(5) of title 40.

''(j) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

''(1) the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(2) the Committee on Appropriations, the Committee on Homeland Security, the Committee on Oversight and Government Reform, and the Committee on Science, Space, and Technology of the House of Representatives.''.

(b) CONFORMING AMENDMENT.—Section 3554(a)(1)(B) of title 44, United States Code, is amended—

(1) in clause (iii), by striking ''and'' at the end; and

(2) by adding at the end the following:

''(v) emergency directives issued by the Secretary under section 3553(h); and''.

TITLE III—FEDERAL CYBERSECURITY WORKFORCE ASSESSMENT

SEC. 301. SHORT TITLE.

This title may be cited as the ''Federal Cybersecurity Workforce Assessment Act''.

SEC. 302. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

(C) the Select Committee on Intelligence of the Senate;

(D) the Committee on Armed Services in the House of Representatives;

(E) the Committee on Homeland Security of the House of Representatives;

(F) the Committee on Oversight and Government Reform of the House of Representatives; and

(G) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) DIRECTOR.—The term ''Director'' means the Director of the Office of Personnel Management.

(3) ROLES.—The term ''roles'' has the meaning given the term in the National Initiative for Cybersecurity Education's Cybersecurity Workforce Framework.

SEC. 303. NATIONAL CYBERSECURITY WORKFORCE MEASUREMENT INITIATIVE.

(a) IN GENERAL.—The head of each Federal agency shall—

(1) identify all positions within the agency that require the performance of cybersecurity or other cyber-related functions; and

(2) assign the corresponding employment code, which shall be added to the National Initiative for Cybersecurity Education's National Cybersecurity Workforce Framework, in accordance with subsection (b).

(b) EMPLOYMENT CODES.—

(1) PROCEDURES.—

(A) CODING STRUCTURE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce, acting through the National Institute of Standards and Technology, shall update the National Initiative for Cybersecurity Education's Cybersecurity Workforce Framework to include a corresponding coding structure.

(B) IDENTIFICATION OF CIVILIAN CYBER PERSONNEL.—Not later than 9 months after the date of enactment of this Act, the Director, in coordination with the Director of National Intelligence, shall establish procedures to implement the National Initiative for Cybersecurity Education's coding structure to identify all Federal civilian positions that require the performance of information technology, cybersecurity, or other cyber-related functions.

(C) IDENTIFICATION OF NONCIVILIAN CYBER PERSONNEL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Defense shall establish procedures to implement the National Initiative for Cybersecurity Education's coding structure to identify all Federal noncivilian positions that require the performance of information technology, cybersecurity, or other cyber-related functions.

(D) BASELINE ASSESSMENT OF EXISTING CYBERSECURITY WORKFORCE.—Not later than 3 months after the date on which the procedures are developed under subparagraphs (B) and (C), respectively, the head of each Federal agency shall submit to the appropriate congressional committees of jurisdiction a report that identifies—

(i) the percentage of personnel with information technology, cybersecurity, or other cyber-related job functions who currently hold the appropriate industry-recognized certifications as identified in the National Initiative for Cybersecurity Education's Cybersecurity Workforce Framework;

(ii) the level of preparedness of other civilian and non-civilian cyber personnel without existing credentials to take certification exams; and

(iii) a strategy for mitigating any gaps identified in clause (i) or (ii) with the appropriate training and certification for existing personnel.

(E) PROCEDURES FOR ASSIGNING CODES.—Not later than 3 months after the date on which the procedures are developed under subparagraphs (B) and (C), respectively, the head of each Federal agency shall establish procedures—

(i) to identify all encumbered and vacant positions with information technology, cybersecurity, or other cyber-related functions (as defined in the National Initiative for Cybersecurity Education's coding structure); and

(ii) to assign the appropriate employment code to each such position, using agreed standards and definitions.

(2) CODE ASSIGNMENTS.—Not later than 1 year after the date after the procedures are established under paragraph (1)(E), the head of each Federal agency shall complete assignment of the appropriate employment code to each position within the agency with information technology, cybersecurity, or other cyber-related functions.

(c) PROGRESS REPORT.—Not later than 180 days after the date of enactment of this Act, the Director shall submit a progress report on the implementation of this section to the appropriate congressional committees.

SEC. 304. IDENTIFICATION OF CYBER-RELATED ROLES OF CRITICAL NEED.

(a) IN GENERAL.—Beginning not later than 1 year after the date on which the employment codes are assigned to employees pursuant to section 203(b)(2), and annually through 2022, the head of each Federal agency, in consultation with the Director and the Secretary of Homeland Security, shall—

(1) identify information technology, cybersecurity, or other cyber-related roles of critical need in the agency's workforce; and

(2) submit a report to the Director that—

(A) describes the information technology, cybersecurity, or other cyber-related roles identified under paragraph (1); and

(B) substantiates the critical need designations.

(b) GUIDANCE.—The Director shall provide Federal agencies with timely guidance for identifying information technology, cybersecurity, or other cyber-related roles of critical need, including—

(1) current information technology, cybersecurity, and other cyber-related roles with acute skill shortages; and

(2) information technology, cybersecurity, or other cyber-related roles with emerging skill shortages.

(c) CYBERSECURITY NEEDS REPORT.—Not later than 2 years after the date of the enactment of this Act, the Director, in consultation with the Secretary of Homeland Security, shall—

(1) identify critical needs for information technology, cybersecurity, or other cyber-related workforce across all Federal agencies; and

(2) submit a progress report on the implementation of this section to the appropriate congressional committees.

SEC. 305. GOVERNMENT ACCOUNTABILITY OFFICE STATUS REPORTS.

The Comptroller General of the United States shall—

(1) analyze and monitor the implementation of sections 203 and 204; and

(2) not later than 3 years after the date of the enactment of this Act, submit a report to the appropriate congressional committees that describes the status of such implementation.

TITLE IV—OTHER CYBER MATTERS

SEC. 401. STUDY ON MOBILE DEVICE SECURITY.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall—

(1) complete a study on threats relating to the security of the mobile devices of the Federal Government; and

(2) submit an unclassified report to Congress, with a classified annex if necessary, that contains the findings of such study, the recommendations developed under paragraph (3) of subsection (b), the deficiencies, if any, identified under (4) of such subsection, and the plan developed under paragraph (5) of such subsection.

(b) MATTERS STUDIED.—In carrying out the study under subsection (a)(1), the Secretary shall—

(1) assess the evolution of mobile security techniques from a desktop-centric approach, and whether such techniques are adequate to meet current mobile security challenges;

(2) assess the effect such threats may have on the cybersecurity of the information systems and networks of the Federal Government (except for national security systems or the information systems and networks of the Department of Defense and the intelligence community);

(3) develop recommendations for addressing such threats based on industry standards and best practices;

(4) identify any deficiencies in the current authorities of the Secretary that may inhibit the ability of the Secretary to address mobile device security throughout the Federal Government (except for national security systems and the information systems and networks of the Department of Defense and intelligence community); and

(5) develop a plan for accelerated adoption of secure mobile device technology by the Department of Homeland Security.

(c) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term ''intelligence community'' has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SEC. 402. DEPARTMENT OF STATE INTERNATIONAL CYBERSPACE POLICY STRATEGY.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall produce a comprehensive strategy relating to United States international policy with regard to cyberspace.

(b) ELEMENTS.—The strategy required by subsection (a) shall include the following:

(1) A review of actions and activities undertaken by the Secretary of State to date to support the goal of the President's International Strategy for Cyberspace, released in May 2011, to ''work internationally to promote an open, interoperable, secure, and reliable information and communications infrastructure that supports international trade and commerce, strengthens international security, and fosters free expression and innovation.''.

(2) A plan of action to guide the diplomacy of the Secretary of State, with regard to foreign countries, including conducting bilateral and multilateral activities to develop the norms of responsible international behavior in cyberspace, and status review of existing discussions in multilateral fora to obtain agreements on international norms in cyberspace.

(3) A review of the alternative concepts with regard to international norms in cyberspace offered by foreign countries that are prominent actors, including China, Russia, Brazil, and India.

(4) A detailed description of threats to United States national security in cyberspace from foreign countries, state-sponsored actors, and private actors to Federal and private sector infrastructure of the United States, intellectual property in the United States, and the privacy of citizens of the United States.

(5) A review of policy tools available to the President to deter foreign countries, state-sponsored actors, and private actors, including those outlined in Executive Order 13694, released on April 1, 2015.

(6) A review of resources required by the Secretary, including the Office of the Coordinator for Cyber Issues, to conduct activities to build responsible norms of international cyber behavior.

(c) CONSULTATION.—In preparing the strategy required by subsection (a), the Secretary of State shall consult, as appropriate, with other agencies and departments of the United States and the private sector and nongovernmental organizations in the United States with recognized credentials and expertise in foreign policy, national security, and cybersecurity.

(d) FORM OF STRATEGY.—The strategy required by subsection (a) shall be in unclassified form, but may include a classified annex.

(e) AVAILABILITY OF INFORMATION.—The Secretary of State shall—

(1) make the strategy required in subsection (a) available the public; and

(2) brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the strategy, including any material contained in a classified annex.

SEC. 403. APPREHENSION AND PROSECUTION OF INTERNATIONAL CYBER CRIMINALS.

(a) INTERNATIONAL CYBER CRIMINAL DEFINED.—In this section, the term ''international cyber criminal'' means an individual—

(1) who is believed to have committed a cybercrime or intellectual property crime against the interests of the United States or the citizens of the United States; and

(2) for whom—

(A) an arrest warrant has been issued by a judge in the United States; or

(B) an international wanted notice (commonly referred to as a ''Red Notice'') has been circulated by Interpol.

(b) CONSULTATIONS FOR NONCOOPERATION.—The Secretary of State, or designee, shall consult with the appropriate government official of each country from which extradition is not likely, due to the lack of an extradition treaty with the United States or other reasons, in which one or more international cyber criminals are physically present to determine what actions the government of such country has taken—

(1) to apprehend and prosecute such criminals; and

(2) to prevent such criminals from carrying out cybercrimes or intellectual property crimes against the interests of the United States or its citizens.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—The Secretary of State shall submit to the appropriate congressional committees an annual report that includes—

(A) the number of international cyber criminals located in other countries, disaggregated by country, and indicating from which countries extradition is not likely due to the lack of an extradition treaty with the United States or other reasons;

(B) the nature and number of significant discussions by an official of the Department of State on ways to thwart or prosecute international cyber criminals with an official of another country, including the name of each such country; and

(C) for each international cyber criminal who was extradited to the United States during the most recently completed calendar year—

(i) his or her name;

(ii) the crimes for which he or she was charged;

(iii) his or her previous country of residence; and

(iv) the country from which he or she was extradited into the United States.

(2) FORM.—The report required by this subsection shall be in unclassified form to the maximum extent possible, but may include a classified annex.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, the Committee on Banking, Housing, and Urban Affairs, the Select Committee on Intelligence, and the Committee on the Judiciary of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Homeland Security, the Committee on Financial Services, the Permanent Select Committee on Intelligence, and the Committee on the Judiciary of the House of Representatives.

SEC. 404. ENHANCEMENT OF EMERGENCY SERVICES.

(a) COLLECTION OF DATA.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the National Cybersecurity and Communications Integration Center, in coordination with appropriate Federal entities and the Director for Emergency Communications, shall establish a process by which a Statewide Interoperability Coordinator may report data on any cybersecurity risk or incident involving any information system or network used by emergency response providers (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) within the State.

(b) ANALYSIS OF DATA.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Director of the National Cybersecurity and Communications Integration Center, in coordination with appropriate entities and the Director for Emergency Communications, and in consultation with the Director of the National Institute of Standards and Technology, shall conduct integration and analysis of the data reported under subsection (a) to develop information and recommendations on security and resilience measures for any information system or network used by State emergency response providers.

(c) BEST PRACTICES.—

(1) IN GENERAL.—Using the results of the integration and analysis conducted under subsection (b), and any other relevant information, the Director of the National Institute of Standards and Technology shall, on an ongoing basis, facilitate and support the development of methods for reducing cybersecurity risks to emergency response providers using the process described in section 2(e) of the National Institute of Standards and Technology Act (15 U.S.C. 272(e)).

(2) REPORT.—The Director of the National Institute of Standards and Technology shall submit a report to Congress on the methods developed under paragraph (1) and shall make such report publically available on the website of the National Institute of Standards and Technology.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

(1) require a State to report data under subsection (a); or

(2) require an entity to—

(A) adopt a recommended measure developed under subsection (b); or

(B) follow the best practices developed under subsection (c).

SEC. 405. IMPROVING CYBERSECURITY IN THE HEALTH CARE INDUSTRY.

(a) DEFINITIONS.—In this section:

(1) BUSINESS ASSOCIATE.—The term ''business associate'' has the meaning given such term in section 160.103 of title 45, Code of Federal Regulations.

(2) COVERED ENTITY.—The term ''covered entity'' has the meaning given such term in section 160.103 of title 45, Code of Federal Regulations.

(3) HEALTH CARE CLEARINGHOUSE; HEALTH CARE PROVIDER; HEALTH PLAN.—The terms ''health care clearinghouse'', ''health care provider'', and ''health plan'' have the meanings given the terms in section 160.103 of title 45, Code of Federal Regulations.

(4) HEALTH CARE INDUSTRY STAKEHOLDER.—The term ''health care industry stakeholder'' means any—

(A) health plan, health care clearinghouse, or health care provider;

(B) patient advocate;

(C) pharmacist;

(D) developer of health information technology;

(E) laboratory;

(F) pharmaceutical or medical device manufacturer; or

(G) additional stakeholder the Secretary determines necessary for purposes of subsection (d)(1), (d)(3), or (e).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary 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 preparedness of the health care industry in responding to cybersecurity threats.

(c) CONTENTS OF REPORT.—With respect to the internal response of the Department of Health and Human Services to emerging cybersecurity threats, the report shall include—

(1) a clear statement of the official within the Department of Health and Human Services to be responsible for leading and coordinating efforts of the Department regarding cybersecurity threats in the health care industry; and

(2) a plan from each relevant operating division and subdivision of the Department of Health and Human Services on how such division or subdivision will address cybersecurity threats in the health care industry, including a clear delineation of how each such division or subdivision will divide responsibility among the personnel of such division or subdivision and communicate with other such divisions and subdivisions regarding efforts to address such threats.

(d) HEALTH CARE INDUSTRY CYBERSECURITY TASK FORCE.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Homeland Security, shall convene health care industry stakeholders, cybersecurity experts, and any Federal agencies or entities the Secretary determines appropriate to establish a task force to—

(A) analyze how industries, other than the health care industry, have implemented strategies and safeguards for addressing cybersecurity threats within their respective industries;

(B) analyze challenges and barriers private entities (notwithstanding section 2(15)(B),

excluding any State, tribal, or local government) in the health care industry face securing themselves against cyber attacks;

(C) review challenges that covered entities and business associates face in securing networked medical devices and other software or systems that connect to an electronic health record;

(D) provide the Secretary with information to disseminate to health care industry stakeholders for purposes of improving their preparedness for, and response to, cybersecurity threats affecting the health care industry;

(E) establish a plan for creating a single system for the Federal Government to share information on actionable intelligence regarding cybersecurity threats to the private sector in near real time, at no cost to the recipients of such information, including which Federal agency or other entity may be best suited to be the central conduit to facilitate the sharing of such information; and

(F) report to Congress on the findings and recommendations of the task force regarding carrying out subparagraphs (A) through (E).

(2) TERMINATION.—The task force established under this subsection shall terminate on the date that is 1 year after the date of enactment of this Act.

(3) DISSEMINATION.—Not later than 60 days after the termination of the task force established under this subsection, the Secretary shall disseminate the information described in paragraph (1)(D) to health care industry stakeholders in accordance with such paragraph.

(e) CYBERSECURITY FRAMEWORK.—The Secretary shall establish, through a collaborative process with the Secretary of Homeland Security, health care industry stakeholders, the National Institute of Standards and Technology, and any Federal agency or entity the Secretary determines appropriate, a single, voluntary, national health-specific cybersecurity framework that—

(1) establishes a common set of security practices and standards that specifically pertain to a range of health care organizations;

(2) supports voluntary adoption and implementation efforts to improve safeguards to address cybersecurity threats; and

(3) is consistently updated and applicable to the range of health care organizations described in paragraph (1).

SEC. 406. FEDERAL COMPUTER SECURITY.

(a) DEFINITIONS.—In this section:

(1) COVERED SYSTEM.—The term ''covered system'' shall mean a national security system as defined in section 11103 of title 40, United States Code, or a Federal computer system that provides access to personally identifiable information.

(2) COVERED AGENCY.—The term ''covered agency'' means an agency that operates a covered system.

(3) LOGICAL ACCESS CONTROL.—The term ''logical access control'' means a process of granting or denying specific requests to obtain and use information and related information processing services.

(4) MULTI-FACTOR LOGICAL ACCESS CONTROLS.—The term ''multi-factor logical access controls'' means a set of not less than 2 of the following logical access controls:

(A) Information that is known to the user, such as a password or personal identification number.

(B) An access device that is provided to the user, such as a cryptographic identification device or token.

(C) A unique biometric characteristic of the user.

(5) PRIVILEGED USER.—The term ''privileged user'' means a user who, by virtue of function or seniority, has been allocated powers within a covered system, which are significantly greater than those available to the majority of users.

(b) INSPECTOR GENERAL REPORTS ON COVERED SYSTEMS.—

(1) IN GENERAL.—Not later than 240 days after the date of enactment of this Act, the Inspector General of each covered agency shall each submit to each Comptroller General of the United States and the appropriate committees of jurisdiction in the Senate and the House of Representatives a report, which shall include information collected from the covered agency for the contents described in paragraph (2) regarding the Federal computer systems of the covered agency.

(2) CONTENTS.—The report submitted by each Inspector General of a covered agency under paragraph (1) shall include, with respect to the covered agency, the following:

(A) A description of the logical access standards used by the covered agency to access a covered system, including—

(i) in aggregate, a list and description of logical access controls used to access such a covered system; and

(ii) whether the covered agency is using multi-factor logical access controls to access such a covered system.

(B) A description of the logical access controls used by the covered agency to govern access to covered systems by privileged users.

(C) If the covered agency does not use logical access controls or multi-factor logical access controls to access a covered system, a description of the reasons for not using such logical access controls or multi-factor logical access controls.

(D) A description of the following data security management practices used by the covered agency:

(i) The policies and procedures followed to conduct inventories of the software present on the covered systems of the covered agency and the licenses associated with such software.

(ii) What capabilities the covered agency utilizes to monitor and detect exfiltration and other threats, including—

(I) data loss prevention capabilities; or

(II) digital rights management capabilities.

(iii) A description of how the covered agency is using the capabilities described in clause (ii).

(iv) If the covered agency is not utilizing capabilities described in clause (ii), a description of the reasons for not utilizing such capabilities.

(E) A description of the policies and procedures of the covered agency with respect to ensuring that entities, including contractors, that provide services to the covered agency are implementing the data security management practices described in subparagraph (D).

(3) EXISTING REVIEW.—The reports required under this subsection may be based in whole or in part on an audit, evaluation, or report relating to programs or practices of the covered agency, and may be submitted as part of another report, including the report required under section 3555 of title 44, United States Code.

(4) CLASSIFIED INFORMATION.—Reports submitted under this subsection shall be in unclassified form, but may include a classified annex.

(c) GAO ECONOMIC ANALYSIS AND REPORT ON FEDERAL COMPUTER SYSTEMS.—

(1) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report examining, including an economic analysis of, any impediments to agency use of effective security software and security devices.

(2) CLASSIFIED INFORMATION.—A report submitted under this subsection shall be in unclassified form, but may include a classified annex.

SEC. 407. STRATEGY TO PROTECT CRITICAL INFRASTRUCTURE AT GREATEST RISK.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE AGENCY.—The term ''appropriate agency'' means, with respect to a covered entity—

(A) except as provided in subparagraph (B), the applicable sector-specific agency; or

(B) in the case of a covered entity that is regulated by a Federal entity, such Federal entity.

(2) APPROPRIATE AGENCY HEAD.—The term ''appropriate agency head'' means, with respect to a covered entity, the head of the appropriate agency.

(3) COVERED ENTITY.—The term ''covered entity'' means an entity identified under subsection (b).

(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Select Committee on Intelligence of the Senate;

(B) the Permanent Select Committee on Intelligence of the House of Representatives;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) the Committee on Homeland Security of the House of Representatives;

(E) the Committee on Energy and Natural Resources of the Senate; and

(F) the Committee on Energy and Commerce of the House of Representatives;

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Department of Homeland Security

(b) IDENTIFICATION OF CRITICAL INFRASTRUCTURE AT GREATEST RISK REQUIRED.—No later than 60 days after the date of the enactment of this Act, the Secretary shall identify critical infrastructure entities where a cybersecurity incident could reasonably result in catastrophic regional or national effects on public health or safety, economic security, or national security.

(c) STATUS OF EXISTING CYBER INCIDENT REPORTING.—

(1) IN GENERAL.—No later than 120 days after the date of the enactment of this Act, the Secretary, in conjunction with the appropriate agency head (as the case may be), shall submit to the appropriate congressional committees describing the extent to which each covered entity reports significant intrusions of information systems essential to the operation of critical infrastructure to the Department of Homeland Security or the appropriate agency head in a timely manner.

(2) FORM.—The report submitted under paragraph (1) may include a classified annex.

(d) MITIGATION STRATEGY REQUIRED FOR CRITICAL INFRASTRUCTURE AT GREATEST RISK.—

(1) IN GENERAL.—No later than 180 days after the date of the enactment of this Act, the Secretary, in conjunction with the appropriate agency head (as the case may be), shall conduct an assessment and develop a strategy that addresses each of the covered entities, to ensure that, to the greatest extent feasible, a cyber security incident affecting such entity would no longer reasonably result in catastrophic regional or national effects on public health or safety, economic security, or national security.

(2) ELEMENTS.—The strategy submitted by the Secretary with respect to a covered entity intrusion shall include the following:

(A) An assessment of whether each entity should be required to report cyber security incidents.

(B) A description of any identified security gaps that must be addressed.

(C) Additional statutory authority necessary to reduce the likelihood that a cyber incident could cause catastrophic regional or

national effects on public health or safety, economic security, or national security.

(3) SUBMITTAL.—The Secretary shall submit to the appropriate congressional committees the assessment and strategy required by paragraph (1).

(4) FORM.—The assessment and strategy submitted under paragraph (3) may each include a classified annex.

(e) SENATE OF CONGRESS.—To the extent that the Secretary proposes to require the reporting of significant cyber intrusions of any covered entity pursuant to a recommendation identified in subsection (d) it is the Sense of Congress that—

(1) the Secretary should ensure that the policies and procedures established for such reporting incorporate, to the greatest extent practicable, processes, roles, and responsibilities of appropriate agencies and entities, including sector specific information sharing and analysis centers, that were in effect on the day before the date of the enactment of this Act;

(2) no cause of action should lie or be maintained in any court against a covered entity, and such action should be promptly dismissed for sharing information with the Secretary or the appropriate agency head for sharing such information;

(3) the Secretary or appropriate agency head, as the case may be, should, under section 103 and to the greatest extent practicable, make available to any covered entity submitting a report such cyber threat indicators as the Secretary or appropriate agency head considers appropriate; and

(4) the Secretary or the appropriate agency head (as the case may be) should take such actions as the Secretary or the appropriate agency head (as the case may be) considers appropriate to protect from disclosure the identity of the covered entity.

SA 2717. Mr. UDALL (for himself, Mrs. SHAHEEN, Mr. TESTER, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 754, to improve cybersecurity in the United States through enhanced sharing of information about cybersecurity threats, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 11. EXTENSION OF LAND AND WATER CONSERVATION FUND.

Section 200302 of title 54, United States Code, is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking ''September 30, 2015'' and inserting ''December 11, 2015''; and

(2) in subsection (c)(1), by striking ''September 30, 2015'' and inserting ''December 11, 2015''.

SA 2718. Mr. UDALL (for himself, Mrs. SHAHEEN, Mr. TESTER, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 754, to improve cybersecurity in the United States through enhanced sharing of information about cybersecurity threats, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PERMANENT REAUTHORIZATION OF LAND AND WATER CONSERVATION FUND.

(a) IN GENERAL.—Section 200302 of title 54, United States Code, is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking ''During the period ending September 30, 2015, there'' and inserting ''There''; and

(2) in subsection (c)(1), by striking ''through September 30, 2015''.

(b) PUBLIC ACCESS.—Section 200306 of title 54, United States Code, is amended by adding at the end the following:

''(c) PUBLIC ACCESS.—Not less than 1.5 percent of amounts made available for expenditure in any fiscal year under section 200303, or $10,000,000, whichever is greater, shall be used for projects that secure recreational public access to existing Federal public land for hunting, fishing, and other recreational purposes.''.

SA 2719. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 754, to improve cybersecurity in the United States through enhanced sharing of information about cybersecurity threats, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. IMPROVING CYBERSECURITY IN THE HEALTH CARE INDUSTRY.

(a) DEFINITIONS.—In this section:

(1) BUSINESS ASSOCIATE.—The term ''business associate'' has the meaning given such term in section 160.103 of title 45, Code of Federal Regulations.

(2) COVERED ENTITY.—The term ''covered entity'' has the meaning given such term in section 160.103 of title 45, Code of Federal Regulations.

(3) HEALTH CARE CLEARINGHOUSE; HEALTH CARE PROVIDER; HEALTH PLAN.—The terms ''health care clearinghouse'', ''health care provider'', and ''health plan'' have the meanings given the terms in section 160.103 of title 45, Code of Federal Regulations.

(4) HEALTH CARE INDUSTRY STAKEHOLDER.—The term ''health care industry stakeholder'' means any—

(A) health plan, health care clearinghouse, or health care provider;

(B) patient advocate;

(C) pharmacist;

(D) developer of health information technology;

(E) laboratory;

(F) pharmaceutical or medical device manufacturer; or

(G) additional stakeholder the Secretary determines necessary for purposes of subsection (d)(1), (d)(3), or (e).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary 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 preparedness of the health care industry in responding to cybersecurity threats.

(c) CONTENTS OF REPORT.—With respect to the internal response of the Department of Health and Human Services to emerging cybersecurity threats, the report shall include—

(1) a clear statement of the official within the Department of Health and Human Services to be responsible for leading and coordinating efforts of the Department regarding cybersecurity threats in the health care industry; and

(2) a plan from each relevant operating division and subdivision of the Department of Health and Human Services on how such division or subdivision will address cybersecurity threats in the health care industry, including a clear delineation of how each such division or subdivision will divide responsibility among the personnel of such division or subdivision and communicate with other such divisions and subdivisions regarding efforts to address such threats.

(d) HEALTH CARE INDUSTRY CYBERSECURITY TASK FORCE.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Homeland Security, shall convene health care industry stakeholders, cybersecurity experts, and any Federal agencies or entities the Secretary determines appropriate to establish a task force to—

(A) analyze how industries, other than the health care industry, have implemented strategies and safeguards for addressing cybersecurity threats within their respective industries;

(B) analyze challenges and barriers private entities (notwithstanding section 2(15)(B), excluding any State, tribal, or local government) in the health care industry face securing themselves against cyber attacks;

(C) review challenges that covered entities and business associates face in securing networked medical devices and other software or systems that connect to an electronic health record;

(D) provide the Secretary with information to disseminate to health care industry stakeholders for purposes of improving their preparedness for, and response to, cybersecurity threats affecting the health care industry;

(E) establish a plan for creating a single system for the Federal Government to share information on actionable intelligence regarding cybersecurity threats to the private sector in near real time, at no cost to the recipients of such information, including which Federal agency or other entity may be best suited to be the central conduit to facilitate the sharing of such information; and

(F) report to Congress on the findings and recommendations of the task force regarding carrying out subparagraphs (A) through (E).

(2) TERMINATION.—The task force established under this subsection shall terminate on the date that is 1 year after the date of enactment of this Act.

(3) DISSEMINATION.—Not later than 60 days after the termination of the task force established under this subsection, the Secretary shall disseminate the information described in paragraph (1)(D) to health care industry stakeholders in accordance with such paragraph.

(e) CYBERSECURITY FRAMEWORK.—The Secretary shall establish, through a collaborative process with the Secretary of Homeland Security, health care industry stakeholders, the National Institute of Standards and Technology, and any Federal agency or entity the Secretary determines appropriate, a single, voluntary, national health-specific cybersecurity framework that—

(1) establishes a common set of security practices and standards that specifically pertain to a range of health care organizations;

(2) supports voluntary adoption and implementation efforts to improve safeguards to address cybersecurity threats; and

(3) is consistently updated and applicable to the range of health care organizations described in paragraph (1).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. TOOMEY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during

the session of the Senate on October 20, 2015, at 10 a.m., room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. TOOMEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 20, 2015, at 10 a.m., to conduct a hearing entitled ''The Persistent North Korea Denuclearization and Human Rights Challenge.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. TOOMEY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 20, 2015, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MULTILATERAL INTERNATIONAL DEVELOPMENT, MULTILATERAL INSTITUTIONS, AND INTERNATIONAL ECONOMIC, ENERGY, AND ENVIRONMENTAL POLICY

Mr. TOOMEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations Subcommittee on Multilateral International Development, Multilateral Institutions, and International Economic, Energy, and Environmental Policy be authorized to meet during the session of the Senate on October 20, 2015, at 2:45 p.m., to conduct a hearing entitled ''2015 Paris International Climate Negotiations: Examining the Economic and Environmental Impacts.''

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Nos. 256, 257, 258, 259, 260, 261, and 262, en bloc.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bills be read a third time and passed, that the motions to reconsider be considered made and laid upon the table, and that any statements related to the bills be printed in the RECORD, all en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

SGT. ZACHARY M. FISHER POST OFFICE

The bill (H.R. 322) to designate the facility of the United States Postal Service located at 16105 Swingley Ridge Road in Chesterfield, Missouri, as the ''Sgt. Zachary M. Fisher Post Office,'' was ordered to a third reading, was read the third time, and passed.

SGT. AMANDA N. PINSON POST OFFICE

The bill (H.R. 323) to designate the facility of the United States Postal Service located at 55 Grasso Plaza in St. Louis, Missouri, as the ''Sgt. Amanda N. Pinson Post Office,'' was ordered to a third reading, was read the third time, and passed.

LT. DANIEL P. RIORDAN POST OFFICE

The bill (H.R. 324) to designate the facility of the United States Postal Service located at 11662 Gravois Road in St. Louis, Missouri, as the ''Lt. Daniel P. Riordan Post Office,'' was ordered to a third reading, was read the third time, and passed.

RICHARD ''DICK'' CHENAULT POST OFFICE BUILDING

The bill (H.R. 558) to designate the facility of the United States Postal Service located at 55 South Pioneer Boulevard in Springboro, Ohio, as the ''Richard 'Dick' Chenault Post Office Building,'' was ordered to a third reading, was read the third time, and passed.

STAFF SERGEANT ROBERT H. DIETZ POST OFFICE BUILDING

The bill (H.R. 1442) to designate the facility of the United States Postal Service located at 90 Cornell Street in Kingston, New York, as the ''Staff Sergeant Robert H. Dietz Post Office Building,'' was ordered to a third reading, was read the third time, and passed.

OFFICER DARYL R. PIERSON MEMORIAL POST OFFICE BUILDING

The bill (H.R. 1884) to designate the facility of the United States Postal Service located at 206 West Commercial Street in East Rochester, New York, as the ''Officer Daryl R. Pierson Memorial Post Office Building,'' was ordered to a third reading, was read the third time, and passed.

JAMES ROBERT KALSU POST OFFICE BUILDING

The bill (H.R. 3059) to designate the facility of the United States Postal Service located at 4500 SE 28th Street, Del City, Oklahoma, as the James Robert Kalsu Post Office Building, was ordered to a third reading, was read the third time, and passed.

NATIONAL CASE MANAGEMENT WEEK

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 261.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 261) designating the week of October 11 through October 17, 2015, as ''National Case Management Week'' to recognize the role of case management in improving health care outcomes for patients.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 261) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of September 22, 2015, under ''Submitted Resolutions.'')

ORDERS FOR WEDNESDAY, OCTOBER 21, 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, October 21; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein; further, that the time during morning business be equally divided, with the majority controlling the first half and the Democrats controlling the final half; finally, that following morning business, the Senate then resume consideration of S. 754.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:19 p.m., adjourned until Wednesday, October 21, 2015, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate October 20, 2015:

THE JUDICIARY

ANN DONNELLY, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK.

EXTENSIONS OF REMARKS

THE OCCASION OF PAUL D. TERRY'S RETIREMENT FROM GOVERNMENT SERVICE

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. ROGERS of Kentucky. Mr. Speaker, I rise to recognize and honor a long-time and trusted member of the Appropriations Committee staff, Paul D. Terry, who is retiring following nearly fifty years of service to his Nation. If one were to describe Paul, he would begin by saying that his qualities exemplify those found in a true American patriot. He is always at work early, stays late, always on task, and never ever complains about the challenges that face him. One might find this hard to believe—and assume that these words are simply tributary rhetoric—but if you know Paul, you know every word is true.

Paul comes from the heart of the plains—Norfolk, Nebraska, a farm boy attending a one room country school with one teacher, sixteen students in nine grades. He made good marks, and upon graduation from high school received an appointment to the U.S. Military Academy at West Point. The day after graduation, he married the love of his life, Ann, and began to raise a family.

Paul was an Armor officer trained at Fort Knox, Kentucky, and successfully completed all of the major military education courses, including parachute and Ranger school. His military career took him across the globe. He was first assigned in Germany, then attended helicopter flight school, returned to assignments at Fort Knox and again to Germany. Paul commanded an Abrams tank battalion in Kansas and then served in a variety of important capacities at the Pentagon before his family moved to Korea for his final military tour.

Including his Academy years, Paul's retirement comprises over 34 years of service to the U.S. Army, retiring as a full Colonel. He served the Ballistic Missile Defense Organization upon retirement, and, most recently, for the past 15 years, the Committee on Appropriations has been fortunate to benefit from Paul's years of military experience, his expert knowledge of protocols and procedures, and his dedication to our country.

During his years in Congress, Paul has been a professional staff member for the Defense Subcommittee. His various portfolios have included operations and maintenance accounts, Working Capitol funds, Department of Defense Inspector General accounts, Civil Air Patrol funding, Army-wide procurement and research and development accounts, and the Joint IED Defeat Organization. Through these portfolios, Paul has helped the Committee provide thoughtful guidance to the Department, including its policies related to all Army ground and air combat resources.

It will be difficult to fill Paul Terry's shoes here in Congress. In fact, that task will be quite impossible. But Paul has served his nation well, and the achievement of his retirement is fully deserved.

God's speed Paul. You will be missed by one and all here in the Nation's Capital.

HONORING HANNAH FREEDOM SCHOOL

HON. JARED HUFFMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. HUFFMAN. Mr. Speaker, I rise today to recognize the Hannah Freedom School's Resolution on Childhood Poverty, which seeks to end childhood poverty by 2030. Introduced by the Hannah Children's Defense Fund's Freedom School's 2015 Scholars—a group of 50 children ages 7–10 in Marin City, California—this resolution promotes equal access to opportunities for all children. In recognition of the scholars' commitment to combating poverty in our community and beyond, it is fitting that I submit the following resolution.

HANNAH FREEDOM SCHOOL RESOLUTION ON CHILDHOOD POVERTY

As part of the Children's Defense Fund's Freedom School Family, we are taught that we can make a difference in ourselves, our families, our communities, the nation and the world. In order to be all that we can be, we have learned that all children everywhere deserve a Healthy Start, a Head Start, a Fair Start, a Safe Start and a Moral Start and the support of caring families and communities. But we also have learned that not all kids get what they deserve. Global poverty denies children these important opportunities. In as much as:

In America, 14.7 million children live in poverty. That means that about one out of every five kids is poor. If you are black or brown, the number is closer to one in three—even in families where parents are working.

If you are poor as a child, you have a lesser chance of graduating from high school or going to college, but a greater chance of going to jail or being in a low paying job, which means you have a greater chance of becoming a poor adult, suffering from poor health, and becoming involved in the criminal justice system.

Poverty has no face. It can be anybody. It can be anywhere. Not just homeless people. Not just kids in hoodies. Not just in urban areas. It is even in Marin. There are 21,000 poor families in Marin who live on less than $24,000 a year, while most families in our county earn more than $80,000 per year.

Children living in poverty, almost 2,000 in Marin, often struggle in school to keep up with their classmates in math, science and language arts.

Poverty is not safe. It is not healthy. It is not fair. It is wrong. It must be ended.

We, the students of Hannah Freedom School commit to work toward ending childhood poverty in our lifetime, joining the global initiative to end poverty by 2030. Therefore, Be It Resolved that:

Being poor is like being on punishment. It means that you have to go without. You have to go without good and nutritious food, decent housing, healthy neighborhoods, or schools that address your needs or celebrate your culture. It amounts to 'cruel and unusual' punishment that must be abolished.

Childhood poverty can be ended globally by 2030.

We as children are using our voices, now it's time for the adults to use theirs.

We call on our lawmakers to imagine ending child poverty in our county, in our state, in our nation now.

Ending child poverty means that we will be able to stop the cradle to prison pipeline, we will be better educated, and we will be better prepared for a peaceful world.

As Bryan Stevenson, founder and Executive Director of the Equal Justice Initiative, stated: ''The opposite of poverty is not wealth . . . the opposite of poverty is justice . . . and opportunity.''

RECOGNIZING THE CROATIAN SONS LODGE NUMBER 170

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate the Croatian Sons Lodge Number 170, of the Croatian Fraternal Union, on the festive occasion of its Golden Member banquet, held on Sunday, October 18, 2015.

The Croatian Fraternal Union celebrated their gala at the Croatian Center in Merrillville, Indiana. Traditionally, the celebration entails a formal recognition of the Union's Golden Members, those who have reached fifty years of membership. This year's honorees who have attained fifty years of membership include Carol Ann Ammon, Rosemarie Brackett, Janet Browning, Nicholas James Constantine, Michael Dujmovic, Thomas Michael Gillam, Florence A. Liss, Denise Ann Lukrafka, Patricia Anne Marince, Margaret J. Mrzljak, Ronald E. Ostrowski, Penelope A. Pappas, Marian Lucille Pozgay, Richard James Putz, Carolyn Rarey, Barbara Ann Rubesha, James Joseph Rubino, Richard Sturtridge, James William Svetich, and Mary Ann Tuskan.

This memorable day began with a mass at Saint Joseph the Worker Croatian Catholic Church in Gary, Indiana, with the Reverend Father Stephen Loncar officiating.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in commending Lodge President John Miksich and all the members of the Croatian Fraternal Union Lodge Number 170 for their loyalty and radiant display of passion for their ethnicity. The Croatian community has played a key role in enriching the quality of life and culture of Northwest Indiana. It is my hope that this year will bring renewed prosperity for all members of the Croatian community and their families.

INDUSTRIAL CHEMICAL CORPORATION, SIMPLY STORAGE, AND 5280 ARMORY

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. PERLMUTTER. Mr. Speaker, I rise to recognize Industrial Chemical Corporation, Simply Storage and 5280 Armory for receiving the Business Collaboration Award from the Arvada Economic Development Association.

The Business Collaboration Award was created to honor a one-of-a-kind partnership between three private Arvada businesses who overcame the challenges of growing their companies.

Industrial Chemical Corporation needed a small piece of land to be able to expand their rail capability. 5280 Armory needed to find larger space to expand their operation, and Simply Storage wanted to bring their storage facility to Arvada. The collaboration between these companies resulted in finding a suitable solution for each of these expanding companies to stay and grow in Arvada—a big win for the community.

I extend my deepest congratulations to Industrial Chemical Corporation, Simply Storage and 5280 Armory for this well-deserved honor from the Arvada Economic Development Association. I am proud of your collaboration and commitment to the community.

OCTOBER 20, 2015 EASTERN IOWA HONOR FLIGHT

HON. DAVID LOEBSACK

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. LOEBSACK. Mr. Speaker, today, over eighty Iowa veterans of World War II, the Korean War, and the Vietnam War will travel to our nation's capital. Together, they will visit the monuments that were built in their honor by a grateful nation.

For many, today will be the first time they will see the National World War II Memorial, the Korean War Veterans Memorial, the Vietnam War Memorial, and Arlington National Cemetery. I can think of no greater honor than to be able to thank Iowa's and our nation's heroes for their service to our country.

We owe these heroes a debt of gratitude, and the Honor Flight demonstrates that we as a state and as a country will never forget the debt we owe those who have worn our nation's uniform. As a reminder of the service and sacrifice of the Greatest Generation, I am proud to have a piece of marble in my office from the quarry that was used to build the World War II Memorial. Our World War II, Korean War, and Vietnam War veterans rose to defend not just our nation, but the freedoms, democracy, and values that make our country the greatest nation on earth. They did so as one people and one country. Their sacrifices and determination in the face of great threats to our way of life are both humbling and inspiring.

I am tremendously proud to welcome the Eastern Iowa Honor Flight and Iowa's veterans of World War II, the Korean War, and the Vietnam War to our nation's capital today. On behalf of every Iowan I represent, I thank them for their service to our country.

RECOGNIZING NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. HIGGINS. Mr. Speaker, I stand before you today to celebrate the valiant contributions of individuals with disabilities in the workplace. Twenty-five years ago America took an enormous stride as a nation when enacting the Americans with Disabilities Act (ADA). This legislation was monumental in promoting equal opportunity for those with a disability seeking employment, yet nearly a quarter century later discrimination still exists.

Over forty-eight million Americans have a disability, but are unemployed at a rate that is twice that of people without disabilities. Despite the courageous effort of those with disabilities to change beliefs of employers they still face grave challenges in the workplace. We must come together as a nation to support those here in the United States suffering from employment discrimination because of a disability. America can become a stronger nation when we utilize the talents of and celebrate the gifts of all of our people. During National Disability Employment Awareness Month, we recognize Americans with disabilities that strengthen our workforce, communities, and country.

Many great organizations such as People Inc. in Western New York strive to promote equality for those with disabilities. People Inc. was founded in 1986 with a goal to give individuals with disabling conditions or other special needs support they need to participate and succeed in an accepting society. People Inc. is working toward a future where all persons whose needs limit their integration into the community can reach their highest level of human potential as responsible members of society.

I will continue to fight for the equal employment opportunity for those with disabilities. It is time that we put people with disabilities on a level playing field with every other American. I have supported and cosponsored the Fair Wages for Workers with Disabilities Act, a bill that overturns 75-year-old provisions that allow individuals with disabilities to be employed at subminimum wage rates.

Mr. Speaker, thank you for allowing me a few moments to recognize National Disability Employment Awareness Month. I ask that my colleagues join me in support for those with disabilities in the workplace and encourage them to spread awareness across the United States this October.

RECOGNIZING THE NEWLY NATURALIZED CITIZENS OF NORTHWEST INDIANA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and sincerity that I take this time to congratulate thirty individuals who took their oath of citizenship on Friday, October 16, 2015. This memorable occasion, presided over by Judge Joseph S. Van Bokkelen, was held at the United States Courthouse and Federal Building in Hammond, Indiana.

America is a country founded by immigrants. From its beginning, settlers have come from countries around the world to the United States in search of better lives for their families. Oath ceremonies are a shining example of what is so great about the United States of America—that people from all over the world can come together and unite as members of a free, democratic nation. These individuals realize that nowhere else in the world offers a better opportunity for success than here in America.

On October 16, 2015, the following people, representing many nations throughout the world, took their oaths of citizenship in Hammond, Indiana: Mary Ann Quinesio Caduco, Ruel Tafalla Caduco, Vanessa Elizabeth Ochoa Gonzalez, Ana Martins Murta, Heloisa Bezerra Martins, Lewelyn Estrera Arevalo, Paulius Junokas, Roxana Mendoza Diaz, Osvaldo Fonseca Hernandez, Nelia Rieza Aragon, Edenia Floriselda Fley Centeno, Seungyup Sun, Thuy Thi Hong Le, Yamylene Anne Almanzor Hartsough, Mei Wang, Evely Leanos Mota, Henry Kavolu Ndisya, Yen Ngoc Nguyen, Veena Jhamandas Prithyani, Luz Cruz, Karina Gomez, Nestor Hodgson, Judith Adanely Hunt, Orawan Yooplao Krizman, Jeff Nguefack Mbeleke, Pedro Raygoza, Joanna Reyna, Maria del Rosario Serrano, Chantal Emefa Vigbedor, and Pinar Zorlutuna Vural.

Although each individual has sought to become a citizen of the United States for his or her own reasons, be it for education, occupation, or to offer their loved ones better lives, each is inspired by the fact that the United States of America is, as Abraham Lincoln described it, a country ". . . of the people, by the people, and for the people." They realize that the United States is truly a free nation. By seeking American citizenship, they have made the decision that they want to live in a place where, as guaranteed by the First Amendment of the Constitution, they can practice religion as they choose, speak their minds without fear of punishment, and assemble in peaceful protest should they choose to do so.

Mr. Speaker, I respectfully ask you and my other distinguished colleagues to join me in congratulating these individuals who became citizens of the United States of America on October 16, 2015. They, too, are American citizens, and they, too, are guaranteed the inalienable rights to life, liberty, and the pursuit of happiness. We, as a free and democratic nation, congratulate them and welcome them.

COSTCO

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize Costco for receiving the Arvada Economic Development Association (AEDA) Outstanding Large Business Award.

The Outstanding Large Business Award is given to a large business in the community for their commitment to the local economy and job creation, particularly through their investment in the community and corporate culture.

Costco is the second largest global retailer with more than 80 million members. They have won many awards including being named the ''Most Admired Company'' by Fortune Magazine two years in a row. More importantly, Costco maintains a code of ethics that speak to the culture of respect they have for their members, employees and suppliers.

Costco opened their location in Arvada on September 19, 2001. Over the past 14 years they have grown to 250 employees, added several suppliers, and are a huge economic engine for the city of Arvada.

I extend my deepest congratulations to Costco for this well-deserved honor from the Arvada Economic Development Association. I am proud of the service they provide our community and am certain their products and services will continue to benefit the community for decades to come.

CELEBRATING THE WORK OF MR. DON WICK

HON. SUZAN K. DelBENE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Ms. DELBENE. Mr. Speaker, I rise today to celebrate the great work of a constituent of mine, Mr. Don Wick. Throughout his 28 years as Executive Director of the Economic Development Association of Skagit County, Don has been critical to supporting businesses throughout the county and region.

From the many business workshops and seminars to the outreach and mentorship programs, Don's tenure at EDASC has expanded and diversified the access to opportunity in Skagit County. One such program, the Leadership Skagit program, was recognized by the 2004 Governor's Leadership Award and strengthens the community by developing leaders who are informed, inclusive and connected through shared learning experiences.

Don understands that the engine of our economy is driven by our people and communities. His success at EDASC is due in part to his ability to engage with people and build relationships with them.

His leadership and commitment to the Skagit County community has allowed EDASC to build successful partnerships with local businesses and foster job growth that will continue to sustain the quality of life in our region for years to come.

It has always been a pleasure working with Don who is always enthusiastic and upbeat. It's contagious. Whether through radio broadcasting or economic development, he has left a lasting positive impact, and I wish him the very best in whatever his next venture may be. He has dedicated the past 28 years to helping Skagit County grow and prosper, ensuring it's better off than when he started, and I have no doubt he'll continue giving back to the community in his retirement.

HONORING PASO PACÍFICO

HON. JULIA BROWNLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Ms. BROWNLEY of California. Mr. Speaker, today I rise to recognize Paso Pacífico, an organization wholeheartedly dedicated to the restoration and conservation of the natural ecosystem of Central America's Pacific Slope, on the occasion of its 10th anniversary. Headquartered in Ventura County, California, Paso Pacífico transcends distance by committing itself to an ecological mission and vision that is shared by the Nicaraguan communities that it serves.

Beginning as a collaborative dream of Sarah Otterstrom and Liza Gonzalez, Paso Pacífico has grown into an exceptional organization that strives to rescue, save, and rehabilitate the natural wonders and resources of Central America, and specifically Nicaragua. Paso Pacífico has worked diligently to collaborate with private landowners, local businesses, government agencies, local and international non-governmental organizations, schoolchildren, and conservation scientists to protect Nicaragua's fragile ecosystem.

For the past decade, Paso Pacífico has empowered local communities and economies by creating and managing community programs throughout the region. These programs have ranged from mitigating climate change to rebuilding forests in order to positively affect the future of the global ecology. Paso Pacífico has developed conservation programs to address the issues that impact the local coastal and marine ecosystems. The organization's efforts include beach cleanup projects that have been comprised of over 6,000 people spanning across 80 beaches in Nicaragua, removing over 330,000 pounds of trash. Since 2005, Paso Pacífico has had a profound impact and has saved the habitats of the local endangered wildlife, including four species of sea turtles, the black-handed spider monkey, and the yellow-naped Amazon parrot.

Due to an outstanding and remarkable team including a dedicated staff, active Board of Directors, and numerous scientists, professionals, and volunteers, Paso Pacífico has achieved notable success through its unique programs and initiatives. Paso Pacífico has received the Emil M. Mrak International Award from the University of California, Davis, as well as the Gold Level Validation by the Climate, Community & Biodiversity Alliance. Paso Pacífico has also been honored and recognized by National Geographic, the United States Forest Service, and the Disney Conservation Fund.

For their significant and critical efforts to protect the environment along the Pacific Coast of Central America, I am honored to recognize Paso Pacífico for 10 years of service. It is with sincere gratitude that I congratulate Paso Pacífico on reaching this momentous milestone and I wish them continued success in their future endeavors.

HONORING THE LIFE OF DR. WAYNE DYER

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. RYAN of Ohio. Mr. Speaker, I rise today to honor the life of Dr. Wayne Dyer. Dr. Dyer was an internationally renowned author and speaker in the field of self-development and spiritual growth. Over the span of his four-decade career, he wrote 42 books, 21 of which became New York Times bestsellers, and this wide readership earned him the affectionate nickname of ''the father of motivation'' among his fans.

Born and raised in Detroit, Michigan, Dr. Dyer earned his doctorate in educational counseling from Wayne State University before serving as a professor at St. John's University in New York. Through his early work as a college educator, and as a clinical psychologist, he discovered the need to make the principles of self-discovery and personal growth available to the general public.

After publishing a string of best-selling books on the practical psychology of self-improvement, Dr. Dyer felt a shift in his thinking that led him to explore the spiritual aspects of human experience. ''My purpose is to help people look at themselves and begin to shift their concepts,'' Dr. Dyer said at the time. ''Remember, we are not our country, our race, or religion. We are eternal spirits. Seeing ourselves as spiritual beings without label is a way to transform the world and reach a sacred place for all of humanity.''

Dr. Dyer created several audio programs and videos, and appeared on thousands of television and radio shows over the course of his career. Many of his books have been featured as PBS specials, raising over $200 million for public television stations nationwide and making Dr. Dyer one of PBS's most successful fund-raisers. This philanthropic spirit was intrinsic to Dr. Dyer, as illustrated by his charitable contributions to his alma mater, Wayne State University, which totaled more than $1 million.

Dr. Dyer's first feature film, The Shift, was released in 2009, followed in 2012 by the autobiographical film, My Greatest Teacher. The second film dramatized a defining moment in Dyer's life, when he had visited the grave of his father, who had abandoned him as a young boy. While the intention that day had been to exact some form of vengeance on the man Dyer felt had sent him down a dark path of rage and alcoholism, at the gravesite Dr. Dyer was overcome by inexplicable feelings of love and forgiveness. He credited this experience with changing the trajectory of his life. The date of this experience was August 30, 1974. On the exact same day, 41 years later, Dr. Dyer passed on.

Beyond this formative experience with his father, Dr. Dyer counted among his teachers St. Francis of Assisi, Lao Tzu, Rumi, Carl Jung, and Abraham Maslow.

Despite a childhood spent in orphanages and foster homes, Dr. Dyer made his dreams come true. He lived to teach others to overcome their perceived limits and engage in their ''Highest Self.''

Just before his passing, Dr. Dyer had returned from Australia and New Zealand, where he lectured in front of thousands of people. As a father to eight children and nine grandchildren, he was back home in Maui looking forward to spending time with his family, while gearing up for the launch of his upcoming book.

While he had struggled with leukemia, Dr. Dyer was the healthiest he had been in years, keeping a very active schedule. His death has officially been attributed to heart failure.

Dr. Dyer was a man dedicated to the betterment of others. His work touched countless lives, and his influence will certainly be missed.

DENNIS MEYER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. PERLMUTTER. Mr. Speaker, I rise to recognize Dennis Meyer of Das Meyer Fine Pastry Chalet for receiving the Lloyd J. King Entrepreneurial Spirit Award from the Arvada Economic Development Association.

This prestigious business award, named after the founder of King Soopers in Olde Town Arvada, is presented to an individual with characteristics of an exemplary entrepreneur. Dennis Meyer has been baking since 1965 and is renowned as a Certified Executive Pastry Chef, Master Baker. A member of the American Academy of Chefs, Dennis was named "Chef of the Year" in 1987 and has won numerous gold medals in culinary competitions, including "People's Choice" and "Best of Show." He started his family owned business in 1985 in Arvada, Colorado. In 2006, he was inducted into the Colorado Chefs Hall of Fame.

The spirit behind Das Meyer Fine Pastry Chalet is led by the vision, creativity, kindheartedness and generosity of the founder Dennis Meyer. His commitment to making his clients' special occasions memorable is remarkable and a tribute to his success.

I congratulate Dennis Meyer and all of the employees of Das Meyer Fine Pastry Chalet for this well-deserved honor from the Arvada Economic Development Association. I thank him for his commitment to excellence and his continued service to the community.

RECOGNIZING THE DEDICATED SERVICE OF NORTHWEST FLORIDA'S MAXINE IVEY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. MILLER of Florida. Mr. Speaker, I rise to recognize Ms. Maxine Ivey on the occasion of her retirement as Executive Director of Northwest Florida Rural Health Network. For twenty years, Ms. Ivey has dedicated her life to serving the Gulf Coast community, and I am pleased to honor her outstanding achievements.

Northwest Florida Rural Health Network, which serves Escambia, Santa Rosa, Okaloosa and Walton Counties, is one of nine health networks in the State of Florida created to improve health care services and access in rural communities. Ms. Ivey has worked tirelessly with the Network since it was first established in 1995 and has held various leadership roles. While as Director of Purchasing and Volunteers for Jay Hospital prior to her husband's passing, Ms. Ivey, along with her husband, Don, who was the Jay Hospital Administrator at the time, worked together as a team to help keep the hospital open and to ensure that their community's health care needs were properly met. As a result of her leadership and continued dedication to service before self, Ms. Ivey eventually became Executive Director of the Northwest Florida Rural Health Network.

Ms. Ivey's service to Northwest Florida, however, is not limited to her work with the Network. She sits on the Jay Town Council and is the President of the Northwest Florida Area Agency on Aging. In this capacity Maxine works closely with the Florida Department of Elder Affairs and other local, state and national agencies to facilitate the needs of the elderly so they can age safely and with dignity in their own homes. Ms. Ivey is also an active member of Jay First Baptist Church and is a loving mother of three.

Mr. Speaker, on behalf the Gulf Coast community, I am pleased to congratulate Ms. Maxine Ivey on her well-earned retirement after 20 years of dedicated service to Northwest Florida. My wife Vicki and I wish her and her three sons all the best for continued success.

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. HINOJOSA. Mr. Speaker, unfortunately, I was unable to be present in the House chamber for certain roll call votes. Had I been present on October 7th and 8th, I would have voted 'nay' on roll calls 536, 537, 538, and 544. I would have voted 'yea' on roll calls 539, 540, and 543.

HONORING VIETNAM WAR MOVING WALL MEMORIAL

HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. DEUTCH. Mr. Speaker, I rise today to commemorate the Vietnam Memorial Wall opening ceremony in the City of Coral Springs, Florida. The servicemembers whose names are written on the Wall fought valiantly to protect our Nation, and they rightfully deserve our recognition and admiration.

The Moving Wall is a half-size replica of the Vietnam Veterans Memorial in Washington DC, which stands as a testament to the loss endured in the Vietnam War. This display is coming to my district thanks to the dedication of Commissioner Lou Cimaglia, who served in the Army Reserve for eight years and made it his goal to bring the Wall to Coral Springs.

The Moving Wall will be on display in Coral Springs, Florida from October 22 to 26, 2015. This event allows area residents to experience the Vietnam War Memorial and to reflect on the sacrifice of the men and women who fought in this conflict. Participants will also have the opportunity to leave mementos at the Wall, which will later be included at The Moving Wall Museum in Washington, DC.

I thank the Veterans Coalition for their help bringing the Wall to Coral Springs and John Devitt, Norris Shears, Gerry Haver for building the Wall. I also thank Commissioner Cimaglia, and all Vietnam veteran volunteers who worked tirelessly to make this event possible. I am proud to honor them and this event, and express deep appreciation for all Vietnam War veterans' service to our Nation.

RED ROCKS COMMUNITY COLLEGE

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize Red Rocks Community College's (RRCC) Health Sciences Campus for receiving the Arvada Economic Development Association (AEDA) Community Partnership Award.

The Community Partnership Award recognizes organizations and businesses that represent new investment and economic opportunities in Arvada. The award is being given to Red Rocks Community College for their capital investment in the new Health Sciences Campus in Arvada.

The Arvada campus is already home to RRCC's health programs as well as associate degree and general education courses that transfer to four-year institutions. The campus is currently undergoing a large expansion to help meet the needs of the growing health care needs of the community. Expected to be completed by fall of 2016, the new building will provide state-of-the-art instructional space for health sciences, enhanced curriculum for healthcare programs, accommodate additional students, and help develop new programs in line with industry demands.

I extend my deepest congratulations to Red Rocks Community College's (RRCC) Health Sciences Campus for being honored by the Arvada Economic Development Association. I am proud of their contribution to our community and look forward to their new completed campus and future expansion.

HONORING THE LIFE AND DEDICATED SERVICE OF MILLARD FILLMORE ADAMS, JR.

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. MILLER of Florida. Mr. Speaker, it is with both profound sadness and deep gratitude that I rise to honor Millard Fillmore Adams, Jr., of Santa Rosa County, who died suddenly on October 7, 2015.

Born and raised in Northwest Florida and a native of Santa Rosa County, Mr. Adams graduated from Milton High School in 1963. He earned his undergraduate degree from

Bob Jones University in Greenville, South Carolina, and it was during his time in Greenville where he met his bride of 47 years, Ms. Donna Spurr of Nova Scotia, Canada.

Mr. Adams answered the call to serve his country by joining the U.S. Army during the Vietnam War. Upon his return to Northwest Florida, he became owner and operator of WCKC AM radio, a local sports station that, among other things, broadcasted football games from his alma mater, Milton High School.

However, Mr. Adams's service and dedication to his community extended far beyond that of local radio. He served as a member on the Milton City Council and as Mayor of Milton from 1979 to 1980. In 1980, he joined the Santa Rosa County Board of County Commissioners, where he served as a commissioner until 1984 and then again from 1988 to 1992. Mr. Adams also served as Director of the Santa Rosa County Chapter of the American Red Cross and was an active member of Campus Church at Pensacola Christian College. His countless contributions to Florida's First Congressional District in his various capacities are innumerable, and his death is a great loss to our community.

While many will remember Mr. Adams as a patriot who served our Nation honorably or as local official who left a lasting impact on Northwest Florida, his family and friends will remember him as a loving husband, father, grandfather, and brother.

Mr. Speaker, on behalf of the House of Representatives, I am proud to honor the life and dedicated service of Millard Adams, Jr. My wife Vicki and I extend our deepest condolences and prayers to his wife, Donna; son, John and daughter-in-law Jennifer; daughter-in-law, Melissa; his grandchildren, Kailyn, Jaxon, Caroline, and Ryan; his sisters, Cynthia and Francis; and the entire Adams' family.

TRIBUTE TO THE HONOR FLIGHT OF OREGON

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. WALDEN. Mr. Speaker, I rise to recognize the 27 veterans from Oregon who will be visiting their memorial this Saturday in Washington, D.C. through Honor Flight of Oregon. Ten of these veterans served over 70 years ago in World War II, and 17 served in the Korean War. Veterans of both wars will see the memorials dedicated to their service here in Washington. On behalf of a grateful state and country, we welcome these heroes to our nation's capital.

The World War II veterans on this flight from Oregon are as follows: Henry Turner, Army; Marvin Worden, Army; William Carhart Jr, Army Air Force; Edward Nicolaides, Marines; William Ackermann Jr, Navy; Clement K. Hyer, Navy; John T. Hyer, Navy; Stuart Richardson, Navy; Floyd Schrock, Navy; Vincent Stone, Navy.

The Korean War veterans on this flight from Oregon are as follows: James Bartlett, Air Force; Robert Burton, Air Force; Patricia Moyer, Air Force; Joseph Violette, Air Force; Raymond Coburn, Army; Henry Faria, Army; Clifford Friesen, Army; Wilferd Krein, Army; William Gemmet, Marines, James Aday, Navy; John Ames, Navy; Darrell Davis, Navy; Charles Johnson, Navy; James McDonald, Navy; Allen Nash, Navy; Paul Standring, Navy; Raold Stroup, Navy.

These 27 heroes join the estimated 20,000–25,000 veterans who will travel to Washington D.C. from their home states in 2015, adding to the 138,800 veterans who have been honored through the Honor Flight Network of volunteers nationwide since 2005.

Mr. Speaker, each of us is humbled by the courage of these brave Americans who put themselves in harm's way for our country and way of life. As a nation, we can never fully repay the debt of gratitude owed to them for their honor, commitment, and sacrifice in defense of the freedoms we have today.

My colleagues, please join me in thanking these veterans and the volunteers of Honor Flight of Oregon for their exemplary dedication and service to this great country.

TRIBUTE TO PAULINE MOBERG

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Pauline Moberg on the celebration of her 100th birthday. Pauline celebrated this special day on October 4, 2015 in Creston, Iowa.

Our world has changed a great deal during the course of Pauline's life. Since her birth, we have revolutionized air travel and walked on the moon. We have invented the television, cellular phones, and the internet. We have fought in wars overseas, seen the rise and fall of Soviet communism, and witnessed the birth of new democracies. Pauline has lived through 17 United States Presidents and 24 Governors of Iowa. In her lifetime, the population of the United States has more than tripled.

Mr. Speaker, it is an honor to represent Pauline in the United States Congress and it is my pleasure to wish her a very happy 100th birthday. I invite my colleagues in the United States House of Representatives to join me in congratulating Pauline on reaching this incredible milestone, and wishing her even more health and happiness in the years to come.

BELOVED TEACHER, NOW PUBLISHED AUTHOR

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. OLSON. Mr. Speaker, I rise today to recognize Cheryl Richardson, a talented and creative teacher from Richmond, Texas who has added author to her list of accomplishments.

As a fourth grade teacher at Manford Williams Elementary in Richmond, Ms. Richardson recently published her first children's book. You might recognize her under her pen name, Giddy Gragert. Fufu's Bistro is about a young boy who plays with his food when one day his food starts playing back. His imagination takes him on a journey around the world. By combining her love of travel and her daughter's love for playing with food, Cheryl wrote a book that inspires creativity and curiosity in young children. Cheryl selflessly dedicates her time to helping children succeed. This new book is just another way Cheryl will be able to inspire kids to dream big. We are all proud of Ms. Richardson's hard work.

On behalf of the Twenty-Second Congressional District of Texas, congratulations to Cheryl, or Giddy, on her first book.

S&H PRODUCTS, INC.

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize S&H Products, Inc. for receiving the Arvada Economic Development Association (AEDA) Outstanding Small Business Award.

The Outstanding Small Business Award is given to a small business for their commitment to capital improvements and employment growth particularly through their investment in the community and corporate culture.

Since 1988, S&H Products has been designing and manufacturing premium-grade firefighting equipment, including fire hose nozzles, wye valves, shut-off valves, wildland hose clamps, and other related products for both commercial and government applications. Their products are used in 90 percent of wildland firefighting suppression efforts across the country, including in Colorado, a state that is greatly impacted by wildfires every year.

S&H Products is a great example of a successful local company with a 'Make It In America' philosophy and a commitment to high-quality products. Today, they are a family owned and operated business that oversees all its own product development from concept and design to manufacturing and testing from its facility in Arvada. Currently S&H employs about 33 people, up almost 50 percent from three years ago.

I extend my deepest congratulations to S&H Products, Inc. and all of their employees for being honored by the Arvada Economic Development Association. I am proud of the service they provide our community and am certain their products and service will continue to benefit the wildland firefighting and our communities for decades to come.

TRIBUTE TO FRED LEONHARDT

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. MICA. Mr. Speaker, it is my honor to pay tribute to Frederick Wayne Leonhardt of Orlando, Florida, who passed away October 10, 2015. During my years of service, I have recognized a number of friends, public servants and individuals in the Journal of the U.S. House of Representatives. However, with Fred Leonhardt's sudden passing, I have lost a close friend and Delta Chi Fraternity Brother whom I have known for nearly half a century. In Central Florida, we have lost one of our

most active and successful community leaders. His family has lost a loved one whose smile, caring and beaming optimism are now fond memories. Fred touched thousands of lives with his untiring efforts on behalf of individuals and civic organizations and through his work with local, state and national leaders. Few individuals in Florida have achieved the level and record of success in volunteer leadership positions as this gentleman.

Fred was born October 26, 1949 in Daytona Beach to Frederick Walter Leonhardt and Gaetane Wirtanen Leonhardt. Raised in Volusia County, Florida, he attended Seabreeze High School and went on to the University of Florida. That was when I first met Fred, during rush in his first few days on campus. During his college days, Fred was active in student affairs and he became Florida Delta Chi Fraternity President. He was honored with membership in Florida Blue Key and served in many student leadership positions. After graduating with a Bachelors and then a Law Degree, Fred served our nation as a JAG officer in the United States Army.

After marrying Vicki Cook, daughter of Tom and Gloria, and beginning his practice in Daytona Beach; the Leonhardts settled in Orlando in 1988 with their two children, Whitaker and Ashley. He joined GrayRobinson law firm in 1992. Fred not only chaired the Daytona Beach Area Chamber of Commerce, but also the Greater Orlando Chamber of Commerce and State of Florida Chamber of Commerce.

His list of civic, bar and community activities is almost unmatched by any citizen. Fred was an active member of the Central Florida Partnership, Floridians for Better Transportation, University of Central Florida Foundation, Tiger Bay Club of Central Florida, Leadership Florida, Volusia County United Way, the National Council of the Boy Scouts of America, Celebration Health Foundation and served as a Trustee Emeritus for the University of Florida Law School.

He is survived by Vicki Cook Leonhardt of Ponce Inlet; their children, Ashley Leonhardt Lee and her husband Kevin of Ormond Beach and Frederick Whitaker Leonhardt and his wife Amanda of Orlando; granddaughter Madison Grace Lee; and sister Germaine Leonhardt Moffett of Daytona Beach.

Mr. Speaker, I ask you and my colleagues to join me in recognizing the life, public service and legacy of my friend and a great American, Fredrick Wayne Leonhardt.

TRIBUTE TO CAROL SPARR

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Carol Sparr of Red Oak, Iowa, for being inducted into the Iowa 4–H Hall of Fame during a ceremony at the Iowa State Fair. Inductees to the Hall of Fame must demonstrate dedication, encouragement, commitment and guidance to Iowa's 4–H students throughout the years.

Carol grew up in Rulo, Nebraska where she attended Peru State College. She and her husband, Ted, now reside in Red Oak, Iowa. Carol became involved in 4–H when her daughter Trasy joined the organization. For 35 years Carol has served as the Food and Nutrition Superintendent for the county fair and has helped oversee the annual bake sale. She now spends most of her free time volunteering in the community at Meals on Wheels, the Montgomery County Board of Health, and the First United Methodist Church of Red Oak.

Mr. Speaker, I applaud and congratulate Carol for earning this award. It is truly an honor to represent her, and Iowans like her, in the United States Congress. I urge my colleagues in the United States House of Representatives to join me in congratulating Carol for her numerous accomplishments in the 4–H community. I wish her nothing but continued success moving forward.

RECOGNIZING THE ARIZONA BRANCH OF THE INTERNATIONAL DYSLEXIA ASSOCIATION

HON. KYRSTEN SINEMA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Ms. SINEMA. Mr. Speaker, I rise today to recognize the Arizona Branch of the International Dyslexia Association and the thousands of Arizonans impacted by dyslexia.

October is Dyslexia Awareness Month, a time to spread awareness and commit to ensuring that Americans with dyslexia have the resources they need to succeed in the classroom and in the workplace.

According to the International Dyslexia Association, up to 20 percent of Americans experience symptoms of dyslexia. That's one in five Americans—making dyslexia the most common learning disability in the United States.

Dyslexia is a language-based learning disability, the symptoms of which can have a profound effect on a person's ability to read, write, and perform other language-related tasks. While dyslexia is a life-long condition, we know that—with the proper resources—people with dyslexia can manage their symptoms and succeed in school and in life.

For over three decades, the Arizona Branch of the International Dyslexia Association has empowered Arizona families impacted by dyslexia, provided resources to educators, and fostered a community committed to the success of Arizonans with learning disabilities. I am honored to recognize their courageous efforts today.

I am also committed to working with my fellow members of the Dyslexia Caucus, a bipartisan group that supports education and career opportunities for people with dyslexia, and ensures that their voices are heard in Congress.

By working together and forming strong partnerships with community leaders like the Arizona Branch of the International Dyslexia Association, we can ensure Americans impacted by dyslexia have the resources necessary to achieve their full potential.

HONORING THE DEDICATED SERVICE AND SELFLESS SACRIFICE OF SENIOR AIRMAN NATHAN C. SARTAIN

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. MILLER of Florida. Mr. Speaker, it is with both profound sadness and deep gratitude that I rise to pay tribute to a fallen decorated American hero.

On October 2, 2015, Senior Airman Nathan C. Sartain, who was assigned to the United States Air Force 66th Security Forces Squadron based out of Hanscom Air Force Base in Massachusetts, lost his life in a tragic C–130 crash in Jalalabad, Afghanistan while deployed with the 455th Expeditionary Security Forces Squadron and valiantly serving our Nation in support of Operation Freedom's Sentinel. Senior Airman Sartain was 29 years old, but lived a lifetime marked by and full of service.

Born and raised in Pensacola, Florida, Senior Airman Sartain made the Northwest Florida community proud with his many achievements. He excelled at Pensacola High School where he was a member of the National Honor Society and Junior Reserve Officer Training Corps, where he twice was named an outstanding cadet. Additionally, he was inducted into the Kitty Hawk Air Society's Daniel L. "Chappie" James Chapter designed to encourage personal excellence and promote community service and was awarded the Air Force Sergeants' Association medal in 2001.

Answering the call of duty and following in his father's footsteps of service, Senior Airman Sartain enlisted in the Air Force in 2013. Upon graduating from Basic Training and the Air Force Security Forces Academy Training, he served as an Installation Patrolman and mobilized as a Fly Away Security Team member, a role in which his missions would take him across the globe standing guard in defense of our Nation. His awards include the Air Force Commendation Medal, Air Force Good Conduct Medal, National Defense Service Medal, Afghanistan Campaign Medal, and the Global War on Terrorism Service Medal.

His life stands as a testament that freedom is not free, and as exemplified by his extraordinary heroism, Senior Airman Sartain's legacy will echo in time as an example of the ultimate sacrifice in the name of freedom. On behalf of the Northwest Florida community and a grateful Nation, my wife, Vicki, joins me in praying that God is with Nathan's wife, Lana; stepdaughter, Alexia; parents, Phillip and Janice; siblings, Jeremy, Heather and Dewayne; stepmother, Maralee; and all of the beloved family and friends he held so dear. We ask that God continue to bless them and the United States of America.

HONORING THE MINISTRY OF REV. DR. JAMES C. PERKINS

HON. ANDY BARR

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. BARR. Mr. Speaker, I rise today in order to recognize the faith and service of

Rev. Dr. James C. Perkins of Detroit, Michigan to the gospel ministry and its congregants for the last 41 years. My hometown of Lexington, Kentucky has the distinguished honor to host Dr. Perkins as he preaches the gospel to three of our community's churches. His words, written and spoken, have moved many throughout the country for four decades and will continue to do so for years to come.

Over the course of the Fifth Annual Simultaneous Revival in Lexington, the Reverend will preach the gospel and speak words of compassion to the Sixth District of Kentucky's own Shiloh Baptist Church, Antioch Missionary Baptist Church, and Imani Baptist Church. The event, hosted by the Interdenominational Pastoral Fellowship of Lexington and Vicinity, will spread the word of God and the enlightened message of peace and goodwill throughout the Commonwealth.

Dr. Perkins has been recognized throughout this great country and around the world as a leader in civil rights issues and advocacy for those who face daily struggles, seeking to remedy earthly woes through faith, prayer, and the support of the ministry. The Reverend's close relationship with many prominent groups and institutions such as the Council of Baptist Pastors of Detroit, Wiley College of Marshall, Texas, Morehouse School of Religion of Atlanta, Georgia, and the National Council of Churches has spread the Lord's word of good faith and love for our fellow man far and wide. In recognition of these good works, Dr. Perkins is a recipient of the Gandhi, King, Ikeda Community Builders Prize; an accolade bestowed by Morehouse College upon those who ardently pursue a life of work dedicated to the principle of constructing a world filled with dignity, freedom, and happiness for all people.

The Reverend's dedication to the gospel and preservation of the rights of Americans of all walks of life has been an inspiration to us all. On behalf of the residents of the Sixth Congressional District, I welcome him to Central Kentucky.

TRIBUTE TO DICK BERGSTROM

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Dick Bergstrom of Creston, Iowa, for being selected as a member of the Creston High School Hall of Fame.

A Cedar Falls native, Dick played football at the University of Northern Iowa and was the head football coach for 33 years at Creston High School, during which he coached 17 straight winning seasons and 10 playoff teams. He taught mathematics, health, and physical education during his time at CHS.

Mr. Speaker, Dick's efforts embody the Iowa spirit and I am honored to represent him, and Iowans like him, in the United States Congress. I know that all of my colleagues in the United States House of Representatives will join me in congratulating Dick for his achievements and wish him nothing but continued success.

INTRODUCTION OF THE PROTECT RIDERS OF METRORAIL PUBLIC TRANSPORTATION ACT OF 2015

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Ms. NORTON. Mr. Speaker, I rise to introduce the Protect Riders of Metrorail Public Transportation Act of 2015 (PROMPT Act). I am joined by Ms. EDWARDS of Maryland and Mrs. COMSTOCK of Virginia introducing this important piece of legislation that impacts our respective jurisdictions. The bill permits the U.S. Department of Transportation (DOT) Secretary to administer State safety oversight activities for the Washington Metropolitan Area Transit Authority until the District of Columbia, Virginia, and Maryland develop a State safety oversight program certified by the Secretary. The bill also permits the DOT Secretary to use the existing safety oversight formula funds set aside for the State Safety Oversight agency for transit safety oversight.

Following the catastrophic 2009 WMATA Metrorail accident that killed nine residents of the region, Congress gave the Federal Transit Administration (FTA) safety oversight authority for transit rail systems as part of the Moving Ahead for Progress in the 21st Century Act (MAP–21). MAP–21 directed FTA to create and implement a national public transportation safety plan, and gave FTA the authority to set and enforce minimum safety standards for transit rail systems. MAP–21 also gave FTA the authority to oversee state safety oversight programs for transit rail and provided $22 million annually nationwide for formula grants to eligible state safety oversight programs.

On January 12, 2015, smoke filled a Metrorail train near the L'Enfant Plaza Metro Station in Washington, DC, killing one passenger and injuring at least 84 passengers. The National Transportation Safety Board (NTSB) launched an investigation of the incident, examining the cause of the accident and expects to issue a final report early next year. NTSB is also investigating the Tri-State Oversight Committee (TOC), which was charged with supervising Metro's rail safety oversight program, and the FTA, which has not yet issued any safety regulations nor created a national public transportation safety plan.

Earlier this year, the FTA conducted a safety management inspection of WMATA's rail and bus systems and audited the Tri-State Oversight Committee. FTA identified 78 corrective actions for Metrorail to address 44 safety findings and 13 corrective actions for Metrobus to address 10 safety findings. FTA's audit of the TOC found significant gaps in safety oversight, with the TOC lacking enforcement authority and failing to meet MAP–21 legal and financial requirements. Among the FTA's recommendations was that the jurisdictions transition the TOC into the Metro Safety Commission, which was authorized by the DOT Secretary in February 2014.

Following an August 6, 2015, derailment of a Metrorail train outside of the Smithsonian Metro Station, the NTSB issued an urgent recommendation to the DOT Secretary that Congress amend 45 U.S.C. 1104(3) to list WMATA as a commuter authority, authorizing the Federal Railroad Administration (FRA) to exercise regulatory oversight of WMATA Metrorail. On October 9, 2015, the DOT Secretary responded to the NTSB recommendation by directing the FTA itself to take over direct safety oversight from the TOC. DOT will have available resources from FTA and FRA to implement direct safety oversight, which will include direct enforcement and investigation by FTA of WMATA Metrorail, and FTA will perform unannounced facility inspections and issuances of directives to address any safety inefficiencies.

This bill codifies the DOT response to the NTSB recommendation and makes the funding that would go to the TOC available to DOT and FTA to carry out direct safety oversight. I believe WMATA Metrorail riders will be relieved that the FTA will take direct oversight of Metrorail until the DOT Secretary certifies that a fully functioning Metro Safety Commission is up and running.

I urge my colleagues to support this legislation.

CELEBRATING THE 275TH ANNIVERSARY OF TORRINGTON, CONNECTICUT

HON. ELIZABETH H. ESTY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Ms. ESTY. Mr. Speaker, I rise today to celebrate the 275th anniversary of Torrington, Connecticut.

On Saturday, I had the honor of commemorating the city's 275th anniversary with local public officials and members of the community. Gathered on the steps of City Hall, we marked this historic milestone, honored the city's residents, and showcased the best of Torrington. The event hosts were the City of Torrington, the Warner Theatre, and the Torrington Historical Society.

In October 1740, residents established a town government only five years after the first settler, Ebenezer Lyman Jr., came to Torrington. Within a few short years, the first church, meeting house, and main roads were built, and Torrington flourished. In the early 19th century, Torrington industrialized. Several large brass mills opened, making the city a hub of production in the area. Over time, Torrington's population grew to meet these new labor demands. Among these new inhabitants were a diverse group of immigrants, bringing with them cultures that would enrich Torrington's commerce, art, and architecture.

When our nation was embroiled in the Second World War, Torrington put its industrial muscle behind the war effort. The city produced vital materials for our troops and contributed to victory. Manufacturing continues to be a substantial industry in Torrington. Many of these companies have called Torrington home for decades, while others have found the city recently and discovered that it is an ideal location.

Today, Torrington is a thriving, vibrant community. It has set an example for what a city can do when residents work together with a vision for the future. The city boasts cultural attractions that bring visitors from near and far to see all that Torrington has to offer.

I am honored to represent the City of Torrington in the United States Congress. I would like to thank Torrington's Municipal Historian Ken Buckbee and the Torrington 275

Organizing Committee for planning a spectacular celebration to recognize Torrington's 275th anniversary.

Congratulations to Torrington.

TRIBUTE TO MARION DRESDOW

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Marion Dresdow on the celebration of her 100th birthday.

Our world has changed a great deal during the course of Marion's life. Since her birth, we have revolutionized air travel and walked on the moon. We have invented the television, cellular phones, and the internet. We have fought in wars overseas, seen the rise and fall of Soviet communism, and witnessed the birth of new democracies. Marion has lived through 17 United States Presidents and 24 Governors of Iowa. In her lifetime, the population of the United States has more than tripled.

Mr. Speaker, it is an honor to represent Marion in the United States Congress and it is my pleasure to wish her a very happy 100th birthday. I invite my colleagues in the United States House of Representatives to join me in congratulating Marion on reaching this incredible milestone, and wishing her even more health and happiness in the years to come.

HONORING REVEREND GRIFFIN DAVIS, SR. ON HIS 50TH PASTORAL ANNIVERSARY AT THE HILLTOP MISSIONARY BAPTIST CHURCH

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. HASTINGS. Mr. Speaker, I rise today to recognize Reverend Griffin Davis, Sr. and commemorate the 50th anniversary of his esteemed ministry. As a devoted pastor, he has spent many years worshipping at Hilltop Missionary Baptist Church in Riviera Beach, Florida.

Reverend Davis has always gone out of his way to help those in need in his community. ''Life is incomplete without God,'' Reverend Davis has said. ''We need to get off the seat of 'do-nothing' and go out and find the Lord.'' Since its founding, Hilltop have brought many people together to share their deep love and devotion to the Lord.

Reverend Davis has always acted as a beacon of good-will and served as a dependable figure whom the city and its residents can rely on. His ministry has focused on providing good will and support to assist those who are most vulnerable, including the poor and disabled, and most importantly, senior citizens and children in need. He is routinely involved in ambitious projects, whether it is providing a furnished home for a church member, providing clothes and food for the hungry, or simply listening to those who yearn to be heard. Each and every one of Rev. Davis' efforts have reflected the sheer love and pride he holds for his fellow congregants. I am truly honored to join his family, friends, and everyone in the community in honoring him.

Mr. Speaker, Reverend Griffin Davis, Sr. is a remarkable man whose heart knows no bounds. I have had the privilege to see firsthand the selfless work that he has been able to accomplish, and wish him many more years of service to his ministry. I am proud to not only represent him in Congress, but also call him my close friend.

RECOGNIZING THE 125TH ANNIVERSARY OF KEUKA COLLEGE

HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. REED. Mr. Speaker, I rise today to recognize the 125th anniversary of Keuka College.

Keuka College was founded in 1890 on the shores of Keuka Lake in the Finger Lakes region of New York. This independent, liberal arts college was established by Rev. George Harvey Ball, who sought to provide high-quality education to all deserving students regardless of their economic backgrounds.

Over the past 125 years, Keuka College has offered students a vibrant educational curriculum focused on experiential learning and community service. All students are required to complete at least 140 hours of hands-on experience every year, putting into practice what they learn in the classroom. This enables students to gain significant, real-world experience and professional skills before they enter the workforce. The student-designed internship program ''Field Period'' has received national recognition from the Carnegie Foundation for the Advancement of Teaching and the President's Higher Education Community Service Honor Roll.

Keuka College offers 31 bachelor's degree programs on its home campus, many with specialized concentrations. In addition, the College offers seven master's degree programs and pre-professional programs in dentistry, law, medicine, veterinary medicine, optometry, pharmacy, and occupational therapy. These programs fulfill the College's mission statement by developing ''exemplary citizens and leaders'' who realize ''their full personal and professional potential.''

I ask my colleagues to join me in congratulating Keuka College on 125 years of success. I am proud to recognize this remarkable milestone and the great contributions the College has made, and will continue to make, to New York's 23rd Congressional District.

TRIBUTE TO GEORGE MERTZ

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate George Mertz of Walnut, Iowa, on the celebration of his 100th birthday on October 3, 2015.

In George's early years he took over the family farm implement business and sold real estate in Walnut, Iowa. He married Evelyn Oldehoff on September 10, 1944, and has four sons, 13 grandchildren, 17 great-grandchildren, and one great-great-grandchild. George admirably served in the U.S. Air Force during the Second World War. Longevity runs in the family, as his dad lived to be 101.

Mr. Speaker, it is an honor to represent George, and Iowans like him, in the United States Congress. I urge my colleagues in the United States House of Representatives to join me in congratulating George in reaching this incredible milestone. I wish him continued health and happiness in the years to come.

CHILDREN'S NATIONAL HEALTH SYSTEM'S DIVISION OF DIAGNOSTIC IMAGING AND RADIOLOGY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to join me in congratulating Children's National Health System and its Division of Diagnostic Imaging and Radiology on the International Day of Radiology and on the tremendous impact that pediatric medical imaging and radiation has on children's health care in the District of Columbia.

Children's National Health System and its Division of Diagnostic Imaging and Radiology offers District residents access to a specialized staff, full-time Child Life Specialists, state-of-the-art equipment and walk-in radiographs. When a procedure, such as an MRI, requires sedation, Children's National is the only hospital in the national capital region that guarantees a child's anesthesia is administered by a fellowship-trained pediatric anesthesiologist.

Children's National has one of the few radiology programs in the United States with several physicists on staff. Children's physicists ensure patient safety through careful monitoring of all equipment. Their physicists supervise radiation safety throughout the hospital, can answer parents' questions about the radiation dose for an exam and ensure safe and effective application of Magnetic Resonance Imaging.

Children's National performs approximately 130,000 diagnostic imaging studies each year. These studies play a critical role in the detection, diagnosis and management of a wide variety of diseases affecting children; and they are performed by specially trained physicians, technologists, sonographers, nurses and child life specialists who understand the unique needs of our youngest patients. Medical imaging reduces the number of invasive surgeries, unnecessary hospital admissions and lengths of hospital stays, and helps lower health care costs for Americans.

On November 8, 2015, the International Day of Radiology, sponsored by the American College of Radiology, the European Society of Radiology and the Radiologic Society of North America, is celebrating the 120th anniversary of the discovery of the X-ray by Wilhelm Conrad Rontgen and the important role medical imaging and radiation oncology serve in health care. Children's National will designate Friday, November 6, 2015, to celebrate the International Day of Radiology, which this year is dedicated to pediatric imaging.

Mr. Speaker, I ask the House of Representatives to join me in celebrating the 2015 International Day of Radiology and recognizing and honoring Children's National Health System and its Division of Diagnostic Imaging and Radiology for their invaluable contributions to improving pediatric radiology on behalf of the residents of the District of Columbia.

WELCOME TO SCENIC PEARLAND, TEXAS

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. OLSON. Mr. Speaker, I rise today to congratulate Pearland, Texas for earning a Gold Level Scenic City Certification. Pearland residents already know how beautiful this city is, and we are proud that everybody across Texas agrees.

Scenic Texas, a non-profit organization, awarded the Gold Level Scenic City Certification to Pearland for five years. The organization took note of Pearland's beautiful landscapes, tree-lined streets, and dedication to cultural arts. This certification further demonstrates Pearland's commitment to improving the quality of life for its residents. We are extremely proud of this growing city.

On behalf of the Twenty-Second Congressional District of Texas, congratulations to Pearland. Thank you for keeping our little piece of Texas beautiful.

TRIBUTE TO JOE AND DOROTHY HILDRETH

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Joe and Dorothy Hildreth of Underwood, Iowa, on the very special occasion of their 50th wedding anniversary. Joe and Dorothy were married in 1965.

Joe and Dorothy's lifelong commitment to each other and their children, Brenda and Pam, along with their grandchildren, truly embodies Iowa values. I commend this devoted couple on their 50th year together and I wish them many more. I know my colleagues in the United States House of Representatives will join me in congratulating them on this momentous occasion. I wish them and their family nothing but the best moving forward.

IN RECOGNITION OF THE SANTA MONICA HEALTH CENTER RUN BY PLANNED PARENTHOOD LOS ANGELES

HON. TED LIEU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. TED LIEU of California. Mr. Speaker, I rise today to honor the Santa Monica Health Center run by Planned Parenthood Los Angeles. The Santa Monica Health Center, which is located in the heart of the 33rd Congressional District, serves more than twenty thousand of my constituents every year.

Planned Parenthood Los Angeles has provided high-quality and affordable health services for fifty years, including reproductive health care, cancer screenings, sex education, and health counseling. Thanks to their consistent commitment to patient care, they are now the largest private provider of reproductive health services in Los Angeles County. Planned Parenthood clinics are particularly essential to the health of young, disadvantaged, and low-income patients.

I am inspired by the tireless dedication and exceptional skill shown by the Santa Monica Health Center's employees, volunteers, and champions. Since its inception, the Santa Monica Health Center has worked to preserve and defend the reproductive rights of all Angelenos. By ensuring access to reproductive care, they have steadfastly protected their patients' autonomy and future opportunities.

The Santa Monica Health Center's clinicians and patient advocates earned our deepest thanks, recognition, and support. I urge my colleagues to join me in commending them for their years of service to the residents of the 33rd District.

HONORING NELSON SHANKS

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. FITZPATRICK. Mr. Speaker, from presidents to popes to princesses, Nelson Shanks painted them all.

An internationally renowned portrait artist, he called my district of Bucks County home—painting some of his most iconic works in his studio in Andalusia, Bensalem.

Throughout his decades-long career, Shanks served on the faculty of several prominent art organizations, including the Art Institute of Chicago and the National Academy of Design before founding Studio Incamminati in Philadelphia. Celebrated for his adherence to Realism, he was a recipient of the Gold Medal for Lifetime Achievement by the Portrait Society of America.

While Shanks once remarked that "If you can see it, and if you know your color, you can paint it," there is no doubt that his masterpieces far exceeded the simplicity he stated.

Nelson Shanks passed away at the end of August, but his legacy lives on in the timeless works of art around the globe.

TRIBUTE TO JOHN AND EMOGENE KAUFMAN

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate John and Emogene Kaufman of Council Bluffs, Iowa, on the very special occasion of their 65th wedding anniversary. They were married on September 16, 1950 at the First Christian Church in Council Bluffs, where they have remained members.

John and Emogene's lifelong commitment to each other and their children, John and Susan, their grandchildren, and great-grandchildren, truly embodies Iowa values. I commend this devoted couple on their 65th year together and I wish them many more. I know my colleagues in the United States House of Representatives will join me in congratulating them on this momentous occasion.

75TH ANNIVERSARY OF LONG BEACH BRANCH OF NAACP

HON. ALAN S. LOWENTHAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. LOWENTHAL. Mr. Speaker, I rise today to honor the Long Beach Branch of the National Association for the Advancement of Colored People, which is celebrating its 75th anniversary this week. Since its founding in 1940, the NAACP has been at the forefront of the fight to protect the civil rights of all Americans. The mission statement of the NAACP is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate race-based discrimination in the United States. It has done so by advocating for and influencing the passage of numerous pieces of landmark legislation including the Civil Rights Act and the Voting Rights Act. It has also been a forceful voice behind numerous court decisions that have set our nation's course on civil rights.

The NAACP has had a presence in Long Beach, CA since 1940 and has done much to advance the cause of civil rights for the city's residents. Before the Civil Rights Act of 1964, Los Angeles County was similar to many segregated counties throughout the nation and African-American residents in the county experienced racial discrimination in all aspects of their lives. The NAACP was central in the fight to combat these injustices and worked over the following decades to expand voter participation, legally challenge the segregated school system, and bring the equality of opportunity to Long Beach. Today, the Long Beach Branch of the NAACP sponsors many award winning programs and projects, such as the Community Impact Program, which promotes academic excellence, social responsibility, leadership, and community service. Since its founding, the Long Beach Branch has been recognized over 20 times with the prestigious Thalheimer Awards, the National NAACP's top award given to branches for outstanding achievements. The Long Beach Branch NAACP has also been recognized as one of the best NAACP branches in California. This success is thanks in no small part to the NAACP, which has always resolutely placed them in the vanguard of the struggle for equality.

Despite all that has been accomplished over the years, the mission and goals of the NAACP remains an ongoing journey. Racial profiling remains a pervasive policy in both the workplace and in many police departments all over the country; inequities in the criminal justice system continue to overwhelmingly impact African Americans; and, threats to voter access continue to gain traction in certain areas

of the country. These injustices show that the NAACP's work is just as important today as it was when the Long Beach Branch NAACP was founded 75 years ago. While our recognition of past progress made under the leadership of the NAACP is critical and necessary, we also must look to the future and rededicate ourselves as Americans to the fulfillment of their goals of a truly equal and just society for all Americans.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was $10,626,877,048,913.08.

Today, it is $18,152,705,110,034.31. We've added $7,525,828,061,121.23 to our debt in 6 years. This is over $7.5 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

TRIBUTE TO THE FABRIC AND FRIENDS QUILT GUILD

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize the Fabric and Friends Quilt Guild of Adair County, Iowa, for their continued service to our country's veterans.

The Guild, which was formed in 2001, began with members creating "cooling ties" for soldiers deployed to Iraq and quilts for service members recovering at Walter Reed Hospital. Guild members now present "Red, White and Blue" quilts to local service members.

Mr. Speaker, the selflessness and dedication each member of this group demonstrates embodies the Iowa spirit and I am honored to represent them, and Iowans like them, in the United States Congress. I know that all of my colleagues in the United States House of Representatives will join me in recognizing the Fabric and Friends Quilt Guild for their service to our armed service members and veterans and wish them nothing but continued success.

IN MEMORY OF MARTHA CAROLYN EDEN

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. WILSON of South Carolina. Mr. Speaker, on Thursday, October 15th, South Carolinians paused from recovery efforts of record flooding to recognize the life of Martha Carolyn Edens with a Service of Death and Resurrection at Trenholm Road United Methodist Church in Columbia.

The Reverend Doctor Bill Bouknight properly began the sermon recognizing her as a Caring Conservative.

Martha Edens was a devoted pioneer in establishing the modem Republican Party. She was an active volunteer in August 1961 electing Richland Representative Charlie Boineau to the House of Representatives as the first Republican elected to the General Assembly in the Twentieth Century. He was joined in 1962 by State Representative Floyd Spence of Lexington who was the first elected official to switch parties. Through her family's dedication she lived a revolution where Republicans by 2010 held elected all statewide state and federal offices. Additionally super majorities were achieved in the State House and Senate with eight of nine federal offices. From isolated pockets of Republican transplants from the Northeast and Midwest in 1961, the party is now dominant in almost every corner of the state.

She helped establish a broad-based party in 2010 electing Nikki Haley as the state's first female Governor in 340 years and as America's second Indian-American Governor. With Tim Scott, being the second African-American elected to Congress in the twentieth Century and in 2014 he achieved being the first popularly elected African-American ever from the South to the U.S. Senate. Additionally with Alan Wilson, South Carolina elected American's youngest State Attorney General.

Martha Edens' vision and dedication to the principles of limited government and expanded freedom have been adopted by the people of South Carolina. On October 11th, a thoughtful obituary was published in The State of Columbia, South Carolina.

Columbia Memorial service for Martha Carolyn Edens, 87, will be held at 4:00 p.m. Thursday, October 15, 2015, at Trenholm Road United Methodist Church. Following the service, the family will receive friends in the church dining hall. Burial will be private in Greenlawn Memorial Park. Dunbar Funeral Home, Devine Street Chapel, is assisting the family.

Ms. Edens died Friday, October 9, 2015. Born in Richland County, she was the daughter of the late James Drake Edens Sr. and May Florence Youmans Edens. She graduated from Dreher High School, attended Brenau University in Gainesville, Ga. and graduated from the University of South Carolina.

Martha lived a well-spent life of love, dedication and generosity. In addition to being a loving, caring mother to her two children, Martha accomplished more in her life than most people even dream of. She was active in politics, her college fraternity, Zeta Tau Alpha, her church, Trenholm Road United Methodist and her community. Among the highlights of Martha's many accomplishments was being awarded the Order of the Palmetto in 1995 by Governor Carroll A. Campbell.

On the local level, she served the Richland County Republican Party as Party Chairman, Finance Chairman and Precinct Committeeman. Martha served as Vice Chairman of the First Tuesday Republican Club. She was a member of the Richland County Ivory Club, the Richland County Republican Women's Club and was a governor's mansion docent.

A true community leader, Martha was also an active member of Trenholm Road United Methodist Church, having served on numerous boards and committees and was an Advisory Board member of Lutheran Theological Seminary. Martha was also an active board member of the Palmetto Society of the United Way and the Salvation Army of Columbia and she was former president and member of the State Board of Directors of South Carolina Easter Seal Society. Additionally, Martha was a member of the South Carolina Museum Commission and the SC Law Institute Council. She was a former member of the Advisory Board of Republic National Bank and the Citizens Committee for the Construction of the Richland County Judicial Center. She served as treasurer of the South Carolina Republican Party.

A longtime member of the Capitol 100 Foundation, Martha served our state as National Committeewoman on the Republican National Committee, where she became known as one of the most outstanding national committeewomen in the nation. As National Committeewoman, she served on the Rules Committee of the RNC, was elected Vice Chairman of the Southern Region and served on the Chairman's Executive Committee, having served four years in each of those positions. In 1992, Martha served, along with Honorary Chairman Carroll A. Campbell, as Chairman of the Southern Republican Conference. Elected to serve as one of eight members of the Site Selection Committee for the 1996 Republican National Convention, Martha also served on the Committee on Arrangements for the San Diego convention. On the state level, Martha had the honor of serving on the South Carolina Election Commission.

She served as Vice President on the Board of Trustees of Brenau University for thirty years, received the Outstanding Alumnae Award for Community Service and received the prestigious Mary Mildred Sullivan Award given to distinguished alumnae.

Martha was also a member of the Board of Visitors for Columbia College, the Advisory Board for the Medical University of South Carolina and served Richland County School District Two as a Board of Trustees member, Secretary, Vice President and Chairman. Additionally, Martha held office on the Board of Trustees of Richland Memorial Hospital and worked as a volunteer with the HelpLine Crisis Intervention Program and Baptist Medical Center Hospice.

Dearest to her heart, though, was her lifelong involvement with Zeta Tau Alpha Fraternity. She served as Province President for the states of North and South Carolina and Georgia, National Vice President, National President, National Extension Director, Chairman, International Office Building Committee, President of Zeta Tau Alpha Foundation and served on the Foundation Board as a director. Her fraternity honors were as an Honor Ring Recipient, Vivian Ulmer Smith Rushing Award, Alumnae Certificate of Merit, Louise Kettler Helper Award and Outstanding Alumnae Award.

Martha Carolyn Edens had many dear friends who valued her dry wit, her sharp humor and her unfailing sense of style. Her honesty, ethics and fairness could always be counted on. She gave generously in donating her time and talents.

Surviving are her daughter, Dinah Helms Cook (Phil); daughter-in-law, Pamela Blaylock Helms; grandchildren, Blake Edens Helms, James Cook, Jennifer Cook and Allison Cook. Also surviving are nieces and nephews and many dear friends. Martha was predeceased by her former husband, William Edgar Helms Jr.; her son, William Edgar Helms III; and brothers, James Drake Edens Jr. and William Youmans Edens Sr.

RETIREMENT OF DAVE OLSON (WASHINGTON RIVER PROTECTION SOLUTIONS)

HON. DAN NEWHOUSE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. NEWHOUSE. Mr. Speaker, I rise to recognize the contributions of Dave Olson, who is retiring as President of Washington River Protection Solutions, a Tank-Farm Contractor at the Hanford Nuclear site in Central Washington.

After 30 years of service, Dave's retirement is well-deserved. Since taking over as President of WRPS in 2013, he has been an outstanding leader and under his leadership the company has tackled some of the most complex waste remediation issues at the site, while maintaining one of the best safety records across the EM complex.

Hanford is one of the most critical environmental cleanup projects in the world—with 56 million gallons of radioactive and hazardous chemical waste stored in underground tanks—and Dave's dedication and contributions have been invaluable to the project.

Dave also volunteered as a member of the Hanford Working Group, which I formed to advise me on issues of importance to the Hanford Site and local communities. I would like to congratulate Dave on his retirement and thank him for his time, valuable insight, and dedicated service to the cleanup mission at Hanford and the long-term prosperity of the Tri-Cities.

TRIBUTE TO LARRY PETERSON

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Larry Peterson, of Creston, Iowa, for being selected as a member of the Creston High School Hall of Fame.

Mr. Peterson has been writing for newspapers since the day he graduated from the University of Iowa in 1979. He has spent 30 years writing for the Creston News Advertiser, where he has served as sports editor, assistant editor, feature writer and sports writer. Larry has covered more than 3,000 high school games, numerous state championship teams and more than 100 individual champions during his time as a sports writer. Larry has also spent almost 16 years coaching teams in Creston throughout the years.

Mr. Speaker, Larry's efforts embody the Iowa spirit and I am honored to represent him, and Iowans like him, in the United States Congress. I know that all of my colleagues in the United States House of Representatives will join me in congratulating Larry for his achievements and wish him nothing but continued success.

IN RECOGNITION OF PAKACHOAG SCHOOL

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. MCGOVERN. Mr. Speaker, I rise today to ask my colleagues in the U.S. House of Representatives to join me in recognizing the accomplishments of Pakachoag School.

Pakachoag School, located in Auburn, Massachusetts, was recently named a 2015 National Blue Ribbon School by the U.S. Department of Education. Pakachoag prides itself on its dedication to providing students with the tools they need to succeed in the dynamic and fast-paced world surrounding them. Auburn schools have a history of educational excellence. In 2014, the Julia Bancroft School won a Blue Ribbon award. Due to redistricting, Julia Bancroft and Pakachoag have since merged. Educators of the Auburn Public Schools provide committed and enthusiastic leadership, creating a comprehensive and inviting educational environment. The Pakachoag pledge, "We are Prepared, Aware, and Kind!" echoes the school's focus on ensuring students can become considerate and intelligent luminaries in the world outside the classroom.

To inspire civic responsibility and leadership, Pakachoag promotes numerous Community Service Learning Projects. Through fundraising, volunteer work, and reading programs, the importance of "giving back" is instilled in students. The school also offers a number of events and programs such as food drives and community reading days that not only reflect upon the student's development, but benefit the community as a whole.

Pakachoag School also strives to provide a comprehensive and inclusive environment within the school's walls. Pakachoag's special needs program is one of the most intensive in the Auburn school system. Extracurricular activities like student government and a student-written newspaper, along with on-site before and after-school childcare through the Galaxy Program, demonstrate how Pakachoag is deeply committed to the success, nurturing, and overall wellbeing of each and every one of its students.

None of these wonderful educational achievements would be possible without the talented educators and staff members at Pakachoag School. Administrative leadership under Superintendent Dr. Maryellen Brunelle can be associated with her passion for the success of her students, as well as a dedication to creating a warm and welcoming learning environment. The tireless efforts by all of those involved can be credited to Pakachoag's success.

I am so proud to represent the faculty, students, and staff of the Pakachoag School and the Auburn School System, and I look forward to what they will continue to accomplish in the future. I ask you to join me in congratulating the Pakachoag School for being named a 2015 National Blue Ribbon School.

PERSONAL EXPLANATION

HON. JERRY McNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. MCNERNEY. Mr. Speaker, I was necessarily absent from the House on February 26, 2015. Had I been present, I would have voted NO on H. Res. 125 (Roll Call 93). I would like to accurately reflect my stance on this issue.

TRIBUTE TO RAMON AND JEAN SMITH

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2015

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and honor Ramon and Jean Smith of Atlantic, Iowa, on the very special occasion of their 60th wedding anniversary. They were married on September 18, 1955.

Ramon and Jean's lifelong commitment to each other and their children, Sherrie, Terry, and Doug, truly embodies Iowa values. I commend this devoted couple on their 60th year together and I wish them many more. I know my colleagues in the United States House of Representatives will join me in congratulating them on this momentous occasion.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S7309–S7366

Measures Introduced: Three bills and one resolution were introduced, as follows: S. 2184–2186, and S. Res. 290. **Pages S7344–45**

Measures Passed:

Sgt. Zachary M. Fisher Post Office: Senate passed H.R. 322, to designate the facility of the United States Postal Service located at 16105 Swingley Ridge Road in Chesterfield, Missouri, as the "Sgt. Zachary M. Fisher Post Office". **Page S7366**

Sgt. Amanda N. Pinson Post Office: Senate passed H.R. 323, to designate the facility of the United States Postal Service located at 55 Grasso Plaza in St. Louis, Missouri, as the "Sgt. Amanda N. Pinson Post Office". **Page S7366**

Lt. Daniel P. Riordan Post Office: Senate passed H.R. 324, to designate the facility of the United States Postal Service located at 11662 Gravois Road in St. Louis, Missouri, as the "Lt. Daniel P. Riordan Post Office". **Page S7366**

Richard 'Dick' Chenault Post Office Building: Senate passed H.R. 558, to designate the facility of the United States Postal Service located at 55 South Pioneer Boulevard in Springboro, Ohio, as the "Richard 'Dick' Chenault Post Office Building". **Page S7366**

Staff Sergeant Robert H. Dietz Post Office Building: Senate passed H.R. 1442, to designate the facility of the United States Postal Service located at 90 Cornell Street in Kingston, New York, as the "Staff Sergeant Robert H. Dietz Post Office Building". **Page S7366**

Officer Daryl R. Pierson Memorial Post Office Building: Senate passed H.R. 1884, to designate the facility of the United States Postal Service located at 206 West Commercial Street in East Rochester, New York, as the "Officer Daryl R. Pierson Memorial Post Office Building". **Page S7366**

James Robert Kalsu Post Office Building: Senate passed H.R. 3059, to designate the facility of the United States Postal Service located at 4500 SE 28th Street, Del City, Oklahoma, as the James Robert Kalsu Post Office Building. **Page S7366**

National Case Management Week: Committee on the Judiciary was discharged from further consideration of S. Res. 261, designating the week of October 11 through October 17, 2015, as "National Case Management Week" to recognize the role of case management in improving health care outcomes for patients, and the resolution was then agreed to. **Page S7366**

Measures Considered:

Stop Sanctuary Policies and Protect Americans Act: Senate continued consideration of the motion to proceed to consideration of S. 2146, to hold sanctuary jurisdictions accountable for defying Federal law, to increase penalties for individuals who illegally reenter the United States after being removed, and to provide liability protection for State and local law enforcement who cooperate with Federal law enforcement. **Pages S7314–32**

During consideration of this measure today, Senate also took the following action:

By 54 yeas to 45 nays (Vote No. 280), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to consideration of the bill. **Page S7323**

Cybersecurity Information Sharing Act—Agreement: Senate began consideration of S. 754, to improve cybersecurity in the United States through enhanced sharing of information about cybersecurity threats, after taking action on the following amendments proposed thereto: **Pages S7332–42**

Pending:

Burr/Feinstein Amendment No. 2716, in the nature of a substitute. **Page S7333**

Burr (for Cotton) Modified Amendment No. 2581 (to Amendment No. 2716), to exempt from the capability and process within the Department of Homeland Security communication between a private entity and the Federal Bureau of Investigation or the United States Secret Service regarding cybersecurity threats. **Page S7333**

Feinstein (for Coons) Modified Amendment No. 2552 (to Amendment No. 2716), to modify section 5 to require DHS to review all cyber threat indicators and countermeasures in order to remove certain personal information. **Pages S7333–34**

Burr (for Flake/Franken) Amendment No. 2582 (to Amendment No. 2716), to terminate the provisions of the Act after six years. **Page S7334**

Feinstein (for Franken) Modified Amendment No. 2612 (to Amendment No. 2716), to improve the definitions of cybersecurity threat and cyber threat indicator. **Pages S7334–35**

Burr (for Heller) Modified Amendment No. 2548 (to Amendment No. 2716), to protect information that is reasonably believed to be personal information or information that identifies a specific person. **Page S7335**

Feinstein (for Leahy) Modified Amendment No. 2587 (to Amendment No. 2716), to strike the FOIA exemption. **Page S7335**

Burr (for Paul) Modified Amendment No. 2564 (to Amendment No. 2716), to prohibit liability immunity to applying to private entities that break user or privacy agreements with customers. **Page S7335**

Feinstein (for Mikulski/Cardin) Amendment No. 2557 (to Amendment No. 2716), to provide amounts necessary for accelerated cybersecurity in response to data breaches. **Page S7335**

Feinstein (for Whitehouse/Graham) Modified Amendment No. 2626 (to Amendment No. 2716), to amend title 18, United States Code, to protect Americans from cybercrime. **Pages S7335–36, S7339–40**

Feinstein (for Wyden) Modified Amendment No. 2621 (to Amendment No. 2716), to improve the requirements relating to removal of personal information from cyber threat indicators before sharing. **Page S7336**

A motion was entered to close further debate on Burr/Feinstein Amendment No. 2716 (listed above), and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, October 22, 2015. **Page S7336**

A motion was entered to close further debate on the bill, and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of Burr/Feinstein Amendment No. 2716. **Page S7342**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:30 a.m., on Wednesday, October 21, 2015. **Page S7366**

Nomination Confirmed: Senate confirmed the following nomination:

By 95 yeas to 2 nays (Vote No. EX. 279), Ann Donnelly, of New York, to be United States District Judge for the Eastern District of New York. **Pages S7311–14, S7366**

Measures Placed on the Calendar: **Pages S7310, S7344**

Additional Cosponsors: **Page S7345–46**

Statements on Introduced Bills/Resolutions: **Page S7346**

Additional Statements: **Pages S7343–44**

Amendments Submitted: **Pages S7346–65**

Authorities for Committees to Meet: **Pages S7365–66**

Record Votes: Two record votes were taken today. (Total—280) **Pages S7314, S7323**

Adjournment: Senate convened at 10 a.m. and adjourned at 6:19 p.m., until 9:30 a.m. on Wednesday, October 21, 2015. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S7366.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the nominations of Cherry Ann Murray, of Kansas, to be Director of the Office of Science, Victoria Marie Baecher Wassmer, of Illinois, to be Under Secretary, and John Francis Kotek, of Idaho, to be an Assistant Secretary (Nuclear Energy), all of the Department of Energy, and Mary L. Kendall, of Minnesota, to be Inspector General, Suzette M. Kimball, of West Virginia, to be Director of the United States Geological Survey, who was introduced by Senators Manchin and Capito, and Kristen Joan Sarri, of Michigan, to be an Assistant Secretary, who was introduced by Senator Reed, all of the Department of the Interior, after the nominees testified and answered questions in their own behalf.

NORTH KOREA

Committee on Foreign Relations: Committee concluded a hearing to examine the persistent North Korea denuclearization and human rights challenge, after receiving testimony from Sung Kim, Special Representative for North Korea Policy, Deputy Assistant Secretary of State, and Robert King, Special Envoy for North Korean Human Rights Issues, both of the Department of State.

PARIS INTERNATIONAL CLIMATE NEGOTIATIONS

Committee on Foreign Relations: Subcommittee on Multilateral International Development, Multilateral Institutions, and International Economic, Energy, and Environmental Policy concluded a hearing to examine the 2015 Paris international climate negotiations, focusing on the economic and environmental impacts, after receiving testimony from Todd D. Stern, Special Envoy for Climate Change, Department of State.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 13 public bills, H.R. 3763–3775; and 1 resolution, H. Res. 482 were introduced. **Pages H7026–27**

Additional Cosponsors: **Pages H7027–28**

Reports Filed: Reports were filed today as follows:

H.R. 1428, to extend Privacy Act remedies to citizens of certified states, and for other purposes (H. Rept. 114–294, Part 1);

H.R. 3493, to amend the Homeland Security Act of 2002 to establish the Securing the Cities program to enhance the ability of the United States to detect and prevent terrorist attacks and other high consequence events utilizing nuclear or other radiological materials that pose a high risk to homeland security in high-risk urban areas, and for other purposes, with an amendment (H. Rept. 114–295);

H.R. 3350, to require a terrorism threat assessment regarding the transportation of chemical, biological, nuclear, and radiological materials through United States land borders and within the United States, and for other purposes (H. Rept. 114–296);

H.R. 3572, to amend the Homeland Security Act of 2002 to reform, streamline, and make improvements to the Department of Homeland Security and support the Department's efforts to implement better policy, planning, management, and performance, and for other purposes, with an amendment (H. Rept. 114–297);

H.R. 598, to provide taxpayers with an annual report disclosing the cost and performance of Government programs and areas of duplication among them, and for other purposes, with an amendment (H. Rept. 114–298);

H.R. 2320, to provide access to and use of information by Federal agencies in order to reduce improper payments, and for other purposes, with an amendment (H. Rept. 114–299);

H. Res. 480, providing for consideration of the bill (H.R. 10) to reauthorize the Scholarships for Opportunity and Results Act, and for other purposes, and providing for consideration of the bill (H.R. 692) to ensure the payment of interest and principal of the debt of the United States (H. Rept. 114–300); and

H. Res. 481, providing for consideration of the bill (H.R. 1937) to require the Secretary of the Interior and the Secretary of Agriculture to more efficiently develop domestic sources of the minerals and mineral materials of strategic and critical importance to United States economic and national security and manufacturing competitiveness (H. Rept. 114–301). **Pages H7025–26**

Speaker: Read a letter from the Speaker wherein he appointed Representative Moolenaar to act as Speaker pro tempore for today. **Page H6983**

Recess: The House recessed at 12:08 p.m. and reconvened at 2 p.m. **Page H6984**

Recess: The House recessed at 2:07 p.m. and reconvened at 4 p.m. **Page H6985**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Judicial Redress Act of 2015: H.R. 1428, to extend Privacy Act remedies to citizens of certified states; **Pages H6985–88**

Securing the Cities Act of 2015: H.R. 3493, amended, to amend the Homeland Security Act of 2002 to establish the Securing the Cities program to enhance the ability of the United States to detect and prevent terrorist attacks and other high consequence events utilizing nuclear or other radiological materials that pose a high risk to homeland security in high-risk urban areas, by a ⅔ yea-and-nay vote of 411 yeas to 4 nays, Roll No. 550; **Pages H6988–89, H7010**

Know the CBRN Terrorism Threats to Transportation Act: H.R. 3350, to require a terrorism threat assessment regarding the transportation of chemical, biological, nuclear, and radiological materials through United States land borders and within the United States, by a ⅔ yea-and-nay vote of 416 yeas with none voting "nay", Roll No. 551;

Pages H6989–91, H7010–11

DHS Headquarters Reform and Improvement Act of 2015: H.R. 3572, amended, to amend the Homeland Security Act of 2002 to reform, streamline, and make improvements to the Department of Homeland Security and support the Department's efforts to implement better policy, planning, management, and performance; **Pages H6991–H7005**

Amending section 1105(a) of title 31, United States Code: H.R. 1315, to amend section 1105(a) of title 31, United States Code, to require that annual budget submissions of the President to Congress provide an estimate of the cost per taxpayer of the deficit; and **Pages H7005–07**

Supporting the right of the people of Ukraine to freely elect their government and determine their future: H. Res. 348, amended, supporting the right of the people of Ukraine to freely elect their government and determine their future, by a ⅔ yea-and-nay vote of 413 yeas to 4 nays, Roll No. 552.

Pages H7007–09, H7011–12

Recess: The House recessed at 5:20 p.m. and reconvened at 6:30 p.m. **Page H7009**

Librarian of Congress Succession Modernization Act of 2015: The House agreed to discharge from committee and pass S. 2162, to establish a 10-year term for the service of the Librarian of Congress.

Page H7012

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of today and appear on pages H7010, H7011 and H7011–12. There were no quorum calls.

Adjournment: The House met at 12 noon and adjourned at 8:56 p.m.

Committee Meetings

EXAMINING LEGISLATIVE PROPOSALS TO COMBAT OUR NATION'S DRUG ABUSE CRISIS

Committee on Energy and Commerce: Subcommittee on Health reconvened a hearing entitled "Examining Legislative Proposals to Combat Our Nation's Drug Abuse Crisis". Testimony was heard from public witnesses.

SOAR REAUTHORIZATION ACT; DEFAULT PREVENTION ACT; AND NATIONAL STRATEGIC AND CRITICAL MINERALS PRODUCTION ACT OF 2015

Committee on Rules: Full Committee held a hearing on H.R. 10, the "SOAR Reauthorization Act"; H.R. 692, the "Default Prevention Act"; and H.R. 1937, the "National Strategic and Critical Minerals Production Act of 2015". The committee granted, by voice vote, a structured rule for H.R. 10. The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform. The rule waives all points of order against consideration of the bill. The rule provides that the amendments recommended by the Committee on Oversight and Government Reform now printed in the bill shall be considered as adopted, and the bill, as amended, shall be considered as read. The rule waives all points of order against provisions in the bill, as amended. The rule makes in order only those further amendments printed in the Rules Committee report. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The rule waives all points of order against the amendments printed in the report. The rule provides one motion to recommit with or without instructions. Additionally, the rule grants a closed rule for H.R. 692. The rule provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against consideration of the bill. The rule provides that the bill shall be considered as read. The rule waives all points of order against provisions in the bill. The rule provides one motion to recommit. The Committee granted, by voice vote, a structured rule for H.R. 1937. The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. The rule waives all points of order against consideration of the bill. The rule provides that the bill shall be considered as read. The rule waives all points of order against provisions in the bill. The rule makes in order only those amendments printed in the Rules Committee report. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in

the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The rule waives all points of order against the amendments printed the report. The rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Chaffetz and Representatives Norton, Hastings, Brady of Texas, Levin, Lamborn, and Lowenthal.

Joint Meetings

EUROPE'S REFUGEE CRISIS

Commission on Security and Cooperation in Europe: Commission concluded a hearing to examine Europe's refugee crisis, focusing on how the United States, European Union, and the Organization for Security and Cooperation in Europe should respond, after receiving testimony from Anne C. Richard, Assistant Secretary of State, Bureau of Population, Refugees, and Migration; Shelly Pitterman, Regional Representative to the United States and Caribbean, Office of the United Nations High Commissioner for Refugees, David O'Sullivan, Ambassador of the European Union to the United States, and Djerdj Matkovic, Ambassador of the Republic of Serbia to the United States, all of Washington, D.C.; and Sean Callahan, Catholic Relief Services, Baltimore, Maryland.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1094)*

H.R. 2835, to actively recruit members of the Armed Forces who are separating from military service to serve as Customs and Border Protection Officers. Signed on October 16, 2015. (Public Law 114–68)

S. 986, to require the Secretary of the Interior to take into trust 4 parcels of Federal land for the benefit of certain Indian Pueblos in the State of New Mexico. Signed on October 16, 2015. (Public Law 114–69)

S. 1300, to amend the section 221 of the Immigration and Nationality Act to provide relief for adoptive families from immigrant visa fees in certain situations. Signed on October 16, 2015. (Public Law 114–70)

S. 2078, to reauthorize the United States Commission on International Religious Freedom. Signed on October 16, 2015. (Public Law 114–71)

COMMITTEE MEETINGS FOR WEDNESDAY, OCTOBER 21, 2015

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine agriculture biotechnology, focusing on Federal regulation and stakeholder perspectives, 10 a.m., SD–106.

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, to hold hearings to examine a review of rural development in 21st century America, 10 a.m., SD–192.

Committee on Armed Services: to hold hearings to examine the future of defense reform, 9:30 a.m., SH–216.

Committee on the Budget: to hold hearings to examine reforming the Federal budget process, focusing on the need for action, 10:30 a.m., SD–608.

Committee on Environment and Public Works: Subcommittee on Superfund, Waste Management, and Regulatory Oversight, to hold an oversight hearing to examine regulatory impact analyses for Environmental Protection Agency regulations, 10 a.m., SD–406.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine ongoing migration from Central America, focusing on fiscal year 2015 apprehensions, 9:30 a.m., SD–342.

Committee on Indian Affairs: business meeting to consider S. 1419, to promote the academic achievement of American Indian, Alaska Native, and Native Hawaiian children with the establishment of a Native American language grant program, S. 1436, to require the Secretary of the Interior to take land into trust for certain Indian tribes, S. 1443, to amend the Indian Employment, Training and Related Services Demonstration Act of 1992 to facilitate the ability of Indian tribes to integrate the employment, training, and related services from diverse Federal sources, S. 1761, to take certain Federal land located in Lassen County, California, into trust for the benefit of the Susanville Indian Rancheria, S. 1822, to take certain Federal land located in Tuolumne County, California, into trust for the benefit of the Tuolumne Band of Me-Wuk Indians, and H.R. 387, to provide for certain land to be taken into trust for the benefit of Morongo Band of Mission Indians; to be immediately followed by an oversight hearing to examine the Government Accountability Office report on Indian energy development, 2:15 p.m., SD–628.

Committee on the Judiciary: to hold hearings to examine the nominations of Gary Richard Brown, to be United States District Judge for the Eastern District of New York, Rebecca Goodgame Ebinger, to be United States District Judge for the Southern District of Iowa, Leonard Terry Strand, of South Dakota, to be United States District Judge for the Northern District of Iowa, and Mark A. Young, to be United States District Judge for the Central District of California, 10 a.m., SD–226.

Special Committee on Aging: to hold hearings to examine when computer tech support becomes a scam, 2:30 p.m., SD–562.

House

Committee on Agriculture, Full Committee, hearing entitled ''Foreign Subsidies: Jeopardizing Free Trade and Harming American Farmers'', 10 a.m., 1300 Longworth.

Committee on Armed Services, Full Committee, hearing entitled ''Examining DOD Security Cooperation: When It Works and When It Doesn't'', 10:15 a.m., 2118 Rayburn.

Subcommittee on Tactical Air and Land Forces, heating entitled ''Update on the F–35 Joint Strike Fighter Program'', 3:30 p.m., 2212 Rayburn.

Committee on Education and the Workforce, Subcommittee on Workforce Protections, hearing entitled ''Protecting America's Workers: Reviewing Mine Safety Policies with Stakeholders'', 10 a.m., 2261 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Manufacturing, and Trade, hearing entitled ''Examining Ways to Improve Vehicle and Roadway Safety'', 10 a.m., 2123 Rayburn.

Subcommittee on Health, hearing entitled ''Examining the Medicare Part D Medication Therapy Management Program'', 10:15 a.m., 2322 Rayburn.

Committee on Financial Services, Subcommittee on Financial Institutions and Consumer Credit, hearing entitled ''Examining Legislative Proposals to Reduce Regulatory Burdens on Main Street Job Creators'', 10 a.m., 2128 Rayburn.

Subcommittee on Housing and Insurance, hearing entitled ''The Future of Housing in America: Federal Housing Reforms that Create Housing Opportunity'', 2 p.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on Asia and the Pacific, hearing entitled ''Burma's Challenge: Democracy, Human Rights, Peace, and the Plight of the Rohingya'', 10 a.m., 2172 Rayburn.

Committee on Homeland Security, Full Committee, hearing entitled ''Worldwide Threats and Homeland Security Challenges'', 10 a.m., 311 Cannon.

Committee on House Administration, Full Committee, markup on a committee resolution amending the Committee's regulations, and for other purposes, 10:15 a.m., 1310 Longworth.

Committee on Oversight and Government Reform, Full Committee, hearing entitled ''Secure Credentials Issued by the Government Publishing Office'', 10 a.m., 2154 Rayburn.

Subcommittee on Information Technology, hearing entitled ''Examining Law Enforcement Use of Cell Phone Tracking Devices'', 2 p.m., 2154 Rayburn.

Committee on Science, Space, and Technology, Subcommittee on Energy; and Subcommittee on Research and Technology, joint hearing entitled ''Cybersecurity for Power Systems'', 10 a.m., 2318 Rayburn.

Committee on Small Business, Full Committee, hearing entitled ''The EMV Deadline and What It Means for Small Businesses: Part II'', 11 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, hearing entitled ''Abandoned Mines in the United States and Opportunities for Good Samaritan Cleanups'', 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Full Committee, business meeting on motion to issue subpoenas to employees of Department of Veterans Affairs, to compel them to appear and provide testimony to the House Committee on Veterans' Affairs on the Inspector General's final report, entitled ''Inappropriate Use of Position and the Misuse of the Relocation Program and Incentives''; hearing entitled ''An Examination of the VA Office of Inspector General's Final Report on the Inappropriate Use of Position and the Misuse of the Relocation Program and Incentives'', 10:15 a.m., 334 Cannon.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine three case studies on Russian violations of the rule of law, focusing on how the United States should respond, 2 p.m., 2255, Rayburn Building.

Next Meeting of the SENATE

9:30 a.m., Wednesday, October 21

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of S. 754, Cybersecurity Information Sharing Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, October 21

House Chamber

Program for Wednesday: Consideration of H.R. 692—''Default Prevention Act (Subject to a Rule) and H.R. 10—''SOAR Reauthorization Act (Subject to a Rule). Consideration of the following measure under suspension of the rules: S. 1362—''to amend title XI of the Social Security Act to clarify waiver authority regarding programs of all-inclusive care for the elderly (PACE programs).

Extensions of Remarks, as inserted in this issue.

HOUSE

Barr, Andy, Ky., E1486
Brownley, Julia, Calif., E1483
Coffman, Mike, Colo., E1490
DelBene, Suzan K., Wash., E1483
Deutch, Theodore E., Fla., E1484
Esty, Elizabeth H., Conn., E1487
Fitzpatrick, Michael G., Pa., E1489
Hastings, Alcee L., Fla., E1488
Higgins, Brian, N.Y., E1482
Hinojosa, Rubén, Tex., E1484
Huffman, Jared, Calif., E1481
Lieu, Ted, Calif., E1489
Loebsack, David, Iowa, E1482
Lowenthal, Alan S., Calif., E1489
McGovern, James P., Mass., E1491
McNerney, Jerry, Calif., E1491
Mica, John L., Fla., E1485
Miller, Jeff, Fla., E1484, E1484, E1486
Newhouse, Dan, Wash., E1491
Norton, Eleanor Holmes, The District of Columbia, E1487, E1488
Olson, Pete, Tex., E1485, E1489
Perlmutter, Ed, Colo., E1482, E1483, E1484, E1484, E1485
Reed, Tom, N.Y., E1488
Rogers, Harold, Ky., E1481
Ryan, Tim, Ohio, E1483
Sinema, Kyrsten, Ariz., E1486
Visclosky, Peter J., Ind., E1481, E1482
Walden, Greg, Ore., E1485
Wilson, Joe, S.C., E1490
Young, David, Iowa, E1485, E1486, E1487, E1488, E1488, E1489, E1489, E1490, E1491, E1491

Congressional Record

The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through the U.S. Government Publishing Office, at *www.fdsys.gov*, free of charge to the user. The information is updated online each day the *Congressional Record* is published. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202–512–1800, or 866–512–1800 (toll-free). E-Mail, *contactcenter@gpo.gov*. ¶To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197–9000, or phone orders to 866–512–1800 (toll-free), 202–512–1800 (D.C. area), or fax to 202–512–2104. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

POSTMASTER: Send address changes to the Superintendent of Documents, *Congressional Record*, U.S. Government Publishing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.