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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. FLEISCHMANN).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
December 9, 2015.

I hereby appoint the Honorable CHARLES J. ''CHUCK'' FLEISCHMANN to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 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 11:50 a.m.

HONORING THE SERVICE OF MICHAEL HAROLD

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

Mr. BLUMENAUER. Mr. Speaker, one of my pleasures in public service is the opportunity to work with some extraordinarily motivated and talented staff. Nowhere in my career has it been more evident than here on Capitol Hill.

The joy of working with smart, dedicated, committed young people, often under very difficult, even chaotic, situations, who are here because they make a difference, brightens every day I work here.

There are inevitably bittersweet moments when it is time for some trusted members of your team to move on to other careers, graduate school, or move to follow their families. Today in my office we are celebrating one such moment.

Michael Harold has been in our office for over 7 years in positions of increasing responsibility until ultimately becoming our Legislative Director.

He is preparing to leave for graduate school. Long before he assumed the management of our legislative operations, Michael had made significant impacts far beyond my office. One specific area that he carved out was international water and sanitation.

Thanks to Michael's heroic efforts on the Paul Simon Water for the World Act and dealing with funding for related programs, literally millions of lives will be saved.

Another key achievement has been Mr. Harold's personal commitment to the Special Immigrant Visa Program to protect those Iraqis and Afghans who put their lives on the line to help American personnel as drivers, interpreters and guides under the most difficult of circumstances.

Michael understood and fought for their protection to avoid leaving those who are relying on us to the tender mercies of the Taliban and al Qaeda.

Now, one would think that that would be a relatively simple issue. They risked their lives to help us. We made a commitment to protect them. But it became hopelessly confused and complex, with frayed nerves, long hours, and frustration.

Now, unlike his work on international water and sanitation, which was massive, long term, and dealt with millions of people he would never meet, this was intensely personal.

There were a few thousand people, having been confronted with the most personal and searing examples, often on a one-on-one basis. But whether it was saving millions with water policies or saving thousands with Special Immigrant Visas, Michael was relentless. He managed key efforts on public broadcasting and started our Neuroscience Caucus. I could go on and on.

He was resolute, focused, and determined. He built a network of partners at the staff level with legislative leadership, with the committee staff, and other member offices in both the House and the Senate.

It was a textbook example of how progress on often overlooked sets of issues have profound consequences for the United States' credibility, our moral standing, and for future generations around the world.

Michael and his wife Brynne are pursuing new academic and career opportunities in Boston that will make them more effective in the long run, but also enable the ability to share their attitude and experience and effectiveness, the results of his model, that so much of the public will never see that takes place behind the scenes.

While Members are obviously essential to the process, it is absolutely critical that men and women like Michael Harold make it happen.

It has been amazingly satisfying for me to watch Michael progress professionally, to marry, start a family, all the while advancing some of the most consequential actions in Congress.

Everyone who works with Michael Harold knows what he has done and appreciates all his special efforts to make the world and Capitol Hill a better place.

PENNSYLVANIA HUNTERS SHARING THE HARVEST

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

Printed on recycled paper.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to recognize an important program which is assisting needy Pennsylvanians at a pivotal time of the year.

In my State, this is deer season, with hundreds of thousands of Pennsylvanians estimated to participate through the end of this week.

It is also the holiday season, which is, of course, a very difficult time for people across the Commonwealth who are less fortunate.

This is why the Hunters Sharing the Harvest is so important. Through this program, hunters across Pennsylvania can take a deer they have harvested to a participating meat processing facility, and it will be donated to a food pantry, a soup kitchen, or other organization which assists the needy.

This program is in its 24th year of assisting people across the Commonwealth of Pennsylvania. One deer alone can provide enough meat for up to 200 meals. Last year more than 2,300 deer were donated, amounting to nearly 100,000 pounds of venison.

This is a season of giving, and I am proud of the hunters, the meat processing facilities, and charitable organizations across Pennsylvania who are participating in this program.

THE URGENT NEED FOR CONGRESSIONAL ACTION ON PUERTO RICO

The SPEAKER pro tempore. The Chair recognizes the gentleman from Puerto Rico (Mr. PIERLUISI) for 5 minutes.

Mr. PIERLUISI. Mr. Speaker, as my colleagues are aware, the heavily indebted U.S. territory of Puerto Rico is ensnared in a severe economic crisis.

My constituents are not responsible for this crisis, but they are its primary victims. I know they would prefer to live, work, and raise a family in Puerto Rico, but thousands are departing for the States every month in search of quality of life, which is not available in Puerto Rico. Each time an individual leaves because they feel compelled to go, it represents a small human tragedy.

I have participated in five congressional hearings on Puerto Rico this year. The message I delivered about the roots of the crisis was clear and consistent. I have acknowledged that, over the years, Puerto Rico's leaders, with a few exceptions, have demonstrated a lack of discipline and transparency in managing Puerto Rico's public finances. For this, we have no one to blame but ourselves.

But, as I have reiterated time and again, the crisis has a second, equally significant source. It is the relationship between the Federal Government and Puerto Rico, which is like the relationship between a master and his servant.

This relationship is a national disgrace. It denies my constituents, countless numbers of whom have served this country in uniform, the fundamental right to vote for their national leaders. Remember this the next time you hear our country lecture another country about the importance of democracy.

As an advocate for statehood for Puerto Rico, I am a proud American citizen. But protesting the mistreatment of my people will always take precedence over being polite.

The relationship between the Federal Government and Puerto Rico allows you to treat us decently when it suits you and to treat us poorly whenever it does not. We live at your whim, subject to your impulses, which are bound by virtually no legal rules or moral standards.

If there is a silver lining in this crisis, it is that the crisis has caused a clear majority of my constituents to conclude that the relationship between the Federal Government and Puerto Rico must change.

Puerto Rico must have equality in this Union or independence outside of it. No longer should we be reduced to begging this Congress for crumbs and hoping you throw some our way. We must get off our knees, stand up straight, look you in the eye, and say ''No more.''

However, until Puerto Rico becomes a State or a sovereign nation, our fate rests largely in the hands of Congress. I have introduced a series of bills that would empower Puerto Rico to help itself. These bills don't seek a handout or special treatment. They seek the same or similar treatment as the States receive under the Federal health and other safety net programs, Federal tax credit programs, and the Federal law that authorizes debt restructuring.

If Congress declines to act, it will not be because my colleagues did not have options to choose from. It will be because they made a conscious decision not to choose at all.

Federal action is necessary to prevent a default by the Puerto Rico Government on its obligations to creditors, which would be catastrophic for all parties. To avoid this outcome, Congress should authorize Puerto Rico to restructure a meaningful portion of its bonded debt, but in a way that honors the territory's constitution.

Such authority can be provided at no cost to American taxpayers. If it is, I will not oppose the creation of a temporary, independent board that respects the Puerto Rico Government's primary role in crafting its budget and making fiscal policy, but that is authorized to ensure that the Puerto Rico Government complies with appropriate budgeting standards and fiscal metrics.

Ultimately, what Puerto Rico needs is good elected leadership, not heavy-handed Federal intervention that further erodes democracy in the territory. It is in the national interest for Congress to act and to act now.

OBAMACARE IS COSTING JOBS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Tennessee (Mrs. BLACK) for 5 minutes.

Mrs. BLACK. Mr. Speaker, just this past week the nonpartisan Congressional Budget Office confirmed again what we already knew: ObamaCare is costing jobs. Yes, 2 million of them over the next 10 years, to be exact.

But those aren't just numbers. Represented within this study are real people whose lives and livelihoods are being upended by a Government-knows-best law that, more than 5 years later, still remains underwater with the American public.

We saw a real-life picture of the damage of ObamaCare in my home State of Tennessee when a Music City institution, the Noshville Deli, announced this week that it would close its doors after 19 years because of the onerous mandates and high cost of this law.

The restaurant's owner, Tom Loventhal, said this: The administrative time and cost of managing a mandated healthcare insurance in the restaurant industry create an untenable burden, and that's before the cost of premiums.

He goes on to say: I've spent many hours, including some sleepless nights, trying to find a solution, but I can't find one.

Mr. Speaker, the Noshville Deli is one of a kind, but, sadly, its story is not. It is being repeated across the country every single day.

While I continue to believe that the only real solution to the damage of ObamaCare is to repeal this law, root and branch, I am pleased that the House and the Senate have passed a reconciliation bill combating the most onerous portions of this law.

When we put this bill on the President's desk, I hope he will think of the real people, like Tom and the employees there at the restaurant, who are being hurt by ObamaCare.

□ 1015

The next time that my colleagues across the aisle want to call ObamaCare a jobs bill, as Leader PELOSI infamously said, I would invite them to come to the Noshville Deli, where they can get a good meal and a healthy dose of reality. But they had better do it quickly because, thanks to their votes, time for this beloved Nashville icon is running out.

DENYING FIREARMS AND EXPLOSIVES TO DANGEROUS TERRORISTS ACT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Connecticut (Ms. ESTY) for 5 minutes.

Ms. ESTY. Mr. Speaker, we are approaching the third anniversary of the day 20 6- and 7-year-old children and 6 brave educators were gunned down at the Sandy Hook Elementary School in my district in Newtown, Connecticut.

Many advocates and families from Newtown are here in Washington this week. They are joining with survivors and families of victims all across America. We are holding a vigil tonight—the third, sadly. The third annual national vigil to end gun violence

will be held at St. Mark's Church near Capitol Hill. The vigil will be held from 7 to 8:30 p.m., and I encourage all of my colleagues and staff members to join us.

Mr. Speaker, the Members of this House should spend more time with the families and victims of gun violence. I say that because, in the 3 years since the shootings at Sandy Hook, the majority of this House hasn't even allowed a single vote—not one vote—on gun safety legislation. It has now become the habit that, after every new, tragic mass shooting that claims the lives of more innocent Americans, this House merely acknowledges a moment of silence and then goes back to business as usual.

I am heartsick, and I am outraged. Every time one of these mass shootings happens, people are retraumatized in my communities: the families, the first responders who went into the school, all of us. It is appalling and it is unacceptable that this keeps happening in America, and this Congress, the American Congress, does nothing.

Mr. Speaker, the time has passed for moments of silence. It is time for days of action. As vice chair of the House Gun Violence Prevention Task Force, I am working on several commonsense measures, bills that would help prevent gun violence in this country while respecting and protecting the Second Amendment. It is time for congressional leaders to bring these bills to the floor to allow a vote.

The cost of the inaction is being paid by American families all across this great Nation. The families of victims and survivors of gun violence deserve a vote. They deserve a vote on a bipartisan bill that will close background check loopholes and save lives. They deserve a vote on legislation to end the prohibition on Federal research funding for public health research on our gun violence epidemic, and they deserve a vote on a bipartisan bill this week to close the loophole that allows suspected terrorists to walk into a gun shop and legally buy a weapon.

More than 2,000 suspects on the FBI terrorist watch list have successfully bought guns in the United States in the past 11 years. I am a cosponsor of the Republican bill to fix this. H.R. 1076, the Denying Firearms and Explosives to Dangerous Terrorists Act, would bar the sale or distribution of firearms to anyone the Attorney General has determined to be engaged in terrorist activities.

The time for silence is over. We in Congress have a sworn duty to protect and defend the American people, but that is not what we are doing when we observe a moment of silence and do nothing.

Mr. Speaker, I ask unanimous consent that the House bring up H.R. 1076, the Denying Firearms and Explosives to Dangerous Terrorists Act.

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2015, the House is in session solely for the purpose of conducting morning-hour debate. Therefore, that unanimous consent request cannot be entertained.

Ms. ESTY. Mr. Speaker, I will therefore stand quietly for the remainder of my time to protest the appalling silence and inaction of this House's refusal to take meaningful action to protect the American people from the ravages of gun violence.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

HONORING KIRK P. GREGG UPON HIS RETIREMENT AS EXECUTIVE VICE PRESIDENT AND CHIEF ADMINISTRATIVE OFFICER, CORNING INCORPORATED

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. REED) for 5 minutes.

Mr. REED. Mr. Speaker, I rise today to talk about a great company in my district, Corning Incorporated, an American company that has risen over its 164-year history to become one of the most innovative manufacturers in the world. But, Mr. Speaker, in particular, I rise to take a moment to honor one of the individuals of that company that has made it one of the leading manufacturers across the world. That individual is Kirk Gregg, Corning's executive vice president and chief administrative officer, who is retiring from the company after 22 years of executive leadership.

Over his tenure, Kirk has made an enormous contribution to the company's success and to the community's development. I am most grateful to Kirk for his unparalleled commitment to the community. He has had an enormously positive impact on our constituents and our extended family who live in the district.

Mr. Speaker, Kirk joined Corning in 1993 and was named chief administrative officer in 2002. The same year, he was appointed to serve on Corning's management committee, a small, very senior group of executives who lead the company on a day-to-day basis. Over the last decade, Kirk has risen up the corporate ladder to become the third highest ranking executive in the company.

As chief administrative officer, Kirk has built the core infrastructure that makes Corning efficient and effective. He has had global responsibility for the corporate staff, including human resources, information technology, supply management, transportation, business services, community relations, government affairs, and aviation—a long list indeed. In total, he has managed over $1 billion annually in corporate infrastructure, making Corning's staff one of the top performers among its peers in the country's corporate community.

It has been Kirk's work for the community that distinguishes him among the corporate leaders and for which I am most grateful. He has played a huge role in meeting the needs of New York's southern tier. For 17 years, he chaired the Three Rivers Development board, attracting tens of millions of dollars of investment to diversify the local community and create jobs. For 15 years, he led the Corning Classic LPGA tournaments, raising millions of dollars for our area hospitals. And statewide, he served for a decade on the board of directors for the Business Council of New York State, 2 years as the board's chairman. Last, but not least, he has been an enthusiastic supporter of our local charities, cultural institutions, and human service organizations.

Mr. Speaker, every Member of Congress seeks the perspective of people with broad insight into and who would contribute generously to the communities we represent. For me, Kirk is one of those rare people. He understands the people, the community, and the responsibility that corporate leaders have to support their local institutions. At the same time, Kirk is modest and self-effacing. Kirk is one of those people who works quietly and effectively to make our communities better.

Mr. Speaker, I am very happy to call Kirk Gregg my friend. I know that I speak for the entire southern tier-Corning, New York, community when I thank him for his citizenship and service. We wish him and his wife, Penny, the very best in a well-deserved retirement. May they enjoy many more happy days entering this new chapter in their great lives.

CLIMATE CHANGE IS THE GREATEST THREAT TO OUR PLANET

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

Mr. GALLEGO. Mr. Speaker, as the world looks to its leaders convened in Paris this month to act on the greatest threat to our planet, I rise today in support of a strong and fair global climate agreement. Now is the time to demonstrate our leadership and our obligation to the security and protection of our communities and our economy by committing to a robust agreement that puts us on a safer path for future generations.

Last week, Mr. Speaker, House Republicans showed the American people, once again, where they stand when it comes to tackling the threat of climate change. By casting political votes against the Clean Power Plan, their message is loud and clear that any meaningful action will be met with attacks and political theater.

Mr. Speaker, political theater does nothing to stop rising sea levels, extreme weather, and land erosion. Failure to act will risk American economic prosperity and will disproportionately impact the poorest and most vulnerable communities across our Nation.

In the American Southwest, Latino and African American populations are

more vulnerable to heat exposure and heat stress due to factors like substandard housing and the lack of affordable utility costs. Native American communities face additional unique challenges. They rely directly on natural resources for food, medicine, and jobs, all of which are expected to be negatively affected by climate change. These communities have all called for action on a national and international scale, and we must listen.

Mr. Speaker, my Democratic colleagues on the Natural Resources Committee have called on the Republican leadership to tackle this problem. But time and time again, we have been met with silence and inaction when it comes to discussing and acting on these critical issues. We must do better. Around the world, nations are looking to the United States for leadership on this serious issue. We must step up and join other nations who have already made commitments to act on climate change.

The facts are clear: Action on climate change will not undermine our economy; it will support economic growth. In fact, acting will produce real benefits for our environment and our economy, including new businesses, better jobs, lower poverty, and reduced mortality rates. And businesses agree.

Last week, in a full-page ad in The Wall Street Journal, over 100 top companies, including Coca-Cola, Microsoft, Sprint, and DuPont, all called for strong action to tackle climate change in order to minimize climate risk and boost the economy. These businesses recognize what I hear from folks in my district from Phoenix and across Arizona: The time to act is now. We must build on the progress made in Paris.

Mr. Speaker, I stand with the scientific, environmental, and public health communities who all agree that Paris must be the floor, not the ceiling, of our ambition. If the world takes a step forward in Paris, our partners will be prepared to build stronger climate policies and agreements moving forward. Local governments, States, and businesses will be empowered to reaffirm their commitments to low-carbon pathways for decades to come.

Some argue that America cannot lead on climate. Mr. Speaker, America led the way into space, to the creation of the Internet and computers, to cellphones and so much more. We can and must lead into this new energy future. Our innovations and our leadership are going to fuel a cleaner and safer environment and economy, and our policies must reflect these realities.

When future generations look back on the progress made in Paris, I hope it will be to thank us for what we have accomplished in order to leave them a healthier and safer environment. Let's not let politics and grandstanding prevent us from taking responsibility for the planet we are leaving behind for our children and our grandchildren.

MENTAL ILLNESS AND GUN VIOLENCE

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

Mr. MURPHY of Pennsylvania. Mr. Speaker, next week is the third anniversary of the sad tragedy at Sandy Hook Elementary School; but it is also time to recall all those other cities in America where tragedies have occurred: Tucson, Colorado Springs, Lafayette, Charlotte, Chattanooga, Dallas, Houston, Roseburg, Isla Vista, the Navy Yard, and closer to my district in Pittsburgh, Franklin Regional High School.

What is common among these tragedies is the lives lost. I keep in my office photographs of some of the children whose lives were lost at Sandy Hook—Benjamin Andrew Wheeler, Dylan Hockley, and Daniel Barden—as well as those of teachers and other people from the school. A day doesn't go by that I greet them in the morning and throughout the day and remember their lives, snuffed out too early.

But, sadly, the body count is more than just them when it comes to dealing with what people with severe mental illness and violence do. The body count this year is amazing. There will be 41,000 suicide deaths, 43,000 deaths from drug overdose, perhaps 1,000 to 1,500 homicides, perhaps a couple hundred people who encounter the police and are mentally ill and end up with their death, an unknown number of homeless who die that slow-motion death of homelessness, and those who are mentally ill that die 25 years sooner because of other chronic illness.

The body count this year will be greater than the U.S. combat deaths in Korea and Vietnam combined. Will that wake us up to do something in this Chamber?

□ 1030

There are several things we must do: We must reform the agency called SAMHSA, which has used Federal money over the years for the most ludicrous and preposterous things; from designing art for pillowcases to collages and other aspects. We must reform the 112 Federal agencies that we pump money into every year to deal with mental illness. We have to deal with the shortage of beds. We have to get rid of the same-day doctor rule. We have to bring in more psychiatrists and psychologists who can provide treatment. We have to provide more early intervention and prevention, a greater workforce. And this Chamber has to stop postponing action on reforming our mental health system and bring to the floor H.R. 2646.

I have been working with a wide range of Democrats and Republicans over the last couple of years to reform this bill, revise it, and perfect it. But at some point, if we are serious about helping those with serious mental illness, we have to bring it for action.

Part of what happened is we closed all these asylums years ago and thought that if we provided some treatment for people, things would get better. States failed to provide that treatment. We shut down hundreds of thousands of psychiatric hospital beds and leave people still dumped into a system where they don't get care.

Our current mental health system is hugely discriminatory. The most fundamental, dangerous, and destructive hidden undercurrent of prejudice is low expectations; that your disability is as good as it gets. The shift to consider changes in how we treat severe mental health is a pendulum swinging the other way.

The grand experiment has failed of closing down all the institutional care and stopping all treatment. It is a principle that operated under the misguided self-centered and projected belief that all people at all times are fully capable of deciding their own fate and direction, regardless of their deficits and disease, and that the right to self-decay and the right to self-destruction overrides the right to be healthy.

Those children at Sandy Hook had rights. The people throughout the country who are mentally ill have the right to be well and not just the right to be sick.

But to maintain the current philosophy that many have, we abdicate comfortably our responsibility to action and live under the perverse redefinition that the most compassionate compassion is to do nothing at all.

It further bolsters the most evil of prejudices that a person with disabilities deserves no more than what they are. Under that approach, no dreams, no aspirations, no goals to be better can even exist. Indeed, to help a person heal is a head-on collision with a bigoted belief that the severely mentally ill have no right to be better than they are and we have no obligation to help.

This is the corrupt evil of the hands-up approach in the anti-treatment model. That perversion of thought is embedded in the glorification that to live a life of deterioration, paranoia, filth, squalor, and emotional torment trumps a healed brain and a true chance to choose a better life.

We have to change this trajectory. When we leave for the holiday period here, we will go by another month before we can bring this bill to the floor. Two hundred and forty people will die each day being a victim or perpetrator because of the mentally ill. For goodness sake, if we are going to do anything to help this country, Mr. Speaker, let's bring H.R. 2646 for a vote on this floor and fix this problem in America.

TERRORISM AND ISIS STRATEGY

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

Mr. PALAZZO. Mr. Speaker, I rise today to address the imminent danger

facing our Nation in the wake of the terrorist attacks in California.

Earlier this week, the President addressed the country to talk about the impact of the Islamic State and the attacks in California. From what I saw, he gave his usual very brief and very naive analysis of the threat of global terrorism. Yet, once again, he still failed to provide any actual plan or strategy.

He made very clear that he believes his plan is working. He talked a lot about how we would continue to do the same things we have been doing for months. Meanwhile, ISIS continues to grow, expanding their influence, and hitting targets far from their home in Syria.

It is unfortunate that very few people I have spoken to feel surprised by the lack of focus and direction coming from the White House. This is the same President that has been dismantling our military piece by piece. He has continued to push for unsustainably low funding for our military in favor of social programs, while making dangerous deals that jeopardize the safety and security of our Nation and our allies overseas.

All the while, he claims to be putting the safety and security of the American people first. It seems abundantly clear to me and the rest of the country that the most important thing to this President is his personal legacy of instituting social change and other liberal wish-list items.

During the same address, where he claimed all of his plans were working and we should continue along the same course, he also argued that part of the solution to Muslim extremism was more gun control here in America. Obviously, the President's memory is pretty weak. The Boston bombers did unthinkable harm with household items. The San Bernardino terrorists—yes, terrorists—had a dozen pipe bombs in their residence. These people are dedicated to destroying the West and instituting a caliphate. Do you really think that telling them that they can't buy an AR–15 is going to stop them from hurting people?

Let me be clear: this is not a gun issue. This is a terrorism issue. To combine the two is a blatant attempt to capitalize on a tragedy that should be looked at with disdain. But you never know. It wasn't too long ago that Rahm Emanuel, former chief of staff to President Obama, would always remind his party to ''never let a good crisis go to waste.''

This isn't the first time though. Last week, while everyone was talking about the terrorist attack in California—and despite pleas from the Marine Corps to make exemptions to certain military occupational specialties—the Secretary of Defense made the historic, but unbelievably dangerous, decision to open all combat jobs to women.

But if there is one thing the President loves to do, it is to ignore his senior military leadership. Many people believe that the emergence of ISIS is directly related to his premature withdrawal from Iraq, and I agree.

These are just a few examples of the AWOL nature of this President. But in this case, AWOL stands for ''absent without leadership.''

What happened in Paris and here in California was a brutal reminder of just how dedicated our enemy is in fighting this war against us. Yet, the President only acknowledges it as a setback, similar to how he refused to acknowledge ISIS at all over a year ago. And when he finally did, he brushed it off, calling them the JV team. The night before the Paris attacks, he stated that ISIS had been contained.

This President is either delusional or unbelievably misinformed. Either way, it does not inspire confidence for the next year of his Presidency. Now here we are. He was wrong then, and he is wrong now.

Mr. Speaker, while the President held his annual holiday ball on Monday night, I held a tele-town hall with my constituents. When asked if they felt more safe or less safe under this administration's handling of our national security and foreign affairs, 92 percent of my constituents said they felt less safe, and 73 percent said that we should do anything in our power to destroy ISIS. I have got to say, this is a clear message that I think would resonate nationwide.

Time and again, the President, our Commander in Chief, has proven to be oblivious to the real threat that ISIS poses to our national security. He said that what we are doing is working, when it is clearly not.

Folks, we are under attack, and we cannot be afraid to call it what it is: This enemy is radical Muslim extremism.

The American people don't feel safe under this President's failed policies. The time has come to change course in this new war against ISIS, secure our borders, halt the Syrian refugee program, and start listening to the American people.

The SPEAKER pro tempore. Members are reminded not to engage in personalities toward the President.

REMOVE ESSURE FROM THE MARKET

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

Mr. FITZPATRICK. Mr. Speaker, I rise today to tell the story of Angie Firmalino of Tannersville, New York, one of the tens of thousands of women harmed by the permanent sterilization device, Essure.

Essure is a nickel-based coil that is designed to be inserted into the fallopian tube and cause tissue scarring, leading to blockage of the tube. However, tens of thousands of women have complained of terrible side effects and excruciating pain. Women have died. And when the device has failed and women have become pregnant, this device has killed their unborn child. Yet, despite its failings, this device remains on the market with the full support of the Food and Drug Administration and industry.

In 2009, 3 months after the birth of Angie and her husband's last child, she underwent the Essure procedure. While the procedure itself was extremely painful, the pain didn't stop when she went home, as she began having side effects immediately thereafter.

For almost 2 years, Angie suffered from a sharp, stabbing pain in her lower left side, back pain, heavy and constant bleeding, joint pains, fevers, fatigue, and depression. Her doctor reassured her that it was just her body recovering from the pregnancy, C-section, and Essure procedure, and that she would eventually get back to her old self. That did not happen.

In 2011, after nearly 2 years of pain and complications, Angie's doctor ordered an ultrasound to try to determine a cause. What was discovered was shocking. An Essure coil had dislodged itself from her right fallopian tube and had become embedded in the wall of her uterus. Meanwhile, the left coil was almost completely expelled, but twisted and coiled. These were the causes of her pain.

Overwhelmed and alone, Angie tried to comprehend the situation. She was never told that the coils could expel, migrate, or embed in other organs. She wondered how this could happen. Searching online for answers, she found little information and little comfort.

It took Angie weeks after identifying the problem to find a doctor she felt comfortable with for the removal surgery. With no information available about Essure removal, Angie located a doctor who seemed to know what they were doing and seemed to have a plan for the device's removal. Unfortunately, during the procedure, the Essure coils broke as they were removed, sending metal fragments, like shrapnel, further into her body.

In the years since, Angie has undergone four surgeries directly resulting from Essure, and eventually lost her fallopian tubes, uterus, cervix, and one ovary. And as her joints mysteriously began deteriorating, she has undergone an additional three surgeries on her joints.

Today, after a hysterectomy and surgery after surgery, Angie still lives with daily, chronic pain, joint issues, and debilitating headaches. And while some of her pain may be gone, the emotional scars have stayed with her.

At the age of 43, the mother of four, Angie says she is still not, nor will she ever be, her old self. But as a result of all this pain and suffering, she was able to do something pretty incredible: Angie started a Facebook group called the Essure Problems Group—something to fill the void that she found. It was a

place to tell her story and to see if others had been impacted the same way that she had.

Mr. Speaker, in the years since, this online community has surged to more than 24,000 members. Sadly, Angie now knows that she was not alone. Every day, this group connects women living through their own Essure nightmares; and every day, Angie is brought to tears at seeing the stories, many so similar to her own, of thousands of women around the country. Together with her Essure sisters, they now work toward one common goal: to remove this dangerous device from the market so that no more women are harmed.

I am proud to rise today as a voice for these women, to tell the Chamber that their stories are real, their pain is real, their fight is real. If the manufacturer or the regulatory industry tasked with oversight won't act, then we, as representatives of the thousands of harmed women, must act.

That is why I rise in support of the E-Free Act, a one-page bill to remove Essure from the market by forcing the Food and Drug Administration to revoke the pre-market approval that let this product into the public back in 2002.

Mr. Speaker, the E-Free Act can halt this tragedy. I urge my colleagues to join this fight because stories like Angie's are too important to ignore.

HOLY ANGELS

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

Mr. MCHENRY. Mr. Speaker, I rise today to recognize two fine institutions in my home community that I grew up in: Gaston County, North Carolina. I grew up in that community and spent most of my life living in Gaston County, and there is an incredible story.

Beginning in 1955, a newborn baby named Maria Morrow was brought to the Sisters of Mercy's motherhouse in Belmont, North Carolina.

□ 1045

Maria was born with severe physical disabilities, and her mother was overwhelmed and unable to care for her. The Sisters of Mercy nuns took Maria in, and, thus, Holy Angels was born.

As word about Maria spread throughout the community, State—and country, in fact—more children with special needs began arriving at Holy Angels. As each new child arrived, the Sisters of Mercy worked to meet their needs. Funds were raised, and the necessary facilities were built. Over time, more professional nursing and medical staff were hired. Today, Holy Angels provides full-time resident care as well as physical therapy, day programs, and vocational programs through their Cherubs Cafe and Life Choices locations.

Holy Angels' CEO, Dr. Regina Moody, and her dedicated team of professionals continue to fulfill the promise that the Sisters of Mercy made when they took Maria in 60 years ago. That promise is now enshrined in Holy Angels' motto: Loving, living, and learning for the differently able.

Holy Angels has been serving those in need for 60 years, and their timeless spirit will be around forever in the families they have touched, in the lives they have touched, and in how they have helped shape our community in Gaston County. I honor Holy Angels, and I thank them for their service, not just for those people in their midst for whom they are providing care, but for what they mean to our community.

TONY'S ICE CREAM

Mr. MCHENRY. Mr. Speaker, we also hear stories of small businesses being around for 10 or 20 or 30 years, and it is amazing, in and of itself, that a small business can survive that long. In my hometown of Gastonia, North Carolina, Tony's Ice Cream has been a landmark for over 100 years. In fact, this year marks its 100th anniversary.

In 1915, an Italian immigrant named Carmine Coletta began Tony's as a horse-drawn wagon that served ice cream to those in Gastonia's Loray Mill Village. Eventually, the first store was opened and took the name ''Tony's'' in honor of Carmine's brother-in-law, who managed the store. The current location was built in the 1930s and now is run by Carmine Coletta's grandson and his children. Generations of Gaston County kids—me included—have grown up knowing there is no better milkshake than one from Tony's. In fact, my favorite is chocolate.

To the Coletta family, I thank them for their service to our community. Really, building an enduring institution for a century is such a significant achievement, especially given the challenges that we face as a country and with the economy. They have meant a lot to their employees. They have also meant so much to generations of children, like me and so many others, in what they have provided.

I thank the Coletta family, and I honor them on their 100th anniversary. I also thank Holy Angels, on their 60th anniversary, for their significant contribution.

Mr. Speaker, it is an amazing place in which to grow up, Gaston County. It has such great values and also wonderful institutions there that I learned so much from as a child, growing up there with my two brothers and two sisters and my parents, from whom I learned so much. So I take this moment to recognize these fine institutions in Gaston County.

RECESS

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

Accordingly (at 10 o'clock and 48 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOST) at noon.

PRAYER

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

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

Recent events and current international tensions have many living in fear. Continue to be ''God With Us'' through these days of contentious debate around the issue of our security.

As true statesmen and -women, may the Members of this assembly find the fortitude to make judgments to benefit all Americans at this time, and protect those who are vulnerable from those who would do them harm.

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

Amen.

THE JOURNAL

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

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

Mr. WILSON of South Carolina. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Maine (Ms. PINGREE) come forward and lead the House in the Pledge of Allegiance.

Ms. PINGREE led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

FAREWELL, JACOB BARTON

(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, today I am grateful to express my appreciation for Major Jacob Barton. He has been serving in the office of South Carolina's Second Congressional District on loan from the Army for the past year as a defense fellow.

Major Barton enlisted in the United States Army in 1996 and quickly distinguished himself, being commissioned as an intelligence officer in 2005. He served as a member of the 75th Ranger Regiment from 2006 to 2013, with 3 years' service in Iraq. He is also an esteemed scholar, earning two bachelor's degrees, a master of arts in national security, a master of professional studies in legislative affairs, and a doctor of philosophy in public policy administration. Jacob's extensive experience has been successful for the American people.

Beginning in January, Mr. Speaker, Major Barton will serve as a legislative liaison within the program's division of the Office of Chief Legislative Liaison, specifically working on the intelligence portfolio. I wish him and his wife, Darlene, and their four children, Douglas, Nya, Alyssa, and Jene, all the best in the future. Godspeed.

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

FOOD RECOVERY ACT

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

Ms. PINGREE. Mr. Speaker, every day in kitchens across the country, someone pulls a can of soup right out of their cupboard or a box of pasta off the shelf. They look at the ''best by'' date on the package, and then they try to decide whether to throw it out or not. Is the food no good because it is past the date, or does it still have weeks or even years of shelf life left?

Too often perfectly good food gets thrown out, contributing to the 40 percent of all food that is wasted every year in this country. Much of it ends up in a landfill, where it produces methane, a potent greenhouse gas.

Currently, Mr. Speaker, there is no standard for date labeling, which is one reason I have introduced the Food Recovery Act this week. My bill has nearly two dozen proposals to reduce food waste, including a provision that would require manufacturers who do put a date on their food to include the words ''manufacturer's suggestion only.'' It doesn't mean that the food is bad just because the date has gone by.

Mr. Speaker, if we cut food waste by just 15 percent and direct the food that would be wasted to those in need, we can reduce the number of Americans struggling with hunger by one-half. I urge my colleagues to join me to help reduce food waste in the United States.

GEORGE CANON AND FRED MONROE

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

Ms. STEFANIK. Mr. Speaker, I rise today to honor two giants of our Adirondack community. George Canon and Fred Monroe have led distinguished careers fighting to protect their constituents over the past quarter century. I had the honor of celebrating their public service at a meeting of the Adirondack Association of Towns and Villages just this past weekend, a critical organization to our region that they helped create.

Fred Monroe has been the supervisor of the town of Chester since 1992, overseeing a cultural, commercial, and environmental revitalization of the town and being one of our foremost leaders on the issue of combating invasive species.

George Canon has been serving the town of Newcomb as supervisor for 13 terms, working to preserve the town's history and architectural treasures, including the Santanoni Great Camp.

Mr. Speaker, these two men are true godfathers of the Adirondacks, and it is my pleasure to honor them and celebrate their distinguished careers today.

CLIMATE CHANGE

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

Mr. KILMER. Mr. Speaker, right now, representatives from 195 nations are gathered in Paris to talk about the future of this planet. I am hopeful that these climate talks produce a strong commitment to reduce greenhouse gas emissions and tackle climate change, because the impacts of climate change have moved from theory to fact.

Now, there are some in this building who still want to debate this. For those who want the Paris talks to fail, I have a simple request: Come. Come visit my region. Come to the Pacific Northwest.

I would ask them to visit a tribal village a stone's throw away from the Pacific Ocean where water continues to rise toward homes, cultural centers, and sacred sites. I would ask them to come and visit with shellfish growers whose futures and the jobs that are tied to them are at risk because of changing ocean chemistry. I would ask them to talk to folks who are threatened every single year by wildfires. And I would ask them to talk to military leaders who view climate change as what they call a threat multiplier.

For a brighter future for my daughters and for all of our children, it is a good thing that the United States and the rest of the world are taking steps to confront this challenge.

JEWISH NATIONAL FUND

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

Mr. DOLD. Mr. Speaker, today I rise to recognize the Jewish National Fund, an organization that works tirelessly to advocate for the safety and security of the people of the State of Israel.

Just one example of the amazing work that the JNF is doing is a pilot initiative to ensure the safety of the Israeli children in the town of Sderot. Residents of the town of Sderot have endured constant rocket attacks from the Gaza Strip.

Children have grown up with the psychological trauma that comes from living under the constant threat of attack. Because they must always be within about 15 to 30 seconds of a rocket shelter, even an afternoon in the park is dangerous.

In response, Mr. Speaker, the JNF built a 21,000-square-foot secure indoor playground at a community center in Sderot. The recreation center has provided young people with a safe place to simply be kids again, and also it provides parents with the peace of mind that their children are safe from terror.

Mr. Speaker, I look forward to continuing to work with the JNF and thank them for all that they do.

MODERN DINER

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

Mr. CICILLINE. Mr. Speaker, the Modern Diner in Pawtucket, Rhode Island, was recognized last week for its legendary custard French toast, which the Food Network named the best diner dish in America.

Rhode Island is the birthplace of the diner, with the first horse-drawn canteen established in Providence by Walter Scott in the year 1872.

Since 1940, Mr. Speaker, the Modern Diner has been a landmark for the city of Pawtucket. Situated in a vintage Sterling Streamliner, the Modern Diner is known for its breakfast specials and great meals.

In the late 1980s, it became the first diner to be placed on the National Register of Historic Places. Last week's award told the world what Rhode Island already knows—that the Modern Diner and its offerings are second to none.

Mr. Speaker, as a regular patron of this noteworthy establishment, I want to applaud Modern Diner owner Nick Demou on this significant recognition. I look forward to celebrating with him and his staff on my next visit to the Modern Diner.

HONORING VIRGINIA TECH'S COACH FRANK BEAMER

(Mr. WITTMAN asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. WITTMAN. Mr. Speaker, I rise today to honor Virginia Tech's Coach Frank Beamer, who, after 29 years, will retire at the end of this season as a football coach, mentor, friend, and role model on and off the field.

Coach Beamer was a 3-year starting cornerback for the Hokies, and after taking over as the Hokies' head coach in 1987, he built the football program at his alma mater into a national power. Coach Beamer stands as the winningest active Division I football coach and the sixth all-time, with 279 career wins.

Mr. Speaker, during his 29 years at Virginia Tech, he has 237 victories and has guided the Hokies to four ACC titles, 3 Big East championships, 6 appearances in BCS bowl games, and has posted 13 seasons with 10 or more wins. At the end of this month, Virginia Tech will play in a bowl game for the 23rd consecutive year under Beamer's lead, the longest current streak in college football recognized by the NCAA.

Beamer has been the face of the Hokie football team and the Virginia Tech community as a whole for many years, and he will certainly be missed.

Thank you, Coach Beamer, for all that you have contributed to Virginia Tech, to Blacksburg, and to the game of college football.

RECOGNIZING THE CAREER OF D. PATRICK CURLEY AND HIS 50 YEARS OF SERVICE TO WESTERN NEW YORK

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

Mr. HIGGINS. Mr. Speaker, I rise to recognize the career of D. Patrick Curley and his 50 years of service to western New York.

Pat Curley was born and raised in Buffalo. After a stop at Boston College to earn a mathematics degree, he returned home and became an instructor at D'Youville and Canisius Colleges.

In 1977, Pat started a consulting company where, for decades, he helped western New York businesses stay competitive in the global marketplace.

Pat served on the board of the New York Power Authority and was elected to three terms on the Orchard Park Town Board. He has served in leadership positions for more than two dozen charitable organizations; and for the past 46 years, he has been a member of the Orchard Park Volunteer Fire Company, where he has responded to more than 5,000 emergency calls.

Pat has had a varied career, but the common thread in his life and his work has been his love for his family and western New York.

So, Pat, on behalf of a grateful community, please enjoy your well-earned retirement.

CONGRATULATIONS OSSEO HIGH SCHOOL FOOTBALL

(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 to congratulate the Osseo High School football team for winning the Minnesota State title with a tight victory over East Ridge in the championship game.

The Orioles showed heart with close victories in both the semifinals and in the title game. With only 24 seconds left on the clock, Osseo scored the game-tying touchdown, and the successful extra point gave them the victory and State championship.

Osseo's State run had the entire town buzzing as they sent off the team with a parade before the championship game.

Mr. Speaker, winning a State title is only possible with years of dedication and hard work. At the same time, these student athletes must focus off the field as well, at the same time, in order to succeed in the classroom and make a positive impact in the school community.

The families, friends, and fans of the players at Osseo High School should all be very proud of their fantastic season.

Congratulations to the Orioles on their successful State championship.

□ 1215

TAKE ACTION TO END GUN VIOLENCE IN OUR NATION

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

Mr. MCNERNEY. Mr. Speaker, last Wednesday, December 2, the Nation was devastated by another mass shooting in San Bernardino, California. On December 2, there were three mass shootings in the United States. The fact that this violence is routine and ordinary is incomprehensible.

Mr. Speaker, it is particularly incomprehensible that people who are on the no-fly list are able to legally purchase assault weapons. How is it that someone considered too dangerous to fly is able to purchase an assault weapon? There is a solution, though, Mr. Speaker. A bill proposed by PETER KING of New York will not allow people on the no-fly list to purchase weapons without a sufficient background check.

Mr. Speaker, gun violence in our Nation kills nearly 90 people every day, roughly 32,000 people a year. I am a gun owner, but there are reasonable approaches to keeping guns out of the hands of dangerous individuals while still protecting our Second Amendment rights.

Mr. Speaker, I urge my colleagues to support legislation that will end daily shootings and protect our citizens.

FRIVOLOUS ADJOURNMENT MOTIONS STALL HOUSE BUSINESS

(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, responsibly funding the government on time is one of the most basic and fundamental tasks of Members of Congress.

This entire year, Republicans have been at the table pushing the work through the committee process to determine how best to allocate this funding. And coming into this week, there was healthy debate and negotiations on moving forward with these plans.

However, yesterday, the partisan dialogue we witnessed from a number of my colleagues across the aisle was nothing more than a ruse. Five separate motions to adjourn in order to stall a bipartisan bill to tighten our visa system and protect our Nation's security, with purely political procedural votes to push their own gun control agendas is simply ridiculous. It wasted at least 3 hours of legislative time.

Mr. Speaker, this is a time when Americans need their Representatives to come to the table and stop letting politics get in the way of actually getting the people's work done around this place.

DENYING FIREARMS AND EXPLOSIVES TO DANGEROUS TERRORISTS

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

Mr. KENNEDY. Mr. Speaker, I rise today to echo the demands of my colleagues, on both sides of the aisle, for a vote on the Denying Firearms and Explosives to Dangerous Terrorists Act of 2015.

Passing this bill transcends politics. It is about ensuring the safety and security of families, communities, and the country we represent.

In the past 2 years, 94 percent of individuals we suspect of planning terror attacks have been able to successfully pass background checks and purchase deadly weapons. We are sitting idly by as those planning to do harm to our citizens obtain the tools to do just that. That we would choose to do nothing to stop it is simply unfathomable to me.

We have a chance today to close a loophole in our laws before it is exploited, before we find ourselves standing on this floor once again for another moment of silence. The families who have lost loved ones to gun violence and the victims themselves deserve more than a deafening silence emanating from this Chamber.

65 PERCENT SAY MEDIA HAS ''NEGATIVE EFFECT'' ON COUNTRY

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

Mr. SMITH of Texas. Mr. Speaker, Americans' distrust of national news

outlets continues to rise because of the media's persistent bias and one-sided coverage.

A recent Pew Research Center survey found that nearly two-thirds, or 65 percent, of Americans believe the national news media has a negative effect on our country. This is because the media slants stories with their opinions instead of reporting the facts.

For example, the media often praises President Obama's regulations involving climate change, but their reports fail to cite the costs of extreme environmental regulations and the loss of jobs. National news stories also fail to mention that these regulations would have little impact on global warming.

Americans will continue to believe the media has a negative impact on the country until the media provides the American people with the facts, rather than tells them what to think.

TERRORIST GUN LOOPHOLE

(Ms. JUDY CHU of California asked and was given permission to address the House for 1 minute.)

Ms. JUDY CHU of California. Mr. Speaker, my constituents in San Bernardino County are still reeling from the horror of last week's attack in the city of San Bernardino, as is everybody throughout the Nation. Fourteen people died, at least 21 were injured, and thousands are asking: What now?

There are people who are afraid that their office, shopping plaza, or community could be next, which is why already country officials in my area and elsewhere are seeking ways to tighten and improve security so that an attack like this does not happen again. They cannot be alone in this endeavor. It is time for Congress to act.

We cannot let terrorists on our own U.S. terrorist watch list buy guns. If you are considered too dangerous to board a plane, you are too dangerous to buy a gun. That is why closing this loophole is just common sense. Yet, over the past 11 years, 2,000 suspected terrorists have walked out of stores with a lethal firearm. Ninety percent of them have been able to buy guns, no questions asked. We have left a huge hole in our counterterrorism efforts, and it is time we close it.

HONORING MIAMI DADE COLLEGE MEDICAL CAMPUS PRESIDENT DR. ARMANDO FERRER

(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 honor Dr. Armando Ferrer, retiring from his post as President of the Medical Campus of Miami Dade College, a state-of-the-art complex in the heart of Miami's health district. Dr. Ferrer has worked at Miami Dade College for over 30 years, including as Dean of both the North and Kendall Campuses.

According to the U.S. Department of Education, Miami Dade College, my alma mater, ranks first in the Nation in awarding health profession and nursing degrees, and Dr. Ferrer's tenure as President of the Medical Campus is a key feature of that success. I thank Armando for his many years of dedicated teaching and professional development efforts in service to the students of Miami Dade College. It is through these students that he leaves a positive and lasting legacy throughout our community.

Congratulations, and Godspeed, Armando Ferrer.

CLIMATE CHANGE PARIS CONFERENCE

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

Mrs. CAPPS. Mr. Speaker, I rise today in support of our Nation's efforts in Paris to work together with world leaders to combat and address climate change.

The impacts of climate change are real. And as the consequences are being felt here at home and around the world, now is the time to make history.

By taking action here in Congress, the United States has an opportunity to lead by example, while protecting the health of our communities and our environment. This involves supporting efforts like the Clean Power Plan, which will reduce carbon emissions by more than 30 percent by 2030; by promoting critical investments in renewable energy, while eliminating our dependence on fossil fuels; and supporting innovative new technologies to keep up in a global economy. These are steps we must take or risk being left behind by the rest of the world.

For the first time in history, the United States has the opportunity to work together with the world's largest emitters, including China, India, and Brazil, to build the foundation upon which we can take real action to address climate change. We must capitalize on this historic step and be a leader in this fight.

SOCIAL MEDIA, A TOOL OF FOREIGN TERRORIST ORGANIZATIONS

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

Mr. POE of Texas. Mr. Speaker, terrorists have used Twitter to convert thousands of young American minds and recruit new jihadists for ISIS.

Federal law prohibits giving aid or helping a designated foreign terrorist organization. These FTOs use Twitter, an American company, as a tool, and no one is adequately stopping them.

Why are American companies and the U.S. Government allowing social media platforms to be hijacked by terrorists? Some say shutting down terrorists' social media accounts would be violating free speech. That is nonsense. They are wrong. The United States Supreme Court has already ruled there are no constitutional protections for foreign terrorist organizations to incite violence. Allowing terrorists to wage their cyber war with America has helped radicalize thousands of foreign fighters and raise millions of dollars online.

Today, the House Foreign Affairs Committee passed my bill, co-authored by my friend, Mr. CONNOLLY from Virginia, the Combat Terrorist Use of Social Media Act. This bill requires the administration to come up with a comprehensive strategy to counter terrorists' cyber war and use of social media.

Private American companies should not be operating as the war propaganda mouthpiece of designated foreign terrorist organizations like ISIS.

And that is just the way it is.

CONGRESS MUST ACT TO KEEP GUNS AND EXPLOSIVES OUT OF THE HANDS OF TERRORISTS

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

Ms. CASTOR of Florida. Mr. Speaker, I strongly urge the House Republicans to allow a debate and a vote on an important bill that would address a terrorist threat in America and help keep our families safe.

We must address the loophole in the law that allows someone who has been identified as a terrorist to obtain a firearm or explosive license. Many of these folks are not allowed to board airplanes, yet they can walk into a gun store and buy a firearm. And after the Paris and San Bernardino attacks, no loophole is more glaring than the one that has allowed 2,000 terrorists to buy deadly weapons in the U.S. over the past 11 years.

I urge my GOP colleagues to stop blocking this bill. We must act to keep guns and explosives out of the hands of terrorists, and we must do so as urgently and quickly as possible.

RECOGNIZING PATRICK PROKOP

(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 to recognize Mr. Patrick Prokop.

After 38 years as a meteorologist, 35 of which were spent in Savannah, Georgia, Pat Prokop is retiring.

He started his broadcasting career in 1977 and, through the years, worked in Kansas, Missouri, and Georgia. He was an advocate for letting science do the talking and never missed an opportunity to educate people about the weather.

Pat announced his retirement on November 25 and said he is looking forward to spending more time volunteering, marathon training, and traveling. He also said he plans to enjoy

the weather, which we should all do more of.

I commend Pat for his years of service to the southeast Georgia community and wish him all the best. You deserve it, Pat.

CLOSING THE TERRORIST WATCH LIST LOOPHOLE

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

Ms. MATSUI. Mr. Speaker, from California to Colorado, the devastating realities of gun violence are hitting home. In the face of more senseless attacks on innocent victims, it is past time that we treat gun violence in America as a national crisis.

Preventable gun violence is inexcusable. We need to enact commonsense gun law reforms, like ensuring that no terrorist suspect is able to walk into a gun shop and buy a deadly weapon.

According to a report by the GAO, since 2004, more than 2,000 suspects on the FBI's terror watch list have successfully purchased weapons in the United States. In fact, more than 90 percent of all the suspected terrorists who attempted to purchase guns in the last 11 years walked away with the deadly weapon they wanted.

These statistics are indefensible. Let's put our political excuses aside and close the terrorist gun loophole because lives are on the line.

RECOGNIZING TOYOTA MOTOR MANUFACTURING KENTUCKY PLANT AS TOYOTA'S LARGEST PRODUCTION PLANT

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

Mr. BARR. Mr. Speaker, Kentucky is famous for horses, bourbon, college basketball, and hospitality. And now we can add to that list the fact that the Commonwealth is home to Toyota's largest manufacturing plant in the world.

With production of the 2016 Lexus ES fully up and running, the Toyota Motor Manufacturing Kentucky plant now ranks as the company's largest by production volume. That is right; Toyota now has its largest manufacturing plant in Georgetown, Kentucky.

The addition of the Lexus production line brought with it 750 new jobs to my district. This continued investment in Kentucky is a testament to the skill, perseverance, and dedication of the American workforce.

Mr. Speaker, we must continue to foster the manufacturing renaissance in America by enacting comprehensive tax reform; reining in burdensome regulations; fixing Dodd-Frank and other financial rules that impede access to capital; ending the EPA's destructive war on abundant, affordable energy; and promoting free trade so that American exporters are competitive around the world. When we are able to manufacture in America, companies like Toyota can fulfill the promise of good-paying jobs and secure the American Dream.

□ 1230

GUN VIOLENCE

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

Mr. VARGAS. Mr. Speaker, I rise today to talk about the epidemic of gun violence in our country.

A number of years ago, James Huberty, heavily armed, walked into a McDonald's in my district and killed 21 people.

A few years later, shortly after delivering his valedictorian speech at Lincoln High School in my district, Willie James Jones, III, was tragically shot and killed in a drive-by shooting.

On March 5, 2001, those in the very high school from which I graduated were victims of a shooting that left two people dead and 13 injured.

It is past time for Congress to act and to save American lives. I am calling on my colleagues to work together to find comprehensive solutions to this dire problem.

I believe that Representative KING's legislation, which prevents people from flying who are deemed too dangerous, would also prevent them from purchasing assault weapons. I believe it is a step in the right direction; so let's work together and get it done.

PRESIDENT OBAMA WANTS A GOVERNMENT SHUTDOWN

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

Mr. OLSON. Mr. Speaker, this Congress and the White House agree, by December 15, the Federal Government will shut down.

No one on Capitol Hill wants a shutdown. I don't. No House Republican does. No House Democrat does. All we want are honest negotiations.

President Obama's spokesman said: ''The President is not going to sign a CR that will give Members of Congress additional time to negotiate.''

Clearly, President Obama wants a shutdown. Why? He thinks a shutdown is good election-year politics. Pain is never good politics. I ask the President to change course. Negotiate. Don't shut down our government.

TALLAHASSEE'S BETHEL AME CHURCH

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

Ms. GRAHAM. Mr. Speaker, I would like to congratulate Tallahassee's Bethel AME Church on their 150th anniversary.

Bethel was founded in 1865 when a group of courageous Christians walked out of their segregated church. They were led by the Reverend Robert Meacham, a former slave preacher. Since that day, church membership has grown from 116 people in 1865 to more than 1,700 worshippers today; and under the leadership of my friend and neighbor, Reverend Dr. Julius H. McAllister, Jr., the church continues to benefit our community and serve as an inspiration to everyone in north Florida.

I congratulate Bethel AME on a blessed 150 years, and I look forward to personally attending many more services as they continue to grow and thrive.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 9, 2015.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 9, 2015 at 9:33 a.m.:

That the Senate passed S. 1719.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 9, 2015.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 9, 2015 at 11:23 a.m.:

That the Senate agreed to the Conference Report S. 1177.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

PROVIDING FOR CONSIDERATION OF H.R. 2130, RED RIVER PRIVATE PROPERTY PROTECTION ACT, AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. NEWHOUSE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 556 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 556

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2130) to provide legal certainty to property owners along the Red River in Texas, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. 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 in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. It shall be in order at any time through the calendar day of December 13, 2015, for the Speaker to entertain motions that the House suspend the rules as though under clause 1 of rule XV. The Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration pursuant to this section.

POINT OF ORDER

Ms. ESTY. Mr. Speaker, I raise a point of order against House Resolution 556 because the resolution violates section 426(a) of the Congressional Budget Act. The resolution, in waiving all points of order against consideration of the bill, waives section 425 of the Congressional Budget Act, thereby causing a violation of section 426(a).

The SPEAKER pro tempore. The gentlewoman from Connecticut makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentlewoman has met the threshold burden under the rule, and the gentlewoman from Connecticut and a Member opposed each will control 10 minutes of debate on the question of consideration. Following debate, the Chair will put the question of consideration as the statutory means of disposing of the point of order.

The Chair recognizes the gentlewoman from Connecticut.

Ms. ESTY. Mr. Speaker, Americans, understandably, feel a sense of fear and chaos caused by the news of the senseless attacks that have been carried out against civilians in this country and around the world in the past few weeks.

We can and we should help reassure the American people that their Representatives in Congress—that we here in this Chamber—are doing everything in our power to prevent such a brutal attack from happening in any one of our communities.

If we do not act this week, how can we go home? How can we go home and look our constituents in the eyes and tell them that we are doing everything we can? that we are upholding our sworn duty to protect the American people?

But we can act. We can act, and we should act today.

We need to close the loophole that allows dangerous people from buying guns. There is no loophole more egregious, more glaring, or more shocking than the one that allows suspected terrorists in this country to walk legally into a gun shop, to go online or to go to a gun show, and purchase a weapon in order to kill American citizens.

This astounding loophole has allowed more than 2,000 individuals on the FBI's terrorist watch list to buy weapons legally in this country in the last 11 years. In that time, more than 90 percent of the individuals on the watch list who have tried to buy guns have been given a green light. They have been handed a gun. Those numbers are shocking, and they are disturbing.

As Members of Congress, it is our responsibility to protect all Americans wherever they live, and one of those areas of protection is from terror in their communities. It is to keep our citizens safe.

What is terror? There has been a lot of discussion about what terror is. In its most simple sense, terror is spreading fear and chaos, and that is exactly what the American people are feeling right now—fear and chaos here and around the world.

There are no easy answers for mass shootings, and there are no easy answers for combating terrorism; but the fact that the answers are not easy does not absolve us of our responsibility to step up and do what is hard. We are not elected to do what is easy. We are not elected to do what is possible. We are elected and we are sworn to do what is hard and what is necessary to protect and advance the interests of the American people.

Now is the time to act.

Yesterday, the House voted to strengthen the security screening process for those who travel to the United States under the Visa Waiver Program, and I was proud to cosponsor that bill. We acted together in this body to protect the American people.

While reforming the Visa Waiver Program is a good thing, it is not enough. It is insufficient to the task. Keeping guns out of the hands of terrorists in this country, on American soil, is a necessary and an important step for us to take; but until we have the opportunity to vote to close this loophole, suspected terrorists in this country will continue to have and to use the opportunity to buy weapons in our country.

The simple truth for the American people to know is that we have been denied even the opportunity to vote to close this loophole, and we have a bipartisan bill right now that we could act on. It is time for us in this House to stand up for the safety of the American people and to stand up to the NRA and others who are sowing fear and misinformation about what is possible to do to protect people.

I am a proud cosponsor of the bipartisan bill that would protect the American people. The Denying Firearms and Explosives to Dangerous Terrorists Act would close this loophole by banning the sale or the distribution of firearms to anyone the Attorney General deems to be engaged in terrorist activities.

The U.S. Government already maintains a list of known and suspected terrorists. If there are problems with that list—and I have heard my colleagues raise that question—then let's fix the list. If there are problems with the law, let's fix the bill. We can't afford to remain silent. We can't afford to remain passive. We can't afford to be denied the opportunity to exercise our duty to vote as Members of Congress. That is what we do; and, right now, we are being denied that simple and straightforward right.

□ 1245

It is time. It is past time for this Congress to act. Let's keep guns out of the hands of suspected terrorists. Let's bring up the bill. If you can't fly, you shouldn't be able to buy a gun.

Tonight, I will be joining some of my colleagues at the third national vigil to end gun violence. Here on Capitol Hill in a church a few blocks away, we will be meeting with families and survivors of gun violence from across the country, from Newtown, Connecticut, in my district; from Aurora, Colorado; from Chicago; from Harlem; from across this great country. Thousands of Americans are affected every month by our inaction.

I am going to have a very hard time looking these folks in the eye today. I ask you to join me, come with me, and look them in the eye and tell them why you are unwilling to take one single vote, one single step to try to protect people in America. We have an opportunity to change that today. We have an opportunity to act together. We have an opportunity to fulfill our duty

to protect and defend the American people from the scourge of gun violence. A simple, straightforward, and important way to start is to allow us to vote on this bipartisan bill that will close an absurd loophole in the law that allows terrorists to buy guns to kill Americans.

I reserve the balance of my time.

Mr. NEWHOUSE. Mr. Speaker, I claim the time in opposition to the point of order and in favor of consideration of the resolution.

The SPEAKER pro tempore. The gentleman from Washington is recognized for 10 minutes.

Mr. NEWHOUSE. Mr. Speaker, the question before the House is should the House now consider House Resolution 556. While the resolution waives all points of order against consideration of today's measures, the Committee on Rules is not aware of any violation of the Unfunded Mandates Reform Act. In fact, as the gentlewoman from Connecticut clearly agrees, she did not even mention the word ''unfunded'' once in her comments. The waiver is only necessary to ensure that the House can continue with its scheduled business. In fact, the Congressional Budget Office has stated in its analysis of this measure that there are no violations of the Unfunded Mandates Reform Act.

Mr. Speaker, this is a dilatory tactic. This straightforward bill will provide certainty to the landowners on the Red River who are unsure if the land to which they hold title and have paid taxes on will remain in their families.

In order to allow the House to continue its scheduled business for the day, I urge Members to vote ''yes'' on the question of consideration of the resolution.

I reserve the balance of my time.

Ms. ESTY. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentlewoman from Connecticut has 3 minutes remaining.

Ms. ESTY. Mr. Speaker, some say as my colleague just did, my friend across the aisle, that we shouldn't bring up this issue this week; that this is political and, therefore, inappropriate. Well, I have to disagree and disagree strongly.

Politics is about people coming together to solve problems. If we can't come together to help address the crying need of the American citizens to be protected a little bit more from the fear and chaos of terrorists on our soil, armed with guns legally purchased in this country because we have refused to act, I proudly say it is political and that is exactly what we should be doing. We should be coming together as the body politic of the American people.

It is precisely the time to take action, and I support the underlying legislation. I support even more us taking steps now in the wake of mass shootings, now in the wake of terrorism, now at the time when many of the world's religions are praying for peace, hope, and light in the dark time of the year.

It is a dark time in the soul of the American people and in this country, and we have the opportunity to take action. We have the opportunity to be a beacon of light and hope and responsiveness to the needs of the people. That is our job.

I call on my colleagues to join me at the vigil and to join me in allowing us the opportunity to vote, to act, to protect and defend this country.

I yield the remaining time to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, let me thank the gentlewoman from Connecticut (Ms. ESTY) for raising an important issue, for forcing us to talk about something that the Republican leadership is working overtime to prevent us from having a vote on.

Only in this Republican-controlled House of Representatives would the idea of prohibiting terror suspects from getting weapons be considered controversial. It is stunning.

Let me say to the Republican leadership, who are, again, preventing us from being able to deliberate on this issue, you take my breath away. I cannot believe that you will not allow us to have a vote on the floor on this important issue. You are on the wrong side of history. You are certainly on the wrong side of public opinion.

The vast majority of Americans—Democrats, Republicans, Independents—all think we ought to close this loophole, everybody but the leadership of this House, which is beholden to one special interest.

Terror suspects can't fly on airplanes. I fly back and forth from Boston to Washington every week. I am glad that terror suspects can't fly on airplanes. I feel more safe. The people I fly with feel more safe.

Why would it be somehow acceptable, then, to allow those same people who cannot fly to be able to go out and buy weapons, highly sophisticated weapons, weapons that are used by terrorists to kill civilians? Why would that be acceptable?

We ought to have a vote on this. Let us vote. Let us deliberate on this important issue.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. NEWHOUSE. Mr. Speaker, I appreciate the comments from my colleagues from Connecticut and Massachusetts. I can't think of one person out of 535 Members of Congress that wants terrorists to have a firearm. Certainly not. That is not something that is even in question.

I do find it very interesting, especially from my colleague from Massachusetts—and which we sit together on the Rules Committee—to bring up a point of something that, I would say, he advocates for daily on this floor and in this body and, that is, to follow regular order to allow pieces of legislation to go through the committee process, to allow every Member of this body to have their input, to have their say, to be able to amend, to be able to argue, to be able to debate, to allow it to go through the process that this body stands for, until today when it is their side of the aisle's idea that they have to move an issue forward.

They say: Let's circumvent regular order, let's bring something that has not gone through the committee process, that has not allowed every Member of this body to weigh in on, to debate, to bring up amendments, to make their feelings known. Let's only do it when it is not their idea. That is the message I am getting.

So, Mr. Speaker, I certainly appreciate the enormity of the issue before us. We are working on many bills in this legislative body to deal with the issue of terrorism in front of us as a Nation and as a world. I hope that Members of the other side of the aisle will support those efforts to make this country safer.

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

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider the resolution?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 241, nays 174, not voting 18, as follows:

[Roll No. 681]

YEAS—241

Abraham	Cramer	Guinta
Aderholt	Crawford	Guthrie
Allen	Crenshaw	Hanna
Amash	Culberson	Hardy
Amodei	Curbelo (FL)	Harper
Babin	Davis, Rodney	Harris
Barletta	Denham	Hartzler
Barr	Dent	Heck (NV)
Barton	DeSantis	Hensarling
Benishek	DesJarlais	Herrera Beutler
Bilirakis	Diaz-Balart	Hice, Jody B.
Bishop (MI)	Dold	Hill
Bishop (UT)	Donovan	Holding
Black	Duffy	Hudson
Blackburn	Duncan (SC)	Huelskamp
Blum	Duncan (TN)	Huizenga (MI)
Bost	Ellmers (NC)	Hultgren
Boustany	Emmer (MN)	Hurd (TX)
Brady (TX)	Farenthold	Hurt (VA)
Brat	Fincher	Issa
Bridenstine	Fitzpatrick	Jenkins (KS)
Brooks (AL)	Fleischmann	Jenkins (WV)
Brooks (IN)	Fleming	Johnson (OH)
Buchanan	Flores	Jolly
Buck	Forbes	Jones
Bucshon	Fortenberry	Jordan
Burgess	Foxx	Joyce
Byrne	Franks (AZ)	Katko
Calvert	Frelinghuysen	Kelly (MS)
Carter (GA)	Garrett	Kelly (PA)
Carter (TX)	Gibbs	King (IA)
Chabot	Gibson	King (NY)
Chaffetz	Gohmert	Kinzinger (IL)
Clawson (FL)	Goodlatte	Kline
Coffman	Gosar	Knight
Cole	Gowdy	Labrador
Collins (GA)	Granger	LaHood
Collins (NY)	Graves (GA)	LaMalfa
Comstock	Graves (LA)	Lamborn
Conaway	Graves (MO)	Lance
Cook	Griffith	Latta
Costello (PA)	Grothman	LoBiondo

Long
Loudermilk
Love
Lucas
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—174

Adams
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
O'Rourke
Pallone
Pascrell
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—18

Aguilar
Gabbard
Hoyer
Hunter
Johnson, Sam
Lowey
Luetkemeyer
Norcross
Payne
Pelosi
Perlmutter
Rothfus
Ruppersberger
Sanchez, Loretta
Scott, David
Takai
Tsongas
Turner

□ 1325

Messrs. CICILLINE and RICHMOND changed their vote from ''yea'' to nay.''

Messrs. GRAVES of Missouri, JODY B. HICE of Georgia, CARTER of Georgia, WITTMAN, LATTA, FINCHER, JOLLY, WALBERG, and FITZPATRICK changed their vote from ''nay'' to ''yea.''

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ROTHFUS. Mr. Speaker, on rollcall No. 681, I was unavoidably detained. Had I been present, I would have voted "yes."

The SPEAKER pro tempore. The gentleman from Washington is recognized for 1 hour.

Mr. NEWHOUSE. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. NEWHOUSE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. NEWHOUSE. Mr. Speaker, on Tuesday, the Rules Committee met and reported a rule, House Resolution 556, providing for consideration of an important piece of legislation, H.R. 2130, the Red River Private Property Protection Act.

The rule provides for consideration of H.R. 2130 under a structured rule, making every amendment submitted to the committee in order, which includes a manager's amendment and an amendment by Mr. COLE of Oklahoma.

Mr. Speaker, H.R. 2130, the Red River Private Property Protection Act, is critically important to protecting private property in the great States of Texas and Oklahoma. This bill prevents the Federal Government from seizing thousands of acres of private land that is lawfully owned by American citizens along the 116-mile stretch of the Red River between Oklahoma and Texas.

The Bureau of Land Management, or the BLM, is currently updating its Texas and Oklahoma Resources Management Plan, which covers this stretch of the Red River.

BLM initially stated that there are an estimated 90,000 acres of land along this stretch of the river that may be considered public domain and managed as Federal land. They have since reduced this estimate to 30,000.

Of these 30,000 acres, less than 6,500 acres have actually been surveyed. These revisions and drastically different estimates based upon a fraction of acreage surveyed have caused great concern among landowners and local stakeholders.

□ 1330

H.R. 2130 would commission a survey of the entire 116-mile stretch of the contested area along the Red River using the gradient boundary survey method developed and backed by the Supreme Court of the United States in 1923's decision, Oklahoma v. Texas, that determined the proper boundaries between private and federally owned land.

This decision set the precedent for determining the boundaries, including taking into account the doctrine of erosion, accretion, and avulsion of the Red River, which changes rapidly and materially in flood.

The underlying bill states the survey must be conducted within 2 years by licensed State land surveyors and approved by the Texas General Land Office in conjunction with the Commissioners of the Land Office in Oklahoma.

Once the survey is approved, affected landowners have the ability to appeal the survey to an administrative law judge. After the boundary between public and private land is settled, the BLM is required to sell the remaining Federal land along the Red River at no less than fair market value. Landowners will rightly be given the rights of first refusal.

H.R. 2130 also requires that a resource management plan adhere to the requirements in the bill and explicitly states that nothing in the language will affect the Red River Boundary Compact, which established the visible boundaries between the two States and solves jurisdictional and sovereignty disputes.

Land already patented under the Color-of-Title Act will not be affected nor will the sovereignty of federally recognized Indian tribes regarding land that is located to the north of the South Bank boundary line.

Mr. Speaker, the entire section of this 116-mile stretch has never even been surveyed by the BLM, and the small portions that the agency has surveyed appear to stray widely from the accepted gradient boundary survey method endorsed by the Supreme Court.

Uncertainty clouds all decisions being made with regard to this land. The BLM has never actively managed the small strip of land they actually do own, as they are unsure of exactly what land it is they own.

Meanwhile, the agency appears incapable of understanding basic natural

movements of the river. While the approved survey method makes clear that ownership boundaries between private and public land will change with the movements of the river over time, BLM surveys do not.

A major determinant of land ownership must reflect the location of the existing median line of the river while taking into account past changes in the river's movement.

While BLM fails to understand the very land they claim to be surveying, landowners along the river are left unsure if the land they have held titles to and have paid taxes on will remain their property or be subject to Federal ownership.

This uncertainty threatens the value of privately owned lands. It clouds the title and causes landowners to think twice before making improvements on their land. This insecurity is harming local landowners and local economies, stifling any potential economic development in the area.

H.R. 2130 will solve this problem and clear up the uncertainty caused by BLM's decision, after over 90 years, to suddenly decide to claim the rights to this land. In conjunction with the States and affected tribes, this legislation will make clear the true ownership of the property.

The House Natural Resources Committee, which I sit on, favorably ordered this bill in September. It is important to note that this legislation is an updated version of legislation introduced in the 113th Congress and reflects the input received from landowners, both States in subject, as well as feedback provided by the minority members on the Natural Resources Committee.

So I believe the updates reflect the bipartisan nature in which this legislation was drafted and highlights the necessity of solving this problem for the people of Texas and the people of Oklahoma.

This legislation is necessary to not only right an obvious wrong in this specific instance regarding the Oklahoma-Texas border, but is essential to ensuring that local landowners have a judicious, practical process to firmly establish title to their rightfully owned land.

Government exists to protect our natural rights. Those include property rights. H.R. 2130 will put in place the proper process to ensure government agencies assist, rather than impede, with the protection of private property.

So, Mr. Speaker, this rule allowing for consideration of H.R. 2130, the Red River Private Property Protection Act, will support the protection of private property and prevent the Federal Government from falsely claiming thousands of acres of land lawfully owned by American citizens.

I support the rule's adoption. I urge my colleagues to support both the rule and the underlying bill.

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

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

(Mr. MCGOVERN asked and was given permission to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from Washington (Mr. NEWHOUSE) for yielding me the customary 30 minutes.

Mr. Speaker, what we should be talking about today is keeping the government open before funding runs out. With the horrific terrorist attack in San Bernardino taking place just 1 week ago, we should also be talking about how to keep guns out of the wrong hands.

House Democrats are united in making these our top priorities so that we can address the pressing issues the American people elected us to tackle. Instead, we are talking about H.R. 2130, the Red River Private Property Protection Act.

This is a bill that Republicans know is going nowhere, but they still insist that we take it up. Today I rise in strong opposition to the rule and the underlying legislation.

Proponents of this bill claim that the Bureau of Land Management's effort to survey land along the Red River is a Federal land grab. In fact, H.R. 2130 is a land grab by the State of Texas which will harm local Native American tribes and taxpayers nationwide.

H.R. 2130 would set aside existing Federal surveys of land along the 116-mile stretch of the Red River in Texas and would require the Secretary to commission and to accept, without Federal participation, surveys of the land approved by the Texas General Land Office.

We should be helping to provide legal certainty to property owners along the Red River, but we should not use the approach of voiding or nullifying Federal surveys.

BLM's survey and public planning process is not a land grab or a government overreach, but simply a Federal agency trying to resolve a very complex situation. If Texas wants to challenge the BLM's survey methods, they should do it in the normal way, in the courts, not through Congress.

Additionally, this legislation would require the Interior Department to delegate its authority for determining Federal estate to a State agency, would be counter to near 100 years of settled law, and could reduce mineral revenue opportunities for the Kiowa, Comanche, and Apache tribes and the State of Oklahoma.

Passing this bill could potentially complicate oil and gas leases that local tribes rely on for income. The Kiowa, Apache, and Comanche tribes receive 62.5 percent of any royalty generated for oil and gas development along this section of the Red River.

If part of this land no longer belongs to the Federal Government, then this agreement would disappear and the important source of revenue relied on by these tribes could vanish into thin air. These tribes view this bill as a threat to their livelihood and an assault on their property.

In addition to potentially losing revenues from mineral revenues, tribes have also expressed concern about access to water. Water is scarce in this arid region, and tribes rely on access to the Red River significantly. So H.R. 2130 could threaten that critical access.

If we want to do what is right by the people of Texas, the people of Oklahoma, the affected tribes, and the people of the United States, we have got to reject this bill in its current form.

We all know that it is going nowhere and will be just another waste of the House's precious time. I ask my colleagues: Shouldn't we be tackling pressing issues, like gun violence or funding for our government?

Mr. Speaker, Congress only has 1 legislative day left to avert a government shutdown. Let me remind my Republican friends about the last time that they shut down the government:

The economy lost $24 billion and 120,000 private sector jobs. Veterans' disability claims were stalled. Head Start centers were forced to close. Small businesses were cut off from SBA loans. $4 billion in tax refunds were delayed. Hundreds of Americans were prevented from enrolling in NIH clinical trials.

So instead of heading down that road again and damaging our recovering economy, I hope my friends on the other side of the aisle will do the right thing.

I urge the Republican leadership to drop their demands for radical policy riders that put an omnibus funding bill in jeopardy. Work with our leadership. Work in a bipartisan way to advance a bill that will keep the government open and avert yet another Republican-manufactured crisis.

There is a lot of work that needs to be done, Mr. Speaker, and it needs to be done right now.

My friend from Washington earlier made reference to regular order, saying that those of us who are trying to get a vote on a bill to basically close a loophole that allows terrorist suspects to be able to buy weapons are not adhering to regular order.

Well, I have news for my friend from Washington State. Regular order is dead in this House of Representatives. It died a long time ago. My Republican friends killed it a long time ago. There is no regular order in this House.

Whether it is on your bills to defund Planned Parenthood, the energy package, the Syrian refugee bill, the oil bill, none of that came before us in regular order. We are on this floor day after day, demanding votes on procedural motions precisely because there is no regular order in this House.

The committees of jurisdiction are not doing their job, are not even doing hearings or reporting a bill out of committee that would prevent terrorist suspects from getting access to weapons.

So we are using procedural motions to try to put some pressure on the leadership in this House—if not pressure, maybe to shame the leadership of this House to bring a bill to the floor that the overwhelming majority of the American people want.

As I said earlier, only in this Republican-controlled House of Representatives would the idea of prohibiting terrorist suspects from getting weapons be considered controversial.

These people that we are talking about are on the no-fly list. They can't fly on airplanes, and I am glad that they can't fly with me when I go back and forth from Washington to Boston every week. I think the majority of Americans, Democrats and Republicans, are glad that terrorist suspects are not on their plane flying around the country when they are on these planes.

Why, then, would it somehow be a good idea to say that these people who cannot fly on our airplanes because we suspect them of links to terrorism can somehow go out and buy a weapon of war that could potentially be used against our citizens?

There are a lot of things we need to do. This is one of them. I get it that there is a particular special interest out there that is putting a lot of pressure on the leadership and on some Members on the other side to not be able to bring this bill to the floor. But I would say that a majority of the members of the National Rifle Association actually agree with us on this issue.

By the way, this idea that we are putting forward here today is not a democratic idea. It is introduced by a Republican Member of Congress, Congressman PETER KING of New York. It is an idea that has been endorsed by a Republican President and its administration, the Bush administration prior to this one. Their Justice Department thought this was a good idea.

Former New Jersey Governor Tom Kean, who is the co-chair of the 9/11 Commission, said this is a good idea. I mean, reasonable, rational people think this is good idea.

Yet, in this House of Representatives, we can't even get it on the floor for a vote. If you don't want to vote for it, then have the courage to vote ''no.'' Allow it to come to the floor. Let your constituents know where you stand on this issue.

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

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

I thank the gentleman from Massachusetts (Mr. MCGOVERN), my colleague on the Rules Committee. I appreciate his opening comments and take great interest in some of the things that were pointed out.

Certainly, nobody in this body on this side of the aisle or on your side is interested in closing down the government and shutting the government. In fact, just yesterday Leader McCarthy stood at this very podium and told everyone to make sure that they kept their travel plans flexible enough to be able to stay here and get their work done.

So I think there is a commitment on both sides of the aisle in order to get work done for the American people. Also, protecting Americans in this very dangerous time that we face in the world today is one of the highest priorities that we have as a Congress and is certainly a constitutional duty that all of us take very seriously.

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We are working very hard. We have committees of jurisdiction working very hard and coming up with workable ideas in order to accomplish just that. In fact, we just passed something this week that had to do with the waiver program for visas that I think will go a long way in keeping this country safe.

We can walk and chew gum at the same time. We can deal with the important issues of the American people as well as not only keeping the government open, keeping Americans safe, but also protecting property rights when a Federal agency creates a problem by trying to take private property away from citizens. In this case, it is not in my State, but tomorrow it could be, and it could be in your State tomorrow. So we can do multiple important things that the American people expect us to do on their behalf.

Mr. Speaker, we talked a lot about regular order in my colleague's opening statements, so here we go again. As I said earlier, we are lectured on a daily basis on the importance of regular order. This bill that we are considering here is a perfect example of regular order. It went through the committee process. We have accepted two amendments in the Rules Committee that were offered to perfect this bill that the Members of this full body will get an opportunity to voice their opinions on and to vote whether they accept them or not.

Just last week, Mr. Speaker, we heard two conference reports: one on the highways bill and one on education. That is a great example of regular order being reestablished in this House of Representatives. Speaker RYAN is committed to regular order, working from the ground up, letting the committees do their jobs, and allowing every Member to have a voice in this process.

So I am very happy. I am very optimistic about the future of this body and our ability to get work done under Republican leadership. I think we have shown that we can get work done, and we are doing a great job doing it.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. THORNBERRY). He would like to speak on this issue of the Red River Valley.

Mr. THORNBERRY. Mr. Speaker, I appreciate very much the gentleman from Washington yielding me the time and his work on this issue, as well as the chairman of the Natural Resources Committee for bringing it to the floor.

Mr. Speaker, I do not intend to spend a great deal of time debating the merits of the bill at this point on the rule. I think it is important, however, that I try to clear up some misunderstandings, apparently, that have been generated.

Let me just say that one misunderstanding that I have heard referred to on the floor is that the committees in this House are not taking action against terrorism. I can say that the committee I am privileged to chair, the Armed Services Committee, has had a briefing this very morning about how we can be more effective against ISIS and the threat of terrorism. So there is a great deal of work that is going on around this House. It may not be every bill that every Member wants to see debated, but a variety of committees and committees working together are working to take action to try to keep this country safe, and I think that is important for the American people to know.

Mr. Speaker, the Red River Private Property Protection Act is an important act not only for the landowners on both sides of the river along this 116-mile stretch in Texas and Oklahoma, but it is important for property owners across the country; because, if an agency of the Federal Government can wake up one day and say, ''We own more land than we ever have thought we owned over the last 90 years,'' it puts in doubt the property rights of landowners everywhere because it is very difficult to fight the Federal Government.

The suggestion was made that this underlying legislation is a landgrab by Texas. Of course, my opinion, Mr. Speaker, is that reflects a fundamental understanding of the situation and certainly of what this legislation does.

Let me take just a moment to explain that, when Thomas Jefferson bought the Louisiana Purchase from France in 1803, he bought for the United States all of the land in the riverbed of the Red River down to the south bank of the river. That was affirmed in numerous treaties between the United States and Spain, the United States and Mexico, and the United States and the Republic of Texas. That is the boundary, the south bank. But in 1867, the United States made a treaty with three Indian tribes, and that reservation that was the subject of that treaty just went to the middle of the river.

I have the exact treaty which I may well enter into the RECORD at a future point.

So, Mr. Speaker, the bottom line is, any reservation which later became private property in the State of Oklahoma extended only to the middle of the river, while Texas did not go further north than the south bank of the river. That leaves a narrow strip from

the middle of the river to the south bank that is absolutely Federal territory.

That is the way it has been since, as I say, at least 1867, with nobody else making a claim that they owned it—until 2 years ago; and then the Bureau of Land Management said: We think we own a lot more land, not just the south bank, but a lot more land. And that is what has caused this controversy.

So how do you solve a controversy like that? You do a survey. You follow the Supreme Court decision from the 1920s. You get professionals out there who know what they are doing, and you conduct a survey exactly along the line the Supreme Court said we should. And that is what this bill does. It requires a survey along the whole 116-mile stretch, which has never been done. As the gentleman from Washington states, as a matter of fact, they have only surveyed 6,000 acres in a spot sort of fashion.

So this tries to answer this issue once and for all. Survey the whole thing. We know where the line is, and, therefore, people who are private property owners on both sides of the river know where the line is as well.

Now, clearly, Mr. Speaker, there is no intention of infringing upon any of the rights that the tribes or anybody else has. Let me just quote a few provisions from the underlying legislation:

Nothing in this act shall be construed to ''alter the valid rights of the Kiowa, Comanche, and Apache Nations to the mineral interest trust fund created pursuant to the act of June 12, 1926.''

''Nothing in this act shall be construed to modify the interest of Texas or Oklahoma or sovereignty rights of any federally recognized Indian tribe over lands located to the north of the South Bank boundary line as established by the survey.''

''The sale of a parcel under this section shall be subject to . . . valid existing State, tribal, and local rights.''

There are more protections in here than even I can count. So the point is not to change anybody's rights. It is to prevent the Federal Government from confiscating the land that private property owners have deeds to, often for generations, and have paid taxes on for years and years. That is what this is trying to solve.

The suggestion has been made, well, all this ought to be worked out in court. Number one, private landowners sometimes don't have the pockets to work it out—especially a fight with the Federal Government—in court.

Secondly, while you are working it out in court, this cloud hangs over your title. You can't sell your land. You can't borrow money on it because nobody knows if that is really Federal land or private land.

This was not a problem until 2 years ago, when the Bureau of Land Management said: We are going to take in more land than anybody has ever alleged that the Federal Government owns.

The way to fix a BLM overreach is for this House to take action and answer the question once and for all. That is what this legislation does.

Mr. Speaker, I appreciate very much the gentleman from Washington and the chairman of the committee for giving us the opportunity to debate it.

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

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

Mr. Speaker, I include in the RECORD the Statement of Administration Policy on H.R. 2130, which says that if the President were presented with H.R. 2130, his senior advisers would recommend that he veto the bill.

STATEMENT OF ADMINISTRATION POLICY

H.R. 2130—RED RIVER PRIVATE PROPERTY PROTECTION ACT

(Rep. Thornberry, R–TX, Dec. 8, 2015)

The Administration strongly opposes H.R. 2130, which would set aside existing Federal surveys, divest the Secretary of the Interior of responsibility as surveyor of record for the United States, and transfer lands out of Federal ownership without ensuring a fair return to the taxpayer.

H.R. 2130 would set aside existing Federal surveys of land along the Red River in Texas and would require the Secretary to commission and to accept, without Federal participation, surveys of the land approved by the Texas General Land Office. This legislation would require the Secretary to delegate her authority for determining Federal estate to a state agency, would be counter to nearly 100 years of settled law, and could reduce mineral revenue opportunities for the Kiowa, Comanche, and Apache Tribes and the State of Oklahoma.

The Administration shares the goal of providing legal certainty to property owners along the Red River, but strongly opposes the approach of voiding or nullifying Federal surveys.

If the President were presented with H.R. 2130, his senior advisors would recommend that he veto the bill.

Mr. MCGOVERN. Mr. Speaker, I include that in the RECORD, first of all, to make it clear to my colleagues that what we are doing here is a waste of time. This bill isn't going anywhere.

I would say to the gentleman from Washington that, if his idea of regular order is bringing bills to the floor that are going nowhere, we have a different definition of what regular order is all about. I have listed for you a series of major bills that did not go through regular order. Most of them never went through committee. This whole process, since we are 1 day away from a government shutdown, of putting an omnibus together is not regular order.

Mr. Speaker, my friends control the House, they control the Senate, and yet we are going to get this big bill no matter whether it passes or not. We are not going to know what is in this bill for weeks and months afterwards, all these riders and all these different deals on the omnibus bill and the tax extender bill. So, please, regular order is dead.

We are again pursuing these procedural motions to try to force you, to try to shame my friends on the other side of the aisle, to bring a bill to the floor that the overwhelming majority of the American people want us to vote on.

Mr. Speaker, I am going to urge my colleagues to defeat the previous question. If the previous question is defeated, I will offer an amendment to the rule to bring up bipartisan legislation that would close a glaring loophole in our gun laws allowing suspected terrorists to legally buy firearms. Mr. Speaker, this bill would bar the sale of firearms and explosives to those on the FBI's terrorist watch list. Why that is so controversial for the Republican leadership is beyond me.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

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

There was no objection.

Mr. MCGOVERN. To discuss our proposal, I yield 1½ minutes to the distinguished gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Speaker, I thank Mr. MCGOVERN.

Mr. Speaker, with just 2 days until the government runs out of funding, House Republicans have chosen to bring a bill to the floor to solve a dispute between two States: Texas and Oklahoma.

Mr. Speaker, we have an epidemic of gun violence in this country, and Congress is doing nothing to end the killing. Right now, a person on the FBI's terrorist watch list can go to a gun store or a gun show and purchase a firearm legally.

If a person on the terrorist watch list is too dangerous to buy a plane ticket, why are they allowed to purchase unlimited quantities of weapons and ammunition?

Mr. Speaker, Congress needs to act now to protect the American people. The Denying Firearms and Explosives to Dangerous Terrorists Act is a bipartisan bill which prohibits the sale of firearms to people on the Federal Bureau of Investigation's terrorist watch list. Congress needs to take the most basic step we can by passing this bill to keep Americans safe from those who wish to do us harm.

Mr. Speaker, I thank the gentleman from Massachusetts again for the time.

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

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentleman from Rhode Island (Mr. CICILLINE.)

Mr. CICILLINE. I thank the gentleman for yielding.

Mr. Speaker, we have a gun violence epidemic in this country. There have been nearly 50,000 incidents of gun violence in our country this year. More than 12,400 people have lost their lives. There have been more than 350 mass shootings in the United States this year, more than there have been days

in the year. For many killers in these mass shootings, assault weapons are the weapons of choice.

Right now, Mr. Speaker, someone who is on the terrorist watch list, someone law enforcement has deemed too dangerous to board an airplane, can walk into a gun store and buy an assault rifle. This is insane. H.R. 1076 will fix this.

Mr. Speaker, I thank Congressman KING of New York for introducing this commonsense bill, and I applaud him for actually working with the Democrats. I am proud to be an original cosponsor of the bill. We need more people on his side of the aisle to stop kneeling at the altar of the NRA and actually do something about this urgent threat to public safety.

Mr. Speaker, if we don't pass this into law, then shame on us for doing nothing while thousands of Americans are dying each year from gun violence. Instead of spending time on this Texas landgrab, as Mr. MCGOVERN says, we should be focused on the urgent issues facing our country.

Mr. Speaker, I urge my colleagues to defeat the previous question so we can take up H.R. 1076 and do something to protect our constituents from gun violence in this country.

Mr. NEWHOUSE. Mr. Speaker, I have just one comment to make in response to the gentleman from Massachusetts.

If the definition of regular order is only considering those issues that the administration approves of, then what really is our function here as a Congress? Should we just put a sign out that says that we are closed until a new administration comes along? It seems to me that we have a duty to the American people to consider issues that are important from the majority's perspective.

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

Mr. MCGOVERN. Mr. Speaker, I will just respond to the gentleman by saying that my objection is that we have become a place where trivial issues get debated passionately and important ones not at all. The difference between debating a Texas landgrab bill that is going nowhere versus a bill that could protect the American people from terror suspects who now have access to buy guns, I don't think there is any comparison here. The difference between doing this Texas landgrab bill and actually passing a bill to keep the government running, I think passing a bill to keep the government running is more important.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. HAHN).

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Ms. HAHN. Mr. Speaker, I thank my colleague from Massachusetts for the few moments to talk about something really important.

Colleagues, it is our responsibility to take action on behalf of the American people that we represent, and right now they are begging us to take action to keep them safe. We should not be wasting our time debating this legislation on the floor today when so many lives are at stake.

The American people are anxious, many are afraid, and they have reason to be. Guns kill 36 people every day in our country. No other developed country comes close to that level.

Some would say it is we, in this body, who are to blame because we have failed to enact even the most reasonable policies to keep guns out of the hands of dangerous criminals.

It is unbelievable that an individual on the terrorist watch list can walk into a gun shop and buy the firearm of their choice in this country. Among all the gaps in our gun laws, this loophole is the most glaring. In fact, in the past 11 years, 2,000 suspects on our FBI's terrorist watch list have walked into a gun store and bought the weapon of their choice.

All we are asking for is the commonsense legislation that PETER KING has introduced that would close this loophole be brought to this floor for a vote. This bill, introduced by PETER KING, has bipartisan support. Of course, this bill is not a cure-all for all gun violence in this Nation, but it is a step in the right direction.

I join my colleagues in asking Speaker RYAN to bring this legislation to the floor for a vote.

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

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR of Florida. Mr. Speaker, I thank the gentleman for yielding.

I had to take this opportunity to come to the floor to urge my GOP colleagues to allow a vote on closing the loophole that allows terrorists and terrorist suspects to go and purchase firearms and get a license for explosives. It is unbelievable that this loophole still exists. This is something that we can work together on to help keep our families safe all across America.

And here is the state of the law. Currently, if you are a felon, you cannot purchase a firearm. If you are a fugitive, you cannot purchase a firearm. If you are a drug addict, you cannot purchase a firearm. If you have been convicted of domestic violence, you cannot purchase a firearm.

Here is the loophole: If you are on the terrorist watch list and you cannot fly, you can still go into the gun store and purchase a firearm. This really is truly unbelievable.

I ask the gentleman from Massachusetts (Mr. MCGOVERN) to tell us again the statistic, based upon the GAO report, of how many people, terrorists, suspected terrorists, have been able to purchase firearms.

Do you know?

Mr. MCGOVERN. Will the gentlewoman yield?

Ms. CASTOR of Florida. I yield to the gentleman from Massachusetts.

Mr. MCGOVERN. This astounding loophole has allowed more than 2,000 suspects on the FBI's terrorist watch list to buy guns in the United States over the last 11 years.

Ms. CASTOR of Florida. Reclaiming my time, I include in the RECORD a page that summarizes the GAO report from a few years ago, because I know folks think this is a partisan fight. And don't take it from us. Take it from the independent GAO. It states:

''Membership in a terrorist organization does not prohibit a person from possessing firearms or explosives under current Federal law.''

[From GAO Highlights, May 5, 2010]

TERRORIST WATCHLIST SCREENING: FBI HAS ENHANCED ITS USE OF INFORMATION FROM FIREARM AND EXPLOSIVES BACKGROUND CHECKS TO SUPPORT COUNTERTERRORISM EFFORTS

WHY GAO DID THIS STUDY

Membership in a terrorist organization does not prohibit a person from possessing firearms or explosives under current federal law. However, for homeland security and other purposes, the FBI is notified when a firearm or explosives background check involves an individual on the terrorist watchlist. This statement addresses (1) how many checks have resulted in matches with the terrorist watchlist, (2) how the FBI uses information from these checks for counterterrorism purposes, and (3) pending legislation that would give the Attorney General authority to deny certain checks. GAO's testimony is based on products issued in January 2005 and May 2009 and selected updates in March and April 2010. For these updates, GAO reviewed policies and other documentation and interviewed officials at FBI components involved with terrorism-related background checks.

WHAT GAO RECOMMENDS

GAO is not making new recommendations, but has made prior recommendations to the Attorney General to help ensure that background checks involving individuals on the terrorist watchlist are properly handled and that allowable information from these checks is shared with counterterrorism officials, which the FBI has implemented. GAO also suggested that Congress consider adding a provision to any future legislation that would require the Attorney General to define when firearms or explosives could be denied, which has been included in a subsequent bill.

WHAT GAO FOUND

From February 2004 through February 2010, FBI data show that individuals on the terrorist watchlist were involved in firearm or explosives background checks 1,228 times; 1,119 (about 91 percent) of these transactions were allowed to proceed because no prohibiting information was found—such as felony convictions, illegal immigrant status, or other disqualifying factors—and 109 of the transactions were denied. In response to a recommendation in GAO's January 2005 report, the FBI began processing all background checks involving the terrorist watchlist in July 2005—including those generated via state operations—to ensure consistency in handling and ensure that relevant FBI components and field agents are contacted during the resolution of the checks so they can search for prohibiting information.

Based on another recommendation in GAO's 2005 report, the FBI has taken actions to collect and analyze information from these background checks for counterterrorism purposes. For example, in April 2005,

the FBI issued guidance to its field offices on the availability and use of information collected as a result of firearm and explosives background checks involving the terrorist watchlist. The guidance discusses the process for FBI field offices to work with FBI personnel who conduct the checks and the Bureau of Alcohol, Tobacco, Firearms and Explosives to obtain information about the checks, such as the purchaser's residence address and the make, model, and serial number of any firearm purchased. The guidance states that any information that FBI field offices obtain related to these background checks can be shared with other counterterrorism and law enforcement agencies. The FBI is also preparing monthly reports on these checks that are disseminated throughout the FBI to support counterterrorism efforts.

In April 2007, the Department of Justice proposed legislative language to Congress that would provide the Attorney General with discretionary authority to deny the transfer of firearms or explosives to known or suspected ''dangerous terrorists.'' At the time of GAO's May 2009 report, neither the department's proposed legislative language nor related proposed legislation included provisions for the development of guidelines further delineating the circumstances under which the Attorney General could exercise this authority. GAO suggested that Congress consider including a provision in any relevant legislation that would require the Attorney General to establish such guidelines; and this provision was included in a subsequent legislative proposal. If Congress gives the Attorney General authority to deny firearms or explosives based on terrorist watchlist concerns, guidelines for making such denials would help to provide accountability for ensuring that the expected results of the background checks are being achieved. Guidelines would also help ensure that the watchlist is used in a manner that safeguards legal rights, including freedoms, civil liberties, and information privacy guaranteed by federal law and that its use is consistent with other screening processes. For example, criteria have been developed for determining when an individual should be denied the boarding of an aircraft.

Ms. CASTOR of Florida. Mr. Speaker, we have got to act in a bipartisan fashion to close this loophole.

I urge my GOP colleagues to stop blocking the bill from consideration. Bring it up for debate, and let's have a vote.

Mr. NEWHOUSE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. TONKO).

Mr. TONKO. I thank the gentleman for yielding.

Mr. Speaker, I ask, why are we not addressing gun violence? People who aren't allowed to fly because they are suspected of terrorism should not be allowed to purchase firearms.

I can't believe that in 2015 this is a problem that needs fixing. Democrats have tried three times over to open debate on a bill—a bill, by the way, authored by a Republican that would block people on the no-fly list from walking out of a gun shop with their firearm of choice—and three times, the Republican House majority has blocked that opportunity. Ninety-one percent of the time, suspected terrorists pass a background check because the system we have in place does not check to see if a potential buyer is on the no-fly list. This is absolutely unacceptable.

I ask the leadership in this House to immediately bring to the floor Republican Congressman PETER KING's bill to close the loophole that allows suspected terrorists to buy guns. And if they won't, I call upon my colleagues from both sides of the aisle to sign the discharge petition, a petition currently before the House to force a vote on this bill.

We must allow the House to work the will of the people instead of those in Congress who are more concerned with losing their ''A'' rating with the NRA than keeping Americans safe.

Let us address gun violence. Bring the bill to the floor.

Mr. NEWHOUSE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY. Mr. Speaker, I want to thank my colleague from Massachusetts (Mr. MCGOVERN) for yielding me the time and for the tremendous work that he has done on this issue over his career in elected office and, before that, as a staff member here on Capitol Hill.

Mr. Speaker, I join my colleagues today in calling for this House to move a bipartisan piece of legislation because we have an opportunity to close a loophole that allows suspected terrorists to legally purchase firearms and explosives. I believe we have a responsibility to do so before this House takes another moment of silence, as we have done countless times already this session.

Mr. Speaker, in the last 2 years alone, 94 percent of individuals suspected of planning terrorist attacks have been able to successfully pass background checks and purchase deadly weapons. If we don't trust somebody to board a plane, why on Earth would we trust them to buy a gun?

That is why I led over 60 colleagues, along with my colleague from California, MIKE THOMPSON, to write a letter to Speaker RYAN asking him to bring up our colleague PETER KING's bill for a vote.

Our response to gun violence, this body's response to gun violence, can no longer be moments of silence and thoughts and prayers by Members in this Chamber. We can do more than that. We are expected to do more than that. My hope today is that we will.

Mr. NEWHOUSE. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS of Georgia. Mr. Speaker, I thank my friend from the State of Washington (Mr. NEWHOUSE).

Again, I want to emphasize with him, as I was down here listening to my friend, that this is regular order. And, frankly, the one thing I have learned in the Rules Committee, especially under this administration, is, it wouldn't be a Rules Committee party if we didn't get a letter from the administration saying, I am not going to sign it.

I am not sure, many times, what they are for. Again, if we are just going to talk about issues today—we are talking about a piece of legislation that affects Americans. And it is amazing to me, every time I come down here to hear my colleagues actually talk about trivial pieces of legislation—if it affects the American public and it is something that affects American lives, then it is not trivial on the floor of this House.

This bill is worth it. This Red River Private Property Protection Act, we are going to vote on the rule. It needs to be supported. The underlying bill is going to be debated. It came through regular order. These are the things that we need to be doing.

But if we also want to talk about things that are going on in the world right now, I want to talk about the absolutely anemic response that we have seen in the world situation from the administration, especially when it comes to where terrorists are moving and growing and being unfettered while we stand by and watch. Especially now. In fact, for this, we have had a debate, and we are looking through it.

Iran, you know, oops, here we go again; it is not just a song on the radio. Iran has decided that they are just going to flaunt what we have been saying for years.

But this is the key thought of our administration on attacking and being at peace with the world. They just tested nuclear missiles again in violation of two U.N. directives, just did it. Where is the outrage? There is none.

We want to hang dangly little things out here. And let's talk about this: The real terrorists in the world, who hate us just because we are free, are still unabated.

It is time not to tell Congress, we will work with AUMF. But, Mr. President, it is time for you to actually give us a plan. It is time for you to stop passing the buck. It is time for the administration to give us an actual idea of how you want to address this, how you want to go about it.

Iran says: I will make a deal with America, flaunt it whenever I want to. I will do whatever I need.

We come to the floor. We debate things that matter to Americans. The majority understands that national security is projecting a strong national security. The majority is putting forth bills that actually work for people. The majority is looking today to work on a piece of legislation that affects real people's lives.

We will continue to have debates with my friends across the aisle on a number of issues. But today, let's move forward. And let's also have a time to say, Mr. President, we are looking for direction. It is time to lead. Check in, or check out.

The SPEAKER pro tempore (Mr. YOUNG of Iowa). Members are reminded to address their remarks to the Chair.

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

If my colleagues on the other side of the aisle wanted to defend the record of this House in terms of regular order, they can have it at. It is laughable, the record. This is the most closed Congress in the history of the United States Congress. That is the record that they are proud of.

We are here, again, trying to pressure the leadership of this House to let this House do what it is supposed to do: have the committees of jurisdiction report this bill to shut down this terrible loophole which is a potential danger to our citizens. Bring it to the floor. We can't get you to bring anything to the floor related to this issue.

But to get up here and to somehow talk like my friends on the other side care about regular order or even are in the most minimal way committed to an open process here is laughable. Look at the record of this Congress.

The Speaker and the previous Speaker all get up here and talk about their commitment to regular order. And then what do they do? They do the opposite time and time again.

I read to you some of the bills that you brought up recently that have come to the floor not under regular order. We don't need lectures on regular order from my friends on the Republican side who, again, are presiding over the most closed Congress in the history of the United States of America.

With that, I yield 2 minutes to the gentlewoman from California (Mrs. TORRES).

Mrs. TORRES. Mr. Speaker, despite the increasing frequency with which mass shootings seem to happen in this country, we never expect it to happen in our community. But a week ago today, that is exactly what happened when tragedy hit home.

I knew the Inland Regional Center well, represented the city of San Bernardino during my time in the State senate; and on this tragic day, five individuals who lived in cities that I represent were murdered.

Far too many communities have felt the pain that the San Bernardino and Inland Empire community is facing right now. Far too many Americans have lost loved ones in similar acts of violence.

Mr. Speaker, the loophole that allows suspects on terrorist watch lists to purchase a gun, to walk into a gun store and purchase a high caliber weapon, must be fixed.

This is an urgent, commonsense, widely supported reform that we can make to reduce gun violence, but we haven't. We haven't been able to have a serious conversation about any of these issues.

Those who want to support changes to our gun laws need to make their voices heard and say, enough is enough; check in, or check out.

Before we gather for yet another moment of silence, I remind my colleagues that this House floor is for action, not inaction. Doing nothing is inexcusable. It is an insult to the lives lost on that tragic day.

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

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

□ 1415

Ms. SCHAKOWSKY. I thank the gentleman for yielding.

Mr. Speaker, I would challenge any one of my colleagues to go out on any street corner in the United States of America and ask people who are walking by: Do you think the people who are on the terrorist watch list who are not allowed to get on an airplane should be able to go into any gun store and buy a weapon of their choice?

For example, a weapon that looks like this. This is a Smith & Wesson .223-caliber assault rifle. This is a weapon that is available to people who are on the terrorist watch list. It is also the weapon that was used by the shooters in San Bernardino to fire off 65 to 75 rounds and kill the coworkers of one of those shooters.

Since 2004, over 2,000 suspects on the FBI's terrorist watch list have successfully purchased weapons in the United States. More than 90 percent of all suspected terrorists who attempted to purchase guns in the last 11 years were able to do that. It may not be the biggest issue, but, clearly, the American people don't think that potential terrorists should be able to buy guns.

Let's do it.

H.R. 1076 would ban the sale of weapons to any individual, according to the Attorney General, who is considered to be engaged in terrorist activities. Introduced by a Republican, this is bipartisan. Let's support PETER KING's bill, the bill that many of us have gotten together to sponsor, as a beginning in order to say we are serious about protecting our communities.

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

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY. I thank my friend from Massachusetts.

Mr. Speaker, I rise more in sadness than in anger. This debate has gone on long enough. Too many of our fellow Americans have been victimized by gun violence because we are enthralled by the gun lobby.

Who do we serve in this body if it isn't the American people? It is the sacred responsibility of every Member of this body to protect that public, not a special interest lobby. Are we ever going to be willing to put aside what we perceive we owe that lobby and act on behalf of the American people?

If we can't do it in this example—preventing guns from getting in the hands of people on a terrorist watch list—I would venture to guess, Mr. Speaker, that the American people who are watching this debate think it is made up, that it can't be true, that it can't be true that somebody on the terrorist watch list qualifies and is going to be protected by this body to exercise his Second Amendment right and buy a gun. Surely that cannot be true.

I hope we examine our hearts as well as our minds in this discussion and come to our senses and do something vitally important for the American people.

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

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I think most Americans think it is important for the Constitution to be protected. The Second Amendment is protected. We have the right to bear arms.

But most Americans would find our actions and inactions questionable at best because, after the 353rd mass murder, this Congress cannot come together and vote on one simple bill, that is, that individuals on the no-fly and terrorist watch lists would not be able to purchase guns.

Yes, my colleagues, today, as we stand here, they can purchase guns. They can purchase guns without imprisonment, without charges. In memory of San Bernardino, among the other failures that caused their deaths, the one we know of was the utilization of automatic weapons that shot thousands or hundreds of rounds—many rounds—killing these innocent persons.

I rise today to say that we should not move from this place without passing the Peter King bill, which keeps guns—automatic weapons—out of the hands of terrorists. How simple a question. How simple an answer. Vote ''yes'' for the American people.

Mr. NEWHOUSE. Mr. Speaker, may I inquire as to how much time is left on both sides?

The SPEAKER pro tempore. The gentleman from Washington has 11½ minutes remaining. The gentleman from Massachusetts has 3½ minutes remaining.

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

Mr. MCGOVERN. Mr. Speaker, may I inquire if the gentleman has any further speakers?

Mr. NEWHOUSE. I have one further speaker.

Mr. MCGOVERN. I am the last speaker on my side.

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

Mr. NEWHOUSE. Mr. Speaker, I yield 1 minute to the gentleman from Nevada (Mr. AMODEI).

Mr. AMODEI. Mr. Speaker, I don't usually show up unannounced or uninvited. But I have listened to the debate on this, and I find absolutely amazing the outpouring of abhorrence for potential gun violence from a body that failed to have a moment of silence for Kate Steinle, that failed to do anything to recognize that instance of gun violence in the Bay Area.

So, as I sit here and listen to all of the deplorable, junior varsity theater on the message, I wonder: Why aren't we doing something about that instance, which was put in the rearview mirror instantly and accelerate it away at the speed of light?

America, the junior varsity theater is in session on this issue. I encourage you to skip the show.

Mr. MCGOVERN. Mr. Speaker, I yield myself my remaining time.

I am sorry that the previous speaker doesn't see the importance of this issue and thinks that this is theater. I assure you that the vast majority of Americans—Democrats, Republicans, and Independents alike—think this is a very serious issue.

Right now, according to the ATF, the people who cannot own a gun in this country are criminals, unlawful users of controlled substances, people who are mentally ill, people who have renounced their citizenship, and people who have been convicted of domestic violence.

Our laws are clear on that. These people can't go out and buy guns. Yet, when it comes to people who are suspected of terrorism, for some reason, we can't apply the law to them. For some reason, there is a reluctance by some on the other side of the aisle—not all, but some—to do something about this.

This is fairly easy. Congressman KING, a Republican from New York, has a bill that I think is fairly straightforward. It basically says that people who are suspected of being terrorists, who right now can't fly on airplanes, should not be able to go out and purchase a gun, should not be able to purchase a weapon of war.

That concept is controversial in this House of Representatives. It is hard to fathom. People can't quite understand what the problem is.

Now, maybe my colleagues on the other side of the aisle are going to introduce bills to allow us to be able to sell weapons to people who are convicted of domestic violence or to people who are felons or to people who have renounced their citizenship. Maybe that is going to mysteriously come to the House floor. Maybe that is what the plan is, but I hope not.

I don't hear them saying that. I don't hear people on the other side of the aisle saying we should do away with the no-fly list and allow suspected terrorists to be able to fly on airplanes with the American people. I don't hear people asking to do that. So what is the problem?

We are making a big deal of this. I am sorry the gentleman from Nevada doesn't appreciate the importance of this issue, but we are making a big deal of this because it is a big deal. We need to do a lot of different things to protect the American people, and this is one of them. No one is up here saying this will solve all of our problems, but we are saying this is an important piece that we ought to get done.

I urge my colleagues on both sides of the aisle to defeat the previous question. Allow us to have the opportunity to bring this up because we have tried every which way—we even have a discharge petition going to try to force a vote on this issue—and all we have encountered is resistance, resistance, resistance. Give us the opportunity to deliberate. Let the people's House do the people's business.

I urge my colleagues to vote ''no'' on the previous question and to then vote ''no'' on the rule.

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

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

It has been an interesting hour in our discussion of private property rights in Texas and in Oklahoma. We have quite a broad subject here. Let me just say a couple of things before I close.

It was just yesterday that the newspaper in Los Angeles, the LA Times, which is not known to be a conservative newspaper, stated: ''One problem is that the people on the no-fly list''—and Mr. MCGOVERN was saying nobody wants to do anything about the no-fly list.

The LA Times points out: ''One problem is that the people on the no-fly list . . . have not been convicted of doing anything wrong . . . And the United States doesn't generally punish or penalize people unless and until they have been charged and convicted of a crime.''

It continues: ''But serious flaws in the list have been identified. According to the American Civil Liberties Union''—the ACLU—''which is suing the government over the no-fly list, the two lists include thousands of names that have been added in error . . .The no-fly list has also been used to deny boarding passes to people who only share a name with a suspected terrorist. Former Sen. Ted Kennedy''—from your State of Massachusetts—''was famously questioned at airports in 2004 because a terror suspect had used the alias 'T. Kennedy.' It took the senator's office three weeks to get his name cleared.''

Does that sound like common sense to my colleagues?

This is about upholding the Constitution, which we all swear an oath to every 2 years. Even the ACLU believes so.

Mr. Speaker, even though this has been a great distraction by the other side, I think, to blur the fact that the current administration has no policy in place to defeat terrorism, to defeat ISIS, I think we need to keep our eye on the ball.

The special terrorism task force has come up with fully 30 recommendations that I am hopeful the other side of the aisle will help us work through and pass in order to keep this country safe.

This is a serious issue that all Americans are concerned with. I am sure my office is no different than anyone else's in that the majority of calls and contacts they have received over the last few weeks has been about security, about being safe in our country.

I hope we can work in a bipartisan way to address the true issues that will keep Americans safe and not address the distractions that take away the attention from where it needs to be: on the lack of a clear policy on the administration's part to defeat terrorism.

Let me get back to the underlying reason we are having this discussion this afternoon, Mr. Speaker, that being the Red River Private Property Protection Act.

For over 200 years, confusion and dispute over the Texas-Oklahoma border have been ongoing staples of land management in that region. I am sure my colleagues from Oklahoma and Texas would agree with me that the last thing we need further muddying this confusion is a Federal agency's stepping in and claiming ownership of a large portion of that area.

Dozens of landowners along the Red River should not have to live in a restless state, unsure if the land they have held titles to, have worked hard to pay taxes on, and, in some cases, have owned for generations will suddenly be snatched up through a shoddily conducted survey.

Conducting a survey using the Supreme Court's approved gradient boundary method is the only way to truly find the boundary between public and private ownership to settle this dispute once and for all.

□ 1430

My colleagues from Oklahoma and Texas and their constituents deserve to have this matter finally settled and in a just fashion. H.R. 2130 protects private property and settles the question of ownership by requiring the BLM to commission a survey along the entire 116 mile stretch of the Red River using that gradient boundary survey method backed by the Supreme Court to determine the property ownership boundary between private and public land. This bill ensures that the survey is done correctly, accurately, and according to the Supreme Court's instructions.

I support the rule's adoption, and I urge my colleagues to support the protection of private landowners, the States, and the affected tribal nations' rights upheld by this rule and the underlying bill.

The material previously referred to by Mr. MCGOVERN of Massachusetts is as follows:

AN AMENDMENT TO H. RES. 556 OFFERED BY MR. MCGOVERN OF MASSACHUSETTS

At the end of the resolution, add the following new sections:

SEC. 3. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1076) to increase public safety by permitting the Attorney General to deny the transfer of a firearm or the issuance of firearms or explosives licenses to a known or suspected dangerous terrorist.

The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 4. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 1076.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

The Republican majority may say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. NEWHOUSE. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 242, nays 178, not voting 13, as follows:

[Roll No. 682]

YEAS—242

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Upton
Valadao
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—178

Adams
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Graham
Grayson
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas

Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—13

Aguilar
Barr
Bishop (GA)
Garamendi
Green, Al
Huffman
Johnson, Sam
Lee
Perlmutter
Rush
Sanchez, Loretta
Turner
Wagner

□ 1458

Mr. ENGEL changed his vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. BARR. Mr. Speaker, on rollcall No. 682, I was unavoidably detained. Had I been present, I would have voted "yes."

Stated against:

Mr. AL GREEN of Texas. Mr. Speaker, today I missed the following vote: Motion on Ordering the Previous Question on the Rule providing for consideration of H.R. 2130. Had I been present, I would have voted "no" on this bill.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 241, noes 183, not voting 9, as follows:

[Roll No. 683]

AYES—241

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOES—183

Adams
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—9

Aguilar
Bishop (GA)
Franks (AZ)
Johnson, Sam
Kinzinger (IL)
Perlmutter
Rush
Sanchez, Loretta
Turner

□ 1506

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 644, TRADE FACILITATION AND TRADE ENFORCEMENT ACT OF 2015

Mr. BRADY of Texas submitted the following conference report and statement on the bill (H.R. 644) to reauthorize trade facilitation and trade enforcement functions and activities, and for other purposes:

CONFERENCE REPORT (TO ACCOMPANY H.R. 644)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 644), to reauthorize trade facilitation and trade enforcement functions and activities, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Trade Facilitation and Trade Enforcement Act of 2015''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—TRADE FACILITATION AND TRADE ENFORCEMENT

Sec. 101. Improving partnership programs.
Sec. 102. Report on effectiveness of trade enforcement activities.
Sec. 103. Priorities and performance standards for customs modernization, trade facilitation, and trade enforcement functions and programs.
Sec. 104. Educational seminars to improve efforts to classify and appraise imported articles, to improve trade enforcement efforts, and to otherwise facilitate legitimate international trade.
Sec. 105. Joint strategic plan.
Sec. 106. Automated Commercial Environment.
Sec. 107. International Trade Data System.
Sec. 108. Consultations with respect to mutual recognition arrangements.
Sec. 109. Commercial Customs Operations Advisory Committee.
Sec. 110. Centers of Excellence and Expertise.
Sec. 111. Commercial risk assessment targeting and trade alerts.
Sec. 112. Report on oversight of revenue protection and enforcement measures.
Sec. 113. Report on security and revenue measures with respect to merchandise transported in bond.

Sec. 114. Importer of record program.
Sec. 115. Establishment of importer risk assessment program.
Sec. 116. Customs broker identification of importers.
Sec. 117. Priority trade issues.
Sec. 118. Appropriate congressional committees defined.

TITLE II—IMPORT HEALTH AND SAFETY

Sec. 201. Interagency import safety working group.
Sec. 202. Joint import safety rapid response plan.
Sec. 203. Training.

TITLE III—IMPORT-RELATED PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

Sec. 301. Definition of intellectual property rights.
Sec. 302. Exchange of information related to trade enforcement.
Sec. 303. Seizure of circumvention devices.
Sec. 304. Enforcement by U.S. Customs and Border Protection of works for which copyright registration is pending.
Sec. 305. National Intellectual Property Rights Coordination Center.
Sec. 306. Joint strategic plan for the enforcement of intellectual property rights.
Sec. 307. Personnel dedicated to the enforcement of intellectual property rights.
Sec. 308. Training with respect to the enforcement of intellectual property rights.
Sec. 309. International cooperation and information sharing.
Sec. 310. Report on intellectual property rights enforcement.
Sec. 311. Information for travelers regarding violations of intellectual property rights.

TITLE IV—PREVENTION OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS

Sec. 401. Short title.
Sec. 402. Definitions.
Sec. 403. Application to Canada and Mexico.

Subtitle A—Actions Relating to Enforcement of Trade Remedy Laws

Sec. 411. Trade remedy law enforcement division.
Sec. 412. Collection of information on evasion of trade remedy laws.
Sec. 413. Access to information.
Sec. 414. Cooperation with foreign countries on preventing evasion of trade remedy laws.
Sec. 415. Trade negotiating objectives.

Subtitle B—Investigation of Evasion of Trade Remedy Laws

Sec. 421. Procedures for investigating claims of evasion of antidumping and countervailing duty orders.

Subtitle C—Other Matters

Sec. 431. Allocation and training of personnel.
Sec. 432. Annual report on prevention and investigation of evasion of antidumping and countervailing duty orders.
Sec. 433. Addressing circumvention by new shippers.

TITLE V—SMALL BUSINESS TRADE ISSUES AND STATE TRADE COORDINATION

Sec. 501. Short title.
Sec. 502. Outreach and input from small businesses to trade promotion authority.
Sec. 503. State Trade Expansion Program.
Sec. 504. State and Federal Export Promotion Coordination.
Sec. 505. State trade coordination.

TITLE VI—ADDITIONAL ENFORCEMENT PROVISIONS

Sec. 601. Trade enforcement priorities.
Sec. 602. Exercise of WTO authorization to suspend concessions or other obligations under trade agreements.
Sec. 603. Trade monitoring.
Sec. 604. Establishment of Interagency Center on Trade Implementation, Monitoring, and Enforcement.
Sec. 605. Inclusion of interest in certain distributions of antidumping duties and countervailing duties.
Sec. 606. Illicitly imported, exported, or trafficked cultural property, archaeological or ethnological materials, and fish, wildlife, and plants.
Sec. 607. Enforcement under title III of the Trade Act of 1974 with respect to certain acts, policies, and practices.
Sec. 608. Honey transshipment.
Sec. 609. Establishment of Chief Innovation and Intellectual Property Negotiator.
Sec. 610. Measures relating to countries that deny adequate protection for intellectual property rights.
Sec. 611. Trade Enforcement Trust Fund.

TITLE VII—ENGAGEMENT ON CURRENCY EXCHANGE RATE AND ECONOMIC POLICIES

Sec. 701. Enhancement of engagement on currency exchange rate and economic policies with certain major trading partners of the United States.
Sec. 702. Advisory Committee on International Exchange Rate Policy.

TITLE VIII—MATTERS RELATING TO U.S. CUSTOMS AND BORDER PROTECTION

Subtitle A—Establishment of U.S. Customs and Border Protection

Sec. 801. Short title.
Sec. 802. Establishment of U.S. Customs and Border Protection.

Subtitle B—Preclearance Operations

Sec. 811. Short title.
Sec. 812. Definitions.
Sec. 813. Establishment of preclearance operations.
Sec. 814. Notification and certification to Congress.
Sec. 815. Protocols.
Sec. 816. Lost and stolen passports.
Sec. 817. Recovery of initial U.S. Customs and Border Protection preclearance operations costs.
Sec. 818. Collection and disposition of funds collected for immigration inspection services and preclearance activities.
Sec. 819. Application to new and existing preclearance operations.

TITLE IX—MISCELLANEOUS PROVISIONS

Sec. 901. De minimis value.
Sec. 902. Consultation on trade and customs revenue functions.
Sec. 903. Penalties for customs brokers.
Sec. 904. Amendments to chapter 98 of the Harmonized Tariff Schedule of the United States.
Sec. 905. Exemption from duty of residue of bulk cargo contained in instruments of international traffic previously exported from the United States.
Sec. 906. Drawback and refunds.
Sec. 907. Report on certain U.S. Customs and Border Protection agreements.
Sec. 908. Charter flights.
Sec. 909. United States-Israel trade and commercial enhancement.
Sec. 910. Elimination of consumptive demand exception to prohibition on importation of goods made with convict labor, forced labor, or indentured labor; report.
Sec. 911. Voluntary reliquidations by U.S. Customs and Border Protection.
Sec. 912. Tariff classification of recreational performance outerwear.
Sec. 913. Modifications to duty treatment of protective active footwear.
Sec. 914. Amendments to Bipartisan Congressional Trade Priorities and Accountability Act of 2015.
Sec. 915. Trade preferences for Nepal.
Sec. 916. Agreement by Asia-Pacific Economic Cooperation members to reduce rates of duty on certain environmental goods.
Sec. 917. Amendment to Tariff Act of 1930 to require country of origin marking of certain castings.
Sec. 918. Inclusion of certain information in submission of nomination for appointment as Deputy United States Trade Representative.
Sec. 919. Sense of Congress on the need for a miscellaneous tariff bill process.
Sec. 920. Customs user fees.
Sec. 921. Increase in penalty for failure to file return of tax.
Sec. 922. Permanent moratorium on Internet access taxes and on multiple and discriminatory taxes on electronic commerce.

SEC. 2. DEFINITIONS.

In this Act:

(1) AUTOMATED COMMERCIAL ENVIRONMENT.—The term ''Automated Commercial Environment'' means the Automated Commercial Environment computer system authorized under section 13031(f)(4) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(4)).

(2) COMMERCIAL OPERATIONS OF U.S. CUSTOMS AND BORDER PROTECTION.—The term ''commercial operations of U.S. Customs and Border Protection'' includes—

(A) administering any customs revenue function (as defined in section 415 of the Homeland Security Act of 2002 (6 U.S.C. 215));

(B) coordinating efforts of the Department of Homeland Security with respect to trade facilitation and trade enforcement;

(C) coordinating with the Director of U.S. Immigration and Customs Enforcement with respect to—

(i) investigations relating to trade enforcement; and

(ii) the development and implementation of the joint strategic plan required by section 105;

(D) coordinating, on behalf of the Department of Homeland Security, efforts among Federal agencies to facilitate legitimate trade and to enforce the customs and trade laws of the United States, including representing the Department of Homeland Security in interagency fora addressing such efforts;

(E) coordinating with customs authorities of foreign countries to facilitate legitimate international trade and enforce the customs and trade laws of the United States and the customs and trade laws of foreign countries;

(F) collecting, assessing, and disseminating information as appropriate and in accordance with any law regarding cargo destined for the United States—

(i) to ensure that such cargo complies with the customs and trade laws of the United States; and

(ii) to facilitate the legitimate international trade of such cargo;

(G) soliciting and considering on a regular basis input from private sector entities, including the Commercial Customs Operations Advisory Committee established by section 109 and the Trade Support Network, with respect to, as appropriate—

(i) the implementation of changes to the customs and trade laws of the United States; and

(ii) the development, implementation, or revision of policies or regulations administered by U.S. Customs and Border Protection; and

(H) otherwise advising the Secretary of Homeland Security with respect to the development of

policies associated with facilitating legitimate trade and enforcing the customs and trade laws of the United States.

(3) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of U.S. Customs and Border Protection, as described in section 411(b) of the Homeland Security Act of 2002, as amended by section 802(a) of this Act.

(4) CUSTOMS AND TRADE LAWS OF THE UNITED STATES.—The term ''customs and trade laws of the United States'' includes the following:

(A) The Tariff Act of 1930 (19 U.S.C. 1202 et seq.).

(B) Section 249 of the Revised Statutes (19 U.S.C. 3).

(C) Section 2 of the Act of March 4, 1923 (42 Stat. 1453, chapter 251; 19 U.S.C. 6).

(D) The Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2071 et seq.).

(E) Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c).

(F) Section 251 of the Revised Statutes (19 U.S.C. 66).

(G) Section 1 of the Act of June 26, 1930 (46 Stat. 817, chapter 617; 19 U.S.C. 68).

(H) The Act of June 18, 1934 (48 Stat. 998, chapter 590; 19 U.S.C. 81a et seq.; commonly known as the ''Foreign Trade Zones Act'').

(I) Section 1 of the Act of March 2, 1911 (36 Stat. 965, chapter 191; 19 U.S.C. 198).

(J) The Trade Act of 1974 (19 U.S.C. 2101 et seq.).

(K) The Trade Agreements Act of 1979 (19 U.S.C. 2501 et seq.).

(L) The North American Free Trade Agreement Implementation Act (19 U.S.C. 3301 et seq.).

(M) The Uruguay Round Agreements Act (19 U.S.C. 3501 et seq.).

(N) The Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.).

(O) The Andean Trade Preference Act (19 U.S.C. 3201 et seq.).

(P) The African Growth and Opportunity Act (19 U.S.C. 3701 et seq.).

(Q) The Customs Enforcement Act of 1986 (Public Law 99–570; 100 Stat. 3207–79).

(R) The Customs and Trade Act of 1990 (Public Law 101–382; 104 Stat. 629).

(S) The Customs Procedural Reform and Simplification Act of 1978 (Public Law 95–410; 92 Stat. 888).

(T) The Trade Act of 2002 (Public Law 107–210; 116 Stat. 933).

(U) The Convention on Cultural Property Implementation Act (19 U.S.C. 2601 et seq.).

(V) The Act of March 28, 1928 (45 Stat. 374, chapter 266; 19 U.S.C. 2077 et seq.).

(W) The Act of August 7, 1939 (53 Stat. 1262, chapter 566).

(X) The Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (Public Law 114–26; 19 U.S.C. 4201 et seq.).

(Y) The Trade Preferences Extension Act of 2015 (Public Law 114–27; 129 Stat. 362).

(Z) Any other provision of law implementing a trade agreement.

(AA) Any other provision of law vesting customs revenue functions in the Secretary of the Treasury.

(BB) Any other provision of law relating to trade facilitation or trade enforcement that is administered by U.S. Customs and Border Protection on behalf of any Federal agency that is required to participate in the International Trade Data System established under section 411(d) of the Tariff Act of 1930 (19 U.S.C. 1411(d)).

(CC) Any other provision of customs or trade law administered by U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement.

(5) PRIVATE SECTOR ENTITY.—The term ''private sector entity'' means—

(A) an importer;

(B) an exporter;

(C) a forwarder;

(D) an air, sea, or land carrier or shipper;

(E) a contract logistics provider;

(F) a customs broker; or

(G) any other person (other than an employee of a government) affected by the implementation of the customs and trade laws of the United States.

(6) TRADE ENFORCEMENT.—The term ''trade enforcement'' means the enforcement of the customs and trade laws of the United States.

(7) TRADE FACILITATION.—The term ''trade facilitation'' refers to policies and activities of U.S. Customs and Border Protection with respect to facilitating the movement of merchandise into and out of the United States in a manner that complies with the customs and trade laws of the United States.

TITLE I—TRADE FACILITATION AND TRADE ENFORCEMENT

SEC. 101. IMPROVING PARTNERSHIP PROGRAMS.

(a) IN GENERAL.—In order to advance the security, trade enforcement, and trade facilitation missions of U.S. Customs and Border Protection, the Commissioner shall ensure that partnership programs of U.S. Customs and Border Protection established before the date of the enactment of this Act, such as the Customs–Trade Partnership Against Terrorism established under subtitle B of title II of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 961 et seq.), and partnership programs of U.S. Customs and Border Protection established on or after such date of enactment, provide trade benefits to private sector entities that meet the requirements for participation in those programs established by the Commissioner under this section.

(b) ELEMENTS.—In developing and operating partnership programs under subsection (a), the Commissioner shall—

(1) consult with private sector entities, the public, and other Federal agencies when appropriate, to ensure that participants in those programs receive commercially significant and measurable trade benefits, including providing preclearance of merchandise for qualified persons that demonstrate the highest levels of compliance with the customs and trade laws of the United States, regulations of U.S. Customs and Border Protection, and other requirements the Commissioner determines to be necessary;

(2) ensure an integrated and transparent system of trade benefits and compliance requirements for all partnership programs of U.S. Customs and Border Protection;

(3) consider consolidating partnership programs in situations in which doing so would support the objectives of such programs, increase participation in such programs, enhance the trade benefits provided to participants in such programs, and enhance the allocation of the resources of U.S. Customs and Border Protection;

(4) coordinate with the Director of U.S. Immigration and Customs Enforcement, and other Federal agencies with authority to detain and release merchandise entering the United States—

(A) to ensure coordination in the release of such merchandise through the Automated Commercial Environment, or its predecessor, and the International Trade Data System established under section 411(d) of the Tariff Act of 1930 (19 U.S.C. 1411(d));

(B) to ensure that the partnership programs of those agencies are compatible with the partnership programs of U.S. Customs and Border Protection;

(C) to develop criteria for authorizing the release, on an expedited basis, of merchandise for which documentation is required from one or more of those agencies to clear or license the merchandise for entry into the United States; and

(D) to create pathways, within and among the appropriate Federal agencies, for qualified persons that demonstrate the highest levels of compliance with the customs and trade laws of the United States to receive immediate clearance absent information that a transaction may pose a national security or compliance threat; and

(5) ensure that trade benefits are provided to participants in partnership programs.

(c) REPORT REQUIRED.—Not later than the date that is 180 days after the date of the enactment of this Act, and not later than December 31 of each calendar year thereafter, the Commissioner shall submit to the appropriate congressional committees a report that—

(1) identifies each partnership program referred to in subsection (a);

(2) for each such program, identifies—

(A) the requirements for participants in the program;

(B) the commercially significant and measurable trade benefits provided to participants in the program;

(C) the number of participants in the program; and

(D) in the case of a program that provides for participation at multiple tiers, the number of participants at each such tier;

(3) identifies the number of participants enrolled in more than one such partnership program;

(4) assesses the effectiveness of each such partnership program in advancing the security, trade enforcement, and trade facilitation missions of U.S. Customs and Border Protection, based on historical developments, the level of participation in the program, and the evolution of benefits provided to participants in the program;

(5) summarizes the efforts of U.S. Customs and Border Protection to work with other Federal agencies with authority to detain and release merchandise entering the United States to ensure that partnership programs of those agencies are compatible with partnership programs of U.S. Customs and Border Protection;

(6) summarizes criteria developed with those agencies for authorizing the release, on an expedited basis, of merchandise for which documentation is required from one or more of those agencies to clear or license the merchandise for entry into the United States;

(7) summarizes the efforts of U.S. Customs and Border Protection to work with private sector entities and the public to develop and improve such partnership programs;

(8) describes measures taken by U.S. Customs and Border Protection to make private sector entities aware of the trade benefits available to participants in such partnership programs; and

(9) summarizes the plans, targets, and goals of U.S. Customs and Border Protection with respect to such partnership programs for the 2 years following the submission of the report.

SEC. 102. REPORT ON EFFECTIVENESS OF TRADE ENFORCEMENT ACTIVITIES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the effectiveness of trade enforcement activities of U.S. Customs and Border Protection.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) a description of the use of resources, results of audits and verifications, targeting, organization, and training of personnel of U.S. Customs and Border Protection;

(2) a description of trade enforcement activities to address undervaluation, transshipment, legitimacy of entities making entry, protection of revenues, fraud prevention and detection, and penalties, including intentional misclassification, inadequate bonding, and other misrepresentations; and

(3) a description of trade enforcement activities with respect to the priority trade issues described in section 117, including—

(A) methodologies used in such enforcement activities, such as targeting;

(B) recommendations for improving such enforcement activities; and

(C) a description of the implementation of previous recommendations for improving such enforcement activities.

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

SEC. 103. PRIORITIES AND PERFORMANCE STANDARDS FOR CUSTOMS MODERNIZATION, TRADE FACILITATION, AND TRADE ENFORCEMENT FUNCTIONS AND PROGRAMS.

(a) PRIORITIES AND PERFORMANCE STANDARDS.—

(1) IN GENERAL.—The Commissioner, in consultation with the appropriate congressional committees, shall establish priorities and performance standards to measure the development and levels of achievement of the customs modernization, trade facilitation, and trade enforcement functions and programs described in subsection (b).

(2) MINIMUM PRIORITIES AND STANDARDS.—Such priorities and performance standards shall, at a minimum, include priorities and standards relating to efficiency, outcome, output, and other types of applicable measures.

(b) FUNCTIONS AND PROGRAMS DESCRIBED.—The functions and programs referred to in subsection (a) are the following:

(1) The Automated Commercial Environment.

(2) Each of the priority trade issues described in section 117.

(3) The Centers of Excellence and Expertise described in section 110.

(4) Drawback for exported merchandise under section 313 of the Tariff Act of 1930 (19 U.S.C. 1313), as amended by section 906 of this Act.

(5) Transactions relating to imported merchandise in bond.

(6) Collection of countervailing duties assessed under subtitle A of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) and antidumping duties assessed under subtitle B of title VII of the Tariff Act of 1930 (19 U.S.C. 1673 et seq.).

(7) The expedited clearance of cargo.

(8) The issuance of regulations and rulings.

(9) The issuance of Regulatory Audit Reports.

(c) CONSULTATIONS AND NOTIFICATION.—

(1) CONSULTATIONS.—The consultations required by subsection (a)(1) shall occur, at a minimum, on an annual basis.

(2) NOTIFICATION.—The Commissioner shall notify the appropriate congressional committees of any changes to the priorities or performance standards referred to in subsection (a) not later than 30 days before such changes are to take effect.

SEC. 104. EDUCATIONAL SEMINARS TO IMPROVE EFFORTS TO CLASSIFY AND APPRAISE IMPORTED ARTICLES, TO IMPROVE TRADE ENFORCEMENT EFFORTS, AND TO OTHERWISE FACILITATE LEGITIMATE INTERNATIONAL TRADE.

(a) ESTABLISHMENT.—The Commissioner and the Director shall establish and carry out on a fiscal year basis educational seminars to—

(1) improve the ability of personnel of U.S. Customs and Border Protection to classify and appraise articles imported into the United States in accordance with the customs and trade laws of the United States;

(2) improve the trade enforcement efforts of personnel of U.S. Customs and Border Protection and personnel of U.S. Immigration and Customs Enforcement; and

(3) otherwise improve the ability and effectiveness of personnel of U.S. Customs and Border Protection and personnel of U.S. Immigration and Customs Enforcement to facilitate legitimate international trade.

(b) CONTENT.—

(1) CLASSIFYING AND APPRAISING IMPORTED ARTICLES.—In carrying out subsection (a)(1), the Commissioner, the Director, and interested parties in the private sector selected under subsection (c) shall provide instruction and related instructional materials at each educational seminar carried out under this section to personnel of U.S. Customs and Border Protection and, as appropriate, to personnel of U.S. Immigration and Customs Enforcement on the following:

(A) Conducting a physical inspection of an article imported into the United States, including testing of samples of the article, to determine if the article is mislabeled in the manifest or other accompanying documentation.

(B) Reviewing the manifest and other accompanying documentation of an article imported into the United States to determine if the country of origin of the article listed in the manifest or other accompanying documentation is accurate.

(C) Customs valuation.

(D) Industry supply chains and other related matters as determined to be appropriate by the Commissioner.

(2) TRADE ENFORCEMENT EFFORTS.—In carrying out subsection (a)(2), the Commissioner, the Director, and interested parties in the private sector selected under subsection (c) shall provide instruction and related instructional materials at each educational seminar carried out under this section to personnel of U.S. Customs and Border Protection and, as appropriate, to personnel of U.S. Immigration and Customs Enforcement to identify opportunities to enhance enforcement of the following:

(A) Collection of countervailing duties assessed under subtitle A of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) and antidumping duties assessed under subtitle B of title VII of the Tariff Act of 1930 (19 U.S.C. 1673 et seq.).

(B) Addressing evasion of duties on imports of textiles.

(C) Protection of intellectual property rights.

(D) Enforcement of child labor laws.

(3) APPROVAL OF COMMISSIONER AND DIRECTOR.—The instruction and related instructional materials at each educational seminar carried out under this section shall be subject to the approval of the Commissioner and the Director.

(c) SELECTION PROCESS.—

(1) IN GENERAL.—The Commissioner shall establish a process to solicit, evaluate, and select interested parties in the private sector for purposes of assisting in providing instruction and related instructional materials described in subsection (b) at each educational seminar carried out under this section.

(2) CRITERIA.—The Commissioner shall evaluate and select interested parties in the private sector under the process established under paragraph (1) based on—

(A) availability and usefulness;

(B) the volume, value, and incidence of mislabeling or misidentification of origin of imported articles; and

(C) other appropriate criteria established by the Commissioner.

(3) PUBLIC AVAILABILITY.—The Commissioner and the Director shall publish in the Federal Register a detailed description of the process established under paragraph (1) and the criteria established under paragraph (2).

(d) SPECIAL RULE FOR ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.—

(1) IN GENERAL.—The Commissioner shall give due consideration to carrying out an educational seminar under this section in whole or in part to improve the ability of personnel of U.S. Customs and Border Protection to enforce a countervailing or antidumping duty order issued under section 706 or 736 of the Tariff Act of 1930 (19 U.S.C. 1671e or 1673e) upon the request of a petitioner in an action underlying such countervailing or antidumping duty order.

(2) INTERESTED PARTY.—A petitioner described in paragraph (1) shall be treated as an interested party in the private sector for purposes of the requirements of this section.

(e) PERFORMANCE STANDARDS.—The Commissioner and the Director shall establish performance standards to measure the development and level of achievement of educational seminars carried out under this section.

(f) REPORTING.—Not later than September 30, 2016, and annually thereafter, the Commissioner and the Director shall submit to the appropriate congressional committees a report on the effectiveness of educational seminars carried out under this section.

(g) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of U.S. Immigration and Customs Enforcement.

(2) UNITED STATES.—The term ''United States'' means the customs territory of the United States, as defined in General Note 2 to the Harmonized Tariff Schedule of the United States.

(3) U.S. CUSTOMS AND BORDER PROTECTION PERSONNEL.—The term ''U.S. Customs and Border Protection personnel'' means import specialists, auditors, and other appropriate employees of the U.S. Customs and Border Protection.

(4) U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT PERSONNEL.—The term ''U.S. Immigration and Customs Enforcement personnel'' means Homeland Security Investigations Directorate personnel and other appropriate employees of U.S. Immigration and Customs Enforcement.

SEC. 105. JOINT STRATEGIC PLAN.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and every 2 years thereafter, the Commissioner and the Director of U.S. Immigration and Customs Enforcement shall jointly develop and submit to the appropriate congressional committees a joint strategic plan.

(b) CONTENTS.—The joint strategic plan required under this section shall be comprised of a comprehensive multiyear plan for trade enforcement and trade facilitation, and shall include—

(1) a summary of actions taken during the 2-year period preceding the submission of the plan to improve trade enforcement and trade facilitation, including a description and analysis of specific performance measures to evaluate the progress of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement in meeting each such responsibility;

(2) a statement of objectives and plans for further improving trade enforcement and trade facilitation;

(3) a specific identification of the priority trade issues described in section 117 that can be addressed in order to enhance trade enforcement and trade facilitation, and a description of strategies and plans for addressing each such issue, including—

(A) a description of the targeting methodologies used for enforcement activities with respect to each such issue;

(B) recommendations for improving such enforcement activities; and

(C) a description of the implementation of previous recommendations for improving such enforcement activities;

(4) a description of efforts made to improve consultation and coordination among and within Federal agencies, and in particular between U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, regarding trade enforcement and trade facilitation;

(5) a description of the training that has occurred to date within U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement to improve trade enforcement and trade facilitation, including training at educational seminars carried out under section 104;

(6) a description of efforts to work with the World Customs Organization and other international organizations, in consultation with other Federal agencies as appropriate, with respect to enhancing trade enforcement and trade facilitation;

(7) a description of U.S. Custom and Border Protection organizational benchmarks for optimizing staffing and wait times at ports of entry;

(8) a specific identification of any domestic or international best practices that may further improve trade enforcement and trade facilitation;

(9) any legislative recommendations to further improve trade enforcement and trade facilitation; and

(10) a description of efforts made to improve consultation and coordination with the private sector to enhance trade enforcement and trade facilitation.

(c) CONSULTATIONS.—

(1) IN GENERAL.—In developing the joint strategic plan required under this section, the Commissioner and the Director of U.S. Immigration and Customs Enforcement shall consult with—

(A) appropriate officials from relevant Federal agencies, including—

(i) the Department of the Treasury;

(ii) the Department of Agriculture;

(iii) the Department of Commerce;

(iv) the Department of Justice;

(v) the Department of the Interior;

(vi) the Department of Health and Human Services;

(vii) the Food and Drug Administration;

(viii) the Consumer Product Safety Commission; and

(ix) the Office of the United States Trade Representative; and

(B) the Commercial Customs Operations Advisory Committee established by section 109.

(2) OTHER CONSULTATIONS.—In developing the joint strategic plan required under this section, the Commissioner and the Director shall seek to consult with—

(A) appropriate officials from relevant foreign law enforcement agencies and international organizations, including the World Customs Organization; and

(B) interested parties in the private sector.

(d) FORM OF PLAN.—The joint strategic plan required under this section shall be submitted in unclassified form, but may include a classified annex.

SEC. 106. AUTOMATED COMMERCIAL ENVIRONMENT.

(a) FUNDING.—Section 13031(f)(4)(B) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(4)(B)) is amended—

(1) by striking ''2003 through 2005'' and inserting ''2016 through 2018'';

(2) by striking ''such amounts as are available in that Account'' and inserting ''not less than $153,736,000''; and

(3) by striking ''for the development'' and inserting ''to complete the development and implementation''.

(b) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2016, the Commissioner shall submit to the Committee on Appropriations and the Committee on Finance of the Senate and the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives a report detailing—

(A) U.S. Customs and Border Protection's incorporation of all core trade processing capabilities, including cargo release, entry summary, cargo manifest, cargo financial data, and export data elements, into the Automated Commercial Environment not later than September 30, 2016, to conform with the admissibility criteria of agencies participating in the International Trade Data System identified pursuant to paragraph (4)(A)(iii) of section 411(d) of the Tariff Act of 1930 (19 U.S.C. 1411(d)), as added by section 107 of this Act;

(B) U.S. Customs and Border Protection's remaining priorities for processing entry summary data elements, cargo manifest data elements, cargo financial data elements, and export elements in the Automated Commercial Environment, and the objectives and plans for implementing these remaining priorities;

(C) the components of the National Customs Automation Program specified in section 411(a)(2) of the Tariff Act of 1930 that have not been implemented; and

(D) any additional components of the National Customs Automation Program initiated by the Commissioner to complete the development, establishment, and implementation of the Automated Commercial Environment.

(2) UPDATE OF REPORTS.—Not later than September 30, 2017, the Commissioner shall submit to the Committee on Appropriations and the Committee on Finance of the Senate and the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives an updated report addressing each of the matters referred to in paragraph (1), and—

(A) evaluating the effectiveness of the implementation of the Automated Commercial Environment; and

(B) detailing the percentage of trade processed in the Automated Commercial Environment every month since September 30, 2016.

(3) REPEAL.—Section 311(b) of the Customs Border Security Act of 2002 (19 U.S.C. 2075 note) is amended by striking paragraph (3).

(c) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than December 31, 2017, the Comptroller General of the United States shall submit to the Committee on Appropriations and the Committee on Finance of the Senate and the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives a report—

(1) assessing the progress of other Federal agencies in accessing and utilizing the Automated Commercial Environment; and

(2) assessing the potential cost savings to the United States Government and importers and exporters and the potential benefits to enforcement of the customs and trade laws of the United States if the elements identified in subparagraphs (A) through (D) of subsection (b)(1) are implemented.

SEC. 107. INTERNATIONAL TRADE DATA SYSTEM.

Section 411(d) of the Tariff Act of 1930 (19 U.S.C. 1411(d)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively;

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

''(4) INFORMATION TECHNOLOGY INFRASTRUCTURE.—

''(A) IN GENERAL.—The Secretary shall work with the head of each agency participating in the ITDS and the Interagency Steering Committee to ensure that each agency—

''(i) develops and maintains the necessary information technology infrastructure to support the operation of the ITDS and to submit all data to the ITDS electronically;

''(ii) enters into a memorandum of understanding, or takes such other action as is necessary, to provide for the information sharing between the agency and U.S. Customs and Border Protection necessary for the operation and maintenance of the ITDS;

''(iii) not later than June 30, 2016, identifies and transmits to the Commissioner of U.S. Customs and Border Protection the admissibility criteria and data elements required by the agency to authorize the release of cargo by U.S. Customs and Border Protection for incorporation into the operational functionality of the Automated Commercial Environment computer system authorized under section 13031(f)(4) of the Consolidated Omnibus Budget and Reconciliation Act of 1985 (19 U.S.C. 58c(f)(4)); and

''(iv) not later than December 31, 2016, utilizes the ITDS as the primary means of receiving from users the standard set of data and other relevant documentation, exclusive of applications for permits, licenses, or certifications required for the release of imported cargo and clearance of cargo for export.

''(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to require any action to be taken that would compromise an ongoing law enforcement investigation or would compromise national security.''; and

(3) in paragraph (8), as redesignated, by striking ''section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (19 U.S.C. 2071 note)'' and inserting ''section 109 of the Trade Facilitation and Trade Enforcement Act of 2015''.

SEC. 108. CONSULTATIONS WITH RESPECT TO MUTUAL RECOGNITION ARRANGEMENTS.

(a) CONSULTATIONS.—The Secretary of Homeland Security, with respect to any proposed mutual recognition arrangement or similar agreement between the United States and a foreign government providing for mutual recognition of supply chain security programs and customs revenue functions, shall consult with the appropriate congressional committees—

(1) not later than 30 days before initiating negotiations to enter into any such arrangement or similar agreement; and

(2) not later than 30 days before entering into any such arrangement or similar agreement.

(b) NEGOTIATING OBJECTIVE.—It shall be a negotiating objective of the United States in any negotiation for a mutual recognition arrangement or similar agreement with a foreign country on partnership programs, such as the Customs–Trade Partnership Against Terrorism established under subtitle B of title II of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 961 et seq.), to seek to ensure the compatibility of the partnership programs of that country with the partnership programs of U.S. Customs and Border Protection to enhance security, trade facilitation, and trade enforcement.

SEC. 109. COMMERCIAL CUSTOMS OPERATIONS ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than the date that is 60 days after the date of the enactment of this Act, the Secretary of the Treasury and the Secretary of Homeland Security shall jointly establish a Commercial Customs Operations Advisory Committee (in this section referred to as the ''Advisory Committee'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Advisory Committee shall be comprised of—

(A) 20 individuals appointed under paragraph (2);

(B) the Assistant Secretary for Tax Policy of the Department of the Treasury and the Commissioner, who shall jointly co-chair meetings of the Advisory Committee; and

(C) the Assistant Secretary for Policy and the Director of U.S. Immigration and Customs Enforcement, who shall serve as deputy co-chairs of meetings of the Advisory Committee.

(2) APPOINTMENT.—

(A) IN GENERAL.—The Secretary of the Treasury and the Secretary of Homeland Security shall jointly appoint 20 individuals from the private sector to the Advisory Committee.

(B) REQUIREMENTS.—In making appointments under subparagraph (A), the Secretary of the Treasury and the Secretary of Homeland Security shall appoint members—

(i) to ensure that the membership of the Advisory Committee is representative of the individuals and firms affected by the commercial operations of U.S. Customs and Border Protection; and

(ii) without regard to political affiliation.

(C) TERMS.—Each individual appointed to the Advisory Committee under this paragraph shall be appointed for a term of not more than 3 years, and may be reappointed to subsequent terms, but may not serve more than 2 terms sequentially.

(3) TRANSFER OF MEMBERSHIP.—The Secretary of the Treasury and the Secretary of Homeland Security may transfer members serving on the Advisory Committee on Commercial Operations of the United States Customs Service established under section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (19 U.S.C. 2071 note) on the day before the date of the enactment of this Act to the Advisory Committee established under subsection (a).

(c) DUTIES.—The Advisory Committee established under subsection (a) shall—

(1) advise the Secretary of the Treasury and the Secretary of Homeland Security on all matters involving the commercial operations of U.S.

Customs and Border Protection, including advising with respect to significant changes that are proposed with respect to regulations, policies, or practices of U.S. Customs and Border Protection;

(2) provide recommendations to the Secretary of the Treasury and the Secretary of Homeland Security on improvements to the commercial operations of U.S. Customs and Border Protection;

(3) collaborate in developing the agenda for Advisory Committee meetings; and

(4) perform such other functions relating to the commercial operations of U.S. Customs and Border Protection as prescribed by law or as the Secretary of the Treasury and the Secretary of Homeland Security jointly direct.

(d) MEETINGS.—Notwithstanding section 10(f) of the Federal Advisory Committee Act (5 U.S.C. App.), the Advisory Committee shall meet at the call of the Secretary of the Treasury and the Secretary of Homeland Security, or at the call of not less than ⅔ of the membership of the Advisory Committee. The Advisory Committee shall meet at least 4 times each calendar year.

(e) ANNUAL REPORT.—Not later than December 31, 2016, and annually thereafter, the Advisory Committee shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that—

(1) describes the activities of the Advisory Committee during the preceding fiscal year; and

(2) sets forth any recommendations of the Advisory Committee regarding the commercial operations of U.S. Customs and Border Protection.

(f) TERMINATION.—Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.; relating to the termination of advisory committees) shall not apply to the Advisory Committee.

(g) CONFORMING AMENDMENT.—

(1) IN GENERAL.—Effective on the date on which the Advisory Committee is established under subsection (a), section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (19 U.S.C. 2071 note) is repealed.

(2) REFERENCE.—Any reference in law to the Advisory Committee on Commercial Operations of the United States Customs Service established under section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (19 U.S.C. 2071 note) made on or after the date on which the Advisory Committee is established under subsection (a), shall be deemed a reference to the Commercial Customs Operations Advisory Committee established under subsection (a).

SEC. 110. CENTERS OF EXCELLENCE AND EXPERTISE.

(a) IN GENERAL.—The Commissioner shall, in consultation with the appropriate congressional committees and the Commercial Customs Operations Advisory Committee established under section 109, develop and implement Centers of Excellence and Expertise throughout U.S. Customs and Border Protection that—

(1) enhance the economic competitiveness of the United States by consistently enforcing the laws and regulations of the United States at all ports of entry of the United States and by facilitating the flow of legitimate trade through increasing industry-based knowledge;

(2) improve enforcement efforts, including enforcement of priority trade issues described in section 117, in specific industry sectors through the application of targeting information from the National Targeting Center under section 111 and from other means of verification;

(3) build upon the expertise of U.S. Customs and Border Protection in particular industry operations, supply chains, and compliance requirements;

(4) promote the uniform implementation at each port of entry of the United States of policies and regulations relating to imports;

(5) centralize the trade enforcement and trade facilitation efforts of U.S. Customs and Border Protection;

(6) formalize an account-based approach to apply, as the Commissioner determines appropriate, to the importation of merchandise into the United States;

(7) foster partnerships though the expansion of trade programs and other trusted partner programs;

(8) develop applicable performance measurements to meet internal efficiency and effectiveness goals; and

(9) whenever feasible, facilitate a more efficient flow of information between Federal agencies.

(b) REPORT.—Not later than December 31, 2016, the Commissioner shall submit to the appropriate congressional committees a report describing—

(1) the scope, functions, and structure of each Center of Excellence and Expertise developed and implemented under subsection (a);

(2) the effectiveness of each such Center of Excellence and Expertise in improving enforcement efforts, including enforcement of priority trade issues described in section 117, and facilitating legitimate trade;

(3) the quantitative and qualitative benefits of each such Center of Excellence and Expertise to the trade community, including through fostering partnerships through the expansion of trade programs such as the Importer Self Assessment program and other trusted partner programs;

(4) all applicable performance measurements with respect to each such Center of Excellence and Expertise, including performance measures with respect to meeting internal efficiency and effectiveness goals;

(5) the performance of each such Center of Excellence and Expertise in increasing the accuracy and completeness of data with respect to international trade and facilitating a more efficient flow of information between Federal agencies; and

(6) any planned changes in the number, scope, functions, or any other aspect of the Centers of Excellence and Expertise developed and implemented under subsection (a).

SEC. 111. COMMERCIAL RISK ASSESSMENT TARGETING AND TRADE ALERTS.

(a) COMMERCIAL RISK ASSESSMENT TARGETING.—In carrying out its duties under section 411(g)(4) of the Homeland Security Act of 2002, as added by section 802(a) of this Act, the National Targeting Center, in coordination with the Office of Trade established under section 4 of the Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2071 et seq.), as added by section 802(h) of this Act, as appropriate, shall—

(1) establish targeted risk assessment methodologies and standards—

(A) for evaluating the risk that cargo destined for the United States may violate the customs and trade laws of the United States, particularly those laws applicable to merchandise subject to the priority trade issues described in section 117; and

(B) for issuing, as appropriate, Trade Alerts described in subsection (b);

(2) to the extent practicable and otherwise authorized by law, use, to administer the methodologies and standards established under paragraph (1)—

(A) publicly available information;

(B) information available from the Automated Commercial System, the Automated Commercial Environment, the Automated Targeting System, the Automated Export System, the International Trade Data System established under section 411(d) of the Tariff Act of 1930 (19 U.S.C. 1411(d)), the TECS (formerly known as the ''Treasury Enforcement Communications System''), the case management system of U.S. Immigration and Customs Enforcement, and any successor systems; and

(C) information made available to the National Targeting Center, including information provided by private sector entities;

(3) provide for the receipt and transmission to the appropriate U.S. Customs and Border Protection offices of allegations from interested parties in the private sector of violations of customs and trade laws of the United States with respect to merchandise relating to the priority trade issues described in section 117; and

(4) notify, on a timely basis, each interested party in the private sector that has submitted an allegation of any violation of the customs and trade laws of the United States of any civil or criminal actions taken by U.S. Customs and Border Protection or any other Federal agency resulting from the allegation.

(b) TRADE ALERTS.—

(1) ISSUANCE.—In carrying out its duties under section 411(g)(4) of the Homeland Security Act of 2002, as added by section 802(a) of this Act, and based upon the application of the targeted risk assessment methodologies and standards established under subsection (a), the Executive Director of the National Targeting Center may issue Trade Alerts to directors of United States ports of entry directing further inspection, or physical examination or testing, of specific merchandise to ensure compliance with all applicable customs and trade laws of the United States and regulations administered by U.S. Customs and Border Protection.

(2) DETERMINATIONS NOT TO IMPLEMENT TRADE ALERTS.—The director of a United States port of entry may determine not to conduct further inspections, or physical examination or testing, pursuant to a Trade Alert issued under paragraph (1) if the director—

(A) finds that such a determination is justified by port security interests; and

(B) not later than 48 hours after making the determination, notifies the Assistant Commissioner of the Office of Field Operations of U.S. Customs and Border Protection of the determination and the reasons for the determination.

(3) SUMMARY OF DETERMINATIONS NOT TO IMPLEMENT.—The Assistant Commissioner of the Office of Field Operations of U.S. Customs and Border Protection shall—

(A) compile an annual summary of all determinations by directors of United States ports of entry under paragraph (2) and the reasons for those determinations;

(B) conduct an evaluation of the utilization of Trade Alerts issued under paragraph (1); and

(C) not later than December 31 of each calendar year, submit the summary to the appropriate congressional committees.

(4) INSPECTION DEFINED.—In this subsection, the term ''inspection'' means the comprehensive evaluation process used by U.S. Customs and Border Protection, other than physical examination or testing, to permit the entry of merchandise into the United States, or the clearance of merchandise for transportation in bond through the United States, for purposes of—

(A) assessing duties;

(B) identifying restricted or prohibited items; and

(C) ensuring compliance with all applicable customs and trade laws of the United States and regulations administered by U.S. Customs and Border Protection.

(c) USE OF TRADE DATA FOR COMMERCIAL ENFORCEMENT PURPOSES.—Section 343(a)(3)(F) of the Trade Act of 2002 (19 U.S.C. 2071 note) is amended to read as follows:

''(F) The information collected pursuant to the regulations shall be used exclusively for ensuring cargo safety and security, preventing smuggling, and commercial risk assessment targeting, and shall not be used for any commercial enforcement purposes, including for determining merchandise entry. Notwithstanding the preceding sentence, nothing in this section shall be treated as amending, repealing, or otherwise modifying title IV of the Tariff Act of 1930 or regulations promulgated thereunder.''.

SEC. 112. REPORT ON OVERSIGHT OF REVENUE PROTECTION AND ENFORCEMENT MEASURES.

(a) IN GENERAL.—Not later than June 30, 2016, and not later than March 31 of each second year thereafter, the Inspector General of the Department of the Treasury shall submit to the

Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report assessing, with respect to the period covered by the report, as specified in subsection (b), the following:

(1) The effectiveness of the measures taken by U.S. Customs and Border Protection with respect to protection of revenue, including—

(A) the collection of countervailing duties assessed under subtitle A of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) and antidumping duties assessed under subtitle B of title VII of the Tariff Act of 1930 (19 U.S.C. 1673 et seq.);

(B) the assessment, collection, and mitigation of commercial fines and penalties;

(C) the use of bonds, including continuous and single transaction bonds, to secure that revenue; and

(D) the adequacy of the policies of U.S. Customs and Border Protection with respect to the monitoring and tracking of merchandise transported in bond and collecting duties, as appropriate.

(2) The effectiveness of actions taken by U.S. Customs and Border Protection to measure accountability and performance with respect to protection of revenue.

(3) The number and outcome of investigations instituted by U.S. Customs and Border Protection with respect to the underpayment of duties.

(4) The effectiveness of training with respect to the collection of duties provided for personnel of U.S. Customs and Border Protection.

(b) PERIOD COVERED BY REPORT.—Each report required by subsection (a) shall cover the period of 2 fiscal years ending on September 30 of the calendar year preceding the submission of the report.

SEC. 113. REPORT ON SECURITY AND REVENUE MEASURES WITH RESPECT TO MERCHANDISE TRANSPORTED IN BOND.

(a) IN GENERAL.—Not later than December 31 of 2016, 2017, and 2018, the Secretary of Homeland Security and the Secretary of the Treasury shall jointly submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on efforts undertaken by U.S. Customs and Border Protection to ensure the secure transportation of merchandise in bond through the United States and the collection of revenue owed upon the entry of such merchandise into the United States for consumption.

(b) ELEMENTS.—Each report required by subsection (a) shall include, for the fiscal year preceding the submission of the report, information on—

(1) the overall number of entries of merchandise for transportation in bond through the United States;

(2) the ports at which merchandise arrives in the United States for transportation in bond and at which records of the arrival of such merchandise are generated;

(3) the average time taken to reconcile such records with the records at the final destination of the merchandise in the United States to demonstrate that the merchandise reaches its final destination or is re-exported;

(4) the average time taken to transport merchandise in bond from the port at which the merchandise arrives in the United States to its final destination in the United States;

(5) the total amount of duties, taxes, and fees owed with respect to shipments of merchandise transported in bond and the total amount of such duties, taxes, and fees paid;

(6) the total number of notifications by carriers of merchandise being transported in bond that the destination of the merchandise has changed; and

(7) the number of entries that remain unreconciled.

SEC. 114. IMPORTER OF RECORD PROGRAM.

(a) ESTABLISHMENT.—Not later than the date that is 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish an importer of record program to assign and maintain importer of record numbers.

(b) REQUIREMENTS.—The Secretary shall ensure that, as part of the importer of record program, U.S. Customs and Border Protection—

(1) develops criteria that importers must meet in order to obtain an importer of record number, including—

(A) criteria to ensure sufficient information is collected to allow U.S. Customs and Border Protection to verify the existence of the importer requesting the importer of record number;

(B) criteria to ensure sufficient information is collected to allow U.S. Customs and Border Protection to identify linkages or other affiliations between importers that are requesting or have been assigned importer of record numbers; and

(C) criteria to ensure sufficient information is collected to allow U.S. Customs and Border Protection to identify changes in address and corporate structure of importers;

(2) provides a process by which importers are assigned importer of record numbers;

(3) maintains a centralized database of importer of record numbers, including a history of importer of record numbers associated with each importer, and the information described in subparagraphs (A), (B), and (C) of paragraph (1);

(4) evaluates and maintains the accuracy of the database if such information changes; and

(5) takes measures to ensure that duplicate importer of record numbers are not issued.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the importer of record program established under subsection (a).

(d) NUMBER DEFINED.—In this section, the term ''number'', with respect to an importer of record, means a filing identification number described in section 24.5 of title 19, Code of Federal Regulations (or any corresponding similar regulation) that fully supports the requirements of subsection (b) with respect to the collection and maintenance of information.

SEC. 115. ESTABLISHMENT OF IMPORTER RISK ASSESSMENT PROGRAM.

(a) IN GENERAL.—Not later than the date that is 180 days after the date of the enactment of this Act, the Commissioner shall establish a program that directs U.S. Customs and Border Protection to adjust bond amounts for importers, including new importers and nonresident importers, based on risk assessments of such importers conducted by U.S. Customs and Border Protection, in order to protect the revenue of the Federal Government.

(b) REQUIREMENTS.—The Commissioner shall ensure that, as part of the program established under subsection (a), U.S. Customs and Border Protection—

(1) develops risk assessment guidelines for importers, including new importers and nonresident importers, to determine if and to what extent—

(A) to adjust bond amounts of imported products of such importers; and

(B) to increase screening of imported products of such importers;

(2) develops procedures to ensure increased oversight of imported products of new importers, including nonresident importers, relating to the enforcement of the priority trade issues described in section 117;

(3) develops procedures to ensure increased oversight of imported products of new importers, including new nonresident importers, by Centers of Excellence and Expertise established under section 110; and

(4) establishes a centralized database of new importers, including new nonresident importers, to ensure accuracy of information that is required to be provided by such importers to U.S. Customs and Border Protection.

(c) EXCLUSION OF CERTAIN IMPORTERS.—This section shall not apply to an importer that is a validated Tier 2 or Tier 3 participant in the Customs–Trade Partnership Against Terrorism program established under subtitle B of title II of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 961 et seq.).

(d) REPORT.—Not later than the date that is 2 years after the date of the enactment of this Act, the Inspector General of the Department of the Treasury shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report detailing—

(1) the risk assessment guidelines developed under subsection (b)(1);

(2) the procedures developed under subsection (b)(2) to ensure increased oversight of imported products of new importers, including new nonresident importers, relating to the enforcement of priority trade issues described in section 117;

(3) the procedures developed under subsection (b)(3) to ensure increased oversight of imported products of new importers, including new nonresident importers, by Centers of Excellence and Expertise established under section 110; and

(4) the number of bonds adjusted based on the risk assessment guidelines developed under subsection (b)(1).

(e) DEFINITIONS.—In this section:

(1) IMPORTER.—The term ''importer'' means one of the parties qualifying as an importer of record under section 484(a)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1484(a)(2)(B)).

(2) NONRESIDENT IMPORTER.—The term ''nonresident importer'' means an importer who is—

(A) an individual who is not a citizen of the United States or an alien lawfully admitted for permanent residence in the United States; or

(B) a partnership, corporation, or other commercial entity that is not organized under the laws of a jurisdiction within the customs territory of the United States (as such term is defined in General Note 2 of the Harmonized Tariff Schedule of the United States) or in the Virgin Islands of the United States.

SEC. 116. CUSTOMS BROKER IDENTIFICATION OF IMPORTERS.

(a) IN GENERAL.—Section 641 of the Tariff Act of 1930 (19 U.S.C. 1641) is amended by adding at the end the following:

''(i) IDENTIFICATION OF IMPORTERS.—

''(1) IN GENERAL.—The Secretary shall prescribe regulations setting forth the minimum standards for customs brokers and importers, including nonresident importers, regarding the identity of the importer that shall apply in connection with the importation of merchandise into the United States.

''(2) MINIMUM REQUIREMENTS.—The regulations required under paragraph (1) shall, at a minimum—

''(A) identify the information that an importer, including a nonresident importer, is required to submit to a broker and that a broker is required to collect in order to verify the identity of the importer;

''(B) identify reasonable procedures that a broker is required to follow in order to verify the authenticity of information collected from an importer; and

''(C) require a broker to maintain records of the information collected by the broker to verify the identity of an importer.

''(3) PENALTIES.—Any customs broker who fails to collect information required under the regulations prescribed under this subsection shall be liable to the United States, at the discretion of the Secretary, for a monetary penalty not to exceed $10,000 for each violation of those regulations and shall be subject to revocation or suspension of a license or permit of the customs broker pursuant to the procedures set forth in subsection (d). This penalty shall be assessed in the same manner and under the same procedures as the monetary penalties provided for in subsection (d)(2)(A).

''(4) DEFINITIONS.—In this subsection:

''(A) IMPORTER.—The term 'importer' means one of the parties qualifying as an importer of record under section 484(a)(2)(B).

''(B) NONRESIDENT IMPORTER.—The term 'nonresident importer' means an importer who is—

''(i) an individual who is not a citizen of the United States or an alien lawfully admitted for permanent residence in the United States; or

''(ii) a partnership, corporation, or other commercial entity that is not organized under the laws of a jurisdiction within the customs territory of the United States (as such term is defined in General Note 2 of the Harmonized Tariff Schedule of the United States) or in the Virgin Islands of the United States.''.

(b) STUDY AND REPORT REQUIRED.—Not later than the date that is 180 days after the date of the enactment of this Act, the Commissioner shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report containing recommendations for—

(1) determining the most timely and effective way to require foreign nationals to provide customs brokers with appropriate and accurate information, comparable to that which is required of United States nationals, concerning the identity, address, and other related information relating to such foreign nationals necessary to enable customs brokers to comply with the requirements of section 641(i) of the Tariff Act of 1930 (as added by subsection (a) of this section); and

(2) establishing a system for customs brokers to review information maintained by relevant Federal agencies for purposes of verifying the identities of importers, including nonresident importers, seeking to import merchandise into the United States.

SEC. 117. PRIORITY TRADE ISSUES.

(a) IN GENERAL.—The Commissioner shall establish the following as priority trade issues:

(1) Agriculture programs.

(2) Antidumping and countervailing duties.

(3) Import safety.

(4) Intellectual property rights.

(5) Revenue.

(6) Textiles and wearing apparel.

(7) Trade agreements and preference programs.

(b) MODIFICATION.—The Commissioner is authorized to establish new priority trade issues and eliminate, consolidate, or otherwise modify the priority trade issues described in subsection (a) if the Commissioner—

(1) determines it necessary and appropriate to do so; and

(2)(A) in the case of new priority trade issues, submits to the appropriate congressional committees a summary of proposals to establish such new priority trade issues not later than 30 days after such new priority trade issues are to take effect; and

(B) in the case of existing priority trade issues, submits to the appropriate congressional committees a summary of proposals to eliminate, consolidate, or otherwise modify such existing priority trade issues not later than 60 days before such changes are to take effect.

SEC. 118. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this title, the term ''appropriate congressional committees'' means—

(1) the Committee on Finance and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Ways and Means and the Committee on Homeland Security of the House of Representatives.

TITLE II—IMPORT HEALTH AND SAFETY

SEC. 201. INTERAGENCY IMPORT SAFETY WORKING GROUP.

(a) ESTABLISHMENT.—There is established an interagency Import Safety Working Group.

(b) MEMBERSHIP.—The interagency Import Safety Working Group shall consist of the following officials or their designees:

(1) The Secretary of Homeland Security, who shall serve as the Chair.

(2) The Secretary of Health and Human Services, who shall serve as the Vice Chair.

(3) The Secretary of the Treasury.

(4) The Secretary of Commerce.

(5) The Secretary of Agriculture.

(6) The United States Trade Representative.

(7) The Director of the Office of Management and Budget.

(8) The Commissioner of Food and Drugs.

(9) The Commissioner of U.S. Customs and Border Protection.

(10) The Chairman of the Consumer Product Safety Commission.

(11) The Director of U.S. Immigration and Customs Enforcement.

(12) The head of any other Federal agency designated by the President to participate in the interagency Import Safety Working Group, as appropriate.

(c) DUTIES.—The duties of the interagency Import Safety Working Group shall include—

(1) consulting on the development of the joint import safety rapid response plan required by section 202;

(2) periodically evaluating the adequacy of the plans, practices, and resources of the Federal Government dedicated to ensuring the safety of merchandise imported into the United States and the expeditious entry of such merchandise, including—

(A) minimizing the duplication of efforts among Federal agencies the heads of which are members of the interagency Import Safety Working Group and ensuring the compatibility of the policies and regulations of those agencies; and

(B) recommending additional administrative actions, as appropriate, designed to ensure the safety of merchandise imported into the United States and the expeditious entry of such merchandise and considering the impact of those actions on private sector entities;

(3) reviewing the engagement and cooperation of foreign governments and foreign manufacturers in facilitating the inspection and certification, as appropriate, of such merchandise to be imported into the United States and the facilities producing such merchandise to ensure the safety of the merchandise and the expeditious entry of the merchandise into the United States;

(4) identifying best practices, in consultation with private sector entities as appropriate, to assist United States importers in taking all appropriate steps to ensure the safety of merchandise imported into the United States, including with respect to—

(A) the inspection of manufacturing facilities in foreign countries;

(B) the inspection of merchandise destined for the United States before exportation from a foreign country or before distribution in the United States; and

(C) the protection of the international supply chain (as defined in section 2 of the Security and Accountability For Every Port Act of 2006 (6 U.S.C. 901));

(5) identifying best practices to assist Federal, State, and local governments and agencies, and port authorities, to improve communication and coordination among such agencies and authorities with respect to ensuring the safety of merchandise imported into the United States and the expeditious entry of such merchandise; and

(6) otherwise identifying appropriate steps to increase the accountability of United States importers and the engagement of foreign government agencies with respect to ensuring the safety of merchandise imported into the United States and the expeditious entry of such merchandise.

SEC. 202. JOINT IMPORT SAFETY RAPID RESPONSE PLAN.

(a) IN GENERAL.—Not later than December 31, 2016, the Secretary of Homeland Security, in consultation with the interagency Import Safety Working Group established under section 201, shall develop a plan (to be known as the ''joint import safety rapid response plan'') that sets forth protocols and defines practices for U.S. Customs and Border Protection to use—

(1) in taking action in response to, and coordinating Federal responses to, an incident in which cargo destined for or merchandise entering the United States has been identified as posing a threat to the health or safety of consumers in the United States; and

(2) in recovering from or mitigating the effects of actions and responses to an incident described in paragraph (1).

(b) CONTENTS.—The joint import safety rapid response plan shall address—

(1) the statutory and regulatory authorities and responsibilities of U.S. Customs and Border Protection and other Federal agencies in responding to an incident described in subsection (a)(1);

(2) the protocols and practices to be used by U.S. Customs and Border Protection when taking action in response to, and coordinating Federal responses to, such an incident;

(3) the measures to be taken by U.S. Customs and Border Protection and other Federal agencies in recovering from or mitigating the effects of actions taken in response to such an incident after the incident to ensure the resumption of the entry of merchandise into the United States; and

(4) exercises that U.S. Customs and Border Protection may conduct in conjunction with Federal, State, and local agencies, and private sector entities, to simulate responses to such an incident.

(c) UPDATES OF PLAN.—The Secretary of Homeland Security shall review and update the joint import safety rapid response plan, as appropriate, after conducting exercises under subsection (d).

(d) IMPORT HEALTH AND SAFETY EXERCISES.—

(1) IN GENERAL.—The Secretary of Homeland Security and the Commissioner shall periodically engage in the exercises referred to in subsection (b)(4), in conjunction with Federal, State, and local agencies and private sector entities, as appropriate, to test and evaluate the protocols and practices identified in the joint import safety rapid response plan at United States ports of entry.

(2) REQUIREMENTS FOR EXERCISES.—In conducting exercises under paragraph (1), the Secretary and the Commissioner shall—

(A) make allowance for the resources, needs, and constraints of United States ports of entry of different sizes in representative geographic locations across the United States;

(B) base evaluations on current risk assessments of merchandise entering the United States at representative United States ports of entry located across the United States;

(C) ensure that such exercises are conducted in a manner consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidelines, the Maritime Transportation System Security Plan, and other such national initiatives of the Department of Homeland Security, as appropriate; and

(D) develop metrics with respect to the resumption of the entry of merchandise into the United States after an incident described in subsection (a)(1).

(3) REQUIREMENTS FOR TESTING AND EVALUATION.—The Secretary and the Commissioner shall ensure that the testing and evaluation carried out in conducting exercises under paragraph (1)—

(A) are performed using clear and objective performance measures; and

(B) result in the identification of specific recommendations or best practices for responding to an incident described in subsection (a)(1).

(4) DISSEMINATION OF RECOMMENDATIONS AND BEST PRACTICES.—The Secretary and the Commissioner shall—

(A) share the recommendations or best practices identified under paragraph (3)(B) among

the members of the interagency Import Safety Working Group established under section 201 and with, as appropriate—

(i) State, local, and tribal governments;

(ii) foreign governments; and

(iii) private sector entities; and

(B) use such recommendations and best practices to update the joint import safety rapid response plan.

SEC. 203. TRAINING.

The Commissioner shall ensure that personnel of U.S. Customs and Border Protection assigned to United States ports of entry are trained to effectively administer the provisions of this title and to otherwise assist in ensuring the safety of merchandise imported into the United States and the expeditious entry of such merchandise.

TITLE III—IMPORT-RELATED PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

SEC. 301. DEFINITION OF INTELLECTUAL PROPERTY RIGHTS.

In this title, the term ''intellectual property rights'' refers to copyrights, trademarks, and other forms of intellectual property rights that are enforced by U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement.

SEC. 302. EXCHANGE OF INFORMATION RELATED TO TRADE ENFORCEMENT.

(a) IN GENERAL.—The Tariff Act of 1930 is amended by inserting after section 628 (19 U.S.C. 1628) the following new section:

''SEC. 628A. EXCHANGE OF INFORMATION RELATED TO TRADE ENFORCEMENT.

''(a) IN GENERAL.—Subject to subsections (c) and (d), if the Commissioner of U.S. Customs and Border Protection suspects that merchandise is being imported into the United States in violation of section 526 of this Act or section 602, 1201(a)(2), or 1201(b)(1) of title 17, United States Code, and determines that the examination or testing of the merchandise by a person described in subsection (b) would assist the Commissioner in determining if the merchandise is being imported in violation of that section, the Commissioner, to permit the person to conduct the examination and testing—

''(1) shall provide to the person information that appears on the merchandise and its packaging and labels, including unredacted images of the merchandise and its packaging and labels; and

''(2) may, subject to any applicable bonding requirements, provide to the person unredacted samples of the merchandise.

''(b) PERSON DESCRIBED.—A person described in this subsection is—

''(1) in the case of merchandise suspected of being imported in violation of section 526, the owner of the trademark suspected of being copied or simulated by the merchandise;

''(2) in the case of merchandise suspected of being imported in violation of section 602 of title 17, United States Code, the owner of the copyright suspected of being infringed by the merchandise;

''(3) in the case of merchandise suspected of being primarily designed or produced for the purpose of circumventing a technological measure that effectively controls access to a work protected under that title, and being imported in violation of section 1201(a)(2) of that title, the owner of a copyright in the work; and

''(4) in the case of merchandise suspected of being primarily designed or produced for the purpose of circumventing protection afforded by a technological measure that effectively protects a right of an owner of a copyright in a work or a portion of a work, and being imported in violation of section 1201(b)(1) of that title, the owner of the copyright.

''(c) LIMITATION.—Subsection (a) applies only with respect to merchandise suspected of infringing a trademark or copyright that is recorded with U.S. Customs and Border Protection.

''(d) EXCEPTION.—The Commissioner may not provide under subsection (a) information, photographs, or samples to a person described in subsection (b) if providing such information, photographs, or samples would compromise an ongoing law enforcement investigation or national security.''.

(b) TERMINATION OF PREVIOUS AUTHORITY.—Notwithstanding paragraph (2) of section 818(g) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1496; 10 U.S.C. 2302 note), paragraph (1) of that section shall have no force or effect on or after the date of the enactment of this Act.

SEC. 303. SEIZURE OF CIRCUMVENTION DEVICES.

(a) IN GENERAL.—Section 596(c)(2) of the Tariff Act of 1930 (19 U.S.C. 1595a(c)(2)) is amended—

(1) in subparagraph (E), by striking ''or'';

(2) in subparagraph (F), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(G) U.S. Customs and Border Protection determines it is a technology, product, service, device, component, or part thereof the importation of which is prohibited under subsection (a)(2) or (b)(1) of section 1201 of title 17, United States Code.''.

(b) NOTIFICATION OF PERSONS INJURED.—

(1) IN GENERAL.—Not later than the date that is 30 business days after seizing merchandise pursuant to subparagraph (G) of section 596(c)(2) of the Tariff Act of 1930, as added by subsection (a), the Commissioner shall provide to any person identified under paragraph (2) information regarding the merchandise seized that is equivalent to information provided to copyright owners under regulations of U.S. Customs and Border Protection for merchandise seized for violation of the copyright laws.

(2) PERSONS TO BE PROVIDED INFORMATION.—Any person injured by the violation of subsection (a)(2) or (b)(1) of section 1201 of title 17, United States Code, that resulted in the seizure of the merchandise shall be provided information under paragraph (1), if that person is included on a list to be established and maintained by the Commissioner. The Commissioner shall publish notice of the establishment of and revisions to the list in the Federal Register.

(3) REGULATIONS.—Not later than the date that is one year after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe regulations establishing procedures that implement this subsection.

SEC. 304. ENFORCEMENT BY U.S. CUSTOMS AND BORDER PROTECTION OF WORKS FOR WHICH COPYRIGHT REGISTRATION IS PENDING.

Not later than the date that is 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall authorize a process pursuant to which the Commissioner shall enforce a copyright for which the owner has submitted an application for registration under title 17, United States Code, with the United States Copyright Office, to the same extent and in the same manner as if the copyright were registered with the Copyright Office, including by sharing information, images, and samples of merchandise suspected of infringing the copyright under section 628A of the Tariff Act of 1930, as added by section 302.

SEC. 305. NATIONAL INTELLECTUAL PROPERTY RIGHTS COORDINATION CENTER.

(a) ESTABLISHMENT.—The Secretary of Homeland Security shall—

(1) establish within U.S. Immigration and Customs Enforcement a National Intellectual Property Rights Coordination Center; and

(2) appoint an Assistant Director to head the National Intellectual Property Rights Coordination Center.

(b) DUTIES.—The Assistant Director of the National Intellectual Property Rights Coordination Center shall—

(1) coordinate the investigation of sources of merchandise that infringe intellectual property rights to identify organizations and individuals that produce, smuggle, or distribute such merchandise;

(2) conduct and coordinate training with other domestic and international law enforcement agencies on investigative best practices—

(A) to develop and expand the capability of such agencies to enforce intellectual property rights; and

(B) to develop metrics to assess whether the training improved enforcement of intellectual property rights;

(3) coordinate, with U.S. Customs and Border Protection, activities conducted by the United States to prevent the importation or exportation of merchandise that infringes intellectual property rights;

(4) support the international interdiction of merchandise destined for the United States that infringes intellectual property rights;

(5) collect and integrate information regarding infringement of intellectual property rights from domestic and international law enforcement agencies and other non-Federal sources;

(6) develop a means to receive and organize information regarding infringement of intellectual property rights from such agencies and other sources;

(7) disseminate information regarding infringement of intellectual property rights to other Federal agencies, as appropriate;

(8) develop and implement risk-based alert systems, in coordination with U.S. Customs and Border Protection, to improve the targeting of persons that repeatedly infringe intellectual property rights;

(9) coordinate with the offices of United States attorneys in order to develop expertise in, and assist with the investigation and prosecution of, crimes relating to the infringement of intellectual property rights; and

(10) carry out such other duties as the Secretary of Homeland Security may assign.

(c) COORDINATION WITH OTHER AGENCIES.—In carrying out the duties described in subsection (b), the Assistant Director of the National Intellectual Property Rights Coordination Center shall coordinate with—

(1) U.S. Customs and Border Protection;

(2) the Food and Drug Administration;

(3) the Department of Justice;

(4) the Department of Commerce, including the United States Patent and Trademark Office;

(5) the United States Postal Inspection Service;

(6) the Office of the United States Trade Representative;

(7) any Federal, State, local, or international law enforcement agencies that the Director of U.S. Immigration and Customs Enforcement considers appropriate; and

(8) any other entities that the Director considers appropriate.

(d) PRIVATE SECTOR OUTREACH.—

(1) IN GENERAL.—The Assistant Director of the National Intellectual Property Rights Coordination Center shall work with U.S. Customs and Border Protection and other Federal agencies to conduct outreach to private sector entities in order to determine trends in and methods of infringing intellectual property rights.

(2) INFORMATION SHARING.—The Assistant Director shall share information and best practices with respect to the enforcement of intellectual property rights with private sector entities, as appropriate, in order to coordinate public and private sector efforts to combat the infringement of intellectual property rights.

SEC. 306. JOINT STRATEGIC PLAN FOR THE ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS.

The Commissioner and the Director of U.S. Immigration and Customs Enforcement shall include in the joint strategic plan required by section 105—

(1) a description of the efforts of the Department of Homeland Security to enforce intellectual property rights;

(2) a list of the 10 United States ports of entry at which U.S. Customs and Border Protection

has seized the most merchandise, both by volume and by value, that infringes intellectual property rights during the most recent 2-year period for which data are available; and

(3) a recommendation for the optimal allocation of personnel, resources, and technology to ensure that U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement are adequately enforcing intellectual property rights.

SEC. 307. PERSONNEL DEDICATED TO THE ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS.

(a) PERSONNEL OF U.S. CUSTOMS AND BORDER PROTECTION.—The Commissioner and the Director of U.S. Immigration and Customs Enforcement shall ensure that sufficient personnel are assigned throughout U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, respectively, who have responsibility for preventing the importation into the United States of merchandise that infringes intellectual property rights.

(b) STAFFING OF NATIONAL INTELLECTUAL PROPERTY RIGHTS COORDINATION CENTER.—The Commissioner shall—

(1) assign not fewer than 3 full-time employees of U.S. Customs and Border Protection to the National Intellectual Property Rights Coordination Center established under section 305; and

(2) ensure that sufficient personnel are assigned to United States ports of entry to carry out the directives of the Center.

SEC. 308. TRAINING WITH RESPECT TO THE ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS.

(a) TRAINING.—The Commissioner shall ensure that officers of U.S. Customs and Border Protection are trained to effectively detect and identify merchandise destined for the United States that infringes intellectual property rights, including through the use of technologies identified under subsection (c).

(b) CONSULTATION WITH PRIVATE SECTOR.—The Commissioner shall consult with private sector entities to better identify opportunities for collaboration between U.S. Customs and Border Protection and such entities with respect to training for officers of U.S. Customs and Border Protection in enforcing intellectual property rights.

(c) IDENTIFICATION OF NEW TECHNOLOGIES.—In consultation with private sector entities, the Commissioner shall identify—

(1) technologies with the cost-effective capability to detect and identify merchandise at United States ports of entry that infringes intellectual property rights; and

(2) cost-effective programs for training officers of U.S. Customs and Border Protection to use such technologies.

(d) DONATIONS OF TECHNOLOGY.—Not later than the date that is 180 days after the date of the enactment of this Act, the Commissioner shall prescribe regulations to enable U.S. Customs and Border Protection to receive donations of hardware, software, equipment, and similar technologies, and to accept training and other support services, from private sector entities, for the purpose of enforcing intellectual property rights.

SEC. 309. INTERNATIONAL COOPERATION AND INFORMATION SHARING.

(a) COOPERATION.—The Secretary of Homeland Security shall coordinate with the competent law enforcement and customs authorities of foreign countries, including by sharing information relevant to enforcement actions, to enhance the efforts of the United States and such authorities to enforce intellectual property rights.

(b) TECHNICAL ASSISTANCE.—The Secretary of Homeland Security shall provide technical assistance to competent law enforcement and customs authorities of foreign countries to enhance the ability of such authorities to enforce intellectual property rights.

(c) INTERAGENCY COLLABORATION.—The Commissioner and the Director of U.S. Immigration and Customs Enforcement shall lead interagency efforts to collaborate with law enforcement and customs authorities of foreign countries to enforce intellectual property rights.

SEC. 310. REPORT ON INTELLECTUAL PROPERTY RIGHTS ENFORCEMENT.

Not later than September 30, 2016, and annually thereafter, the Commissioner and the Director of U.S. Immigration and Customs Enforcement shall jointly submit to the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a report that contains the following:

(1) With respect to the enforcement of intellectual property rights, the following:

(A) The number of referrals, during the preceding year, from U.S. Customs and Border Protection to U.S. Immigration and Customs Enforcement relating to infringement of intellectual property rights.

(B) The number of investigations relating to the infringement of intellectual property rights referred by U.S. Immigration and Customs Enforcement to a United States attorney for prosecution and the United States attorneys to which those investigations were referred.

(C) The number of such investigations accepted by each such United States attorney and the status or outcome of each such investigation.

(D) The number of such investigations that resulted in the imposition of civil or criminal penalties.

(E) A description of the efforts of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement to improve the success rates of investigations and prosecutions relating to the infringement of intellectual property rights.

(2) An estimate of the average time required by the Office of Trade established under section 4 of the Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2071 et seq.), as added by section 802(h) of this Act, to respond to a request from port personnel for advice with respect to whether merchandise detained by U.S. Customs and Border Protection infringed intellectual property rights, distinguished by types of intellectual property rights infringed.

(3) A summary of the outreach efforts of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement with respect to—

(A) the interdiction and investigation of, and the sharing of information between those agencies and other Federal agencies to prevent, the infringement of intellectual property rights;

(B) collaboration with private sector entities—

(i) to identify trends in the infringement of, and technologies that infringe, intellectual property rights;

(ii) to identify opportunities for enhanced training of officers of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement; and

(iii) to develop best practices to enforce intellectual property rights; and

(C) coordination with foreign governments and international organizations with respect to the enforcement of intellectual property rights.

(4) A summary of the efforts of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement to address the challenges with respect to the enforcement of intellectual property rights presented by Internet commerce and the transit of small packages and an identification of the volume, value, and type of merchandise seized for infringing intellectual property rights as a result of such efforts.

(5) A summary of training relating to the enforcement of intellectual property rights conducted under section 308 and expenditures for such training.

SEC. 311. INFORMATION FOR TRAVELERS REGARDING VIOLATIONS OF INTELLECTUAL PROPERTY RIGHTS.

(a) IN GENERAL.—The Secretary of Homeland Security shall develop and carry out an educational campaign to inform travelers entering or leaving the United States about the legal, economic, and public health and safety implications of acquiring merchandise that infringes intellectual property rights outside the United States and importing such merchandise into the United States in violation of United States law.

(b) DECLARATION FORMS.—The Commissioner shall ensure that all versions of Declaration Form 6059B of U.S. Customs and Border Protection, or a successor form, including any electronic equivalent of Declaration Form 6059B or a successor form, printed or displayed on or after the date that is 30 days after the date of the enactment of this Act include a written warning to inform travelers arriving in the United States that importation of merchandise into the United States that infringes intellectual property rights may subject travelers to civil or criminal penalties and may pose serious risks to safety or health.

TITLE IV—PREVENTION OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS

SEC. 401. SHORT TITLE.

This title may be cited as the ''Enforce and Protect Act of 2015''.

SEC. 402. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Finance and the Committee on Appropriations of the Senate; and

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

(2) COVERED MERCHANDISE.—The term ''covered merchandise'' means merchandise that is subject to—

(A) a countervailing duty order issued under section 706 of the Tariff Act of 1930 (19 U.S.C. 1671e); or

(B) an antidumping duty order issued under section 736 of the Tariff Act of 1930 (19 U.S.C. 1673e).

(3) ELIGIBLE SMALL BUSINESS.—

(A) IN GENERAL.—The term ''eligible small business'' means any business concern that, in the judgment of the Commissioner, due to its small size, has neither adequate internal resources nor financial ability to obtain qualified outside assistance in preparing and submitting for consideration allegations of evasion.

(B) NONREVIEWABILITY.—Any agency decision regarding whether a business concern is an eligible small business for purposes of section 411(b)(4)(E) is not reviewable by any other agency or by any court.

(4) ENTER; ENTRY.—The terms ''enter'' and ''entry'' refer to the entry, or withdrawal from warehouse for consumption, of merchandise in the customs territory of the United States.

(5) EVADE; EVASION.—The terms ''evade'' and ''evasion'' refer to entering covered merchandise into the customs territory of the United States by means of any document or electronically transmitted data or information, written or oral statement, or act that is material and false, or any omission that is material, and that results in any cash deposit or other security or any amount of applicable antidumping or countervailing duties being reduced or not being applied with respect to the merchandise.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(7) TRADE REMEDY LAWS.—The term ''trade remedy laws'' means title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.).

SEC. 403. APPLICATION TO CANADA AND MEXICO.

Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of

the North American Free Trade Agreement Implementation Act (19 U.S.C. 3438), this title and the amendments made by this title shall apply with respect to goods from Canada and Mexico.

Subtitle A—Actions Relating to Enforcement of Trade Remedy Laws

SEC. 411. TRADE REMEDY LAW ENFORCEMENT DIVISION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Homeland Security shall establish and maintain within the Office of Trade established under section 4 of the Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2071 et seq.), as added by section 802(h) of this Act, a Trade Remedy Law Enforcement Division.

(2) COMPOSITION.—The Trade Remedy Law Enforcement Division shall be composed of—

(A) headquarters personnel led by a Director, who shall report to the Executive Assistant Commissioner of the Office of Trade; and

(B) a National Targeting and Analysis Group dedicated to preventing and countering evasion.

(3) DUTIES.—The Trade Remedy Law Enforcement Division shall be dedicated—

(A) to the development and administration of policies to prevent and counter evasion, including policies relating to the implementation of section 517 of the Tariff Act of 1930, as added by section 421 of this Act;

(B) to direct enforcement and compliance assessment activities concerning evasion;

(C) to the development and conduct of commercial risk assessment targeting with respect to cargo destined for the United States in accordance with subsection (c);

(D) to issuing Trade Alerts described in subsection (d); and

(E) to the development of policies for the application of single entry and continuous bonds for entries of covered merchandise to sufficiently protect the collection of antidumping and countervailing duties commensurate with the level of risk of noncollection.

(b) DUTIES OF DIRECTOR.—The duties of the Director of the Trade Remedy Law Enforcement Division shall include—

(1) directing the trade enforcement and compliance assessment activities of U.S. Customs and Border Protection that concern evasion;

(2) facilitating, promoting, and coordinating cooperation and the exchange of information between U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and other relevant Federal agencies regarding evasion;

(3) notifying on a timely basis the administering authority (as defined in section 771(1) of the Tariff Act of 1930 (19 U.S.C. 1677(1))) and the Commission (as defined in section 771(2) of the Tariff Act of 1930 (19 U.S.C. 1677(2))) of any finding, determination, civil action, or criminal action taken by U.S. Customs and Border Protection or other Federal agency regarding evasion;

(4) serving as the primary liaison between U.S. Customs and Border Protection and the public regarding activities concerning evasion, including activities relating to investigations conducted under section 517 of the Tariff Act of 1930, as added by section 421 of this Act, which include—

(A) receiving allegations of evasion from parties, including allegations described in section 517(b)(2) of the Tariff Act of 1930, as so added;

(B) upon request by the party or parties that submitted such an allegation of evasion, providing information to such party or parties on the status of U.S. Customs and Border Protection's consideration of the allegation and decision to pursue or not pursue any administrative inquiries or other actions, such as changes in policies, procedures, or resource allocation as a result of the allegation;

(C) as needed, requesting from the party or parties that submitted such an allegation of evasion any additional information that may be relevant for U.S. Customs and Border Protection determining whether to initiate an administrative inquiry or take any other action regarding the allegation;

(D) notifying on a timely basis the party or parties that submitted such an allegation of the results of any administrative, civil, or criminal actions taken by U.S. Customs and Border Protection or other Federal agency regarding evasion as a direct or indirect result of the allegation;

(E) upon request, providing technical assistance and advice to eligible small businesses to enable such businesses to prepare and submit such an allegation of evasion, except that the Director may deny technical assistance if the Director concludes that the allegation, if submitted, would not lead to the initiation of an administrative inquiry or any other action to address the allegation;

(F) in cooperation with the public, the Commercial Customs Operations Advisory Committee established under section 109, the Trade Support Network, and any other relevant parties and organizations, developing guidelines on the types and nature of information that may be provided in such an allegation of evasion; and

(G) consulting regularly with the public, the Commercial Customs Operations Advisory Committee, the Trade Support Network, and any other relevant parties and organizations regarding the development and implementation of regulations, interpretations, and policies related to countering evasion.

(c) PREVENTING AND COUNTERING EVASION OF THE TRADE REMEDY LAWS.—In carrying out its duties with respect to preventing and countering evasion, the National Targeting and Analysis Group dedicated to preventing and countering evasion shall—

(1) establish targeted risk assessment methodologies and standards—

(A) for evaluating the risk that cargo destined for the United States may constitute evading covered merchandise; and

(B) for issuing, as appropriate, Trade Alerts described in subsection (d); and

(2) to the extent practicable and otherwise authorized by law, use information available from the Automated Commercial System, the Automated Commercial Environment, the Automated Targeting System, the Automated Export System, the International Trade Data System established under section 411(d) of the Tariff Act of 1930 (19 U.S.C. 1411(d)), and the TECS (formerly known as the ''Treasury Enforcement Communications System''), and any similar and successor systems, to administer the methodologies and standards established under paragraph (1).

(d) TRADE ALERTS.—Based upon the application of the targeted risk assessment methodologies and standards established under subsection (c), the Director of the Trade Remedy Law Enforcement Division shall issue Trade Alerts or other such means of notification to directors of United States ports of entry directing further inspection, physical examination, or testing of merchandise to ensure compliance with the trade remedy laws and to require additional bonds, cash deposits, or other security to ensure collection of any duties, taxes, and fees owed.

SEC. 412. COLLECTION OF INFORMATION ON EVASION OF TRADE REMEDY LAWS.

(a) AUTHORITY TO COLLECT INFORMATION.—To determine whether covered merchandise is being entered into the customs territory of the United States through evasion, the Secretary, acting through the Commissioner—

(1) shall exercise all existing authorities to collect information needed to make the determination; and

(2) may collect such additional information as is necessary to make the determination through such methods as the Commissioner considers appropriate, including by issuing questionnaires with respect to the entry or entries at issue to—

(A) a person who filed an allegation with respect to the covered merchandise;

(B) a person who is alleged to have entered the covered merchandise into the customs territory of the United States through evasion; or

(C) any other person who is determined to have information relevant to the allegation of entry of covered merchandise into the customs territory of the United States through evasion.

(b) ADVERSE INFERENCE.—

(1) USE OF ADVERSE INFERENCE.—

(A) IN GENERAL.—If the Secretary finds that a person described in subparagraph (B) has failed to cooperate by not acting to the best of the person's ability to comply with a request for information under subsection (a), the Secretary may, in making a determination whether an entry or entries of covered merchandise may constitute merchandise that is entered into the customs territory of the United States through evasion, use an inference that is adverse to the interests of that person in selecting from among the facts otherwise available to determine whether evasion has occurred.

(B) PERSON DESCRIBED.—A person described in this subparagraph is—

(i) a person who filed an allegation with respect to covered merchandise;

(ii) a person alleged to have entered covered merchandise into the customs territory of the United States through evasion; or

(iii) a foreign producer or exporter of covered merchandise that is alleged to have entered into the customs territory of the United States through evasion.

(C) APPLICATION.—An inference described in subparagraph (A) may be used under that subparagraph with respect to a person described in clause (ii) or (iii) of subparagraph (B) without regard to whether another person involved in the same transaction or transactions under examination has provided the information sought by the Secretary, such as import or export documentation.

(2) ADVERSE INFERENCE DESCRIBED.—An adverse inference used under paragraph (1)(A) may include reliance on information derived from—

(A) the allegation of evasion of the trade remedy laws, if any, submitted to U.S. Customs and Border Protection;

(B) a determination by the Commissioner in another investigation, proceeding, or other action regarding evasion of the unfair trade laws; or

(C) any other available information.

SEC. 413. ACCESS TO INFORMATION.

(a) IN GENERAL.—Section 777(b)(1)(A)(ii) of the Tariff Act of 1930 (19 U.S.C. 1677f(b)(1)(A)(ii)) is amended by inserting ''negligence, gross negligence, or'' after ''regarding''.

(b) ADDITIONAL INFORMATION.—Notwithstanding any other provision of law, the Secretary is authorized to provide to the Secretary of Commerce or the United States International Trade Commission any information that is necessary to enable the Secretary of Commerce or the United States International Trade Commission to assist the Secretary to identify, through risk assessment targeting or otherwise, covered merchandise that is entered into the customs territory of the United States through evasion.

SEC. 414. COOPERATION WITH FOREIGN COUNTRIES ON PREVENTING EVASION OF TRADE REMEDY LAWS.

(a) BILATERAL AGREEMENTS.—

(1) IN GENERAL.—The Secretary shall seek to negotiate and enter into bilateral agreements with the customs authorities or other appropriate authorities of foreign countries for purposes of cooperation on preventing evasion of the trade remedy laws of the United States and the trade remedy laws of the other country.

(2) PROVISIONS AND AUTHORITIES.—The Secretary shall seek to include in each such bilateral agreement the following provisions and authorities:

(A) On the request of the importing country, the exporting country shall provide, consistent

with its laws, regulations, and procedures, production, trade, and transit documents and other information necessary to determine whether an entry or entries exported from the exporting country are subject to the importing country's trade remedy laws.

(B) On the written request of the importing country, the exporting country shall conduct a verification for purposes of enabling the importing country to make a determination described in subparagraph (A).

(C) The exporting country may allow the importing country to participate in a verification described in subparagraph (B), including through a site visit.

(D) If the exporting country does not allow participation of the importing country in a verification described in subparagraph (B), the importing country may take this fact into consideration in its trade enforcement and compliance assessment activities regarding the compliance of the exporting country's exports with the importing country's trade remedy laws.

(b) CONSIDERATION.—The Commissioner is authorized to take into consideration whether a country is a signatory to a bilateral agreement described in subsection (a) and the extent to which the country is cooperating under the bilateral agreement for purposes of trade enforcement and compliance assessment activities of U.S. Customs and Border Protection that concern evasion by such country's exports.

(c) REPORT.—Not later than December 31 of each calendar year beginning after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report summarizing—

(1) the status of any ongoing negotiations of bilateral agreements described in subsection (a), including the identities of the countries involved in such negotiations;

(2) the terms of any completed bilateral agreements described in subsection (a); and

(3) bilateral cooperation and other activities conducted pursuant to or enabled by any completed bilateral agreements described in subsection (a).

SEC. 415. TRADE NEGOTIATING OBJECTIVES.

The principal negotiating objectives of the United States shall include obtaining the objectives of the bilateral agreements described under section 414(a) for any trade agreements under negotiation as of the date of the enactment of this Act or future trade agreement negotiations.

Subtitle B—Investigation of Evasion of Trade Remedy Laws

SEC. 421. PROCEDURES FOR INVESTIGATING CLAIMS OF EVASION OF ANTI-DUMPING AND COUNTERVAILING DUTY ORDERS.

(a) IN GENERAL.—The Tariff Act of 1930 is amended by inserting after section 516A (19 U.S.C. 1516a) the following:

"SEC. 517. PROCEDURES FOR INVESTIGATING CLAIMS OF EVASION OF ANTI-DUMPING AND COUNTERVAILING DUTY ORDERS.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTERING AUTHORITY.—The term 'administering authority' has the meaning given that term in section 771(1).

''(2) COMMISSIONER.—The term 'Commissioner' means the Commissioner of U.S. Customs and Border Protection.

''(3) COVERED MERCHANDISE.—The term 'covered merchandise' means merchandise that is subject to—

''(A) an antidumping duty order issued under section 736; or

''(B) a countervailing duty order issued under section 706.

''(4) ENTER; ENTRY.—The terms 'enter' and 'entry' refer to the entry, or withdrawal from warehouse for consumption, of merchandise into the customs territory of the United States.

''(5) EVASION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'evasion' refers to entering covered merchandise into the customs territory of the United States by means of any document or electronically transmitted data or information, written or oral statement, or act that is material and false, or any omission that is material, and that results in any cash deposit or other security or any amount of applicable antidumping or countervailing duties being reduced or not being applied with respect to the merchandise.

''(B) EXCEPTION FOR CLERICAL ERROR.—

''(i) IN GENERAL.—Except as provided in clause (ii), the term 'evasion' does not include entering covered merchandise into the customs territory of the United States by means of—

''(I) a document or electronically transmitted data or information, written or oral statement, or act that is false as a result of a clerical error; or

''(II) an omission that results from a clerical error.

''(ii) PATTERNS OF NEGLIGENT CONDUCT.—If the Commissioner determines that a person has entered covered merchandise into the customs territory of the United States by means of a clerical error referred to in subclause (I) or (II) of clause (i) and that the clerical error is part of a pattern of negligent conduct on the part of that person, the Commissioner may determine, notwithstanding clause (i), that the person has entered such covered merchandise into the customs territory of the United States through evasion.

''(iii) ELECTRONIC REPETITION OF ERRORS.—For purposes of clause (ii), the mere nonintentional repetition by an electronic system of an initial clerical error does not constitute a pattern of negligent conduct.

''(iv) RULE OF CONSTRUCTION.—A determination by the Commissioner that a person has entered covered merchandise into the customs territory of the United States by means of a clerical error referred to in subclause (I) or (II) of clause (i) rather than through evasion shall not be construed to excuse that person from the payment of any duties applicable to the merchandise.

''(6) INTERESTED PARTY.—

''(A) IN GENERAL.—The term 'interested party' means—

''(i) a foreign manufacturer, producer, or exporter, or the United States importer, of covered merchandise or a trade or business association a majority of the members of which are producers, exporters, or importers of such merchandise;

''(ii) a manufacturer, producer, or wholesaler in the United States of a domestic like product;

''(iii) a certified union or recognized union or group of workers that is representative of an industry engaged in the manufacture, production, or wholesale in the United States of a domestic like product;

''(iv) a trade or business association a majority of the members of which manufacture, produce, or wholesale a domestic like product in the United States;

''(v) an association a majority of the members of which is composed of interested parties described in clause (ii), (iii), or (iv) with respect to a domestic like product; and

''(vi) if the covered merchandise is a processed agricultural product, as defined in section 771(4)(E), a coalition or trade association that is representative of either—

''(I) processors;

''(II) processors and producers; or

''(III) processors and growers.

''(B) DOMESTIC LIKE PRODUCT.—For purposes of subparagraph (A), the term 'domestic like product' means a product that is like, or in the absence of like, most similar in characteristics and uses with, covered merchandise.

''(b) INVESTIGATIONS.—

''(1) IN GENERAL.—Not later than 15 business days after receiving an allegation described in paragraph (2) or a referral described in paragraph (3), the Commissioner shall initiate an investigation if the Commissioner determines that the information provided in the allegation or the referral, as the case may be, reasonably suggests that covered merchandise has been entered into the customs territory of the United States through evasion.

''(2) ALLEGATION DESCRIBED.—An allegation described in this paragraph is an allegation that a person has entered covered merchandise into the customs territory of the United States through evasion that is—

''(A) filed with the Commissioner by an interested party; and

''(B) accompanied by information reasonably available to the party that filed the allegation.

''(3) REFERRAL DESCRIBED.—A referral described in this paragraph is information submitted to the Commissioner by any other Federal agency, including the Department of Commerce or the United States International Trade Commission, that reasonably suggests that a person has entered covered merchandise into the customs territory of the United States through evasion.

''(4) CONSIDERATION BY ADMINISTERING AUTHORITY.—

''(A) IN GENERAL.—If the Commissioner receives an allegation under paragraph (2) and is unable to determine whether the merchandise at issue is covered merchandise, the Commissioner shall—

''(i) refer the matter to the administering authority to determine whether the merchandise is covered merchandise pursuant to the authority of the administering authority under title VII; and

''(ii) notify the party that filed the allegation, and any other interested party participating in the investigation, of the referral.

''(B) DETERMINATION; TRANSMISSION TO COMMISSIONER.—After receiving a referral under subparagraph (A)(i) with respect to merchandise, the administering authority shall determine whether the merchandise is covered merchandise and promptly transmit that determination to the Commissioner.

''(C) STAY OF DEADLINES.—The period required for any referral and determination under this paragraph shall not be counted in calculating any deadline under this section.

''(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to affect the authority of an interested party to commence an action in the United States Court of International Trade under section 516A(a)(2) with respect to a determination of the administering authority under this paragraph.

''(5) CONSOLIDATION OF ALLEGATIONS AND REFERRALS.—

''(A) IN GENERAL.—The Commissioner may consolidate multiple allegations described in paragraph (2) and referrals described in paragraph (3) into a single investigation if the Commissioner determines it is appropriate to do so.

''(B) EFFECT ON TIMING REQUIREMENTS.—If the Commissioner consolidates multiple allegations or referrals into a single investigation under subparagraph (A), the date on which the Commissioner receives the first such allegation or referral shall be used for purposes of the requirement under paragraph (1) with respect to the timing of the initiation of the investigation.

''(6) INFORMATION-SHARING TO PROTECT HEALTH AND SAFETY.—If, during the course of conducting an investigation under paragraph (1) with respect to covered merchandise, the Commissioner has reason to suspect that such covered merchandise may pose a health or safety risk to consumers, the Commissioner shall provide, as appropriate, information to the appropriate Federal agencies for purposes of mitigating the risk.

''(7) TECHNICAL ASSISTANCE AND ADVICE.—

''(A) IN GENERAL.—Upon request, the Commissioner shall provide technical assistance and advice to eligible small businesses to enable such businesses to prepare and submit allegations described in paragraph (2), except that the Commissioner may deny technical assistance if the Commissioner concludes that the allegation, if

submitted, would not lead to the initiation of an investigation under this subsection or any other action to address the allegation.

''(B) ELIGIBLE SMALL BUSINESS DEFINED.—

''(i) IN GENERAL.—In this paragraph, the term 'eligible small business' means any business concern that the Commissioner determines, due to its small size, has neither adequate internal resources nor the financial ability to obtain qualified outside assistance in preparing and filing allegations described in paragraph (2).

''(ii) NON-REVIEWABILITY.—The determination of the Commissioner regarding whether a business concern is an eligible small business for purposes of this paragraph is not reviewable by any other agency or by any court.

''(c) DETERMINATIONS.—

''(1) DETERMINATION OF EVASION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 300 calendar days after the date on which the Commissioner initiates an investigation under subsection (b) with respect to covered merchandise, the Commissioner shall make a determination, based on substantial evidence, with respect to whether such covered merchandise was entered into the customs territory of the United States through evasion.

''(B) ADDITIONAL TIME.—The Commissioner may extend the time to make a determination under subparagraph (A) by not more than 60 calendar days if the Commissioner determines that—

''(i) the investigation is extraordinarily complicated because of—

''(I) the number and complexity of the transactions to be investigated;

''(II) the novelty of the issues presented; or

''(III) the number of entities to be investigated; and

''(ii) additional time is necessary to make the determination under subparagraph (A).

''(2) AUTHORITY TO COLLECT AND VERIFY ADDITIONAL INFORMATION.—In making a determination under paragraph (1) with respect to covered merchandise, the Commissioner may collect such additional information as is necessary to make the determination through such methods as the Commissioner considers appropriate, including by—

''(A) issuing a questionnaire with respect to such covered merchandise to—

''(i) an interested party that filed an allegation under paragraph (2) of subsection (b) that resulted in the initiation of an investigation under paragraph (1) of that subsection with respect to such covered merchandise;

''(ii) a person alleged to have entered such covered merchandise into the customs territory of the United States through evasion;

''(iii) a person that is a foreign producer or exporter of such covered merchandise; or

''(iv) the government of a country from which such covered merchandise was exported; and

''(B) conducting verifications, including on-site verifications, of any relevant information.

''(3) ADVERSE INFERENCE.—

''(A) IN GENERAL.—If the Commissioner finds that a party or person described in clause (i), (ii), or (iii) of paragraph (2)(A) has failed to cooperate by not acting to the best of the party or person's ability to comply with a request for information, the Commissioner may, in making a determination under paragraph (1), use an inference that is adverse to the interests of that party or person in selecting from among the facts otherwise available to make the determination.

''(B) APPLICATION.—An inference described in subparagraph (A) may be used under that subparagraph with respect to a person described in clause (ii) or (iii) of paragraph (2)(A) without regard to whether another person involved in the same transaction or transactions under examination has provided the information sought by the Commissioner, such as import or export documentation.

''(C) ADVERSE INFERENCE DESCRIBED.—An adverse inference used under subparagraph (A) may include reliance on information derived from—

''(i) the allegation of evasion of the trade remedy laws, if any, submitted to U.S. Customs and Border Protection;

''(ii) a determination by the Commissioner in another investigation, proceeding, or other action regarding evasion of the unfair trade laws; or

''(iii) any other available information.

''(4) NOTIFICATION.—Not later than 5 business days after making a determination under paragraph (1) with respect to covered merchandise, the Commissioner—

''(A) shall provide to each interested party that filed an allegation under paragraph (2) of subsection (b) that resulted in the initiation of an investigation under paragraph (1) of that subsection with respect to such covered merchandise a notification of the determination and may, in addition, include an explanation of the basis for the determination; and

''(B) may provide to importers, in such manner as the Commissioner determines appropriate, information discovered in the investigation that the Commissioner determines will help educate importers with respect to importing merchandise into the customs territory of the United States in accordance with all applicable laws and regulations.

''(d) EFFECT OF DETERMINATIONS.—

''(1) IN GENERAL.—If the Commissioner makes a determination under subsection (c) that covered merchandise was entered into the customs territory of the United States through evasion, the Commissioner shall—

''(A)(i) suspend the liquidation of unliquidated entries of such covered merchandise that are subject to the determination and that enter on or after the date of the initiation of the investigation under subsection (b) with respect to such covered merchandise and on or before the date of the determination; or

''(ii) if the Commissioner has already suspended the liquidation of such entries pursuant to subsection (e)(1), continue to suspend the liquidation of such entries;

''(B) pursuant to the Commissioner's authority under section 504(b)—

''(i) extend the period for liquidating unliquidated entries of such covered merchandise that are subject to the determination and that entered before the date of the initiation of the investigation; or

''(ii) if the Commissioner has already extended the period for liquidating such entries pursuant to subsection (e)(1), continue to extend the period for liquidating such entries;

''(C) notify the administering authority of the determination and request that the administering authority—

''(i) identify the applicable antidumping or countervailing duty assessment rates for entries described in subparagraphs (A) and (B); or

''(ii) if no such assessment rate for such an entry is available at the time, identify the applicable cash deposit rate to be applied to the entry, with the applicable antidumping or countervailing duty assessment rate to be provided as soon as that rate becomes available;

''(D) require the posting of cash deposits and assess duties on entries described in subparagraphs (A) and (B) in accordance with the instructions received from the administering authority under paragraph (2); and

''(E) take such additional enforcement measures as the Commissioner determines appropriate, such as—

''(i) initiating proceedings under section 592 or 596;

''(ii) implementing, in consultation with the relevant Federal agencies, rule sets or modifications to rule sets for identifying, particularly through the Automated Targeting System and the Automated Commercial Environment authorized under section 13031(f)(4) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(4)), importers, other parties, and merchandise that may be associated with evasion;

''(iii) requiring, with respect to merchandise for which the importer has repeatedly provided incomplete or erroneous entry summary information in connection with determinations of evasion, the importer to deposit estimated duties at the time of entry; and

''(iv) referring the record in whole or in part to U.S. Immigration and Customs Enforcement for civil or criminal investigation.

''(2) COOPERATION OF ADMINISTERING AUTHORITY.—

''(A) IN GENERAL.—Upon receiving a notification from the Commissioner under paragraph (1)(C), the administering authority shall promptly provide to the Commissioner the applicable cash deposit rates and antidumping or countervailing duty assessment rates and any necessary liquidation instructions.

''(B) SPECIAL RULE FOR CASES IN WHICH THE PRODUCER OR EXPORTER IS UNKNOWN.—If the Commissioner and the administering authority are unable to determine the producer or exporter of the merchandise with respect to which a notification is made under paragraph (1)(C), the administering authority shall identify, as the applicable cash deposit rate or antidumping or countervailing duty assessment rate, the cash deposit or duty (as the case may be) in the highest amount applicable to any producer or exporter, including the 'all-others' rate of the merchandise subject to an antidumping order or countervailing duty order under section 736 or 706, respectively, or a finding issued under the Antidumping Act, 1921, or any administrative review conducted under section 751.

''(e) INTERIM MEASURES.—Not later than 90 calendar days after initiating an investigation under subsection (b) with respect to covered merchandise, the Commissioner shall decide based on the investigation if there is a reasonable suspicion that such covered merchandise was entered into the customs territory of the United States through evasion and, if the Commissioner decides there is such a reasonable suspicion, the Commissioner shall—

''(1) suspend the liquidation of each unliquidated entry of such covered merchandise that entered on or after the date of the initiation of the investigation;

''(2) pursuant to the Commissioner's authority under section 504(b), extend the period for liquidating each unliquidated entry of such covered merchandise that entered before the date of the initiation of the investigation; and

''(3) pursuant to the Commissioner's authority under section 623, take such additional measures as the Commissioner determines necessary to protect the revenue of the United States, including requiring a single transaction bond or additional security or the posting of a cash deposit with respect to such covered merchandise.

''(f) ADMINISTRATIVE REVIEW.—

''(1) IN GENERAL.—Not later than 30 business days after the Commissioner makes a determination under subsection (c) with respect to whether covered merchandise was entered into the customs territory of the United States through evasion, a person determined to have entered such covered merchandise through evasion or an interested party that filed an allegation under paragraph (2) of subsection (b) that resulted in the initiation of an investigation under paragraph (1) of that subsection with respect to such covered merchandise may file an appeal with the Commissioner for de novo review of the determination.

''(2) TIMELINE FOR REVIEW.—Not later than 60 business days after an appeal of a determination is filed under paragraph (1), the Commissioner shall complete the review of the determination.

''(g) JUDICIAL REVIEW.—

''(1) IN GENERAL.—Not later than 30 business days after the Commissioner completes a review under subsection (f) of a determination under subsection (c) with respect to whether covered

merchandise was entered into the customs territory of the United States through evasion, a person determined to have entered such covered merchandise through evasion or an interested party that filed an allegation under paragraph (2) of subsection (b) that resulted in the initiation of an investigation under paragraph (1) of that subsection with respect to such covered merchandise may seek judicial review of the determination under subsection (c) and the review under subsection (f) in the United States Court of International Trade to determine whether the determination and review is conducted in accordance with subsections (c) and (f).

''(2) STANDARD OF REVIEW.—In determining whether a determination under subsection (c) or review under subsection (f) is conducted in accordance with those subsections, the United States Court of International Trade shall examine—

''(A) whether the Commissioner fully complied with all procedures under subsections (c) and (f); and

''(B) whether any determination, finding, or conclusion is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall affect the availability of judicial review to an interested party under any other provision of law.

''(h) RULE OF CONSTRUCTION WITH RESPECT TO OTHER CIVIL AND CRIMINAL PROCEEDINGS AND INVESTIGATIONS.—No determination under subsection (c), review under subsection (f), or action taken by the Commissioner pursuant to this section shall preclude any individual or entity from proceeding, or otherwise affect or limit the authority of any individual or entity to proceed, with any civil, criminal, or administrative investigation or proceeding pursuant to any other provision of Federal or State law, including sections 592 and 596.''.

(b) CONFORMING AMENDMENT.—Section 1581(c) of title 28, United States Code, is amended by inserting ''or 517'' after ''516A''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act.

(d) REGULATIONS.—Not later than the date that is 180 days after the date of the enactment of this Act, the Secretary shall prescribe such regulations as may be necessary to implement the amendments made by this section.

Subtitle C—Other Matters

SEC. 431. ALLOCATION AND TRAINING OF PERSONNEL.

The Commissioner shall, to the maximum extent possible, ensure that U.S. Customs and Border Protection—

(1) employs sufficient personnel who have expertise in, and responsibility for, preventing and investigating the entry of covered merchandise into the customs territory of the United States through evasion;

(2) on the basis of risk assessment metrics, assigns sufficient personnel with primary responsibility for preventing the entry of covered merchandise into the customs territory of the United States through evasion to the ports of entry in the United States at which the Commissioner determines potential evasion presents the most substantial threats to the revenue of the United States; and

(3) provides adequate training to relevant personnel to increase expertise and effectiveness in the prevention and identification of entries of covered merchandise into the customs territory of the United States through evasion.

SEC. 432. ANNUAL REPORT ON PREVENTION AND INVESTIGATION OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.

(a) IN GENERAL.—Not later than January 15 of each calendar year that begins on or after the date that is 270 days after the date of the enactment of this Act, the Commissioner, in consultation with the Secretary of Commerce and the Director of U.S. Immigration and Customs Enforcement, shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the efforts being taken to prevent and investigate the entry of covered merchandise into the customs territory of the United States through evasion.

(b) CONTENTS.—Each report required under subsection (a) shall include—

(1) for the calendar year preceding the submission of the report—

(A) a summary of the efforts of U.S. Customs and Border Protection to prevent and investigate the entry of covered merchandise into the customs territory of the United States through evasion;

(B) the number of allegations of evasion received, including allegations received under subsection (b) of section 517 of the Tariff Act of 1930, as added by section 421 of this Act, and the number of such allegations resulting in investigations by U.S. Customs and Border Protection or any other Federal agency;

(C) a summary of investigations initiated, including investigations initiated under subsection (b) of such section 517, including—

(i) the number and nature of the investigations initiated, conducted, or completed; and

(ii) the resolution of each completed investigation;

(D) the amount of additional duties that were determined to be owed as a result of such investigations, the amount of such duties that were collected, and, for any such duties not collected, a description of the reasons those duties were not collected;

(E) with respect to each such investigation that led to the imposition of a penalty, the amount of the penalty;

(F) an identification of the countries of origin of covered merchandise determined under subsection (c) of such section 517 to be entered into the customs territory of the United States through evasion;

(G) the amount of antidumping and countervailing duties collected as a result of any investigations or other actions by U.S. Customs and Border Protection or any other Federal agency;

(H) a description of the allocation of personnel and other resources of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement to prevent and investigate evasion, including any assessments conducted regarding the allocation of such personnel and resources; and

(I) a description of training conducted to increase expertise and effectiveness in the prevention and investigation of evasion; and

(2) a description of processes and procedures of U.S. Customs and Border Protection to prevent and investigate evasion, including—

(A) the specific guidelines, policies, and practices used by U.S. Customs and Border Protection to ensure that allegations of evasion are promptly evaluated and acted upon in a timely manner;

(B) an evaluation of the efficacy of those guidelines, policies, and practices;

(C) an identification of any changes since the last report required by this section, if any, that have materially improved or reduced the effectiveness of U.S. Customs and Border Protection in preventing and investigating evasion;

(D) a description of the development and implementation of policies for the application of single entry and continuous bonds for entries of covered merchandise to sufficiently protect the collection of antidumping and countervailing duties commensurate with the level of risk of not collecting those duties;

(E) a description of the processes and procedures for increased cooperation and information sharing with the Department of Commerce, U.S. Immigration and Customs Enforcement, and any other relevant Federal agencies to prevent and investigate evasion; and

(F) an identification of any recommended policy changes for other Federal agencies or legislative changes to improve the effectiveness of U.S. Customs and Border Protection in preventing and investigating evasion.

(c) PUBLIC SUMMARY.—The Commissioner shall make available to the public a summary of the report required by subsection (a) that includes, at a minimum—

(1) a description of the type of merchandise with respect to which investigations were initiated under subsection (b) of section 517 of the Tariff Act of 1930, as added by section 421 of this Act;

(2) the amount of additional duties determined to be owed as a result of such investigations and the amount of such duties that were collected;

(3) an identification of the countries of origin of covered merchandise determined under subsection (c) of such section 517 to be entered into the customs territory of the United States through evasion; and

(4) a description of the types of measures used by U.S. Customs and Border Protection to prevent and investigate evasion.

SEC. 433. ADDRESSING CIRCUMVENTION BY NEW SHIPPERS.

Section 751(a)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(2)(B)) is amended—

(1) by striking clause (iii);

(2) by redesignating clause (iv) as clause (iii); and

(3) by inserting after clause (iii), as redesignated by paragraph (2) of this section, the following:

''(iv) DETERMINATIONS BASED ON BONA FIDE SALES.—Any weighted average dumping margin or individual countervailing duty rate determined for an exporter or producer in a review conducted under clause (i) shall be based solely on the bona fide United States sales of an exporter or producer, as the case may be, made during the period covered by the review. In determining whether the United States sales of an exporter or producer made during the period covered by the review were bona fide, the administering authority shall consider, depending on the circumstances surrounding such sales—

''(I) the prices of such sales;

''(II) whether such sales were made in commercial quantities;

''(III) the timing of such sales;

''(IV) the expenses arising from such sales;

''(V) whether the subject merchandise involved in such sales was resold in the United States at a profit;

''(VI) whether such sales were made on an arms-length basis; and

''(VII) any other factor the administering authority determines to be relevant as to whether such sales are, or are not, likely to be typical of those the exporter or producer will make after completion of the review.''.

TITLE V—SMALL BUSINESS TRADE ISSUES AND STATE TRADE COORDINATION

SECTION 501. SHORT TITLE.

This title may be cited as the ''Small Business Trade Enhancement Act of 2015'' or the ''State Trade Coordination Act''.

SEC. 502. OUTREACH AND INPUT FROM SMALL BUSINESSES TO TRADE PROMOTION AUTHORITY.

Section 203 of Public Law 94–305 (15 U.S.C. 634c) is amended—

(1) in the matter preceding paragraph (1), by striking ''The Office of Advocacy'' and inserting the following:

''(a) IN GENERAL.—The Office of Advocacy''; and

(2) by adding at the end the following:

''(b) OUTREACH AND INPUT FROM SMALL BUSINESSES ON TRADE PROMOTION AUTHORITY.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'agency' has the meaning given the term in section 551 of title 5, United States Code;

''(B) the term 'Chief Counsel for Advocacy' means the Chief Counsel for Advocacy of the Small Business Administration;

''(C) the term 'covered trade agreement' means a trade agreement being negotiated pursuant to section 103(b) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (Public Law 114–26; 19 U.S.C. 4202(b)); and

''(D) the term 'Working Group' means the Interagency Working Group convened under paragraph (2)(A).

''(2) WORKING GROUP.—

''(A) IN GENERAL.—Not later than 30 days after the date on which the President submits the notification required under section 105(a) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (Public Law 114–26; 19 U.S.C. 4204(a)), the Chief Counsel for Advocacy shall convene an Interagency Working Group, which shall consist of an employee from each of the following agencies, as selected by the head of the agency or an official delegated by the head of the agency:

''(i) The Office of the United States Trade Representative.

''(ii) The Department of Commerce.

''(iii) The Department of Agriculture.

''(iv) Any other agency that the Chief Counsel for Advocacy, in consultation with the United States Trade Representative, determines to be relevant with respect to the subject of the covered trade agreement.

''(B) VIEWS OF SMALL BUSINESSES.—Not later than 30 days after the date on which the Chief Counsel for Advocacy convenes the Working Group under subparagraph (A), the Chief Counsel for Advocacy shall identify a diverse group of small businesses, representatives of small businesses, or a combination thereof, to provide to the Working Group the views of small businesses in the manufacturing, services, and agriculture industries on the potential economic effects of the covered trade agreement.

''(3) REPORT.—

''(A) IN GENERAL.—Not later than 180 days after the date on which the Chief Counsel for Advocacy convenes the Working Group under paragraph (2)(A), the Chief Counsel for Advocacy shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Finance of the Senate and the Committee on Small Business and the Committee on Ways and Means of the House of Representatives a report on the economic impacts of the covered trade agreement on small businesses, which shall—

''(i) identify the most important priorities, opportunities, and challenges to various industries from the covered trade agreement;

''(ii) assess the impact for new small businesses to start exporting, or increase their exports, to markets in countries that are parties to the covered trade agreement;

''(iii) analyze the competitive position of industries likely to be significantly affected by the covered trade agreement;

''(iv) identify—

''(I) any State-owned enterprises in each country participating in negotiations for the covered trade agreement that could pose a threat to small businesses; and

''(II) any steps to take to create a level playing field for those small businesses;

''(v) identify any rule of an agency that should be modified to become compliant with the covered trade agreement; and

''(vi) include an overview of the methodology used to develop the report, including the number of small business participants by industry, how those small businesses were selected, and any other factors that the Chief Counsel for Advocacy may determine appropriate.

''(B) DELAYED SUBMISSION.—To ensure that negotiations for the covered trade agreement are not disrupted, the President may require that the Chief Counsel for Advocacy delay submission of the report under subparagraph (A) until after the negotiations for the covered trade agreement are concluded, provided that the delay allows the Chief Counsel for Advocacy to submit the report to Congress not later than 45 days before the Senate or the House of Representatives acts to approve or disapprove the covered trade agreement.

''(C) AVOIDANCE OF DUPLICATION.—The Chief Counsel for Advocacy shall, to the extent practicable, coordinate the submission of the report under this paragraph with the United States International Trade Commission, the United States Trade Representative, other agencies, and trade advisory committees to avoid unnecessary duplication of reporting requirements.''.

SEC. 503. STATE TRADE EXPANSION PROGRAM.

Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by redesignating subsection (l) as subsection (m); and

(2) by inserting after subsection (k) the following:

''(l) STATE TRADE EXPANSION PROGRAM.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'eligible small business concern' means a business concern that—

''(i) is organized or incorporated in the United States;

''(ii) is operating in the United States;

''(iii) meets—

''(I) the applicable industry-based small business size standard established under section 3; or

''(II) the alternate size standard applicable to the program under section 7(a) of this Act and the loan programs under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.);

''(iv) has been in business for not less than 1 year, as of the date on which assistance using a grant under this subsection commences; and

''(v) has access to sufficient resources to bear the costs associated with trade, including the costs of packing, shipping, freight forwarding, and customs brokers;

''(B) the term 'program' means the State Trade Expansion Program established under paragraph (2);

''(C) the term 'rural small business concern' means an eligible small business concern located in a rural area, as that term is defined in section 1393(a)(2) of the Internal Revenue Code of 1986;

''(D) the term 'socially and economically disadvantaged small business concern' has the meaning given that term in section 8(a)(4)(A) of the Small Business Act (15 U.S.C. 637(a)(4)(A)); and

''(E) the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

''(2) ESTABLISHMENT OF PROGRAM.—The Associate Administrator shall establish a trade expansion program, to be known as the 'State Trade Expansion Program', to make grants to States to carry out programs that assist eligible small business concerns in—

''(A) participation in foreign trade missions;

''(B) a subscription to services provided by the Department of Commerce;

''(C) the payment of website fees;

''(D) the design of marketing media;

''(E) a trade show exhibition;

''(F) participation in training workshops;

''(G) a reverse trade mission;

''(H) procurement of consultancy services (after consultation with the Department of Commerce to avoid duplication); or

''(I) any other initiative determined appropriate by the Associate Administrator.

''(3) GRANTS.—

''(A) JOINT REVIEW.—In carrying out the program, the Associate Administrator may make a grant to a State to increase the number of eligible small business concerns in the State exploring significant new trade opportunities.

''(B) CONSIDERATIONS.—In making grants under this subsection, the Associate Administrator may give priority to an application by a State that proposes a program that—

''(i) focuses on eligible small business concerns as part of a trade expansion program;

''(ii) demonstrates intent to promote trade expansion by—

''(I) socially and economically disadvantaged small business concerns;

''(II) small business concerns owned or controlled by women; and

''(III) rural small business concerns;

''(iii) promotes trade facilitation from a State that is not 1 of the 10 States with the highest percentage of eligible small business concerns that are engaged in international trade, based upon the most recent data from the Department of Commerce; and

''(iv) includes—

''(I) activities which have resulted in the highest return on investment based on the most recent year; and

''(II) the adoption of shared best practices included in the annual report of the Administration.

''(C) LIMITATIONS.—

''(i) SINGLE APPLICATION.—A State may not submit more than 1 application for a grant under the program in any 1 fiscal year.

''(ii) PROPORTION OF AMOUNTS.—The total value of grants made under the program during a fiscal year to the 10 States with the highest percentage of eligible small business concerns, based upon the most recent data available from the Department of Commerce, shall be not more than 40 percent of the amounts appropriated for the program for that fiscal year.

''(iii) DURATION.—The Associate Administrator shall award a grant under this program for a period of not more than 2 years.

''(D) APPLICATION.—

''(i) IN GENERAL.—A State desiring a grant under the program shall submit an application at such time, in such manner, and accompanied by such information as the Associate Administrator may establish.

''(ii) CONSULTATION TO REDUCE DUPLICATION.—A State desiring a grant under the program shall—

''(I) before submitting an application under clause (i), consult with applicable trade agencies of the Federal Government on the scope and mission of the activities the State proposes to carry out using the grant, to ensure proper coordination and reduce duplication in services; and

''(II) document the consultation conducted under subclause (I) in the application submitted under clause (i).

''(4) COMPETITIVE BASIS.—The Associate Administrator shall award grants under the program on a competitive basis.

''(5) FEDERAL SHARE.—The Federal share of the cost of a trade expansion program carried out using a grant under the program shall be—

''(A) for a State that has a high trade volume, as determined by the Associate Administrator, not more than 65 percent; and

''(B) for a State that does not have a high trade volume, as determined by the Associate Administrator, not more than 75 percent.

''(6) NON-FEDERAL SHARE.—The non-Federal share of the cost of a trade expansion program carried out using a grant under the program shall be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.

''(7) REPORTS.—

''(A) INITIAL REPORT.—Not later than 120 days after the date of enactment of this subsection, the Associate Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report, which shall include—

''(i) a description of the structure of and procedures for the program;

''(ii) a management plan for the program; and

''(iii) a description of the merit-based review process to be used in the program.

''(B) ANNUAL REPORTS.—

''(i) IN GENERAL.—The Associate Administrator shall publish on the website of the Administration an annual report regarding the program, which shall include—

''(I) the number and amount of grants made under the program during the preceding year;

''(II) a list of the States receiving a grant under the program during the preceding year, including the activities being performed with each grant;

''(III) the effect of each grant on the eligible small business concerns in the State receiving the grant;

''(IV) the total return on investment for each State; and

''(V) a description of best practices by States that showed high returns on investment and significant progress in helping more eligible small business concerns.

''(ii) NOTICE TO CONGRESS.—On the date on which the Associate Administrator publishes a report under clause (i), the Associate Administrator shall notify the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that the report has been published.

''(8) REVIEWS BY INSPECTOR GENERAL.—

''(A) IN GENERAL.—The Inspector General of the Administration shall conduct a review of—

''(i) the extent to which recipients of grants under the program are measuring the performance of the activities being conducted and the results of the measurements; and

''(ii) the overall management and effectiveness of the program.

''(B) REPORTS.—

''(i) PILOT PROGRAM.—Not later than 6 months after the date of enactment of this subsection, the Inspector General of the Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the use of amounts made available under the State Trade and Export Promotion Grant Program under section 1207 of the Small Business Jobs Act of 2010 (15 U.S.C. 649b note).

''(ii) NEW STEP PROGRAM.—Not later than 18 months after the date on which the first grant is awarded under this subsection, the Inspector General of the Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the review conducted under subparagraph (A).

''(9) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program $30,000,000 for each of fiscal years 2016 through 2020.''.

SEC. 504. STATE AND FEDERAL EXPORT PROMOTION COORDINATION.

(a) STATE AND FEDERAL EXPORT PROMOTION COORDINATION WORKING GROUP.—Subtitle C of the Export Enhancement Act of 1988 (15 U.S.C. 4721 et seq.) is amended by inserting after section 2313 the following:

''SEC. 2313A. STATE AND FEDERAL EXPORT PROMOTION COORDINATION WORKING GROUP.

''(a) STATEMENT OF POLICY.—It is the policy of the United States to promote exports as an opportunity for small businesses. In exercising their powers and functions in order to advance that policy, all Federal agencies shall work constructively with State and local agencies engaged in export promotion and export financing activities.

''(b) ESTABLISHMENT.—The President shall establish a State and Federal Export Promotion Coordination Working Group (in this section referred to as the 'Working Group') as a subcommittee of the Trade Promotion Coordination Committee (in this section referred to as the 'TPCC').

''(c) PURPOSES.—The purposes of the Working Group are—

''(1) to identify issues related to the coordination of Federal resources relating to export promotion and export financing with such resources provided by State and local governments;

''(2) to identify ways to improve coordination with respect to export promotion and export financing activities through the strategic plan developed under section 2312(c);

''(3) to develop a strategy for improving coordination of Federal and State resources relating to export promotion and export financing, including methods to eliminate duplication of effort and overlapping functions; and

''(4) to develop a strategic plan for considering and implementing the suggestions of the Working Group as part of the strategic plan developed under section 2312(c).

''(d) MEMBERSHIP.—The Secretary of Commerce shall select the members of the Working Group, who shall include—

''(1) representatives from State trade agencies representing regionally diverse areas; and

''(2) representatives of the departments and agencies that are represented on the TPCC, who are designated by the heads of their respective departments or agencies to advise the head on ways of promoting the exportation of United States goods and services.''.

(b) REPORT ON IMPROVEMENTS TO EXPORT.GOV AS A SINGLE WINDOW FOR EXPORT INFORMATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Associate Administrator for International Trade of the Small Business Administration shall, after consultation with the entities specified in paragraph (2), submit to the appropriate congressional committees a report that includes the recommendations of the Associate Administrator for improving the experience provided by the Internet website Export.gov (or a successor website) as—

(A) a comprehensive resource for information about exporting articles from the United States; and

(B) a single website for exporters to submit all information required by the Federal Government with respect to the exportation of articles from the United States.

(2) ENTITIES SPECIFIED.—The entities specified in this paragraph are—

(A) small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) that are exporters; and

(B) the President's Export Council, State agencies with responsibility for export promotion or export financing, district export councils, and trade associations.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Small Business and Entrepreneurship and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Small Business and the Committee on Foreign Affairs of the House of Representatives.

(c) AVAILABILITY OF STATE RESOURCES GUIDES ON EXPORT.GOV.—The Secretary of Commerce shall make available on the Internet website Export.gov (or a successor website) information on the resources relating to export promotion and export financing available in each State—

(1) organized by State; and

(2) including information on State agencies with responsibility for export promotion or export financing and district export councils and trade associations located in the State.

SEC. 505. STATE TRADE COORDINATION.

(a) MEMBERSHIP OF REPRESENTATIVES OF STATE TRADE PROMOTION AGENCIES ON TRADE PROMOTION COORDINATING COMMITTEE.—Section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) is amended—

(1) in subsection (d)—

(A) by redesignating paragraph (2) as paragraph (3); and

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

''(2) REPRESENTATIVES FROM STATE TRADE PROMOTION AGENCIES.—The TPCC shall also include 1 or more members appointed by the President who are representatives of State trade promotion agencies.''; and

(2) in subsection (e), in the first sentence, by inserting ''(other than members described in subsection (d)(2))'' after ''Members of the TPCC''.

(b) FEDERAL AND STATE EXPORT PROMOTION COORDINATION PLAN.—

(1) IN GENERAL.—The Secretary of Commerce, acting through the Trade Promotion Coordinating Committee and in coordination with representatives of State trade promotion agencies, shall develop a comprehensive plan to integrate the resources and strategies of State trade promotion agencies into the overall Federal trade promotion program.

(2) MATTERS TO BE INCLUDED.—The plan required under paragraph (1) shall include the following:

(A) A description of the role of State trade promotion agencies in assisting exporters.

(B) An outline of the role of State trade promotion agencies and how it is different from Federal agencies located within or providing services within the State.

(C) A plan on how to utilize State trade promotion agencies in the Federal trade promotion program.

(D) An explanation of how Federal and State agencies will share information and resources.

(E) A description of how Federal and State agencies will coordinate education and trade events in the United States and abroad.

(F) A description of the efforts to increase efficiency and reduce duplication.

(G) A clear identification of where businesses can receive appropriate international trade information under the plan.

(3) DEADLINE.—The plan required under paragraph (1) shall be finalized and submitted to Congress not later than 12 months after the date of the enactment of this Act.

(c) ANNUAL FEDERAL-STATE EXPORT STRATEGY.—

(1) IN GENERAL.—The Secretary of Commerce, acting through the head of the United States Foreign and Commercial Service, shall develop an annual Federal-State export strategy for each State that submits to the Secretary of Commerce its export strategy for the upcoming calendar year. In developing an annual Federal-State export strategy under this paragraph, the Secretary of Commerce shall take into account the Federal and State export promotion coordination plan developed under subsection (b).

(2) MATTERS TO BE INCLUDED.—The Federal-State export strategy required under paragraph (1) shall include the following:

(A) The State's export strategy and economic goals.

(B) The State's key sectors and industries of focus.

(C) Possible foreign and domestic trade events.

(D) Efforts to increase efficiencies and reduce duplication.

(3) REPORT.—The Federal-State export strategy required under paragraph (1) shall be submitted to the Trade Promotion Coordinating Committee not later than February 1, 2017, and February 1 of each year thereafter.

(d) COORDINATED METRICS AND INFORMATION SHARING.—

(1) IN GENERAL.—The Secretary of Commerce, in coordination with representatives of State trade promotion agencies, shall develop a framework to share export success information, and develop a coordinated set of reporting metrics.

(2) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Secretary of Commerce shall submit to Congress a report that contains the framework and reporting metrics required under paragraph (1).

(e) ANNUAL SURVEY AND ANALYSIS AND REPORT UNDER NATIONAL EXPORT STRATEGY.—Section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) is amended—

(1) in subsection (c)—

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

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

(C) by adding at the end the following:

''(7) in coordination with State trade promotion agencies, include a survey and analysis regarding the overall effectiveness of Federal-State coordination and export promotion goals on an annual basis, to further include best practices, recommendations to better assist small businesses, and other relevant matters.''; and

(2) in subsection (f)(1), by inserting ''(including implementation of the survey and analysis described in paragraph (7) of that subsection)'' after ''the implementation of such plan''.

TITLE VI—ADDITIONAL ENFORCEMENT PROVISIONS

SEC. 601. TRADE ENFORCEMENT PRIORITIES.

(a) IN GENERAL.—Section 310 of the Trade Act of 1974 (19 U.S.C. 2420) is amended to read as follows:

''SEC. 310. TRADE ENFORCEMENT PRIORITIES.

''(a) TRADE ENFORCEMENT PRIORITIES, CONSULTATIONS, AND REPORT.—

''(1) TRADE ENFORCEMENT PRIORITIES CONSULTATIONS.—Not later than May 31 of each calendar year that begins after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, the United States Trade Representative (in this section referred to as the 'Trade Representative') shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with respect to the prioritization of acts, policies, or practices of foreign governments that raise concerns with respect to obligations under the WTO Agreements or any other trade agreement to which the United States is a party, or otherwise create or maintain barriers to United States goods, services, or investment.

''(2) IDENTIFICATION OF TRADE ENFORCEMENT PRIORITIES.—In identifying acts, policies, or practices of foreign governments as trade enforcement priorities under this subsection, the Trade Representative shall focus on those acts, policies, and practices the elimination of which is likely to have the most significant potential to increase United States economic growth, and take into account all relevant factors, including—

''(A) the economic significance of any potential inconsistency between an obligation assumed by a foreign government pursuant to a trade agreement to which both the foreign government and the United States are parties and the acts, policies, or practices of that government;

''(B) the impact of the acts, policies, or practices of a foreign government on maintaining and creating United States jobs and productive capacity;

''(C) the major barriers and trade distorting practices described in the most recent National Trade Estimate required under section 181(b);

''(D) the major barriers and trade distorting practices described in other relevant reports addressing international trade and investment barriers prepared by a Federal agency or congressional commission during the 12 months preceding the date of the most recent report under paragraph (3);

''(E) a foreign government's compliance with its obligations under any trade agreements to which both the foreign government and the United States are parties;

''(F) the implications of a foreign government's procurement plans and policies; and

''(G) the international competitive position and export potential of United States products and services.

''(3) REPORT ON TRADE ENFORCEMENT PRIORITIES AND ACTIONS TAKEN TO ADDRESS.—

''(A) IN GENERAL.—Not later than July 31 of each calendar year that begins after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, the Trade Representative shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on acts, policies, or practices of foreign governments identified as trade enforcement priorities based on the consultations under paragraph (1) and the criteria set forth in paragraph (2).

''(B) REPORT IN SUBSEQUENT YEARS.—The Trade Representative shall include, when reporting under subparagraph (A) in any calendar year after the calendar year that begins after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, a description of actions taken to address any acts, policies, or practices of foreign governments identified as trade enforcement priorities under this subsection in the calendar year preceding that report and, as relevant, any calendar year before that calendar year.

''(b) SEMIANNUAL ENFORCEMENT CONSULTATIONS.—

''(1) IN GENERAL.—At the same time as the reporting under subsection (a)(3), and not later than January 31 of each following year, the Trade Representative shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with respect to the identification, prioritization, investigation, and resolution of acts, policies, or practices of foreign governments of concern with respect to obligations under the WTO Agreements or any other trade agreement to which the United States is a party, or that otherwise create or maintain trade barriers.

''(2) ACTS, POLICIES, OR PRACTICES OF CONCERN.—The semiannual enforcement consultations required by paragraph (1) shall address acts, policies, or practices of foreign governments that raise concerns with respect to obligations under the WTO Agreements or any other trade agreement to which the United States is a party, or otherwise create or maintain trade barriers, including—

''(A) engagement with relevant trading partners;

''(B) strategies for addressing such concerns;

''(C) availability and deployment of resources to be used in the investigation or resolution of such concerns;

''(D) the merits of any potential dispute resolution proceeding under the WTO Agreements or any other trade agreement to which the United States is a party relating to such concerns; and

''(E) any other aspects of such concerns.

''(3) ACTIVE INVESTIGATIONS.—The semiannual enforcement consultations required by paragraph (1) shall address acts, policies, or practices that the Trade Representative is actively investigating with respect to obligations under the WTO Agreements or any other trade agreement to which the United States is a party, including—

''(A) strategies for addressing concerns raised by such acts, policies, or practices;

''(B) any relevant timeline with respect to investigation of such acts, policies, or practices;

''(C) the merits of any potential dispute resolution proceeding under the WTO Agreements or any other trade agreement to which the United States is a party with respect to such acts, policies, or practices;

''(D) barriers to the advancement of the investigation of such acts, policies, or practices; and

''(E) any other matters relating to the investigation of such acts, policies, or practices.

''(4) ONGOING ENFORCEMENT ACTIONS.—The semiannual enforcement consultations required by paragraph (1) shall address all ongoing enforcement actions taken by or against the United States with respect to obligations under the WTO Agreements or any other trade agreement to which the United States is a party, including—

''(A) any relevant timeline with respect to such actions;

''(B) the merits of such actions;

''(C) any prospective implementation actions;

''(D) potential implications for any law or regulation of the United States;

''(E) potential implications for United States stakeholders, domestic competitors, and exporters; and

''(F) other issues relating to such actions.

''(5) ENFORCEMENT RESOURCES.—The semiannual enforcement consultations required by paragraph (1) shall address the availability and deployment of enforcement resources, resource constraints on monitoring and enforcement activities, and strategies to address those constraints, including the use of available resources of other Federal agencies to enhance monitoring and enforcement capabilities.

''(c) INVESTIGATION AND RESOLUTION.—In the case of any acts, policies, or practices of a foreign government identified as a trade enforcement priority under subsection (a), the Trade Representative shall, not later than the date of the first semiannual enforcement consultations held under subsection (b) after the identification of the priority, take appropriate action to address that priority, including—

''(1) engagement with the foreign government to resolve concerns raised by such acts, policies, or practices;

''(2) initiation of an investigation under section 302(b)(1) with respect to such acts, policies, or practices;

''(3) initiation of negotiations for a bilateral agreement that provides for resolution of concerns raised by such acts, policies, or practices; or

''(4) initiation of dispute settlement proceedings under the WTO Agreements or any other trade agreement to which the United States is a party with respect to such acts, policies, or practices.

''(d) ENFORCEMENT NOTIFICATIONS AND CONSULTATION.—

''(1) INITIATION OF ENFORCEMENT ACTION.—The Trade Representative shall notify and consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives in advance of the initiation of any formal trade dispute by or against the United States taken in regard to an obligation under the WTO Agreements or any other trade agreement to which the United States is a party. With respect to a formal trade dispute against the United States, if advance notification and consultation are not possible, the Trade Representative shall notify and consult at the earliest practicable opportunity after initiation of the dispute.

''(2) CIRCULATION OF REPORTS.—The Trade Representative shall notify and consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives in advance of the announced or anticipated circulation of any report of a dispute settlement panel or the Appellate Body of the World Trade Organization or of a dispute settlement panel under any other trade agreement to which the United States is a party with respect to a formal trade dispute by or against the United States.

''(e) DEFINITIONS.—In this section:

''(1) WTO.—The term 'WTO' means the World Trade Organization.

''(2) WTO AGREEMENT.—The term 'WTO Agreement' has the meaning given that term in section 2(9) of the Uruguay Round Agreements Act (19 U.S.C. 3501(9)).

''(3) WTO AGREEMENTS.—The term 'WTO Agreements' means the WTO Agreement and agreements annexed to that Agreement.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by striking the item relating to section 310 and inserting the following:

''Sec. 310. Trade enforcement priorities.''.

SEC. 602. EXERCISE OF WTO AUTHORIZATION TO SUSPEND CONCESSIONS OR OTHER OBLIGATIONS UNDER TRADE AGREEMENTS.

(a) IN GENERAL.—Section 306 of the Trade Act of 1974 (19 U.S.C. 2416) is amended—

(1) by redesignating subsection (c) as subsection (d); and

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

''(c) EXERCISE OF WTO AUTHORIZATION TO SUSPEND CONCESSIONS OR OTHER OBLIGATIONS.—If—

''(1) action has terminated pursuant to section 307(c),

''(2) the petitioner or any representative of the domestic industry that would benefit from reinstatement of action has submitted to the Trade Representative a written request for reinstatement of action, and

''(3) the Trade Representatives has completed the requirements of subsection (d) and section 307(c)(3),

the Trade Representative may at any time determine to take action under section 301(c) to exercise an authorization to suspend concessions or other obligations under Article 22 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (referred to in section 101(d)(16) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(16))).''.

(b) CONFORMING AMENDMENTS.—Chapter 1 of title III of the Trade Act of 1974 (19 U.S.C. 2411 et seq.) is amended—

(1) in section 301(c)(1) (19 U.S.C. 2411(c)(1)), in the matter preceding subparagraph (A), by inserting ''or section 306(c)'' after ''subsection (a) or (b)'';

(2) in section 306(b) (19 U.S.C. 2416(b)), in the subsection heading, by striking ''FURTHER ACTION'' and inserting ''ACTION ON THE BASIS OF MONITORING'';

(3) in section 306(d) (19 U.S.C. 2416(d)), as redesignated by subsection (a)(1), by inserting ''or (c)'' after ''subsection (b)''; and

(4) in section 307(c)(3) (19 U.S.C. 2417(c)(3)), by inserting ''or if a request is submitted to the Trade Representative under section 306(c)(2) to reinstate action,'' after ''under section 301,''.

SEC. 603. TRADE MONITORING.

(a) IN GENERAL.—Chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.) is amended by adding at the end the following:

''SEC. 205. TRADE MONITORING.

''(a) MONITORING TOOL FOR IMPORTS.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, the Commission shall make available on a website of the Commission an import monitoring tool to allow the public access to data on the volume and value of goods imported to the United States for the purpose of assessing whether such data has changed with respect to such goods over a period of time.

''(2) DATA DESCRIBED.—For purposes of the monitoring tool under paragraph (1), the Commission shall use data compiled by the Department of Commerce and such other government data as the Commission considers appropriate.

''(3) PERIODS OF TIME.—The Commission shall ensure that data accessed through the monitoring tool under paragraph (1) includes data for the most recent quarter for which such data are available and previous quarters as the Commission considers practicable.

''(b) MONITORING REPORTS.—

''(1) IN GENERAL.—Not later than 270 days after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, and not less frequently than quarterly thereafter, the Secretary of Commerce shall publish on a website of the Department of Commerce, and notify the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives of the availability of, a monitoring report on changes in the volume and value of trade with respect to imports and exports of goods categorized based on the 6-digit subheading number of the goods under the Harmonized Tariff Schedule of the United States during the most recent quarter for which such data are available and previous quarters as the Secretary considers practicable.

''(2) REQUESTS FOR COMMENT.—Not later than one year after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, the Secretary of Commerce shall solicit through the Federal Register public comment on the monitoring reports described in paragraph (1).

''(c) SUNSET.—The requirements under this section terminate on the date that is seven years after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 (19 U.S.C. 2101 et seq.) is amended by inserting after the item relating to section 204 the following:

''Sec. 205. Trade monitoring.''.

SEC. 604. ESTABLISHMENT OF INTERAGENCY CENTER ON TRADE IMPLEMENTATION, MONITORING, AND ENFORCEMENT.

(a) IN GENERAL.—Section 141 of the Trade Act of 1974 (19 U.S.C. 2171) is amended by adding at the end the following:

''(h) INTERAGENCY CENTER ON TRADE IMPLEMENTATION, MONITORING, AND ENFORCEMENT.—

''(1) ESTABLISHMENT OF CENTER.—There is established in the Office of the United States Trade Representative an Interagency Center on Trade Implementation, Monitoring, and Enforcement (in this section referred to as the 'Center').

''(2) FUNCTIONS OF CENTER.—The Center shall support the activities of the United States Trade Representative in—

''(A) investigating potential disputes under the auspices of the World Trade Organization;

''(B) investigating potential disputes pursuant to bilateral and regional trade agreements to which the United States is a party;

''(C) carrying out the functions of the United States Trade Representative under this section with respect to the monitoring and enforcement of trade agreements to which the United States is a party; and

''(D) monitoring measures taken by parties to implement provisions of trade agreements to which the United States is a party.

''(3) PERSONNEL.—

''(A) DIRECTOR.—The head of the Center shall be a Director, who shall be appointed by the United States Trade Representative.

''(B) ADDITIONAL EMPLOYEES.—A Federal agency may, in consultation with and with the approval of the United States Trade Representative, detail or assign one or more employees to the Center without any reimbursement from the Center to support the functions of the Center.''.

(b) INTERAGENCY RESOURCES.—Section 141(d)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2171(d)(1)(A)) is amended by inserting '', including resources of the Interagency Center on Trade Implementation, Monitoring, and Enforcement established under subsection (h),'' after ''interagency resources''.

(c) REPORTS.—Section 163 of the Trade Act of 1974 (19 U.S.C. 2213) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (J), by striking ''and'' at the end;

(B) in subparagraph (K), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(L) the operation of the Interagency Center on Trade Implementation, Monitoring, and Enforcement established under section 141(h), including—

''(i) information relating to the personnel of the Center, including a description of any employees detailed or assigned to the Center by a Federal agency under paragraph (3)(B) of such section;

''(ii) information relating to the functions of the Center; and

''(iii) an assessment of the operating costs of the Center.''; and

(2) by adding at the end the following:

''(d) QUADRENNIAL PLAN AND REPORT.—

''(1) QUADRENNIAL PLAN.—Pursuant to the goals and objectives of the strategic plan of the Office of the United States Trade Representative as required under section 306 of title 5, United States Code, the Trade Representative shall, every 4 years, develop a plan—

''(A) to analyze internal quality controls and record management of the Office;

''(B) to identify existing staff of the Office and new staff that will be necessary to support the trade negotiation and enforcement functions and powers of the Office (including those functions and powers of the Trade Policy Staff Committee) as described in section 141 and section 301;

''(C) to identify existing staff of the Office and staff in other Federal agencies who will be required to be detailed or assigned to support interagency programs led by the Trade Representative, including any associated expenses;

''(D) to provide an outline of budget justifications, including salaries and expenses as well as nonpersonnel administrative expenses, for the fiscal years required under the strategic plan; and

''(E) to provide an outline of budget justifications, including salaries and expenses as well as nonpersonnel administrative expenses, for interagency programs led by the Trade Representative for the fiscal years required under the strategic plan.

''(2) REPORT.—

''(A) IN GENERAL.—The Trade Representative shall submit to the appropriate congressional committees a report that contains the plan required under paragraph (1). Except as provided in subparagraph (B), the report required under this subparagraph shall be submitted in conjunction with the strategic plan of the Office as required under section 306 of title 5, United States Code.

''(B) EXCEPTION.—The Trade Representative shall submit to the appropriate congressional committees an initial report that contains the plan required under paragraph (1) not later than June 1, 2016.

''(C) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this paragraph, the term 'appropriate congressional committees' means—

''(i) the Committee on Finance and the Committee on Appropriations of the Senate; and

''(ii) the Committee on Ways and Means and the Committee on Appropriations of the House of Representatives.''.

SEC. 605. INCLUSION OF INTEREST IN CERTAIN DISTRIBUTIONS OF ANTIDUMPING DUTIES AND COUNTERVAILING DUTIES.

(a) IN GENERAL.—The Secretary of Homeland Security shall deposit all interest described in subsection (c) into the special account established under section 754(e) of the Tariff Act of 1930 (19 U.S.C. 1675c(e)) (repealed by subtitle F of title VII of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 154)) for inclusion in distributions described in subsection (b) made on or after the date of the enactment of this Act.

(b) DISTRIBUTIONS DESCRIBED.—Distributions described in this subsection are distributions of antidumping duties and countervailing duties assessed on or after October 1, 2000, that are made under section 754 of the Tariff Act of 1930 (19 U.S.C. 1675c) (repealed by subtitle F of title VII of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 154)), with respect to entries of merchandise that—

(1) were made on or before September 30, 2007; and

(2) were, in accordance with section 822 of the Claims Resolution Act of 2010 (19 U.S.C. 1675c note), unliquidated, not in litigation, and not under an order of liquidation from the Department of Commerce on December 8, 2010.

(c) INTEREST DESCRIBED.—

(1) INTEREST REALIZED.—Interest described in this subsection is interest earned on antidumping duties or countervailing duties described in subsection (b) that is realized through application of a payment received on or after October 1, 2014, by U.S. Customs and Border Protection under, or in connection with—

(A) a customs bond pursuant to a court order or judgment; or

(B) a settlement with respect to a customs bond, including any payment made to U.S. Customs and Border Protection with respect to that bond by a surety.

(2) TYPES OF INTEREST.—Interest described in paragraph (1) includes the following:

(A) Interest accrued under section 778 of the Tariff Act of 1930 (19 U.S.C. 1677g).

(B) Interest accrued under section 505(d) of the Tariff Act of 1930 (19 U.S.C. 1505(d)).

(C) Equitable interest under common law and interest under section 963 of the Revised Statutes (19 U.S.C. 580) awarded by a court against a surety under its bond for late payment of antidumping duties, countervailing duties, or interest described in subparagraph (A) or (B).

(d) DEFINITIONS.—In this section:

(1) ANTIDUMPING DUTIES.—The term ''antidumping duties'' means antidumping duties imposed under section 731 of the Tariff Act of 1930 (19 U.S.C. 1673) or under the Antidumping Act, 1921 (title II of the Act of May 27, 1921; 42 Stat. 11, chapter 14).

(2) COUNTERVAILING DUTIES.—The term ''countervailing duties'' means countervailing duties imposed under section 701 of the Tariff Act of 1930 (19 U.S.C. 1671).

SEC. 606. ILLICITLY IMPORTED, EXPORTED, OR TRAFFICKED CULTURAL PROPERTY, ARCHAEOLOGICAL OR ETHNOLOGICAL MATERIALS, AND FISH, WILDLIFE, AND PLANTS.

(a) IN GENERAL.—The Commissioner and the Director of U.S. Immigration and Customs Enforcement shall ensure that appropriate personnel of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, as the case may be, are trained in the detection, identification, detention, seizure, and forfeiture of cultural property, archaeological or ethnological materials, and fish, wildlife, and plants, the importation, exportation, or trafficking of which violates the laws of the United States.

(b) TRAINING.—The Commissioner and the Director are authorized to accept training and other support services from experts outside of the Federal Government with respect to the detection, identification, detention, seizure, and forfeiture of cultural property, archaeological or ethnological materials, or fish, wildlife, and plants described in subsection (a).

SEC. 607. ENFORCEMENT UNDER TITLE III OF THE TRADE ACT OF 1974 WITH RESPECT TO CERTAIN ACTS, POLICIES, AND PRACTICES.

Section 301(d)(3)(B) of the Trade Act of 1974 (19 U.S.C. 2411(d)(3)(B)) is amended—

(1) in clause (ii), by striking ''or'' at the end;

(2) in clause (iii)(V), by striking the period at the end and inserting '', or''; and

(3) by adding at the end the following:

''(iv) constitutes a persistent pattern of conduct by the government of a foreign country under which that government fails to effectively enforce commitments under agreements to which the foreign country and the United States are parties, including with respect to trade in goods, trade in services, trade in agriculture, foreign investment, intellectual property, digital trade in goods and services and cross-border data flows, regulatory practices, state-owned and state-controlled enterprises, localization barriers to trade, labor and the environment, anticorruption, trade remedy laws, textiles, and commercial partnerships.''.

SEC. 608. HONEY TRANSSHIPMENT.

(a) IN GENERAL.—The Commissioner shall direct appropriate personnel and the use of resources of U.S. Customs and Border Protection to address concerns that honey is being imported into the United States in violation of the customs and trade laws of the United States.

(b) COUNTRY OF ORIGIN.—

(1) IN GENERAL.—The Commissioner shall compile a database of the individual characteristics of honey produced in foreign countries to facilitate the verification of country of origin markings of imported honey.

(2) ENGAGEMENT WITH FOREIGN GOVERNMENTS.—The Commissioner shall seek to engage the customs agencies of foreign governments for assistance in compiling the database described in paragraph (1).

(3) CONSULTATION WITH INDUSTRY.—In compiling the database described in paragraph (1), the Commissioner shall consult with entities in the honey industry regarding the development of industry standards for honey identification.

(4) CONSULTATION WITH FOOD AND DRUG ADMINISTRATION.—In compiling the database described in paragraph (1), the Commissioner shall consult with the Commissioner of Food and Drugs.

(c) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall submit to Congress a report that—

(1) describes and assesses the limitations in the existing analysis capabilities of laboratories with respect to determining the country of origin of honey samples or the percentage of honey contained in a sample; and

(2) includes any recommendations of the Commissioner for improving such capabilities.

(d) SENSE OF CONGRESS.—It is the sense of Congress that the Commissioner of Food and Drugs should promptly establish a national standard of identity for honey for the Commissioner of U.S. Customs and Border Protection to use to ensure that imports of honey are—

(1) classified accurately for purposes of assessing duties; and

(2) denied entry into the United States if such imports pose a threat to the health or safety of consumers in the United States.

SEC. 609. ESTABLISHMENT OF CHIEF INNOVATION AND INTELLECTUAL PROPERTY NEGOTIATOR.

(a) IN GENERAL.—Section 141 of the Trade Act of 1974 (19 U.S.C. 2171) is amended—

(1) in subsection (b)(2)—

(A) by striking ''and one Chief Agricultural Negotiator'' and inserting '', one Chief Agricultural Negotiator, and one Chief Innovation and Intellectual Property Negotiator,'';

(B) by striking ''or the Chief Agricultural Negotiator'' and inserting '', the Chief Agricultural Negotiator, or the Chief Innovation and Intellectual Property Negotiator''; and

(C) by striking ''and the Chief Agricultural Negotiator'' and inserting '', the Chief Agricultural Negotiator, and the Chief Innovation and Intellectual Property Negotiator''; and

(2) in subsection (c)—

(A) by moving paragraph (5) 2 ems to the left; and

(B) by adding at the end the following:

''(6) The principal functions of the Chief Innovation and Intellectual Property Negotiator shall be to conduct trade negotiations and to enforce trade agreements relating to United States intellectual property and to take appropriate actions to address acts, policies, and practices of foreign governments that have a significant adverse impact on the value of United States innovation. The Chief Innovation and Intellectual Property Negotiator shall be a vigorous advocate on behalf of United States innovation and intellectual property interests. The Chief Innovation and Intellectual Property Negotiator shall perform such other functions as the United States Trade Representative may direct.''.

(b) COMPENSATION.—Section 5314 of title 5, United States Code is amended by striking ''Chief Agricultural Negotiator.'' and inserting the following:

''Chief Agricultural Negotiator, Office of the United States Trade Representative.

''Chief Innovation and Intellectual Property Negotiator, Office of the United States Trade Representative.''.

(c) REPORT REQUIRED.—Not later than one year after the appointment of the first Chief Innovation and Intellectual Property Negotiator pursuant to paragraph (2) of section 141(b) of the Trade Act of 1974, as amended by subsection (a), and annually thereafter, the United States Trade Representative shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report describing in detail—

(1) enforcement actions taken by the Trade Representative during the one-year period preceding the submission of the report to ensure the protection of United States innovation and intellectual property interests; and

(2) other actions taken by the Trade Representative to advance United States innovation and intellectual property interests.

SEC. 610. MEASURES RELATING TO COUNTRIES THAT DENY ADEQUATE PROTECTION FOR INTELLECTUAL PROPERTY RIGHTS.

(a) INCLUSION OF COUNTRIES THAT DENY ADEQUATE PROTECTION OF TRADE SECRETS.—Section 182(d)(2) of the Trade Act of 1974 (19 U.S.C. 2242(d)(2)) is amended by inserting '', trade secrets,'' after ''copyrights''.

(b) SPECIAL RULES FOR COUNTRIES ON THE PRIORITY WATCH LIST OF THE UNITED STATES TRADE REPRESENTATIVE.—

(1) IN GENERAL.—Section 182 of the Trade Act of 1974 (19 U.S.C. 2242) is amended by striking subsection (g) and inserting the following:

''(g) SPECIAL RULES FOR FOREIGN COUNTRIES ON THE PRIORITY WATCH LIST.—

''(1) ACTION PLANS.—

''(A) IN GENERAL.—Not later than 90 days after the date on which the Trade Representative submits the National Trade Estimate under section 181(b), the Trade Representative shall develop an action plan described in subparagraph (C) with respect to each foreign country described in subparagraph (B).

''(B) FOREIGN COUNTRY DESCRIBED.—The Trade Representative shall develop an action plan under subparagraph (A) with respect to each foreign country that—

''(i) the Trade Representative has identified for placement on the priority watch list; and

''(ii) has remained on such list for at least one year.

''(C) ACTION PLAN DESCRIBED.—An action plan developed under subparagraph (A) shall contain the benchmarks described in subparagraph (D) and be designed to assist the foreign country—

''(i) to achieve—

''(I) adequate and effective protection of intellectual property rights; and

''(II) fair and equitable market access for United States persons that rely upon intellectual property protection; or

''(ii) to make significant progress toward achieving the goals described in clause (i).

''(D) BENCHMARKS DESCRIBED.—The benchmarks contained in an action plan developed pursuant to subparagraph (A) are such legislative, institutional, enforcement, or other actions as the Trade Representative determines to be necessary for the foreign country to achieve the goals described in clause (i) or (ii) of subparagraph (C).

''(2) FAILURE TO MEET ACTION PLAN BENCHMARKS.—If, as of one year after the date on which an action plan is developed under paragraph (1)(A), the President, in consultation with the Trade Representative, determines that the foreign country to which the action plan applies has not substantially complied with the benchmarks described in paragraph (1)(D), the President may take appropriate action with respect to the foreign country.

''(3) PRIORITY WATCH LIST DEFINED.—In this subsection, the term 'priority watch list' means

the priority watch list established by the Trade Representative pursuant to subsection (a).

''(h) ANNUAL REPORT.—Not later than 30 days after the date on which the Trade Representative submits the National Trade Estimate under section 181(b), the Trade Representative shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on actions taken under this section during the 12 months preceding such report, and the reasons for such actions, including—

''(1) a list of any foreign countries identified under subsection (a);

''(2) a description of progress made in achieving improved intellectual property protection and market access for persons relying on intellectual property rights; and

''(3) a description of the action plans developed under subsection (g) and any actions taken by foreign countries under such plans.''.

(2) FUNDING.—

(A) IN GENERAL.—Amounts from the Trade Enforcement Trust Fund established under section 611 may be expended by the United States Trade Representative, only as provided by appropriations Acts, to provide assistance to any developing country to which an action plan applies under section 182(g) of the Trade Act of 1974, as amended by paragraph (1), to facilitate the efforts of the developing country to comply with the benchmarks contained in the action plan. Such assistance may include capacity building, activities designed to increase awareness of intellectual property rights, and training for officials responsible for enforcing intellectual property rights in the developing country.

(B) DEVELOPING COUNTRY DEFINED.—In this paragraph, the term ''developing country'' means a country classified by the World Bank as having a low-income or lower-middle-income economy.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection or the amendment made by this subsection shall be construed as limiting the authority of the President or the United States Trade Representative to develop action plans other than action plans described in section 182(g) of the Trade Act of 1974, as amended by paragraph (1), or to take any action otherwise authorized by law in response to the failure of a foreign country to provide adequate and effective protection and enforcement of intellectual property rights.

SEC. 611. TRADE ENFORCEMENT TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the Trade Enforcement Trust Fund (in this section referred to as the ''Trust Fund''), consisting of amounts transferred to the Trust Fund under subsection (b) and any amounts that may be credited to the Trust Fund under subsection (c).

(b) TRANSFER OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall transfer to the Trust Fund, from the general fund of the Treasury, for each fiscal year that begins on or after the date of the enactment of this Act through fiscal year 2026, an amount equal to $15,000,000 (or a lesser amount as required pursuant to paragraph (2)).

(2) LIMITATION.—The total amount in the Trust Fund at any time may not exceed $30,000,000.

(3) FREQUENCY OF TRANSFERS.—The Secretary shall transfer amounts required to be transferred to the Trust Fund under paragraph (1) not less frequently than quarterly from the general fund of the Treasury to the Trust Fund in a manner that ensures that the total amount in the Trust Fund at the end of the quarter does not exceed the limitation established under paragraph (2).

(c) INVESTMENT OF AMOUNTS.—

(1) INVESTMENT OF AMOUNTS.—The Secretary shall invest such portion of the Trust Fund as is not required to meet current withdrawals in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(2) INTEREST AND PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

(d) AVAILABILITY OF AMOUNTS FROM TRUST FUND.—

(1) IN GENERAL.—The United States Trade Representative shall, on the basis of the advice of the Trade Policy Committee and relevant subordinate bodies of the TPC, use or transfer for the use by Federal agencies represented on the TPC amounts in the Trust Fund, only as provided by appropriations Acts, for making expenditures for any of the following:

(A) To seek to enforce the provisions of and commitments and obligations under the WTO Agreements and free trade agreements to which the United States is a party and resolve any actions by foreign countries that are inconsistent with those provisions, commitments, and obligations.

(B) To monitor and ensure the full implementation by foreign countries of the provisions of and commitments and obligations under free trade agreements to which the United States is a party for purposes of systematically assessing, identifying, investigating, or initiating steps to address inconsistencies with those provisions, commitments, and obligations.

(C) To thoroughly investigate and respond to petitions under section 302 of the Trade Act of 1974 (19 U.S.C. 2412) requesting that action be taken under section 301 of such Act (19 U.S.C. 2411).

(D) To support capacity-building efforts undertaken by the United States pursuant to any free trade agreement to which the United States is a party and to prioritize and give special attention to the timely, consistent, and robust implementation of the commitments and obligations of a party to that free trade agreement, including commitments and obligations related to trade in goods, trade in services, trade in agriculture, foreign investment, intellectual property, digital trade in goods and services and cross-border data flows, regulatory practices, state-owned and state-controlled enterprises, localization barriers to trade, labor and the environment, currency, foreign currency manipulation, anticorruption, trade remedy laws, textiles, and commercial partnerships.

(E) To support capacity-building efforts undertaken by the United States pursuant to any such free trade agreement and to include performance indicators against which the progress and obstacles for the implementation of commitments and obligations can be identified and assessed within a meaningful time frame.

(2) LIMITATION.—Amounts made available in the Trust Fund may not be used to offset costs of conducting negotiations for any free trade agreement to be entered into on or after the date of the enactment of this Act, but may be used to support implementation and capacity building prior to entry into force of a free trade agreement.

(e) REPORT.—Not later than 18 months after the entry into force of any free trade agreement entered into after the date of the enactment of this Act, the United States Trade Representative, in consultation with the Federal agencies represented on the TPC, shall submit to Congress a report on the actions taken under subsection (d) in connection with that agreement.

(f) COMPTROLLER GENERAL STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study that includes the following:

(A) A comprehensive analysis of the trade enforcement expenditures of each Federal agency with responsibilities relating to trade that specifies, with respect to each such Federal agency—

(i) the amounts appropriated for trade enforcement; and

(ii) the number of full-time employees carrying out activities relating to trade enforcement.

(B) Recommendations on the additional employees and resources that each such Federal agency may need to effectively enforce the free trade agreements to which the United States is a party.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study conducted under paragraph (1).

(g) DEFINITIONS.—In this section:

(1) TRADE POLICY COMMITTEE; TPC.—The terms ''Trade Policy Committee'' and ''TPC'' mean the interagency organization established under section 242 of the Trade Expansion Act of 1962 (19 U.S.C. 1872).

(2) WTO.—The term ''WTO'' means the World Trade Organization.

(3) WTO AGREEMENT.—The term ''WTO Agreement'' has the meaning given that term in section 2(9) of the Uruguay Round Agreements Act (19 U.S.C. 3501(9)).

(4) WTO AGREEMENTS.—The term ''WTO Agreements'' means the WTO Agreement and agreements annexed to that Agreement.

TITLE VII—ENGAGEMENT ON CURRENCY EXCHANGE RATE AND ECONOMIC POLICIES

SEC. 701. ENHANCEMENT OF ENGAGEMENT ON CURRENCY EXCHANGE RATE AND ECONOMIC POLICIES WITH CERTAIN MAJOR TRADING PARTNERS OF THE UNITED STATES.

(a) MAJOR TRADING PARTNER REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than once every 180 days thereafter, the Secretary shall submit to the appropriate committees of Congress a report on the macroeconomic and currency exchange rate policies of each country that is a major trading partner of the United States.

(2) ELEMENTS.—

(A) IN GENERAL.—Each report submitted under paragraph (1) shall contain—

(i) for each country that is a major trading partner of the United States—

(I) that country's bilateral trade balance with the United States;

(II) that country's current account balance as a percentage of its gross domestic product;

(III) the change in that country's current account balance as a percentage of its gross domestic product during the 3-year period preceding the submission of the report;

(IV) that country's foreign exchange reserves as a percentage of its short-term debt; and

(V) that country's foreign exchange reserves as a percentage of its gross domestic product; and

(ii) an enhanced analysis of macroeconomic and exchange rate policies for each country that is a major trading partner of the United States that has—

(I) a significant bilateral trade surplus with the United States;

(II) a material current account surplus; and

(III) engaged in persistent one-sided intervention in the foreign exchange market.

(B) ENHANCED ANALYSIS.—Each enhanced analysis under subparagraph (A)(ii) shall include, for each country with respect to which an analysis is made under that subparagraph—

(i) a description of developments in the currency markets of that country, including, to the greatest extent feasible, developments with respect to currency interventions;

(ii) a description of trends in the real effective exchange rate of the currency of that country and in the degree of undervaluation of that currency;

(iii) an analysis of changes in the capital controls and trade restrictions of that country; and

(iv) patterns in the reserve accumulation of that country.

(3) ASSESSMENT FACTORS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall publicly describe the factors

used to assess under paragraph (2)(A)(ii) whether a country has a significant bilateral trade surplus with the United States, has a material current account surplus, and has engaged in persistent one-sided intervention in the foreign exchange market.

(b) ENGAGEMENT ON EXCHANGE RATE AND ECONOMIC POLICIES.—

(1) IN GENERAL.—The President, through the Secretary, shall commence enhanced bilateral engagement with each country for which an enhanced analysis of macroeconomic and currency exchange rate policies is included in the report submitted under subsection (a), in order to, as appropriate—

(A) urge implementation of policies to address the causes of the undervaluation of its currency, its significant bilateral trade surplus with the United States, and its material current account surplus, including undervaluation and surpluses relating to exchange rate management;

(B) express the concern of the United States with respect to the adverse trade and economic effects of that undervaluation and those surpluses;

(C) advise that country of the ability of the President to take action under subsection (c); and/or

(D) develop a plan with specific actions to address that undervaluation and those surpluses.

(2) WAIVER.—

(A) IN GENERAL.—The Secretary may waive the requirement under paragraph (1) to commence enhanced bilateral engagement with a country if the Secretary determines that commencing enhanced bilateral engagement with the country—

(i) would have an adverse impact on the United States economy greater than the benefits of such action; or

(ii) would cause serious harm to the national security of the United States.

(B) CERTIFICATION AND REPORT.—The Secretary shall promptly certify to Congress a determination under subparagraph (A) and promptly submit to Congress a report that describes in detail the reasons for the Secretary's determination under subparagraph (A).

(c) REMEDIAL ACTION.—

(1) IN GENERAL.—If, on or after the date that is one year after the commencement of enhanced bilateral engagement by the President, through the Secretary, with respect to a country under subsection (b)(1), the Secretary determines that the country has failed to adopt appropriate policies to correct the undervaluation and surpluses described in subsection (b)(1)(A) with respect to that country, the President shall take one or more of the following actions:

(A) Prohibit the Overseas Private Investment Corporation from approving any new financing (including any insurance, reinsurance, or guarantee) with respect to a project located in that country on and after such date.

(B) Except as provided in paragraph (3), and pursuant to paragraph (4), prohibit the Federal Government from procuring, or entering into any contract for the procurement of, goods or services from that country on and after such date.

(C) Instruct the United States Executive Director of the International Monetary Fund to call for additional rigorous surveillance of the macroeconomic and exchange rate policies of that country and, as appropriate, formal consultations on findings of currency manipulation.

(D) Instruct the United States Trade Representative to take into account, in consultation with the Secretary, in assessing whether to enter into a bilateral or regional trade agreement with that country or to initiate or participate in negotiations with respect to a bilateral or regional trade agreement with that country, the extent to which that country has failed to adopt appropriate policies to correct the undervaluation and surpluses described in subsection (b)(1)(A).

(2) WAIVER.—

(A) IN GENERAL.—The President may waive the requirement under paragraph (1) to take remedial action if the President determines that taking remedial action under paragraph (1) would—

(i) have an adverse impact on the United States economy greater than the benefits of taking remedial action; or

(ii) would cause serious harm to the national security of the United States.

(B) CERTIFICATION AND REPORT.—The President shall promptly certify to Congress a determination under subparagraph (A) and promptly submit to Congress a report that describes in detail the reasons for the President's determination under subparagraph (A).

(3) EXCEPTION.—The President may not apply a prohibition under paragraph (1)(B) in a manner that is inconsistent with United States obligations under international agreements.

(4) CONSULTATIONS.—

(A) OFFICE OF MANAGEMENT AND BUDGET.—Before applying a prohibition under paragraph (1)(B), the President shall consult with the Director of the Office of Management and Budget to determine whether such prohibition would subject the taxpayers of the United States to unreasonable cost.

(B) CONGRESS.—The President shall consult with the appropriate committees of Congress with respect to any action the President takes under paragraph (1)(B), including whether the President has consulted as required under subparagraph (A).

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance of the Senate; and

(B) the Committee on Financial Services and the Committee on Ways and Means of the House of Representatives.

(2) COUNTRY.—The term ''country'' means a foreign country, dependent territory, or possession of a foreign country, and may include an association of 2 or more foreign countries, dependent territories, or possessions of countries into a customs union outside the United States.

(3) REAL EFFECTIVE EXCHANGE RATE.—The term ''real effective exchange rate'' means a weighted average of bilateral exchange rates, expressed in price-adjusted terms.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

SEC. 702. ADVISORY COMMITTEE ON INTERNATIONAL EXCHANGE RATE POLICY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established an Advisory Committee on International Exchange Rate Policy (in this section referred to as the ''Committee'').

(2) DUTIES.—The Committee shall be responsible for advising the Secretary of the Treasury with respect to the impact of international exchange rates and financial policies on the economy of the United States.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall be composed of 9 members as follows, none of whom shall be employees of the Federal Government:

(A) Three members shall be appointed by the President pro tempore of the Senate, upon the recommendation of the chairmen and ranking members of the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance of the Senate.

(B) Three members shall be appointed by the Speaker of the House of Representatives, upon the recommendation of the chairmen and ranking members of the Committee on Financial Services and the Committee on Ways and Means of the House of Representatives.

(C) Three members shall be appointed by the President.

(2) QUALIFICATIONS.—Members shall be selected under paragraph (1) on the basis of their objectivity and demonstrated expertise in finance, economics, or currency exchange.

(3) TERMS.—

(A) IN GENERAL.—Members shall be appointed for a term of 2 years or until the Committee terminates.

(B) REAPPOINTMENT.—A member may be reappointed to the Committee for additional terms.

(4) VACANCIES.—Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) DURATION OF COMMITTEE.—

(1) IN GENERAL.—The Committee shall terminate on the date that is 2 years after the date of the enactment of this Act unless renewed by the President for a subsequent 2-year period.

(2) CONTINUED RENEWAL.—The President may continue to renew the Committee for successive 2-year periods by taking appropriate action to renew the Committee prior to the date on which the Committee would otherwise terminate.

(d) MEETINGS.—The Committee shall hold not fewer than 2 meetings each calendar year.

(e) CHAIRPERSON.—

(1) IN GENERAL.—The Committee shall elect from among its members a chairperson for a term of 2 years or until the Committee terminates.

(2) REELECTION; SUBSEQUENT TERMS.—A chairperson of the Committee may be reelected chairperson but is ineligible to serve consecutive terms as chairperson.

(f) STAFF.—The Secretary of the Treasury shall make available to the Committee such staff, information, personnel, administrative services, and assistance as the Committee may reasonably require to carry out the activities of the Committee.

(g) APPLICATION OF THE FEDERAL ADVISORY COMMITTEE ACT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

(2) EXCEPTION.—Meetings of the Committee shall be exempt from the requirements of subsections (a) and (b) of section 10 and section 11 of the Federal Advisory Committee Act (relating to open meetings, public notice, public participation, and public availability of documents), whenever and to the extent it is determined by the President or the Secretary of the Treasury that such meetings will be concerned with matters the disclosure of which—

(A) would seriously compromise the development by the Government of the United States of monetary or financial policy; or

(B) is likely to—

(i) lead to significant financial speculation in currencies, securities, or commodities; or

(ii) significantly endanger the stability of any financial institution.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Treasury for each fiscal year in which the Committee is in effect $1,000,000 to carry out this section.

TITLE VIII—MATTERS RELATING TO U.S. CUSTOMS AND BORDER PROTECTION

Subtitle A—Establishment of U.S. Customs and Border Protection

SEC. 801. SHORT TITLE.

This title may be cited as the ''U.S. Customs and Border Protection Authorization Act''.

SEC. 802. ESTABLISHMENT OF U.S. CUSTOMS AND BORDER PROTECTION.

(a) IN GENERAL.—Section 411 of the Homeland Security Act of 2002 (6 U.S.C. 211) is amended to read as follows:

''SEC. 411. ESTABLISHMENT OF U.S. CUSTOMS AND BORDER PROTECTION; COMMISSIONER, DEPUTY COMMISSIONER, AND OPERATIONAL OFFICES.

''(a) IN GENERAL.—There is established in the Department an agency to be known as U.S. Customs and Border Protection.

''(b) COMMISSIONER OF U.S. CUSTOMS AND BORDER PROTECTION.—

''(1) IN GENERAL.—There shall be at the head of U.S. Customs and Border Protection a Commissioner of U.S. Customs and Border Protection (in this section referred to as the 'Commissioner').

''(2) COMMITTEE REFERRAL.—As an exercise of the rulemaking power of the Senate, any nomination for the Commissioner submitted to the Senate for confirmation, and referred to a committee, shall be referred to the Committee on Finance.

''(c) DUTIES.—The Commissioner shall—

''(1) coordinate and integrate the security, trade facilitation, and trade enforcement functions of U.S. Customs and Border Protection;

''(2) ensure the interdiction of persons and goods illegally entering or exiting the United States;

''(3) facilitate and expedite the flow of legitimate travelers and trade;

''(4) direct and administer the commercial operations of U.S. Customs and Border Protection, and the enforcement of the customs and trade laws of the United States;

''(5) detect, respond to, and interdict terrorists, drug smugglers and traffickers, human smugglers and traffickers, and other persons who may undermine the security of the United States, in cases in which such persons are entering, or have recently entered, the United States;

''(6) safeguard the borders of the United States to protect against the entry of dangerous goods;

''(7) ensure the overall economic security of the United States is not diminished by efforts, activities, and programs aimed at securing the homeland;

''(8) in coordination with U.S. Immigration and Customs Enforcement and United States Citizenship and Immigration Services, enforce and administer all immigration laws, as such term is defined in paragraph (17) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)), including—

''(A) the inspection, processing, and admission of persons who seek to enter or depart the United States; and

''(B) the detection, interdiction, removal, departure from the United States, short-term detention, and transfer of persons unlawfully entering, or who have recently unlawfully entered, the United States;

''(9) develop and implement screening and targeting capabilities, including the screening, reviewing, identifying, and prioritizing of passengers and cargo across all international modes of transportation, both inbound and outbound;

''(10) in coordination with the Secretary, deploy technology to collect the data necessary for the Secretary to administer the biometric entry and exit data system pursuant to section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b);

''(11) enforce and administer the laws relating to agricultural import and entry inspection referred to in section 421;

''(12) in coordination with the Under Secretary for Management of the Department, ensure U.S. Customs and Border Protection complies with Federal law, the Federal Acquisition Regulation, and the Department's acquisition management directives for major acquisition programs of U.S. Customs and Border Protection;

''(13) ensure that the policies and regulations of U.S. Customs and Border Protection are consistent with the obligations of the United States pursuant to international agreements;

''(14) enforce and administer—

''(A) the Container Security Initiative program under section 205 of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 945); and

''(B) the Customs–Trade Partnership Against Terrorism program under subtitle B of title II of such Act (6 U.S.C. 961 et seq.);

''(15) conduct polygraph examinations in accordance with section 3(1) of the Anti-Border Corruption Act of 2010 (Public Law 111–376; 124 Stat. 4105);

''(16) establish the standard operating procedures described in subsection (k);

''(17) carry out the training required under subsection (l); and

''(18) carry out other duties and powers prescribed by law or delegated by the Secretary.

''(d) DEPUTY COMMISSIONER.—There shall be in U.S. Customs and Border Protection a Deputy Commissioner who shall assist the Commissioner in the management of U.S. Customs and Border Protection.

''(e) U.S. BORDER PATROL.—

''(1) IN GENERAL.—There is established in U.S. Customs and Border Protection the U.S. Border Patrol.

''(2) CHIEF.—There shall be at the head of the U.S. Border Patrol a Chief, who shall—

''(A) be at the level of Executive Assistant Commissioner within U.S. Customs and Border Protection; and

''(B) report to the Commissioner.

''(3) DUTIES.—The U.S. Border Patrol shall—

''(A) serve as the law enforcement office of U.S. Customs and Border Protection with primary responsibility for interdicting persons attempting to illegally enter or exit the United States or goods being illegally imported into or exported from the United States at a place other than a designated port of entry;

''(B) deter and prevent the illegal entry of terrorists, terrorist weapons, persons, and contraband; and

''(C) carry out other duties and powers prescribed by the Commissioner.

''(f) AIR AND MARINE OPERATIONS.—

''(1) IN GENERAL.—There is established in U.S. Customs and Border Protection an office known as Air and Marine Operations.

''(2) EXECUTIVE ASSISTANT COMMISSIONER.—There shall be at the head of Air and Marine Operations an Executive Assistant Commissioner, who shall report to the Commissioner.

''(3) DUTIES.—Air and Marine Operations shall—

''(A) serve as the law enforcement office within U.S. Customs and Border Protection with primary responsibility to detect, interdict, and prevent acts of terrorism and the unlawful movement of people, illicit drugs, and other contraband across the borders of the United States in the air and maritime environment;

''(B) conduct joint aviation and marine operations with U.S. Immigration and Customs Enforcement;

''(C) conduct aviation and marine operations with international, Federal, State, and local law enforcement agencies, as appropriate;

''(D) administer the Air and Marine Operations Center established under paragraph (4); and

''(E) carry out other duties and powers prescribed by the Commissioner.

''(4) AIR AND MARINE OPERATIONS CENTER.—

''(A) IN GENERAL.—There is established in Air and Marine Operations an Air and Marine Operations Center.

''(B) EXECUTIVE DIRECTOR.—There shall be at the head of the Air and Marine Operations Center an Executive Director, who shall report to the Executive Assistant Commissioner of Air and Marine Operations.

''(C) DUTIES.—The Air and Marine Operations Center shall—

''(i) manage the air and maritime domain awareness of the Department, as directed by the Secretary;

''(ii) monitor and coordinate the airspace for unmanned aerial systems operations of Air and Marine Operations in U.S. Customs and Border Protection;

''(iii) detect, identify, and coordinate a response to threats to national security in the air domain, in coordination with other appropriate agencies, as determined by the Executive Assistant Commissioner;

''(iv) provide aviation and marine support to other Federal, State, tribal, and local agencies; and

''(v) carry out other duties and powers prescribed by the Executive Assistant Commissioner.

''(g) OFFICE OF FIELD OPERATIONS.—

''(1) IN GENERAL.—There is established in U.S. Customs and Border Protection an Office of Field Operations.

''(2) EXECUTIVE ASSISTANT COMMISSIONER.—There shall be at the head of the Office of Field Operations an Executive Assistant Commissioner, who shall report to the Commissioner.

''(3) DUTIES.—The Office of Field Operations shall coordinate the enforcement activities of U.S. Customs and Border Protection at United States air, land, and sea ports of entry to—

''(A) deter and prevent terrorists and terrorist weapons from entering the United States at such ports of entry;

''(B) conduct inspections at such ports of entry to safeguard the United States from terrorism and illegal entry of persons;

''(C) prevent illicit drugs, agricultural pests, and contraband from entering the United States;

''(D) in coordination with the Commissioner, facilitate and expedite the flow of legitimate travelers and trade;

''(E) administer the National Targeting Center established under paragraph (4);

''(F) coordinate with the Executive Assistant Commissioner for the Office of Trade with respect to the trade facilitation and trade enforcement activities of U.S. Customs and Border Protection; and

''(G) carry out other duties and powers prescribed by the Commissioner.

''(4) NATIONAL TARGETING CENTER.—

''(A) IN GENERAL.—There is established in the Office of Field Operations a National Targeting Center.

''(B) EXECUTIVE DIRECTOR.—There shall be at the head of the National Targeting Center an Executive Director, who shall report to the Executive Assistant Commissioner of the Office of Field Operations.

''(C) DUTIES.—The National Targeting Center shall—

''(i) serve as the primary forum for targeting operations within U.S. Customs and Border Protection to collect and analyze traveler and cargo information in advance of arrival in the United States to identify and address security risks and strengthen trade enforcement;

''(ii) identify, review, and target travelers and cargo for examination;

''(iii) coordinate the examination of entry and exit of travelers and cargo;

''(iv) develop and conduct commercial risk assessment targeting with respect to cargo destined for the United States;

''(v) coordinate with the Transportation Security Administration, as appropriate;

''(vi) issue Trade Alerts pursuant to section 111(b) of the Trade Facilitation and Trade Enforcement Act of 2015; and

''(vii) carry out other duties and powers prescribed by the Executive Assistant Commissioner.

''(5) ANNUAL REPORT ON STAFFING.—

''(A) IN GENERAL.—Not later than 30 days after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, and annually thereafter, the Executive Assistant Commissioner shall submit to the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate a report on the staffing model for the Office of Field Operations, including information on how many supervisors, front-line U.S. Customs and Border Protection officers, and support personnel are assigned to each Field Office and port of entry.

''(B) FORM.—The report required under subparagraph (A) shall, to the greatest extent practicable, be submitted in unclassified form, but

may be submitted in classified form, if the Executive Assistant Commissioner determines that such is appropriate and informs the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate of the reasoning for such.

''(h) OFFICE OF INTELLIGENCE.—

''(1) IN GENERAL.—There is established in U.S. Customs and Border Protection an Office of Intelligence.

''(2) ASSISTANT COMMISSIONER.—There shall be at the head of the Office of Intelligence an Assistant Commissioner, who shall report to the Commissioner.

''(3) DUTIES.—The Office of Intelligence shall—

''(A) develop, provide, coordinate, and implement intelligence capabilities into a cohesive intelligence enterprise to support the execution of the duties and responsibilities of U.S. Customs and Border Protection;

''(B) manage the counterintelligence operations of U.S. Customs and Border Protection;

''(C) establish, in coordination with the Chief Intelligence Officer of the Department, as appropriate, intelligence-sharing relationships with Federal, State, local, and tribal agencies and intelligence agencies;

''(D) conduct risk-based covert testing of U.S. Customs and Border Protection operations, including for nuclear and radiological risks; and

''(E) carry out other duties and powers prescribed by the Commissioner.

''(i) OFFICE OF INTERNATIONAL AFFAIRS.—

''(1) IN GENERAL.—There is established in U.S. Customs and Border Protection an Office of International Affairs.

''(2) ASSISTANT COMMISSIONER.—There shall be at the head of the Office of International Affairs an Assistant Commissioner, who shall report to the Commissioner.

''(3) DUTIES.—The Office of International Affairs, in collaboration with the Office of Policy of the Department, shall—

''(A) coordinate and support U.S. Customs and Border Protection's foreign initiatives, policies, programs, and activities;

''(B) coordinate and support U.S. Customs and Border Protection's personnel stationed abroad;

''(C) maintain partnerships and information-sharing agreements and arrangements with foreign governments, international organizations, and United States agencies in support of U.S. Customs and Border Protection's duties and responsibilities;

''(D) provide necessary capacity building, training, and assistance to foreign customs and border control agencies to strengthen border, global supply chain, and travel security, as appropriate;

''(E) coordinate mission support services to sustain U.S. Customs and Border Protection's global activities;

''(F) coordinate with customs authorities of foreign countries with respect to trade facilitation and trade enforcement;

''(G) coordinate U.S. Customs and Border Protection's engagement in international negotiations;

''(H) advise the Commissioner with respect to matters arising in the World Customs Organization and other international organizations as such matters relate to the policies and procedures of U.S. Customs and Border Protection;

''(I) advise the Commissioner regarding international agreements to which the United States is a party as such agreements relate to the policies and regulations of U.S. Customs and Border Protection; and

''(J) carry out other duties and powers prescribed by the Commissioner.

''(j) OFFICE OF PROFESSIONAL RESPONSIBILITY.—

''(1) IN GENERAL.—There is established in U.S. Customs and Border Protection an Office of Professional Responsibility.

''(2) ASSISTANT COMMISSIONER.—There shall be at the head of the Office of Professional Responsibility an Assistant Commissioner, who shall report to the Commissioner.

''(3) DUTIES.—The Office of Professional Responsibility shall—

''(A) investigate criminal and administrative matters and misconduct by officers, agents, and other employees of U.S. Customs and Border Protection;

''(B) manage integrity-related programs and policies of U.S. Customs and Border Protection;

''(C) conduct research and analysis regarding misconduct of officers, agents, and other employees of U.S. Customs and Border Protection; and

''(D) carry out other duties and powers prescribed by the Commissioner.

''(k) STANDARD OPERATING PROCEDURES.—

''(1) IN GENERAL.—The Commissioner shall establish—

''(A) standard operating procedures for searching, reviewing, retaining, and sharing information contained in communication, electronic, or digital devices encountered by U.S. Customs and Border Protection personnel at United States ports of entry;

''(B) standard use of force procedures that officers and agents of U.S. Customs and Border Protection may employ in the execution of their duties, including the use of deadly force;

''(C) uniform, standardized, and publicly-available procedures for processing and investigating complaints against officers, agents, and employees of U.S. Customs and Border Protection for violations of professional conduct, including the timely disposition of complaints and a written notification to the complainant of the status or outcome, as appropriate, of the related investigation, in accordance with section 552a of title 5, United States Code (commonly referred to as the 'Privacy Act' or the 'Privacy Act of 1974');

''(D) an internal, uniform reporting mechanism regarding incidents involving the use of deadly force by an officer or agent of U.S. Customs and Border Protection, including an evaluation of the degree to which the procedures required under subparagraph (B) were followed; and

''(E) standard operating procedures, acting through the Executive Assistant Commissioner for Air and Marine Operations and in coordination with the Office for Civil Rights and Civil Liberties and the Office of Privacy of the Department, to provide command, control, communication, surveillance, and reconnaissance assistance through the use of unmanned aerial systems, including the establishment of—

''(i) a process for other Federal, State, and local law enforcement agencies to submit mission requests;

''(ii) a formal procedure to determine whether to approve or deny such a mission request;

''(iii) a formal procedure to determine how such mission requests are prioritized and coordinated; and

''(iv) a process regarding the protection and privacy of data and images collected by U.S. Customs and Border Protection through the use of unmanned aerial systems.

''(2) REQUIREMENTS REGARDING CERTAIN NOTIFICATIONS.—The standard operating procedures established pursuant to subparagraph (A) of paragraph (1) shall require—

''(A) in the case of a search of information conducted on an electronic device by U.S. Customs and Border Protection personnel, the Commissioner to notify the individual subject to such search of the purpose and authority for such search, and how such individual may obtain information on reporting concerns about such search; and

''(B) in the case of information collected by U.S. Customs and Border Protection through a search of an electronic device, if such information is transmitted to another Federal agency for subject matter assistance, translation, or decryption, the Commissioner to notify the individual subject to such search of such transmission.

''(3) EXCEPTIONS.—The Commissioner may withhold the notifications required under paragraphs (1)(C) and (2) if the Commissioner determines, in the sole and unreviewable discretion of the Commissioner, that such notifications would impair national security, law enforcement, or other operational interests.

''(4) UPDATE AND REVIEW.—The Commissioner shall review and update every three years the standard operating procedures required under this subsection.

''(5) AUDITS.—The Inspector General of the Department of Homeland Security shall develop and annually administer, during each of the three calendar years beginning in the calendar year that begins after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, an auditing mechanism to review whether searches of electronic devices at or between United States ports of entry are being conducted in conformity with the standard operating procedures required under subparagraph (A) of paragraph (1). Such audits shall be submitted to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate and shall include the following:

''(A) A description of the activities of officers and agents of U.S. Customs and Border Protection with respect to such searches.

''(B) The number of such searches.

''(C) The number of instances in which information contained in such devices that were subjected to such searches was retained, copied, shared, or entered in an electronic database.

''(D) The number of such devices detained as the result of such searches.

''(E) The number of instances in which information collected from such devices was subjected to such searches and was transmitted to another Federal agency, including whether such transmissions resulted in a prosecution or conviction.

''(6) REQUIREMENTS REGARDING OTHER NOTIFICATIONS.—The standard use of force procedures established pursuant to subparagraph (B) of paragraph (1) shall require—

''(A) in the case of an incident of the use of deadly force by U.S. Customs and Border Protection personnel, the Commissioner to notify 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 Commissioner to provide to such committees a copy of the evaluation pursuant to subparagraph (D) of such paragraph not later than 30 days after completion of such evaluation.

''(7) REPORT ON UNMANNED AERIAL SYSTEMS.—The Commissioner shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate an annual report, for each of the three calendar years beginning in the calendar year that begins after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, that reviews whether the use of unmanned aerial systems is being conducted in conformity with the standard operating procedures required under subparagraph (E) of paragraph (1). Such reports—

''(A) shall be submitted with the annual budget of the United States Government submitted by the President under section 1105 of title 31, United States Code;

''(B) may be submitted in classified form if the Commissioner determines that such is appropriate; and

''(C) shall include—

''(i) a detailed description of how, where, and for how long data and images collected through the use of unmanned aerial systems by U.S.

Customs and Border Protection are collected and stored; and

''(ii) a list of Federal, State, and local law enforcement agencies that submitted mission requests in the previous year and the disposition of such requests.

''(l) TRAINING.—The Commissioner shall require all officers and agents of U.S. Customs and Border Protection to participate in a specified amount of continuing education (to be determined by the Commissioner) to maintain an understanding of Federal legal rulings, court decisions, and departmental policies, procedures, and guidelines.

''(m) SHORT-TERM DETENTION STANDARDS.—

''(1) ACCESS TO FOOD AND WATER.—The Commissioner shall make every effort to ensure that adequate access to food and water is provided to an individual apprehended and detained at a United States port of entry or between ports of entry as soon as practicable following the time of such apprehension or during subsequent short-term detention.

''(2) ACCESS TO INFORMATION ON DETAINEE RIGHTS AT BORDER PATROL PROCESSING CENTERS.—

''(A) IN GENERAL.—The Commissioner shall ensure that an individual apprehended by a U.S. Border Patrol agent or an Office of Field Operations officer is provided with information concerning such individual's rights, including the right to contact a representative of such individual's government for purposes of United States treaty obligations.

''(B) FORM.—The information referred to in subparagraph (A) may be provided either verbally or in writing, and shall be posted in the detention holding cell in which such individual is being held. The information shall be provided in a language understandable to such individual.

''(3) SHORT-TERM DETENTION DEFINED.—In this subsection, the term 'short-term detention' means detention in a U.S. Customs and Border Protection processing center for 72 hours or less, before repatriation to a country of nationality or last habitual residence.

''(4) DAYTIME REPATRIATION.—When practicable, repatriations shall be limited to daylight hours and avoid locations that are determined to have high indices of crime and violence.

''(5) REPORT ON PROCUREMENT PROCESS AND STANDARDS.—Not later than 180 days after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, the Comptroller General of the United States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the procurement process and standards of entities with which U.S. Customs and Border Protection has contracts for the transportation and detention of individuals apprehended by agents or officers of U.S. Customs and Border Protection. Such report should also consider the operational efficiency of contracting the transportation and detention of such individuals.

''(6) REPORT ON INSPECTIONS OF SHORT-TERM CUSTODY FACILITIES.—The Commissioner shall—

''(A) annually inspect all facilities utilized for short-term detention; and

''(B) make publicly available information collected pursuant to such inspections, including information regarding the requirements under paragraphs (1) and (2) and, where appropriate, issue recommendations to improve the conditions of such facilities.

''(n) WAIT TIMES TRANSPARENCY.—

''(1) IN GENERAL.—The Commissioner shall—

''(A) publish live wait times for travelers entering the United States at the 20 United States airports that support the highest volume of international travel (as determined by available Federal flight data);

''(B) make information about such wait times available to the public in real time through the U.S. Customs and Border Protection website;

''(C) submit to the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate, for each of the five calendar years beginning in the calendar year that begins after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, a report that includes compilations of all such wait times and a ranking of such United States airports by wait times; and

''(D) provide adequate staffing at the U.S. Customs and Border Protection information center to ensure timely access for travelers attempting to submit comments or speak with a representative about their entry experiences.

''(2) CALCULATION.—The wait times referred to in paragraph (1)(A) shall be determined by calculating the time elapsed between an individual's entry into the U.S. Customs and Border Protection inspection area and such individual's clearance by a U.S. Customs and Border Protection officer.

''(o) OTHER AUTHORITIES.—

''(1) IN GENERAL.—The Secretary may establish such other offices or positions of Assistant Commissioners (or other similar officers or officials) as the Secretary determines necessary to carry out the missions, duties, functions, and authorities of U.S. Customs and Border Protection.

''(2) NOTIFICATION.—If the Secretary exercises the authority provided under paragraph (1), the Secretary shall notify the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate not later than 30 days before exercising such authority.

''(p) REPORTS TO CONGRESS.—The Commissioner shall, on and after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, continue to submit to the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate any report required, on the day before such date of enactment, to be submitted under any provision of law.

''(q) OTHER FEDERAL AGENCIES.—Nothing in this section may be construed as affecting in any manner the authority, existing on the day before the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, of any other Federal agency or component of the Department.

''(r) DEFINITIONS.—In this section, the terms 'commercial operations', 'customs and trade laws of the United States', 'trade enforcement', and 'trade facilitation' have the meanings given such terms in section 2 of the Trade Facilitation and Trade Enforcement Act of 2015.''.

(b) SPECIAL RULES.—

(1) TREATMENT.—Section 411 of the Homeland Security Act of 2002, as amended by subsection (a) of this section, shall be treated as if included in such Act as of the date of the enactment of such Act, and, in addition to the functions, missions, duties, and authorities specified in such amended section 411, U.S. Customs and Border Protection shall continue to perform and carry out the functions, missions, duties, and authorities under section 411 of such Act as in existence on the day before the date of the enactment of this Act, and section 415 of the Homeland Security Act of 2002.

(2) RULES OF CONSTRUCTION.—

(A) RULES AND REGULATIONS.—Notwithstanding paragraph (1), nothing in this title or any amendment made by this title may be construed as affecting in any manner any rule or regulation issued or promulgated pursuant to any provision of law, including section 411 of the Homeland Security Act of 2002 as in existence on the day before the date of the enactment of this Act, and any such rule or regulation shall continue to have full force and effect on and after such date.

(B) OTHER ACTIONS.—Notwithstanding paragraph (1), nothing in this Act may be construed as affecting in any manner any action, determination, policy, or decision pursuant to section 411 of the Homeland Security Act of 2002 as in existence on the day before the date of the enactment of this Act, and any such action, determination, policy, or decision shall continue to have full force and effect on and after such date.

(c) CONTINUATION IN OFFICE.—

(1) COMMISSIONER.—The individual serving as the Commissioner of Customs on the day before the date of the enactment of this Act may serve as the Commissioner of U.S. Customs and Border Protection on and after such date of enactment until a Commissioner of U.S. Customs and Border Protection is appointed under section 411 of the Homeland Security Act of 2002, as amended by subsection (a) of this section.

(2) OTHER POSITIONS.—The individual serving as Deputy Commissioner, and the individuals serving as Assistant Commissioners and other officers and officials, under section 411 of the Homeland Security Act of 2002 on the day before the date of the enactment of this Act may serve as the Executive Assistant Commissioners, Deputy Commissioner, Assistant Commissioners, and other officers and officials, as appropriate, under such section 411 as amended by subsection (a) of this section unless the Commissioner of U.S. Customs and Border Protection determines that another individual should hold such position or positions.

(d) REFERENCE.—

(1) TITLE 5.—Section 5314 of title 5, United States Code, is amended by striking ''Commissioner of Customs, Department of Homeland Security'' and inserting ''Commissioner of U.S. Customs and Border Protection, Department of Homeland Security''.

(2) OTHER REFERENCES.—On and after the date of the enactment of this Act, any reference in law or regulations to the ''Commissioner of Customs'' or the ''Commissioner of the Customs Service'' shall be deemed to be a reference to the Commissioner of U.S. Customs and Border Protection.

(e) 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 amended by striking the item relating to section 411 and inserting the following new item:

''Sec. 411. Establishment of U.S. Customs and Border Protection; Commissioner, Deputy Commissioner, and operational offices.''.

(f) REPEALS.—Sections 416 and 418 of the Homeland Security Act of 2002 (6 U.S.C. 216 and 218), and the items relating to such sections in the table of contents in section 1(b) of such Act, are repealed.

(g) CLERICAL AND CONFORMING AMENDMENTS.—

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

(A) in title I—

(i) in section 102(f)(10) (6 U.S.C. 112(f)(10)), by striking ''the Directorate of Border and Transportation Security'' and inserting ''the Commissioner of U.S. Customs and Border Protection''; and

(ii) in section 103(a)(1) (6 U.S.C. 113(a)(1))—

(I) in subparagraph (C), by striking ''An Under Secretary for Border and Transportation Security.'' and inserting ''A Commissioner of U.S. Customs and Border Protection.''; and

(II) in subparagraph (G), by striking ''A Director of the Office of Counternarcotics Enforcement.'' and inserting ''A Director of U.S. Immigration and Customs Enforcement.''; and

(B) in title IV—

*(i) by striking the title heading and inserting ''**BORDER, MARITIME, AND TRANSPORTATION SECURITY**'';*

(ii) in subtitle A—

*(I) by striking the subtitle heading and inserting "**Border, Maritime, and Transportation Security Responsibilities and Functions**"; and*

(II) in section 402 (6 U.S.C. 202)—

*(aa) in the section heading, by striking "**RESPONSIBILITIES**" and inserting "**BORDER, MARITIME, AND TRANSPORTATION RESPONSIBILITIES**"; and*

(bb) by striking ", acting through the Under Secretary for Border and Transportation Security,";

(iii) in subtitle B—

*(I) by striking the subtitle heading and inserting "**U.S. Customs and Border Protection**";*

(II) in section 412(b) (6 U.S.C. 212), by striking "the United States Customs Service" each place it appears and inserting "U.S. Customs and Border Protection";

(III) in section 413 (6 U.S.C. 213), by striking "available to the United States Customs Service or";

(IV) in section 414 (6 U.S.C. 214), by striking "the United States Customs Service" and inserting "U.S. Customs and Border Protection"; and

(V) in section 415 (6 U.S.C. 215)—

(aa) in paragraph (7), by inserting before the colon the following: ", and of U.S. Customs and Border Protection on the day before the effective date of the U.S. Customs and Border Protection Authorization Act"; and

(bb) in paragraph (8), by inserting before the colon the following: ", and of U.S. Customs and Border Protection on the day before the effective date of the U.S. Customs and Border Protection Authorization Act";

(iv) in subtitle C—

(I) by striking section 424 (6 U.S.C. 234) and inserting the following new section:

"SEC. 424. PRESERVATION OF TRANSPORTATION SECURITY ADMINISTRATION AS A DISTINCT ENTITY.

"Notwithstanding any other provision of this Act, the Transportation Security Administration shall be maintained as a distinct entity within the Department."; and

(II) in section 430 (6 U.S.C. 238)—

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

"(a) ESTABLISHMENT.—There is established in the Department an Office for Domestic Preparedness.";

(bb) in subsection (b), by striking the second sentence; and

(cc) in subsection (c)(7), by striking "Directorate" and inserting "Department"; and

(v) in subtitle D—

(I) in section 441 (6 U.S.C. 251)—

*(aa) by striking the section heading and inserting "**TRANSFER OF FUNCTIONS**"; and*

(bb) by striking "Under Secretary for Border and Transportation Security" and inserting "Secretary";

(II) in section 443 (6 U.S.C. 253)—

(aa) in the matter preceding paragraph (1), by striking "Under Secretary for Border and Transportation Security" and inserting "Secretary"; and

(bb) by striking "the Bureau of Border Security" and inserting "U.S. Immigration and Customs Enforcement" each place it appears; and

(III) by amending section 444 (6 U.S.C. 254) to read as follows:

"SEC. 444. EMPLOYEE DISCIPLINE.

"Notwithstanding any other provision of law, the Secretary may impose disciplinary action on any employee of U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection who willfully deceives Congress or agency leadership on any matter.".

(2) CONFORMING AMENDMENTS.—Section 401 of the Homeland Security Act of 2002 (6 U.S.C. 201) is repealed.

(3) CLERICAL AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended—

(A) by striking the item relating to title IV and inserting the following:

"TITLE IV—BORDER, MARITIME, AND TRANSPORTATION SECURITY";

(B) by striking the item relating to subtitle A of title IV and inserting the following:

"Subtitle A—Border, Maritime, and Transportation Security Responsibilities and Functions";

(C) by striking the item relating to section 401;

(D) by striking the item relating to subtitle B of title IV and inserting the following:

"Subtitle B—U.S. Customs and Border Protection";

(E) by striking the item relating to section 441 and inserting the following:

"Sec. 441. Transfer of functions."; and

(F) by striking the item relating to section 442 and inserting the following:

"Sec. 442. U.S. Immigration and Customs Enforcement.".

(h) OFFICE OF TRADE.—

(1) TRADE OFFICES AND FUNCTIONS.—The Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2071 et seq.), is amended by adding at the end the following:

"SEC. 4. OFFICE OF TRADE.

"(a) IN GENERAL.—There is established in U.S. Customs and Border Protection an Office of Trade.

"(b) EXECUTIVE ASSISTANT COMMISSIONER.—There shall be at the head of the Office of Trade an Executive Assistant Commissioner, who shall report to the Commissioner of U.S. Customs and Border Protection.

"(c) DUTIES.—The Office of Trade shall—

"(1) direct the development and implementation, pursuant to the customs and trade laws of the United States, of policies and regulations administered by U.S. Customs and Border Protection;

"(2) advise the Commissioner of U.S. Customs and Border Protection with respect to the impact on trade facilitation and trade enforcement of any policy or regulation otherwise proposed or administered by U.S. Customs and Border Protection;

"(3) coordinate with the Executive Assistant Commissioner for the Office of Field Operations with respect to the trade facilitation and trade enforcement activities of U.S. Customs and Border Protection;

"(4) direct the development and implementation of matters relating to the priority trade issues identified by the Commissioner of U.S. Customs and Border Protection in the joint strategic plan for trade facilitation and trade enforcement required under section 105 of the Trade Facilitation and Trade Enforcement Act of 2015;

"(5) otherwise advise the Commissioner of U.S. Customs and Border Protection with respect to the development and implementation of the joint strategic plan;

"(6) direct the trade enforcement activities of U.S. Customs and Border Protection;

"(7) oversee the trade modernization activities of U.S. Customs and Border Protection, including the development and implementation of the Automated Commercial Environment computer system authorized under section 13031(f)(4) of the Consolidated Omnibus Budget and Reconciliation Act of 1985 (19 U.S.C. 58c(f)(4)) and support for the establishment of the International Trade Data System under the oversight of the Department of the Treasury pursuant to section 411(d) of the Tariff Act of 1930 (19 U.S.C. 1411(d));

"(8) direct the administration of customs revenue functions as otherwise provided by law or delegated by the Commissioner of U.S. Customs and Border Protection; and

"(9) prepare an annual report to be submitted to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not later than June 1, 2016, and March 1 of each calendar year thereafter that includes—

"(A) a summary of the changes to customs policies and regulations adopted by U.S. Customs and Border Protection during the preceding calendar year; and

"(B) a description of the public vetting and interagency consultation that occurred with respect to each such change.

"(d) TRANSFER OF ASSETS, FUNCTIONS, PERSONNEL, OR LIABILITIES; ELIMINATION OF OFFICES.—

"(1) OFFICE OF INTERNATIONAL TRADE.—

"(A) TRANSFER.—Not later than 30 days after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, the Commissioner of U.S. Customs and Border Protection shall transfer the assets, functions, personnel, and liabilities of the Office of International Trade to the Office of Trade established under subsection (b).

"(B) ELIMINATION.—Not later than 30 days after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, the Office of International Trade shall be abolished.

"(C) LIMITATION ON FUNDS.—No funds appropriated to U.S. Customs and Border Protection or the Department of Homeland Security may be used to transfer the assets, functions, personnel, or liabilities of the Office of International Trade to an office other than the Office of Trade established under subsection (a), unless the Commissioner of U.S. Customs and Border Protection notifies the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate of the specific assets, functions, personnel, or liabilities to be transferred, and the reason for the transfer, not less than 90 days prior to the transfer of such assets, functions, personnel, or liabilities.

"(D) OFFICE OF INTERNATIONAL TRADE DEFINED.—In this paragraph, the term 'Office of International Trade' means the Office of International Trade established by section 2 of this Act and as in effect on the day before the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015.

"(2) OTHER TRANSFERS.—

"(A) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection is authorized to transfer any other assets, functions, or personnel within U.S. Customs and Border Protection to the Office of Trade established under subsection (a).

"(B) CONGRESSIONAL NOTIFICATION.—Not less than 90 days prior to the transfer of assets, functions, personnel, or liabilities under subparagraph (A), the Commissioner of U.S. Customs and Border Protection shall notify the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate of the specific assets, functions, personnel, or liabilities to be transferred, and the reason for such transfer.

"(e) DEFINITIONS.—In this section, the terms 'customs and trade laws of the United States', 'trade enforcement', and 'trade facilitation' have the meanings given such terms in section 2 of the Trade Facilitation and Trade Enforcement Act of 2015.".

(2) CONTINUATION IN OFFICE.—The individual serving as the Assistant Commissioner of the Office of International Trade on the day before the date of the enactment of this Act may serve as the Executive Assistant Commissioner of Trade on and after such date of enactment, at the discretion of the Commissioner of U.S. Customs and Border Protection.

(3) CONFORMING AMENDMENTS.—Section 2 of the Act of March 3, 1927 (44. Stat. 1381, chapter 348; 19 U.S.C. 2072), as added by section 402 of the Security and Accountability for Every Port Act of 2006 (Public Law 109–347; 120 Stat. 1924), is amended—

(A) by striking subsection (d); and

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

(i) REPORTS AND ASSESSMENTS.—

(1) REPORT ON BUSINESS TRANSFORMATION INITIATIVE.—Not later than 90 days after the date of the enactment of this Act and annually thereafter for the next five years, the Commissioner shall submit to the Committee on Ways and Means and the Committee on Homeland Security of the House of Representatives and the Committee on Finance and the Committee on Homeland Security and Governmental Affairs of the Senate a report on U.S. Customs and Border Protection's Business Transformation Initiative, including locations where the Initiative is deployed, the types of equipment utilized, a description of protocols and procedures, information on wait times at such locations since deployment, and information regarding the schedule for deployment at new locations.

(2) PORT OF ENTRY INFRASTRUCTURE NEEDS ASSESSMENTS.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall assess the physical infrastructure and technology needs at the 20 busiest land ports of entry (as measured by U.S. Customs and Border Protection) with a particular attention to identify ways to—

(A) improve travel and trade facilitation;

(B) reduce wait times;

(C) improve physical infrastructure and conditions for individuals accessing pedestrian ports of entry;

(D) enter into long-term leases with nongovernmental and private sector entities;

(E) enter into lease-purchase agreements with nongovernmental and private sector entities; and

(F) achieve cost savings through leases described in subparagraphs (D) and (E).

(3) PERSONAL SEARCHES.—Not later than 90 days after the date of the enactment of this Act and annually thereafter for the next three years, the Commissioner shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on supervisor-approved personal searches conducted in the previous year by U.S. Customs and Border Protection personnel. Such report shall include the number of personal searches conducted in each sector and field office, the number of invasive personal searches conducted in each sector and field office, whether personal searches were conducted by Office of Field Operations or U.S. Border Patrol personnel, and how many personal searches resulted in the discovery of contraband.

(j) TRUSTED TRAVELER PROGRAMS.—The Secretary of Homeland Security may not enter into or renew an agreement with the government of a foreign country for a trusted traveler program administered by U.S. Customs and Border Protection unless the Secretary certifies in writing that such government—

(1) routinely submits to INTERPOL for inclusion in INTERPOL's Stolen and Lost Travel Documents database information about lost and stolen passports and travel documents of the citizens and nationals of such country; or

(2) makes available to the United States Government the information described in paragraph (1) through another means of reporting.

(k) AGRICULTURAL SPECIALIST CAREER TRACK.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate a plan to create an agricultural specialist career track within U.S. Customs and Border Protection. Such plan shall include the following:

(1) A description of education, training, experience, and assignments necessary for career progression as an agricultural specialist.

(2) Recruitment and retention goals for agricultural specialists, including a timeline for fulfilling staffing deficits identified in agricultural resource allocation models.

(3) An assessment of equipment and other resources needed to support agricultural specialists.

(4) Any other factors the Commissioner determines appropriate.

(l) SENSE OF CONGRESS REGARDING THE FOREIGN LANGUAGE AWARD PROGRAM.—

(1) FINDINGS.—Congress finds the following:

(A) Congress established the Foreign Language Award Program (FLAP) to incentivize employees at United States ports of entry to utilize their foreign language skills on the job by providing a financial incentive for the use of the foreign language for at least ten percent of their duties after passage of competency tests. FLAP incentivizes the use of more than two dozen languages and has been instrumental in identifying and utilizing U.S. Customs and Border Protection officers and agents who are proficient in a foreign language.

(B) In 1993, Congress provided for dedicated funding for this program by stipulating that certain fees collected by U.S. Customs and Border Protection be used to fund FLAP.

(C) Through FLAP, foreign travelers are aided by having an officer at a port of entry who speaks their language, and U.S. Customs and Border Protection benefits by being able to focus its border security efforts in a more effective manner.

(2) SENSE OF CONGRESS.—It is the sense of Congress that FLAP incentivizes U.S. Customs and Border Protection officers to attain and maintain competency in a foreign language, thereby improving the efficiency of operations for the functioning of U.S. Customs and Border Protection's security mission, making the United States a more welcoming place when foreign travelers find officers can communicate in their language, and helping to expedite traveler processing to reduce wait times.

Subtitle B—Preclearance Operations

SEC. 811. SHORT TITLE.

This subtitle may be cited as the ''Preclearance Authorization Act of 2015''.

SEC. 812. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs, the Committee on Finance, the Committee on Commerce, Science, and Transportation, and the Committee on Appropriations of the Senate; and

(B) the Committee on Homeland Security, the Committee on Ways and Means, and the Committee on Appropriations of the House of Representatives.

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

SEC. 813. ESTABLISHMENT OF PRECLEARANCE OPERATIONS.

Pursuant to section 629 of the Tariff Act of 1930 (19 U.S.C. 1629) and section 103(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1103(a)(7)), and provided that an aviation security preclearance agreement (as defined in section 44901(d)(4)(B) of title 49, United States Code) is in effect, the Secretary may establish and maintain U.S. Customs and Border Protection preclearance operations in a foreign country—

(1) to prevent terrorists, instruments of terrorism, and other security threats from entering the United States;

(2) to prevent inadmissible persons from entering the United States;

(3) to ensure that merchandise destined for the United States complies with applicable laws;

(4) to ensure the prompt processing of persons eligible to travel to the United States; and

(5) to accomplish such other objectives as the Secretary determines are necessary to protect the United States.

SEC. 814. NOTIFICATION AND CERTIFICATION TO CONGRESS.

(a) INITIAL NOTIFICATION.—Not later than 60 days before an agreement with the government of a foreign country to establish U.S. Customs and Border Protection preclearance operations in such foreign country enters into force, the Secretary shall provide the appropriate congressional committees with—

(1) a copy of the agreement to establish such preclearance operations, which shall include—

(A) the identification of the foreign country with which U.S. Customs and Border Protection intends to enter into a preclearance agreement;

(B) the location at which such preclearance operations will be conducted; and

(C) the terms and conditions for U.S. Customs and Border Protection personnel operating at the location;

(2) an assessment of the impact such preclearance operations will have on legitimate trade and travel, including potential impacts on passengers traveling to the United States;

(3) an assessment of the impacts such preclearance operations will have on U.S. Customs and Border Protection domestic port of entry staffing;

(4) country-specific information on the anticipated homeland security benefits associated with establishing such preclearance operations;

(5) information on potential security vulnerabilities associated with commencing such preclearance operations and mitigation plans to address such potential security vulnerabilities;

(6) a U.S. Customs and Border Protection staffing model for such preclearance operations and plans for how such positions would be filled; and

(7) information on the anticipated costs over the 5 fiscal years after the agreement enters into force associated with commencing such preclearance operations.

(b) FURTHER NOTIFICATION RELATING TO PRECLEARANCE OPERATIONS ESTABLISHED AT AIRPORTS.—Not later than 45 days before an agreement with the government of a foreign country to establish U.S. Customs and Border Protection preclearance operations at an airport in such country enters into force, the Secretary, in addition to complying with the notification requirements under subsection (a), shall provide the appropriate congressional committees with—

(1) an estimate of the date on which U.S. Customs and Border Protection intends to establish preclearance operations under such agreement, including any pending caveats that must be resolved before preclearance operations are approved;

(2) the anticipated funding sources for preclearance operations under such agreement, and other funding sources considered;

(3) a homeland security threat assessment for the country in which such preclearance operations are to be established;

(4) information on potential economic, competitive, and job impacts on United States air carriers associated with establishing such preclearance operations;

(5) details on information sharing mechanisms to ensure that U.S. Customs and Border Protection has current information to prevent terrorist and criminal travel; and

(6) other factors that the Secretary determines to be necessary for Congress to comprehensively assess the appropriateness of commencing such preclearance operations.

(c) CERTIFICATIONS RELATING TO PRECLEARANCE OPERATIONS ESTABLISHED AT AIRPORTS.—Not later than 60 days before an agreement with the government of a foreign country to establish U.S. Customs and Border Protection preclearance operations at an airport in such country enters into force, the Secretary, in addition to complying with the notification requirements under subsections (a) and (b), shall provide the appropriate congressional committees with—

(1) a certification that preclearance operations under such preclearance agreement, after considering alternative options, would provide

homeland security benefits to the United States through the most effective means possible;

(2) a certification that preclearance operations within such foreign country will be established under such agreement only if—

(A) at least one United States passenger carrier operates at such airport; and

(B) any United States passenger carriers operating at such airport and desiring to participate in preclearance operations are provided access that is comparable to that of any non-United States passenger carrier operating at that airport;

(3) a certification that the establishment of preclearance operations in such foreign country will not significantly increase customs processing times at United States airports;

(4) a certification that representatives from U.S. Customs and Border Protection consulted with stakeholders, including providers of commercial air service in the United States, employees of such providers, security experts, and such other parties as the Secretary determines to be appropriate; and

(5) a report detailing the basis for the certifications referred to in paragraphs (1) through (4).

(d) AMENDMENT OF EXISTING AGREEMENTS.—Not later than 30 days before a substantially amended preclearance agreement with the government of a foreign country in effect as of the date of the enactment of this Act enters into force, the Secretary shall provide to the appropriate congressional committees—

(1) a copy of the agreement, as amended; and

(2) the justification for such amendment.

(e) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—The Commissioner shall report to the appropriate congressional committees, on a quarterly basis—

(A) the number of U.S. Customs and Border Protection officers, by port, assigned from domestic ports of entry to preclearance operations; and

(B) the number of the positions at domestic ports of entry vacated by U.S. Customs and Border Protection officers described in subparagraph (A) that have been filled by other hired, trained, and equipped U.S. Customs and Border Protection officers.

(2) SUBMISSION.—If the Commissioner has not filled the positions of U.S. Customs and Border Protection officers that were reassigned to preclearance operations and determines that U.S. Customs and Border Protection processing times at domestic ports of entry from which U.S. Customs and Border Protection officers were reassigned to preclearance operations have significantly increased, the Commissioner, not later than 60 days after making such a determination, shall submit to the appropriate congressional committees an implementation plan for reducing processing times at the domestic ports of entry with such increased processing times.

(3) SUSPENSION.—If the Commissioner does not submit the implementation plan described in paragraph (2) to the appropriate congressional committees before the deadline set forth in such paragraph, the Commissioner may not commence preclearance operations at an additional port of entry in any country until such implementation plan is submitted.

(f) CLASSIFIED REPORT.—The report required under subsection (c)(5) may be submitted in classified form if the Secretary determines that such form is appropriate.

SEC. 815. PROTOCOLS.

Section 44901(d)(4) of title 49, United States Code, is amended—

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

(2) by inserting after subparagraph (B) the following:

''(C) RESCREENING REQUIREMENT.—If the Administrator of the Transportation Security Administration determines that the government of a foreign country has not maintained security standards and protocols comparable to those of the United States at airports at which preclearance operations have been established in accordance with this paragraph, the Administrator shall ensure that Transportation Security Administration personnel rescreen passengers arriving from such airports and their property in the United States before such passengers are permitted into sterile areas of airports in the United States.''.

SEC. 816. LOST AND STOLEN PASSPORTS.

The Secretary may not enter into an agreement with the government of a foreign country to establish or maintain U.S. Customs and Border Protection preclearance operations at an airport in such country unless the Secretary certifies to the appropriate congressional committees that such government—

(1) routinely submits information about lost and stolen passports of its citizens and nationals to INTERPOL's Stolen and Lost Travel Document database; or

(2) makes such information available to the United States Government through another comparable means of reporting.

SEC. 817. RECOVERY OF INITIAL U.S. CUSTOMS AND BORDER PROTECTION PRECLEARANCE OPERATIONS COSTS.

(a) COST SHARING AGREEMENTS WITH RELEVANT AIRPORT AUTHORITIES.—The Commissioner may enter into a cost sharing agreement with airport authorities in foreign countries at which preclearance operations are to be established or maintained if—

(1) an executive agreement to establish or maintain such preclearance operations pursuant to the authorities under section 629 of the Tariff Act of 1930 (19 U.S.C. 1629) and section 103(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1103(a)(7)) has been signed, but has not yet entered into force; and

(2) U.S. Customs and Border Protection has incurred, or expects to incur, initial preclearance operations costs in order to establish or maintain preclearance operations under the agreement described in paragraph (1).

(b) CONTENTS OF COST SHARING AGREEMENTS.—

(1) IN GENERAL.—Notwithstanding section 13031(e) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(e)) and section 286(g) of the Immigration and Nationality Act (8 U.S.C. 1356(g)), any cost sharing agreement with an airport authority authorized under subsection (a) may provide for the airport authority's payment to U.S. Customs and Border Protection of its initial preclearance operations costs.

(2) TIMING OF PAYMENTS.—The airport authority's payment to U.S. Customs and Border Protection for its initial preclearance operations costs may be made in advance of the incurrence of the costs or on a reimbursable basis.

(c) ACCOUNT.—

(1) IN GENERAL.—All amounts collected pursuant to any cost sharing agreement authorized under subsection (a)—

(A) shall be credited as offsetting collections to the currently applicable appropriation, account, or fund of U.S. Customs and Border Protection;

(B) shall remain available, until expended, for the purposes for which such appropriation, account, or fund is authorized to be used; and

(C) may be collected and shall be available only to the extent provided in appropriations Acts.

(2) RETURN OF UNUSED FUNDS.—Any advances or reimbursements not used by U.S. Customs and Border Protection may be returned to the relevant airport authority.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to preclude the use of appropriated funds from sources other than the payments collected under this subtitle to pay initial preclearance operation costs.

(d) DEFINED TERM.—

(1) IN GENERAL.—In this section, the term ''initial preclearance operations costs'' means the costs incurred, or expected to be incurred, by U.S. Customs and Border Protection to establish or maintain preclearance operations at an airport in a foreign country, including costs relating to—

(A) hiring, training, and equipping new U.S. Customs and Border Protection officers who will be stationed at United States domestic ports of entry or other U.S. Customs and Border Protection facilities to backfill U.S. Customs and Border Protection officers to be stationed at an airport in a foreign country to conduct preclearance operations; and

(B) visits to the airport authority conducted by U.S. Customs and Border Protection personnel necessary to prepare for the establishment or maintenance of preclearance operations at such airport, including the compensation, travel expenses, and allowances payable to such personnel attributable to such visits.

(2) EXCEPTION.—The costs described in paragraph (1)(A) shall not include the salaries and benefits of new U.S. Customs and Border Protection officers once such officers are permanently stationed at a domestic United States port of entry or other domestic U.S. Customs and Border Protection facility after being hired, trained, and equipped.

(e) RULE OF CONSTRUCTION.—Except as otherwise provided in this section, nothing in this section may be construed as affecting the responsibilities, duties, or authorities of U.S. Customs and Border Protection.

SEC. 818. COLLECTION AND DISPOSITION OF FUNDS COLLECTED FOR IMMIGRATION INSPECTION SERVICES AND PRECLEARANCE ACTIVITIES.

(a) IMMIGRATION AND NATIONALITY ACT.—Section 286(i) of the Immigration and Nationality Act (8 U.S.C. 1356(i)) is amended by striking the last sentence and inserting the following: ''Reimbursements under this subsection may be collected in advance of the provision of such immigration inspection services. Notwithstanding subsection (h)(1)(B), and only to the extent provided in appropriations Acts, any amounts collected under this subsection shall be credited as offsetting collections to the currently applicable appropriation, account, or fund of U.S. Customs and Border Protection, remain available until expended, and be available for the purposes for which such appropriation, account, or fund is authorized to be used.''.

(b) FARM SECURITY AND RURAL INVESTMENT ACT OF 2002.—Section 10412(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8311(b)) is amended to read as follows:

''(b) FUNDS COLLECTED FOR PRECLEARANCE.—Funds collected for preclearance activities—

''(1) may be collected in advance of the provision of such activities;

''(2) shall be credited as offsetting collections to the currently applicable appropriation, account, or fund of U.S. Customs and Border Protection;

''(3) shall remain available until expended;

''(4) shall be available for the purposes for which such appropriation, account, or fund is authorized to be used; and

''(5) may be collected and shall be available only to the extent provided in appropriations Acts.''.

SEC. 819. APPLICATION TO NEW AND EXISTING PRECLEARANCE OPERATIONS.

Except for sections 814(d), 815, 817, and 818, this subtitle shall only apply to the establishment of preclearance operations in a foreign country in which no preclearance operations have been established as of the date of the enactment of this Act.

TITLE IX—MISCELLANEOUS PROVISIONS

SEC. 901. DE MINIMIS VALUE.

(a) FINDINGS.—Congress makes the following findings:

(1) Modernizing international customs is critical for United States businesses of all sizes,

consumers in the United States, and the economic growth of the United States.

(2) Higher thresholds for the value of articles that may be entered informally and free of duty provide significant economic benefits to businesses and consumers in the United States and the economy of the United States through costs savings and reductions in trade transaction costs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States Trade Representative should encourage other countries, through bilateral, regional, and multilateral fora, to establish commercially meaningful de minimis values for express and postal shipments that are exempt from customs duties and taxes and from certain entry documentation requirements, as appropriate.

(c) DE MINIMIS VALUE.—Section 321(a)(2)(C) of the Tariff Act of 1930 (19 U.S.C. 1321(a)(2)(C)) is amended by striking ''$200'' and inserting ''$800''.

(d) EFFECTIVE DATE.—The amendment made by subsection (c) shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 902. CONSULTATION ON TRADE AND CUSTOMS REVENUE FUNCTIONS.

Section 401(c) of the Security and Accountability For Every Port Act of 2006 (6 U.S.C. 115(c)) is amended—

(1) in paragraph (1), by striking ''on Department policies and actions that have'' and inserting ''not later than 30 days after proposing, and not later than 30 days before finalizing, any Department policies, initiatives, or actions that will have''; and

(2) in paragraph (2)(A), by striking ''not later than 30 days prior to the finalization of'' and inserting ''not later than 60 days before proposing, and not later than 60 days before finalizing,''.

SEC. 903. PENALTIES FOR CUSTOMS BROKERS.

(a) IN GENERAL.—Section 641(d)(1) of the Tariff Act of 1930 (19 U.S.C. 1641(d)(1)) is amended—

(1) in subparagraph (E), by striking ''; or'' and inserting a semicolon;

(2) in subparagraph (F), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(G) has been convicted of committing or conspiring to commit an act of terrorism described in section 2332b of title 18, United States Code.''.

(b) TECHNICAL AMENDMENTS.—Section 641 of the Tariff Act of 1930 (19 U.S.C. 1641) is amended—

(1) by striking ''the Customs Service'' each place it appears and inserting ''U.S. Customs and Border Protection'';

(2) in subsection (d)(2)(B), by striking ''The Customs Service'' and inserting ''U.S. Customs and Border Protection''; and

(3) in subsection (g)(2)(B), by striking ''Secretary's notice'' and inserting ''notice under subparagraph (A)''.

SEC. 904. AMENDMENTS TO CHAPTER 98 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES.

(a) ARTICLES EXPORTED AND RETURNED, ADVANCED OR IMPROVED ABROAD.—

(1) IN GENERAL.—U.S. Note 3 to subchapter II of chapter 98 of the Harmonized Tariff Schedule of the United States is amended by adding at the end the following:

''(f)(1) For purposes of subheadings 9802.00.40 and 9802.00.50, fungible articles exported from the United States for the purposes described in such subheadings—

''(A) may be commingled; and

''(B) the origin, value, and classification of such articles may be accounted for using an inventory management method.

''(2) If a person chooses to use an inventory management method under this paragraph with respect to fungible articles, the person shall use the same inventory management method for any other articles with respect to which the person claims fungibility under this paragraph.

''(3) For the purposes of this paragraph—

''(A) the term 'fungible articles' means merchandise or articles that, for commercial purposes, are identical or interchangeable in all situations; and

''(B) the term 'inventory management method' means any method for managing inventory that is based on generally accepted accounting principles.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection applies to articles classifiable under subheading 9802.00.40 or 9802.00.50 of the Harmonized Tariff Schedule of the United States that are entered, or withdrawn from warehouse for consumption, on or after the date that is 60 days after the date of the enactment of this Act.

(b) MODIFICATION OF PROVISIONS RELATING TO RETURNED PROPERTY.—

(1) IN GENERAL.—The article description for heading 9801.00.10 of the Harmonized Tariff Schedule of the United States is amended by inserting after ''exported'' the following: '', or any other products when returned within 3 years after having been exported''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) applies to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 60 days after the date of the enactment of this Act.

(c) DUTY-FREE TREATMENT FOR CERTAIN UNITED STATES GOVERNMENT PROPERTY RETURNED TO THE UNITED STATES.—

(1) IN GENERAL.—Subchapter I of chapter 98 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	9801.00.11	United States Government property, returned to the United States without having been advanced in value or improved in condition by any means while abroad, entered by the United States Government or a contractor to the United States Government, and certified by the importer as United States Government property	Free				''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) applies to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 60 days after the date of the enactment of this Act.

SEC. 905. EXEMPTION FROM DUTY OF RESIDUE OF BULK CARGO CONTAINED IN INSTRUMENTS OF INTERNATIONAL TRAFFIC PREVIOUSLY EXPORTED FROM THE UNITED STATES.

(a) IN GENERAL.—General Note 3(e) of the Harmonized Tariff Schedule of the United States is amended—

(1) in subparagraph (v), by striking ''and'' at the end;

(2) in subparagraph (vi), by adding ''and'' at the end;

(3) by inserting after subparagraph (vi) (as so amended) the following new subparagraph:

''(vii) residue of bulk cargo contained in instruments of international traffic previously exported from the United States,''; and

(4) by adding at the end of the flush text following subparagraph (vii) (as so added) the following: ''For purposes of subparagraph (vii) of this paragraph: The term 'residue' means material of bulk cargo that remains in an instrument of international traffic after the bulk cargo is removed, with a quantity, by weight or volume, not exceeding 7 percent of the bulk cargo, and with no or de minimis value. The term 'bulk cargo' means cargo that is unpackaged and is in either solid, liquid, or gaseous form. The term 'instruments of international traffic' means containers or holders, capable of and suitable for repeated use, such as lift vans, cargo vans, shipping tanks, skids, pallets, caul boards, and cores for textile fabrics, arriving (whether loaded or empty) in use or to be used in the shipment of merchandise in international traffic, and any additional articles or classes of articles that the Commissioner of U.S. Customs and Border Protection designates as instruments of international traffic.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date of the enactment of this Act and apply with respect to residue of bulk cargo contained in instruments of international traffic that are imported into the customs territory of the United States on or after such date of enactment and that previously have been exported from the United States.

SEC. 906. DRAWBACK AND REFUNDS.

(a) ARTICLES MADE FROM IMPORTED MERCHANDISE.—Section 313(a) of the Tariff Act of 1930 (19 U.S.C. 1313(a)) is amended by striking ''the full amount of the duties paid upon the merchandise so used shall be refunded as drawback, less 1 per centum of such duties, except that such'' and inserting ''an amount calculated pursuant to regulations prescribed by the Secretary of the Treasury under subsection (l) shall be refunded as drawback, except that''.

(b) SUBSTITUTION FOR DRAWBACK PURPOSES.—Section 313(b) of the Tariff Act of 1930 (19 U.S.C. 1313(b)) is amended—

(1) by striking ''If imported'' and inserting the following:

''(1) IN GENERAL.—If imported'';

(2) by striking ''and any other merchandise (whether imported or domestic) of the same kind and quality are'' and inserting ''or merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise is'';

(3) by striking ''three years'' and inserting ''5 years'';

(4) by striking ''the receipt of such imported merchandise by the manufacturer or producer of such articles'' and inserting ''the date of importation of such imported merchandise'';

(5) by striking ''an amount of drawback equal to'' and all that follows through the end period and inserting ''an amount calculated pursuant to regulations prescribed by the Secretary of the Treasury under subsection (l), but only if those articles have not been used prior to such exportation or destruction.''; and

(6) by adding at the end the following:

''(2) REQUIREMENTS RELATING TO TRANSFER OF MERCHANDISE.—

''(A) MANUFACTURERS AND PRODUCERS.—Drawback shall be allowed under paragraph (1) with respect to an article manufactured or produced using imported merchandise or other merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise only if the manufacturer or producer of the article received such imported merchandise or such other merchandise, directly or indirectly, from the importer.

''(B) EXPORTERS AND DESTROYERS.—Drawback shall be allowed under paragraph (1) with respect to a manufactured or produced article that is exported or destroyed only if the exporter or destroyer received that article, directly or indirectly, from the manufacturer or producer.

''(C) EVIDENCE OF TRANSFER.—Transfers of merchandise under subparagraph (A) and transfers of articles under subparagraph (B) may be

evidenced by business records kept in the normal course of business and no additional certificates of transfer or manufacture shall be required.

''(3) SUBMISSION OF BILL OF MATERIALS OR FORMULA.—

''(A) IN GENERAL.—Drawback shall be allowed under paragraph (1) with respect to an article manufactured or produced using imported merchandise or other merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise only if the person making the drawback claim submits with the claim a bill of materials or formula identifying the merchandise and article by the 8-digit HTS subheading number and the quantity of the merchandise.

''(B) BILL OF MATERIALS AND FORMULA DEFINED.—In this paragraph, the terms 'bill of materials' and 'formula' mean records kept in the normal course of business that identify each component incorporated into a manufactured or produced article or that identify the quantity of each element, material, chemical, mixture, or other substance incorporated into a manufactured article.

''(4) SPECIAL RULE FOR SOUGHT CHEMICAL ELEMENTS.—

''(A) IN GENERAL.—For purposes of paragraph (1), a sought chemical element may be—

''(i) considered imported merchandise, or merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise, used in the manufacture or production of an article as described in paragraph (1); and

''(ii) substituted for source material containing that sought chemical element, without regard to whether the sought chemical element and the source material are classifiable under the same 8-digit HTS subheading number, and apportioned quantitatively, as appropriate.

''(B) SOUGHT CHEMICAL ELEMENT DEFINED.—In this paragraph, the term 'sought chemical element' means an element listed in the Periodic Table of Elements that is imported into the United States or a chemical compound consisting of those elements, either separately in elemental form or contained in source material.''.

(c) MERCHANDISE NOT CONFORMING TO SAMPLE OR SPECIFICATIONS.—Section 313(c) of the Tariff Act of 1930 (19 U.S.C. 1313(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C)(ii), by striking ''under a certificate of delivery'' each place it appears;

(B) in subparagraph (D)—

(i) by striking ''3'' and inserting ''5''; and

(ii) by striking ''the Customs Service'' and inserting ''U.S. Customs and Border Protection''; and

(C) in the flush text at the end, by striking ''the full amount of the duties paid upon such merchandise, less 1 percent,'' and inserting ''an amount calculated pursuant to regulations prescribed by the Secretary of the Treasury under subsection (l)'';

(2) in paragraph (2), by striking ''the Customs Service'' and inserting ''U.S. Customs and Border Protection''; and

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

''(3) EVIDENCE OF TRANSFERS.—Transfers of merchandise under paragraph (1) may be evidenced by business records kept in the normal course of business and no additional certificates of transfer shall be required.''.

(d) PROOF OF EXPORTATION.—Section 313(i) of the Tariff Act of 1930 (19 U.S.C. 1313(i)) is amended to read as follows:

''(i) PROOF OF EXPORTATION.—A person claiming drawback under this section based on the exportation of an article shall provide proof of the exportation of the article. Such proof of exportation—

''(1) shall establish fully the date and fact of exportation and the identity of the exporter; and

''(2) may be established through the use of records kept in the normal course of business or through an electronic export system of the United States Government, as determined by the Commissioner of U.S. Customs and Border Protection.''.

(e) UNUSED MERCHANDISE DRAWBACK.—Section 313(j) of the Tariff Act of 1930 (19 U.S.C. 1313(j)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), in the matter preceding clause (i)—

(i) by striking ''3-year'' and inserting ''5-year''; and

(ii) by inserting ''and before the drawback claim is filed'' after ''the date of importation''; and

(B) in the flush text at the end, by striking ''99 percent of the amount of each duty, tax, or fee so paid'' and inserting ''an amount calculated pursuant to regulations prescribed by the Secretary of the Treasury under subsection (l)'';

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''paragraph (4)'' and inserting ''paragraphs (4), (5), and (6)'';

(B) in subparagraph (A), by striking ''commercially interchangeable with'' and inserting ''classifiable under the same 8-digit HTS subheading number as'';

(C) in subparagraph (B)—

(i) by striking ''3-year'' and inserting ''5-year''; and

(ii) by inserting ''and before the drawback claim is filed'' after ''the imported merchandise'';

(D) in subparagraph (C)(ii), by striking subclause (II) and inserting the following:

''(II) received the imported merchandise, other merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise, or any combination of such imported merchandise and such other merchandise, directly or indirectly from the person who imported and paid any duties, taxes, and fees imposed under Federal law upon importation or entry and due on the imported merchandise (and any such transferred merchandise, regardless of its origin, will be treated as the imported merchandise and any retained merchandise will be treated as domestic merchandise);''; and

(E) in the flush text at the end—

(i) by striking ''the amount of each such duty, tax, and fee'' and all that follows through ''99 percent of that duty, tax, or fee'' and inserting ''an amount calculated pursuant to regulations prescribed by the Secretary of the Treasury under subsection (l) shall be refunded as drawback''; and

(ii) by striking the last sentence and inserting the following: ''Notwithstanding subparagraph (A), drawback shall be allowed under this paragraph with respect to wine if the imported wine and the exported wine are of the same color and the price variation between the imported wine and the exported wine does not exceed 50 percent. Transfers of merchandise may be evidenced by business records kept in the normal course of business and no additional certificates of transfer shall be required.'';

(3) in paragraph (3)(B), by striking ''the commercially interchangeable merchandise'' and inserting ''merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise''; and

(4) by adding at the end the following:

''(5)(A) For purposes of paragraph (2) and except as provided in subparagraph (B), merchandise may not be substituted for imported merchandise for drawback purposes based on the 8-digit HTS subheading number if the article description for the 8-digit HTS subheading number under which the imported merchandise is classified begins with the term 'other'.

''(B) In cases described in subparagraph (A), merchandise may be substituted for imported merchandise for drawback purposes if—

''(i) the other merchandise and such imported merchandise are classifiable under the same 10-digit HTS statistical reporting number; and

''(ii) the article description for that 10-digit HTS statistical reporting number does not begin with the term 'other'.

''(6)(A) For purposes of paragraph (2), a drawback claimant may use the first 8 digits of the 10-digit Schedule B number for merchandise or an article to determine if the merchandise or article is classifiable under the same 8-digit HTS subheading number as the imported merchandise, without regard to whether the Schedule B number corresponds to more than one 8-digit HTS subheading number.

''(B) In this paragraph, the term 'Schedule B' means the Department of Commerce Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States.''.

(f) LIABILITY FOR DRAWBACK CLAIMS.—Section 313(k) of the Tariff Act of 1930 (19 U.S.C. 1313(k)) is amended to read as follows:

''(k) LIABILITY FOR DRAWBACK CLAIMS.—

''(1) IN GENERAL.—Any person making a claim for drawback under this section shall be liable for the full amount of the drawback claimed.

''(2) LIABILITY OF IMPORTERS.—An importer shall be liable for any drawback claim made by another person with respect to merchandise imported by the importer in an amount equal to the lesser of—

''(A) the amount of duties, taxes, and fees that the person claimed with respect to the imported merchandise; or

''(B) the amount of duties, taxes, and fees that the importer authorized the other person to claim with respect to the imported merchandise.

''(3) JOINT AND SEVERAL LIABILITY.—Persons described in paragraphs (1) and (2) shall be jointly and severally liable for the amount described in paragraph (2).''.

(g) REGULATIONS.—Section 313(l) of the Tariff Act of 1930 (19 U.S.C. 1313(l)) is amended to read as follows:

''(l) REGULATIONS.—

''(1) IN GENERAL.—Allowance of the privileges provided for in this section shall be subject to compliance with such rules and regulations as the Secretary of the Treasury shall prescribe.

''(2) CALCULATION OF DRAWBACK.—

''(A) IN GENERAL.—Not later than the date that is 2 years after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, the Secretary shall prescribe regulations for determining the calculation of amounts refunded as drawback under this section.

''(B) CLAIMS WITH RESPECT TO UNUSED MERCHANDISE.—The regulations required by subparagraph (A) for determining the calculation of amounts refunded as drawback under this section shall provide for a refund of equal to 99 percent of the duties, taxes, and fees paid on the imported merchandise, which were imposed under Federal law upon entry or importation of the imported merchandise, and may require the claim to be based upon the average per unit duties, taxes, and fees as reported on the entry summary line item or, if not reported on the entry summary line item, as otherwise allocated by U.S. Customs and Border Protection, except that where there is substitution of the merchandise, then—

''(i) in the case of an article that is exported, the amount of the refund shall be equal to 99 percent of the lesser of—

''(I) the amount of duties, taxes, and fees paid with respect to the imported merchandise; or

''(II) the amount of duties, taxes, and fees that would apply to the exported article if the exported article were imported; and

''(ii) in the case of an article that is destroyed, the amount of the refund shall be an amount that is—

''(I) equal to 99 percent of the lesser of—

''(aa) the amount of duties, taxes, and fees paid with respect to the imported merchandise; and

''(bb) the amount of duties, taxes, and fees that would apply to the destroyed article if the destroyed article were imported; and

''(II) reduced by the value of materials recovered during destruction as provided in subsection (x).

''(C) CLAIMS WITH RESPECT TO MANUFACTURED ARTICLES INTO WHICH IMPORTED OR SUBSTITUTE MERCHANDISE IS INCORPORATED.—The regulations required by subparagraph (A) for determining the calculation of amounts refunded as drawback under this section shall provide for a refund of equal to 99 percent of the duties, taxes, and fees paid on the imported merchandise incorporated into an article that is exported or destroyed, which were imposed under Federal law upon entry or importation of the imported merchandise incorporated into an article that is exported or destroyed, and may require the claim to be based upon the average per unit duties, taxes, and fees as reported on the entry summary line item, or if not reported on the entry summary line item, as otherwise allocated by U.S. Customs and Border Protection, except that where there is substitution of the imported merchandise, then—

''(i) in the case of an article that is exported, the amount of the refund shall be equal to 99 percent of the lesser of—

''(I) the amount of duties, taxes, and fees paid with respect to the imported merchandise; or

''(II) the amount of duties, taxes, and fees that would apply to the substituted merchandise if the substituted merchandise were imported; and

''(ii) in the case of an article that is destroyed, the amount of the refund shall be an amount that is—

''(I) equal to 99 percent of the lesser of—

''(aa) the amount of duties, taxes, and fees paid with respect to the imported merchandise; and

''(bb) the amount of duties, taxes, and fees that would apply to the substituted merchandise if the substituted merchandise were imported; and

''(II) reduced by the value of materials recovered during destruction as provided in subsection (x).

''(D) EXCEPTIONS.—The calculations set forth in subparagraphs (B) and (C) shall not apply to claims for wine based on subsection (j)(2) and claims based on subsection (p) and instead—

''(i) for any drawback claim for wine based on subsection (j)(2), the amount of the refund shall be equal to 99 percent of the duties, taxes, and fees paid with respect to the imported merchandise, without regard to the limitations in subparagraphs (B)(i) and (B)(ii); and

''(ii) for any drawback claim based on subsection (p), the amount of the refund shall be subject to the limitations set out in paragraph (4) of that subsection and without regard to subparagraph (B)(i), (B)(ii), (C)(i), or (C)(ii).

''(3) STATUS REPORTS ON REGULATIONS.—Not later than the date that is one year after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, and annually thereafter until the regulations required by paragraph (2) are final, the Secretary shall submit to Congress a report on the status of those regulations.''.

(h) SUBSTITUTION OF FINISHED PETROLEUM DERIVATIVES.—Section 313(p) of the Tariff Act of 1930 (19 U.S.C. 1313(p)) is amended—

(1) by striking ''Harmonized Tariff Schedule of the United States'' each place it appears and inserting ''HTS''; and

(2) in paragraph (3)(A)—

(A) in clause (ii)(III), by striking '', as so certified in a certificate of delivery or certificate of manufacture and delivery''; and

(B) in the flush text at the end—

(i) by striking '', so designated on the certificate of delivery or certificate of manufacture and delivery''; and

(ii) by striking the last sentence and inserting the following: ''The party transferring the merchandise shall maintain records kept in the normal course of business to demonstrate the transfer.''.

(i) PACKAGING MATERIAL.—Section 313(q) of the Tariff Act of 1930 (19 U.S.C. 1313(q)) is amended—

(1) in paragraph (1), by striking ''of 99 percent of any duty, tax, or fee imposed under Federal law on such imported material'' and inserting ''in an amount calculated pursuant to regulations prescribed by the Secretary of the Treasury under subsection (l)'';

(2) in paragraph (2), by striking ''of 99 percent of any duty, tax, or fee imposed under Federal law on the imported or substituted merchandise used to manufacture or produce such material'' and inserting ''in an amount calculated pursuant to regulations prescribed by the Secretary of the Treasury under subsection (l)''; and

(3) in paragraph (3), by striking ''they contain'' each place it appears and inserting ''it contains''.

(j) FILING OF DRAWBACK CLAIMS.—Section 313(r) of the Tariff Act of 1930 (19 U.S.C. 1313(r)) is amended—

(1) in paragraph (1)—

(A) by striking the first sentence and inserting the following: ''A drawback entry shall be filed or applied for, as applicable, not later than 5 years after the date on which merchandise on which drawback is claimed was imported.'';

(B) in the second sentence, by striking ''3-year'' and inserting ''5-year''; and

(C) in the third sentence, by striking ''the Customs Service'' and inserting ''U.S. Customs and Border Protection'';

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking ''The Customs Service'' and inserting ''U.S. Customs and Border Protection'';

(ii) in clauses (i) and (ii), by striking ''the Customs Service'' each place it appears and inserting ''U.S. Customs and Border Protection''; and

(iii) in clause (ii)(I), by striking ''3-year'' and inserting ''5-year''; and

(B) in subparagraph (B), by striking ''the periods of time for retaining records set forth in subsection (t) of this section and'' and inserting ''the period of time for retaining records set forth in''; and

(3) by adding at the end the following:

''(4) All drawback claims filed on and after the date that is 2 years after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015 shall be filed electronically.''.

(k) DESIGNATION OF MERCHANDISE BY SUCCESSOR.—Section 313(s) of the Tariff Act of 1930 (19 U.S.C. 1313(s)) is amended—

(1) in paragraph (2), by striking subparagraph (B) and inserting the following:

''(B) subject to paragraphs (5) and (6) of subsection (j), imported merchandise, other merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise, or any combination of such imported merchandise and such other merchandise, that the predecessor received, before the date of succession, from the person who imported and paid any duties, taxes, and fees due on the imported merchandise;''; and

(2) in paragraph (4), by striking ''certifies that'' and all that follows and inserting ''certifies that the transferred merchandise was not and will not be claimed by the predecessor.''.

(l) DRAWBACK CERTIFICATES.—Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended by striking subsection (t).

(m) DRAWBACK FOR RECOVERED MATERIALS.—Section 313(x) of the Tariff Act of 1930 (19 U.S.C. 1313(x)) is amended by striking ''and (c)'' and inserting ''(c), and (j)''.

(n) DEFINITIONS.—Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended by adding at the end the following:

''(z) DEFINITIONS.—In this section:

''(1) DIRECTLY.—The term 'directly' means a transfer of merchandise or an article from one person to another person without any intermediate transfer.

''(2) HTS.—The term 'HTS' means the Harmonized Tariff Schedule of the United States.

''(3) INDIRECTLY.—The term 'indirectly' means a transfer of merchandise or an article from one person to another person with one or more intermediate transfers.''.

(o) RECORDKEEPING.—Section 508(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1508(c)(3)) is amended by striking ''payment'' and inserting ''liquidation''.

(p) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—

(1) IN GENERAL.—Not later than one year after the issuance of the regulations required by subsection (l)(2) of section 313 of the Tariff Act of 1930, as added by subsection (g) of this section, the Comptroller General of the United States shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the modernization of drawback and refunds under section 313 of the Tariff Act of 1930, as amended by this section.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) An assessment of the modernization of drawback and refunds under section 313 of the Tariff Act of 1930, as amended by this section.

(B) A description of drawback claims that were permissible before the effective date provided for in subsection (q) that are not permissible after that effective date and an identification of industries most affected.

(C) A description of drawback claims that were not permissible before the effective date provided for in subsection (q) that are permissible after that effective date and an identification of industries most affected.

(q) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall—

(A) take effect on the date of the enactment of this Act; and

(B) except as provided in paragraph (3), apply to drawback claims filed on or after the date that is 2 years after such date of enactment.

(2) REPORTING OF OPERABILITY OF AUTOMATED COMMERCIAL ENVIRONMENT COMPUTER SYSTEM.—Not later than one year after the date of the enactment of this Act, and not later than 2 years after such date of enactment, the Secretary of the Treasury shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on—

(A) the date on which the Automated Commercial Environment will be ready to process drawback claims; and

(B) the date on which the Automated Export System will be ready to accept proof of exportation under subsection (i) of section 313 of the Tariff Act of 1930, as amended by subsection (d) of this section.

(3) TRANSITION RULE.—During the one-year period beginning on the date that is 2 years after the date of the enactment of this Act, a person may elect to file a claim for drawback under—

(A) section 313 of the Tariff Act of 1930, as amended by this section; or

(B) section 313 of the Tariff Act of 1930, as in effect on the day before the date of the enactment of this Act.

SEC. 907. REPORT ON CERTAIN U.S. CUSTOMS AND BORDER PROTECTION AGREEMENTS.

(a) IN GENERAL.—Not later than one year after entering into an agreement under a program specified in subsection (b), and annually thereafter until the termination of the program, the Commissioner shall submit to the Committee on Finance and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Ways and Means and the

Committee on Homeland Security of the House of Representatives a report that includes the following:

(1) A description of the development of the program, including an identification of the authority under which the program operates.

(2) A description of the type of entity with which U.S. Customs and Border Protection entered into the agreement and the amount that entity reimbursed U.S. Customs and Border Protection under the agreement.

(3) An identification of the type of port of entry to which the agreement relates and an assessment of how the agreement provides economic benefits and security benefits (if applicable) at the port of entry.

(4) A description of the services provided by U.S. Customs and Border Protection under the agreement during the year preceding the submission of the report.

(5) The amount of fees collected under the agreement during that year.

(6) The total operating expenses of the program during that year.

(7) A detailed accounting of how the fees collected under the agreement have been spent during that year.

(8) A summary of any complaints or criticism received by U.S. Customs and Border Protection during that year regarding the agreement.

(9) An assessment of the compliance of the entity described in paragraph (2) with the terms of the agreement.

(10) Recommendations with respect to how activities conducted pursuant to the agreement could function more effectively or better produce economic benefits and security benefits (if applicable).

(11) A summary of the benefits to and challenges faced by U.S. Customs and Border Protection and the entity described in paragraph (2) under the agreement.

(12) If the entity described in paragraph (2) is an operator of an airport—

(A) a detailed account of the revenue collected by U.S. Customs and Border Protection at the airport from—

(i) fees collected under the agreement; and

(ii) fees collected from sources other than under the agreement, including fees paid by passengers and air carriers; and

(B) an assessment of the revenue described in subparagraph (A) compared with the operating costs of U.S. Customs and Border Protection at the airport.

(b) PROGRAM SPECIFIED.—A program specified in this subsection is—

(1) the program for entering into reimbursable fee agreements for the provision of U.S. Customs and Border Protection services established by section 560 of the Department of Homeland Security Appropriations Act, 2013 (division D of Public Law 113–6; 127 Stat. 378);

(2) the pilot program authorizing U.S. Customs and Border Protection to enter into partnerships with private sector and government entities at ports of entry established by section 559 of the Department of Homeland Security Appropriations Act, 2014 (division F of Public Law 113–76; 6 U.S.C. 211 note);

(3) the program under which U.S. Customs and Border Protection collects a fee for the use of customs services at designated facilities under section 236 of the Trade and Tariff Act of 1984 (19 U.S.C. 58b); or

(4) the program established by subtitle B of title VIII of this Act authorizing U.S. Customs and Border Protection to establish preclearance operations in foreign countries.

SEC. 908. CHARTER FLIGHTS.

Section 13031(e)(1) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(e)(1)) is amended—

(1) by striking ''(1) Notwithstanding section 451 of the Tariff Act of 1930 (19 U.S.C. 1451) or any other provision of law (other than paragraph (2))'' and inserting the following:

''(1)(A) Notwithstanding section 451 of the Tariff Act of 1930 (19 U.S.C. 1451) or any other provision of law (other than subparagraph (B) and paragraph (2))''; and

(2) by adding at the end the following:

''(B)(i) An appropriate officer of U.S. Customs and Border Protection may assign a sufficient number of employees of U.S. Customs and Border Protection (if available) to perform services described in clause (ii) for a charter air carrier (as defined in section 40102 of title 49, United States Code) for a charter flight arriving after normal operating hours at an airport that is an established port of entry serviced by U.S. Customs and Border Protection, notwithstanding that overtime funds for those services are not available, if the charter air carrier—

''(I) not later than 4 hours before the flight arrives, specifically requests that such services be provided; and

''(II) pays any overtime fees incurred in connection with such services.

''(ii) Services described in this clause are customs services for passengers and their baggage or any other similar service that could lawfully be performed during regular hours of operation.''.

SEC. 909. UNITED STATES-ISRAEL TRADE AND COMMERCIAL ENHANCEMENT.

(a) FINDINGS.—Congress finds the following:

(1) Israel is America's dependable, democratic ally in the Middle East—an area of paramount strategic importance to the United States.

(2) The United States-Israel Free Trade Agreement formed the modern foundation of the bilateral commercial relationship between the two countries and was the first such agreement signed by the United States with a foreign country.

(3) The United States-Israel Free Trade Agreement has been instrumental in expanding commerce and the strategic relationship between the United States and Israel.

(4) More than $45,000,000,000 in goods and services is traded annually between the two countries, in addition to roughly $10,000,000,000 in United States foreign direct investment in Israel.

(5) The United States continues to look for and find new opportunities to enhance cooperation with Israel, including through the enactment of the United States-Israel Enhanced Security Cooperation Act of 2012 (Public Law 112–150; 22 U.S.C. 8601 et seq.) and the United States-Israel Strategic Partnership Act of 2014 (Public Law 113–296; 128 Stat. 4075).

(6) It has been the policy of the United States Government to combat all elements of the Arab League Boycott of Israel by—

(A) public statements of Administration officials;

(B) enactment of relevant sections of the Export Administration Act of 1979 (50 U.S.C. 4601 et seq.) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)), including sections to ensure foreign persons comply with applicable reporting requirements relating to the Boycott;

(C) enactment of the Tax Reform Act of 1976 (Public Law 94–455; 90 Stat. 1520) that denies certain tax benefits to entities abiding by the Boycott;

(D) ensuring through free trade agreements with Bahrain and Oman that such countries no longer participate in the Boycott; and

(E) ensuring as a condition of membership in the World Trade Organization that Saudi Arabia no longer enforces the secondary or tertiary elements of the Boycott.

(b) STATEMENTS OF POLICY.—Congress—

(1) supports the strengthening of economic cooperation between the United States and Israel and recognizes the tremendous strategic, economic, and technological value of cooperation with Israel;

(2) recognizes the benefit of cooperation with Israel to United States companies, including by improving American competitiveness in global markets;

(3) recognizes the importance of trade and commercial relations to the pursuit and sustainability of peace, and supports efforts to bring together the United States, Israel, the Palestinian territories, and others in enhanced commerce;

(4) opposes politically motivated actions that penalize or otherwise limit commercial relations specifically with Israel, such as boycotts of, divestment from, or sanctions against Israel;

(5) notes that boycotts of, divestment from, and sanctions against Israel by governments, governmental bodies, quasi-governmental bodies, international organizations, and other such entities are contrary to principle of nondiscrimination under the GATT 1994 (as defined in section 2(1)(B) of the Uruguay Round Agreements Act (19 U.S.C. 3501(1)(B)));

(6) encourages the inclusion of politically motivated actions that penalize or otherwise limit commercial relations specifically with Israel such as boycotts of, divestment from, or sanctions against Israel as a topic of discussion at the U.S.-Israel Joint Economic Development Group (JEDG) to support the strengthening of the United States-Israel commercial relationship and combat any commercial discrimination against Israel; and

(7) supports efforts to prevent investigations or prosecutions by governments or international organizations of United States persons solely on the basis of such persons doing business with Israel, with Israeli entities, or in any territory controlled by Israel.

(c) PRINCIPAL TRADE NEGOTIATING OBJECTIVES OF THE UNITED STATES.—

(1) COMMERCIAL PARTNERSHIPS.—Among the principal trade negotiating objectives of the United States for proposed trade agreements with foreign countries regarding commercial partnerships are the following:

(A) To discourage actions by potential trading partners that directly or indirectly prejudice or otherwise discourage commercial activity solely between the United States and Israel.

(B) To discourage politically motivated boycotts of, divestment from, and sanctions against Israel and to seek the elimination of politically motivated nontariff barriers on Israeli goods, services, or other commerce imposed on Israel.

(C) To seek the elimination of state-sponsored unsanctioned foreign boycotts of Israel, or compliance with the Arab League Boycott of Israel, by prospective trading partners.

(2) EFFECTIVE DATE.—This subsection takes effect on the date of the enactment of this Act and applies with respect to negotiations commenced before, on, or after such date of enactment.

(d) REPORT ON POLITICALLY MOTIVATED ACTS OF BOYCOTT OF, DIVESTMENT FROM, AND SANCTIONS AGAINST ISRAEL.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to Congress a report on politically motivated boycotts of, divestment from, and sanctions against Israel.

(2) MATTERS TO BE INCLUDED.—The report required by paragraph (1) shall include the following:

(A) A description of the establishment of barriers to trade, including nontariff barriers, investment, or commerce by foreign countries or international organizations against United States persons operating or doing business in Israel, with Israeli entities, or in Israeli-controlled territories.

(B) A description of specific steps being taken by the United States to encourage foreign countries and international organizations to cease creating such barriers and to dismantle measures already in place, and an assessment of the effectiveness of such steps.

(C) A description of specific steps being taken by the United States to prevent investigations or prosecutions by governments or international organizations of United States persons solely on the basis of such persons doing business with

Israel, with Israeli entities, or in Israeli-controlled territories.

(D) Decisions by foreign persons, including corporate entities and state-affiliated financial institutions, that limit or prohibit economic relations with Israel or persons doing business in Israel or in any territory controlled by Israel.

(e) CERTAIN FOREIGN JUDGMENTS AGAINST UNITED STATES PERSONS.—Notwithstanding any other provision of law, no domestic court shall recognize or enforce any foreign judgment entered against a United States person that conducts business operations in Israel, or any territory controlled by Israel, if the domestic court determines that the foreign judgment is based, in whole or in part, on a determination by a foreign court that the United States person's conducting business operations in Israel or any territory controlled by Israel or with Israeli entities constitutes a violation of law.

(f) DEFINITIONS.—In this section:

(1) BOYCOTT OF, DIVESTMENT FROM, AND SANCTIONS AGAINST ISRAEL.—The term ''boycott of, divestment from, and sanctions against Israel'' means actions by states, nonmember states of the United Nations, international organizations, or affiliated agencies of international organizations that are politically motivated and are intended to penalize or otherwise limit commercial relations specifically with Israel or persons doing business in Israel or in any territory controlled by Israel.

(2) DOMESTIC COURT.—The term ''domestic court'' means a Federal court of the United States, or a court of any State or territory of the United States or of the District of Columbia.

(3) FOREIGN COURT.—The term ''foreign court'' means a court, an administrative body, or other tribunal of a foreign country.

(4) FOREIGN JUDGMENT.—The term ''foreign judgment'' means a final civil judgment rendered by a foreign court.

(5) FOREIGN PERSON.—The term ''foreign person'' means—

(A) an individual who is not a United States person or an alien lawfully admitted for permanent residence into the United States; or

(B) a corporation, partnership, or other nongovernmental entity which is not a United States person.

(6) PERSON.—

(A) IN GENERAL.—The term ''person'' means—

(i) a natural person;

(ii) a corporation, business association, partnership, society, trust, financial institution, insurer, underwriter, guarantor, and any other business organization, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise; and

(iii) any successor to any entity described in clause (ii).

(B) APPLICATION TO GOVERNMENTAL ENTITIES.—The term ''person'' does not include a government or governmental entity that is not operating as a business enterprise.

(7) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a natural person who is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))); or

(B) a corporation or other legal entity that is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in subparagraph (A) own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity.

SEC. 910. ELIMINATION OF CONSUMPTIVE DEMAND EXCEPTION TO PROHIBITION ON IMPORTATION OF GOODS MADE WITH CONVICT LABOR, FORCED LABOR, OR INDENTURED LABOR; REPORT.

(a) ELIMINATION OF CONSUMPTIVE DEMAND EXCEPTION.—

(1) IN GENERAL.—Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) is amended by striking ''The provisions of this section'' and all that follows through ''of the United States.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 15 days after the date of the enactment of this Act.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Commissioner shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on compliance with section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) that includes the following:

(1) The number of instances in which merchandise was denied entry pursuant to that section during the 1-year period preceding the submission of the report.

(2) A description of the merchandise denied entry pursuant to that section.

(3) Such other information as the Commissioner considers appropriate with respect to monitoring and enforcing compliance with that section.

SEC. 911. VOLUNTARY RELIQUIDATIONS BY U.S. CUSTOMS AND BORDER PROTECTION.

Section 501 of the Tariff Act of 1930 (19 U.S.C. 1501) is amended—

(1) in the section heading, by striking ''**THE CUSTOMS SERVICE**'' *and inserting* ''**U.S. CUSTOMS AND BORDER PROTECTION**''*;*

(2) by striking ''the Customs Service'' and inserting ''U.S. Customs and Border Protection''; and

(3) by striking ''on which notice of the original liquidation is given or transmitted to the importer, his consignee or agent'' and inserting ''of the original liquidation''.

SEC. 912. TARIFF CLASSIFICATION OF RECREATIONAL PERFORMANCE OUTERWEAR.

(a) REPEAL.—Section 601 of the Trade Preferences Extension Act of 2015 (Public Law 114–27; 129 Stat. 387) is repealed, and any provision of law amended by such section is restored as if such section had not been enacted into law.

(b) AMENDMENTS TO ADDITIONAL U.S. NOTES.—The additional U.S. notes to chapter 62 of the Harmonized Tariff Schedule of the United States are amended—

(1) in additional U.S. note 2—

(A) by striking ''For the purposes of subheadings'' and all that follows through ''6211.20.15'' and inserting ''For the purposes of subheadings 6201.92.17, 6201.92.35, 6201.93.47, 6201.93.60, 6202.92.05, 6202.92.30, 6202.93.07, 6202.93.48, 6203.41.01, 6203.41.25, 6203.43.03, 6203.43.11, 6203.43.55, 6203.43.75, 6204.61.05, 6204.61.60, 6204.63.02, 6204.63.09, 6204.63.55, 6204.63.75 and 6211.20.15'';

(B) by striking ''(see ASTM designations D 3600-81 and D 3781-79)'' and inserting ''(see current version of ASTM D7017)''; and

(C) by striking ''in accordance with AATCC Test Method 35-1985.'' and inserting ''in accordance with the current version of AATCC Test Method 35.''; and

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

''3. (a) When used in a subheading of this chapter or immediate superior text thereto, the term 'recreational performance outerwear' means trousers (including, but not limited to, ski or snowboard pants, and ski or snowboard pants intended for sale as parts of ski-suits), coveralls, bib and brace overalls, jackets (including, but not limited to, full zip jackets, ski jackets and ski jackets intended for sale as parts of ski-suits), windbreakers and similar articles (including padded, sleeveless jackets), the foregoing of fabrics of cotton, wool, hemp, bamboo, silk or manmade fibers, or a combination of such fibers; that are either water resistant within the meaning of additional U.S. note 2 to this chapter or treated with plastics, or both; with critically sealed seams, and with 5 or more of the following features (as further provided herein):

''(i) insulation for cold weather protection;

''(ii) pockets, at least one of which has a zippered, hook and loop, or other type of closure;

''(iii) elastic, draw cord or other means of tightening around the waist or leg hems, including hidden leg sleeves with a means of tightening at the ankle for trousers and tightening around the waist or bottom hem for jackets;

''(iv) venting, not including grommet(s);

''(v) articulated elbows or knees;

''(vi) reinforcement in one of the following areas: the elbows, shoulders, seat, knees, ankles or cuffs;

''(vii) weatherproof closure at the waist or front;

''(viii) multi-adjustable hood or adjustable collar;

''(ix) adjustable powder skirt, inner protective skirt or adjustable inner protective cuff at sleeve hem;

''(x) construction at the arm gusset that utilizes fabric, design or patterning to allow radial arm movement; or

''(xi) odor control technology.

The term 'recreational performance outerwear' does not include occupational outerwear.

''(b) For purposes of this note, the following terms have the following meanings:

''(i) The term 'treated with plastics' refers to textile fabrics impregnated, coated, covered or laminated with plastics, as described in note 2 to chapter 59.

''(ii) The term 'sealed seams' means seams that have been covered by means of taping, gluing, bonding, cementing, fusing, welding or a similar process so that air and water cannot pass through the seams when tested in accordance with the current version of AATCC Test Method 35.

''(iii) The term 'critically sealed seams' means—

''(A) for jackets, windbreakers and similar articles (including padded, sleeveless jackets), sealed seams that are sealed at the front and back yokes, or at the shoulders, arm holes, or both, where applicable; and

''(B) for trousers, overalls and bib and brace overalls and similar articles, sealed seams that are sealed at the front (up to the zipper or other means of closure) and back rise.

''(iv) The term 'insulation for cold weather protection' means insulation that meets a minimum clo value of 1.5 per ASTM F 2732.

''(v) The term 'venting' refers to closeable or permanent constructed openings in a garment (excluding front, primary zipper closures and grommet(s)) to allow increased expulsion of built-up heat during outdoor activities. In a jacket, such openings are often positioned on the underarm seam of a garment but may also be placed along other seams in the front or back of a garment. In trousers, such openings are often positioned on the inner or outer leg seams of a garment but may also be placed along other seams in the front or back of a garment.

''(vi) The term 'articulated elbows or knees' refers to the construction of a sleeve (or pant leg) to allow improved mobility at the elbow (or knee) through the use of extra seams, darts, gussets or other means.

''(vii) The term 'reinforcement' refers to the use of a double layer of fabric or section(s) of fabric that is abrasion-resistant or otherwise more durable than the face fabric of the garment.

''(viii) The term 'weatherproof closure' means a closure (including, but not limited to, laminated or coated zippers, storm flaps or other weatherproof construction) that has been reinforced or engineered in a manner to reduce the penetration or absorption of moisture or air through an opening in the garment.

''(ix) The term 'multi-adjustable hood or adjustable collar' means, in the case of a hood, a hood into which is incorporated two or more draw cords, adjustment tabs or elastics, or, in the case of a collar, a collar into which is incorporated at least one draw cord, adjustment tab,

elastic or similar component, to allow volume adjustments around a helmet, or the crown of the head, neck or face.

''(x) The terms 'adjustable powder skirt' and 'inner protective skirt' refer to a partial lower inner lining with means of tightening around the waist for additional protection from the elements.

''(xi) The term 'arm gusset' means construction at the arm of a gusset that utilizes an extra fabric piece in the underarm, usually diamond- or triangular-shaped, designed or patterned to allow radial arm movement.

''(xii) The term 'radial arm movement' refers to unrestricted, 180-degree range of motion for the arm while wearing performance outerwear.

''(xiii) The term 'odor control technology' means the incorporation into a fabric or garment of materials, including, but not limited to, activated carbon, silver, copper or any combination thereof, capable of adsorbing, absorbing or reacting with human odors, or effective in reducing the growth of odor-causing bacteria.

''(xiv) The term 'occupational outerwear' means outerwear garments, including uniforms, of a kind principally used in the work place and specially designed to provide protection from work place hazards such as fire, electrical, abrasion or chemical hazards, or impacts, cuts and punctures.

''(c) The importer of goods entered as 'recreational performance outerwear' under a particular subheading of this chapter shall maintain records demonstrating that the entered goods meet the terms of this note, including such information as is necessary to demonstrate the presence of the specific features that render the goods eligible for classification as 'recreational performance outerwear'.''.

(c) TARIFF CLASSIFICATIONS.—Chapter 62 of the Harmonized Tariff Schedule of the United States is amended as follows:

(1)(A) By striking subheadings 6201.91.10 through 6201.91.20 and inserting the following, with the superior text to subheading 6201.91.03 having the same degree of indentation as the article description for subheading 6201.91.10 (as in effect on the day before the effective date of this section):

''		*Recreational performance outerwear:*				
	6201.91.03	*Padded, sleeveless jackets*	*8.5%*	*Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 2.5% (OM)*	*58.5%*	
	6201.91.05	*Other*	*49.7¢/kg + 19.7%*	*Free (AU,BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 14.9¢/kg +5.9% (OM)*	*52.9¢/kg + 58.5%*	
		Other:				
	6201.91.25	*Padded, sleeveless jackets*	*8.5%*	*Free (AU,BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 2.5% (OM)*	*58.5%*	
	6201.91.40	*Other*	*49.7¢/kg + 19.7%*	*Free (AU,BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 14.9¢/kg +5.9% (OM)*	*52.9¢/kg + 58.5%*	''.

(B) The staged reductions in the special rate of duty proclaimed for subheading 6201.91.10 of the Harmonized Tariff Schedule of the United States before the effective date of this section shall apply to subheadings 6201.91.03 and 6201.91.25 of such Schedule, as added by subparagraph (A), on and after such effective date.

(C) The staged reductions in the special rate of duty proclaimed for subheading 6201.91.20 of such Schedule before the effective date of this section shall apply to subheadings 6201.91.05 and 6201.91.40 of such Schedule, as added by subparagraph (A), on and after such effective date.

(2) By striking subheadings 6201.92.10 through 6201.92.20 and inserting the following, with the superior text to subheading 6201.92.05 having the same degree of indentation as the article description for subheading 6201.92.10 (as in effect on the day before the effective date of this section):

''		*Recreational performance outerwear:*				
	6201.92.05	*Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down*	*4.4%*	*Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)*	*60%*	
		Other:				
	6201.92.17	*Water resistant*	*6.2%*	*Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)*	*37.5%*	
	6201.92.19	*Other*	*9.4%*	*Free (AU,BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)*	*90%*	
		Other:				

6201.92.30	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	4.4%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	60%
	Other:			
6201.92.35	Water resistant	6.2%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	37.5%
6201.92.45	Other	9.4%	Free (AU,BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	90%

(3) By striking subheadings 6201.93.10 through 6201.93.35 and inserting the following, with the superior text to subheading 6201.93.15 having the same degree of indentation as the article description for subheading 6201.93.10 (as in effect on the day before the effective date of this section):

"	Recreational performance outerwear:			
6201.93.15	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	4.4%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	60%
	Other:			
6201.93.18	Padded, sleeveless jackets	14.9%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	76%
	Other:			
6201.93.45	Containing 36 percent or more by weight of wool or fine animal hair	49.5¢/kg + 19.6%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	52.9¢/kg + 58.5%
	Other:			
6201.93.47	Water resistant	7.1%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	65%
6201.93.49	Other	27.7%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	90%
	Other:			
6201.93.50	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	4.4%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	60%
	Other:			
6201.93.52	Padded, sleeveless jackets	14.9%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	76%
	Other:			

6201.93.55	Containing 36 percent or more by weight of wool or fine animal hair ...	49.5¢/kg + 19.6%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	52.9¢/kg + 58.5%	
	Other:				
6201.93.60	Water resistant	7.1%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	65%	
6201.93.65	Other	27.7%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	90%	''.

(4) By striking subheadings 6201.99.10 through 6201.99.90 and inserting the following, with the superior text to subheading 6201.99.05 having the same degree of indentation as the article description for subheading 6201.99.10 (as in effect on the day before the effective date of this section):

''	Recreational performance outerwear:				
6201.99.05	Containing 70 percent or more by weight of silk or silk waste	Free		35%	
6201.99.15	Other	4.2%	Free (AU,BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%	
	Other:				
6201.99.50	Containing 70 percent or more by weight of silk or silk waste	Free		35%	
6201.99.80	Other	4.2%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%	''.

(5)(A) By striking subheadings 6202.91.10 through 6202.91.20 and inserting the following, with the superior text to subheading 6202.91.03 having the same degree of indentation as the article description for subheading 6202.91.10 (as in effect on the day before the effective date of this section):

''	Recreational performance outerwear:				
6202.91.03	Padded, sleeveless jackets	14%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 4.2% (OM)	58.5%	
6202.91.15	Other	36¢/kg + 16.3%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 10.8¢/kg + 4.8% (OM).	46.3¢/kg +58.5%	
	Other:				
6202.91.60	Padded, sleeveless jackets	14%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 4.2% (OM)	58.5%	
6202.91.90	Other	36¢/kg + 16.3%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) ... 10.8¢/kg + 4.8% (OM)	46.3¢/kg + 58.5%	''.

(B) The staged reductions in the special rate of duty proclaimed for subheading 6202.91.10 of the Harmonized Tariff Schedule of the United States before the effective date of this section shall apply to subheadings 6202.91.03 and 6202.91.60 of such Schedule, as added by subparagraph (A), on and after such effective date.

(C) The staged reductions in the special rate of duty proclaimed for subheading 6202.91.20 of such Schedule before the effective date of this section shall apply to subheadings 6202.91.15 and 6202.91.90 of such Schedule, as added by subparagraph (A), on and after such effective date.

(6) By striking subheadings 6202.92.10 through 6202.92.20 and inserting the following, with the superior text to subheading 6202.92.03 having the same degree of indentation as the article description for subheading 6202.92.10 (as in effect

on the day before the effective date of this section):

"		*Recreational performance outerwear:*			
	6202.92.03	*Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down*	*4.4%*	*Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)*	*60%*
		Other:			
	6202.92.05	*Water resistant*	*6.2%*	*Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)*	*37.5%*
	6202.92.12	*Other*	*8.9%*	*Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX,OM, P, PA,PE, SG)*	*90%*
		Other:			
	6202.92.25	*Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down*	*4.4%*	*Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)*	*60%*
		Other:			
	6202.92.30	*Water resistant*	*6.2%*	*Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)*	*37.5%*
	6202.92.90	*Other*	*8.9%*	*Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)*	*90%* ".

(7) By striking subheadings 6202.93.10 through 6202.93.50 and inserting the following, with the superior text to subheading 6202.93.01 having the same degree of indentation as the article description for subheading 6202.93.10 (as in effect on the day before the effective date of this section):

"		*Recreational performance outerwear:*			
	6202.93.01	*Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down*	*4.4%*	*Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)*	*60%*
		Other:			
	6202.93.03	*Padded, sleeveless jackets*	*14.9%*	*Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)*	*76%*
		Other:			
	6202.93.05	*Containing 36 percent or more by weight of wool or fine animal hair*	*43.4¢/kg + 19.7%*	*Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)*	*46.3¢/kg + 58.5%*
		Other:			
	6202.93.07	*Water resistant*	*7.1%*	*Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)*	*65%*

6202.93.09	Other	27.7%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	90%	
	Other:				
6202.93.15	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	4.4%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	60%	
	Other:				
6202.93.25	Padded, sleeveless jackets	14.9%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	76%	
	Other:				
6202.93.45	Containing 36 percent or more by weight of wool or fine animal hair	43.4¢/kg + 19.7%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	46.3¢/kg + 58.5%	
	Other:				
6202.93.48	Water resistant	7.1%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	65%	
6202.93.55	Other	27.7%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	90%	''.

(8) By striking subheadings 6202.99.10 through 6202.99.90 and inserting the following, with the superior text to subheading 6202.99.03 having the same degree of indentation as the article description for subheading 6202.99.10 (as in effect on the day before the effective date of this section):

''		Recreational performance outerwear:				
	6202.99.03	Containing 70 percent or more by weight of silk or silk waste	Free		35%	
	6202.99.15	Other	2.8%	Free (AU,BH, CA, CL, CO, E*, IL, JO, KR, MA,MX, OM, P, PA, PE,SG)	35%	
		Other:				
	6202.99.60	Containing 70 percent or more by weight of silk or silk waste	Free		35%	
	6202.99.80	Other	2.8%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%	''.

(9)(A) By striking subheadings 6203.41 through 6203.41.20 and inserting the following, with the article description for subheading 6203.41 having the same degree of indentation as the article description for subheading 6203.41 (as in effect on the day before the effective date of this section):

''	6203.41	Of wool or fine animal hair:				
		Recreational performance outerwear:				
		Trousers, breeches and shorts:				
	6203.41.01	Trousers, breeches, containing elastomeric fiber, water resistant, without belt loops, weighing more than 9 kg per dozen	7.6%	Free (AU, BH, CA, CL, CO,IL, JO,KR, MA,MX, P, PA, PE,SG) 2.2% (OM)	52.9¢/kg + 58.5%	
		Other:				

6203.41.03	Trousers of worsted wool fabric, made of wool yarn having an average fiber diameter of 18.5 microns or less	41.9¢/kg + 16.3%	Free (AU, BH, CA, CL, CO,IL, JO,KR, MA,MX, P, PA, PE,SG) 12.5¢/kg + 4.8% (OM)	52.9¢/kg +58.5%	
6203.41.06	Other	41.9¢/kg + 16.3%	Free (AU, BH, CA, CL, CO,IL, JO,KR, MA,MX, P, PA, PE,SG) 12.5¢/kg + 4.8% (OM)	52.9¢/kg + 58.5%	
6203.41.08	Bib and brace overalls	8.5%	Free (AU, BH, CA, CL, CO,IL, JO,KR, MA,MX, P, PA, PE, SG) 2.5% (OM)	63%	
	Other:				
	Trousers, breeches and shorts:				
6203.41.25	Trousers and breeches, containing elastomeric fiber, water resistant, without belt loops, weighing more than 9 kg per dozen	7.6%	Free (AU, BH, CA, CL, CO,IL, JO,KR, MA,MX, P, PA, PE,SG) 2.2% (OM)	52.9¢/kg +58.5%	
	Other:				
6203.41.30	Trousers of worsted wool fabric, made of wool yarn having an average fiber diameter of 18.5 microns or less	41.9¢/kg +16.3%	Free (AU, BH, CA, CL, CO,IL, JO,KR, MA,MX, P, PA, PE,SG) 12.5¢/kg + 4.8% (OM)	52.9¢/kg +58.5%	
6203.41.60	Other	41.9¢/kg +16.3%	Free (AU, BH, CA, CL, CO,IL, JO,KR, MA,MX, P, PA, PE,SG) 12.5¢/kg + 4.8% (OM)	52.9¢/kg +58.5%	
6203.41.80	Bib and brace overalls	8.5%	Free (AU, BH, CA, CL, CO,IL, JO,KR, MA,MX, P, PA, PE,SG) 2.5% (OM)	63%	''.

(B) The staged reductions in the special rate of duty proclaimed for subheading 6203.41.05 of the Harmonized Tariff Schedule of the United States before the effective date of this section shall apply to subheadings 6203.41.01 and 6203.41.25 of such Schedule, as added by subparagraph (A), on and after such effective date.

(C) The staged reductions in the special rate of duty proclaimed for subheading 6203.41.12 of such Schedule before the effective date of this section shall apply to subheadings 6203.41.03 and 6203.41.30 of such Schedule, as added by subparagraph (A), on and after such effective date.

(D) The staged reductions in the special rate of duty proclaimed for subheading 6203.41.18 of such Schedule before the effective date of this section shall apply to subheadings 6203.41.06 and 6203.41.60 of such Schedule, as added by subparagraph (A), on and after such effective date.

(E) The staged reductions in the special rate of duty proclaimed for subheading 6203.41.20 of such Schedule before the effective date of this section shall apply to subheadings 6203.41.08 and 6203.41.80 of such Schedule, as added by subparagraph (A), on and after such effective date.

(10)(A) By striking subheadings 6203.42.10 through 6203.42.40 and inserting the following, with the superior text to subheading 6203.42.03 having the same degree of indentation as the article description for subheading 6203.42.10 (as in effect on the day before the effective date of this section):

''		Recreational performance outerwear:			
	6203.42.03	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	Free		60%
		Other:			
	6203.42.05	Bib and brace overalls	10.3%	Free (AU,BH, CA, CL,CO, IL, JO,KR, MA,MX,OM, P, PA,PE, SG)	90%

6203.42.07	Other	16.6%	Free (AU,BH, CA, CL,CO, IL, JO, MA,MX,OM, P, PA,PE, SG) 9.9% (KR)	90%
	Other:			
6203.42.17	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	Free		60%
	Other:			
6203.42.25	Bib and brace overalls	10.3%	Free (AU,BH, CA, CL,CO, IL, JO,KR, MA,MX,OM, P, PA,PE, SG)	90%
6203.42.45	Other	16.6%	Free (AU,BH, CA, CL,CO, IL, JO, MA, MX, OM, P, PA,PE, SG) 9.9% (KR)	90% ''.

(B) The staged reductions in the special rate of duty proclaimed for subheading 6203.42.40 of the Harmonized Tariff Schedule of the United States before the effective date of this section shall apply to subheadings 6203.42.07 and 6203.42.45 of such Schedule, as added by subparagraph (A), on and after such effective date.

(11)(A) By striking subheadings 6203.43.10 through 6203.43.40 and inserting the following, with the superior text to subheading 6203.43.01 having the same degree of indentation as the article description for subheading 6203.43.10 (as in effect on the day before the effective date of this section):

''	Recreational performance outerwear:			
6203.43.01	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	Free		60%
	Other:			
	Bib and brace overalls:			
6203.43.03	Water resistant	7.1%	Free (AU,BH, CA, CL, CO, IL, JO, KR, MA,MX,OM, P, PA,PE,SG)	65%
6203.43.05	Other	14.9%	Free (AU,BH, CA, CL, CO, IL, JO, KR, MA, MX,OM, P, PA, PE,SG)	76%
	Other:			
6203.43.09	Containing 36 percent or more by weight of wool or fine animal hair	49.6¢/kg + 19.7%	Free (AU,BH, CA, CL, CO, IL, JO, KR, MA, MX,OM, P, PA,PE,SG)	52.9¢/kg + 58.5%
	Other:			
6203.43.11	Water resistant trousers or breeches	7.1%	Free (AU,BH, CA, CL, CO, IL, JO, MA, MX,OM, P, PA,PE,SG) 1.4% (KR)	65%
6203.43.13	Other	27.9%	Free (AU,BH, CA, CL, CO, IL, JO, MA, MX,OM, P, PA, PE,SG) 5.5% (KR)	90%
	Other:			
6203.43.45	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	Free		60%
	Other:			
	Bib and brace overalls:			

6203.43.55	Water resistant	7.1%	Free (AU,BH, CA, CL, CO, IL, JO, KR, MA, MX,OM, P, PA, PE,SG)	65%	
6203.43.60	Other	14.9%	Free (AU,BH, CA, CL, CO,IL,JO, KR, MA, MX,OM, P, PA, PE,SG)	76%	
	Other:				
6203.43.65	Certified hand-loomed and folklore products	12.2%	Free (AU,BH, CA, CL, CO, IL, JO, KR, MA, MX,OM, P, PA, PE,SG)	76%	
	Other:				
6203.43.70	Containing 36 percent or more by weight of wool or fine animal hair	49.6¢/kg + 19.7%	Free (AU,BH, CA, CL, CO, IL, JO, KR, MA, MX,OM, P, PA, PE,SG)	52.9¢/kg + 58.5%	
	Other:				
6203.43.75	Water resistant trousers or breeches	7.1%	Free (AU,BH, CA, CL, CO, IL, JO, MA, MX,OM, P, PA,PE,SG) 1.4% (KR)	65%	
6203.43.90	Other	27.9%	Free (AU,BH, CA, CL, CO, IL, JO, MA, MX,OM, P, PA, PE,SG) 5.5% (KR)	90%	''.

(B) The staged reductions in the special rate of duty proclaimed for subheading 6203.43.35 of the Harmonized Tariff Schedule of the United States before the effective date of this section shall apply to subheadings 6203.43.11 and 6203.43.75 of such Schedule, as added by subparagraph (A), on and after such effective date.

(C) The staged reductions in the special rate of duty proclaimed for subheading 6203.43.40 of such Schedule before the effective date of this section shall apply to subheadings 6203.43.13 and 6203.43.90 of such Schedule, as added by subparagraph (A), on and after such effective date.

(12)(A) By striking subheadings 6203.49.10 through 6203.49.80 and the immediate superior text to subheading 6203.49.10, and inserting the following, with the superior text to subheading 6203.49.01 having the same degree of indentation as the article description for subheading 6203.49.10 (as in effect on the day before the effective date of this section):

''		Recreational performance outerwear:			
		Of artificial fibers:			
	6203.49.01	Bib and brace overalls	8.5%	Free (AU,BH, CA, CL, CO, IL,JO, KR, MA, MX,OM, P, PA,PE, SG)	76%
	6203.49.05	Trousers, breeches and shorts	27.9%	Free (AU,BH, CA, CL, CO, IL,JO, KR, MA, MX,OM, P,PA,PE, SG)	90%
		Of other textile materials:			
	6203.49.07	Containing 70 percent or more by weight of silk or silk waste	Free		35%
	6203.49.09	Other	2.8%	Free (AU,BH, CA, CL, CO, E*, IL, JO,MA, MX,OM, P, PA,PE, SG) 0.5% (KR)	35%
		Other:			
		Of artificial fibers:			
	6203.49.25	Bib and brace overalls	8.5%	Free (AU,BH, CA, CL, CO, IL,JO, KR, MA, MX,OM, P, PA,PE, SG)	76%
		Trousers, breeches and shorts:			

6203.49.35	Certified hand-loomed and folklore products	12.2%	Free (AU,BH, CA, CL, CO, IL,JO, KR, MA, MX,OM, P,PA,PE, SG)	76%
6203.49.50	Other	27.9%	Free (AU,BH, CA, CL, CO, IL,JO, KR, MA, MX,OM, P,PA,PE, SG)	90%
	Of other textile materials:			
6203.49.60	Containing 70 percent or more by weight of silk or silk waste	Free		35%
6203.49.90	Other	2.8%	Free (AU,BH, CA, CL, CO, E*, IL, JO,MA, MX,OM, P,PA,PE, SG) 0.5% (KR)	35%

''.

(B) The staged reductions in the special rate of duty proclaimed for subheading 6203.49.80 of the Harmonized Tariff Schedule of the United States before the effective date of this section shall apply to subheadings 6203.49.09 and 6203.49.90 of such Schedule, as added by subparagraph (A), on and after such effective date.

(13)(A) By striking subheadings 6204.61.10 through 6204.61.90 and inserting the following, with the superior text to subheading 6204.61.05 having the same degree of indentation as the article description for subheading 6204.61.10 (as in effect on the day before the effective date of this section):

''

	Recreational performance outerwear:			
6204.61.05	Trousers and breeches, containing elastomeric fiber, water resistant, without belt loops, weighing more than 6 kg per dozen	7.6%	Free (AU,BH, CA, CL, CO, IL,JO, KR, MA, MX, P, PA, PE, SG) 2.2% (OM)	58.5%
6204.61.15	Other	13.6%	Free (AU,BH, CA, CL, CO, IL,JO, KR, MA, MX, P, PA, PE, SG) 4% (OM)	58.5%
	Other:			
6204.61.60	Trousers and breeches, containing elastomeric fiber, water resistant, without belt loops, weighing more than 6 kg per dozen	7.6%	Free (AU,BH, CA, CL, CO, IL,JO, KR, MA, MX, P, PA, PE, SG) 2.2% (OM)	58.5%
6204.61.80	Other	13.6%	Free (AU,BH, CA, CL, CO, IL,JO, KR, MA, MX, P, PA, PE, SG) 4% (OM)	58.5%

''.

(B) The staged reductions in the special rate of duty proclaimed for subheading 6204.61.10 of the Harmonized Tariff Schedule of the United States before the effective date of this section shall apply to subheadings 6204.61.05 and 6204.61.60 of such Schedule, as added by subparagraph (A), on and after such effective date.

(C) The staged reductions in the special rate of duty proclaimed for subheading 6204.61.90 of such Schedule before the effective date of this section shall apply to subheadings 6204.61.15 and 6204.61.80 of such Schedule, as added by subparagraph (A), on and after such effective date.

(14)(A) By striking subheadings 6204.62.10 through 6204.62.40 and inserting the following, with the superior text to subheading 6204.62.03 having the same degree of indentation as the article description for subheading 6204.62.10 (as in effect on the day before the effective date of this section):

''

	Recreational performance outerwear:			
6204.62.03	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	Free		60%
	Other:			
6204.62.05	Bib and brace overalls	8.9%	Free (AU,BH, CA, CL,CO, IL, JO,KR, MA,MX, OM, P, PA, PE, SG)	90%

6204.62.15	Other	16.6%	Free (AU,BH, CA, CL,CO, IL, JO, MA, MX,OM, P, PA,PE, SG) 9.9% (KR)	90%	
	Other:				
6204.62.50	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	Free		60%	
	Other:				
6204.62.60	Bib and brace overalls	8.9%	Free (AU,BH, CA, CL,CO, IL, JO,KR, MA,MX, OM, P, PA, PE, SG)	90%	
	Other:				
6204.62.70	Certified hand-loomed and folklore products	7.1%	Free (AU,BH, CA, CL,CO, E, IL, JO,KR, MA,MX, OM, P, PA, PE, SG)	37.5%	
6204.62.80	Other	16.6%	Free (AU,BH, CA, CL,CO, IL, JO, MA, MX,OM, P, PA,PE, SG) 9.9% (KR)	90%	''.

(B) The staged reductions in the special rate of duty proclaimed for subheading 6204.62.40 of the Harmonized Tariff Schedule of the United States before the effective date of this section shall apply to subheadings 6204.62.15 and 6204.62.80 of such Schedule, as added by subparagraph (A), on and after such effective date.

(15)(A) By striking subheadings 6204.63.10 through 6204.63.35 and inserting the following, with the superior text to subheading 6204.63.01 having the same degree of indentation as the article description for subheading 6204.63.10 (as in effect on the day before the effective date of this section):

''	Recreational performance outerwear:				
6204.63.01	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	Free		60%	
	Other:				
	Bib and brace overalls:				
6204.63.02	Water resistant	7.1%	Free (AU, BH, CA, CL, CO,IL, JO,KR, MA,MX, OM,P, PA,PE, SG)	65%	
6204.63.03	Other	14.9%	Free (AU, BH, CA, CL, CO,IL, JO,KR, MA,MX, OM,P, PA,PE, SG)	76%	
	Other:				
6204.63.08	Containing 36 percent or more by weight of wool or fine animal hair	13.6%	Free (AU, BH, CA, CL, CO,IL, JO,KR, MA, MX, OM, P, PA,PE, SG)	58.5%	
	Other:				
6204.63.09	Water resistant trousers or breeches	7.1%	Free (AU, BH, CA, CL, CO,IL, JO,KR, MA,MX,OM,P, PA,PE, SG)	65%	
6204.63.11	Other	28.6%	Free (AU,BH,CA, CL,CO, IL,JO, MA,MX,OM,P, PA,PE, SG) 5.7% (KR)	90%	
	Other:				
6204.63.50	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down	Free		60%	
	Other:				

	Bib and brace overalls:			
6204.63.55	*Water resistant*	7.1%	Free (AU, BH, CA, CL, CO,IL, JO,KR, MA,MX, OM,P, PA,PE, SG)	65%
6204.63.60	*Other*	14.9%	Free (AU, BH, CA, CL, CO,IL, JO,KR, MA,MX, OM,P, PA,PE, SG)	76%
6204.63.65	*Certified hand-loomed and folklore products*	11.3%	Free (AU, BH, CA, CL, CO, E, IL, JO,KR, MA,MX,OM,P, PA,PE, SG)	76%
	Other:			
6204.63.70	*Containing 36 percent or more by weight of wool or fine animal hair*	13.6%	Free (AU, BH, CA, CL, CO,IL, JO,KR, MA,MX, OM,P, PA,PE, SG)	58.5%
	Other:			
6204.63.75	*Water resistant trousers or breeches*	7.1%	Free (AU, BH, CA, CL, CO,IL, JO,KR, MA,MX, OM,P, PA,PE, SG)	65%
6204.63.90	*Other*	28.6%	Free (AU, BH, CA, CL, CO,IL, JO, MA, MX,OM, P, PA, PE,SG) 5.7% (KR)	90% ".

(B) The staged reductions in the special rate of duty proclaimed for subheading 6204.63.35 of the Harmonized Tariff Schedule of the United States before the effective date of this section shall apply to subheadings 6204.63.11 and 6204.63.90 of such Schedule, as added by subparagraph (A), on and after such effective date.

(16) By striking subheadings 6204.69.10 through 6204.69.90 and the immediate superior text to subheading 6204.69.10, and inserting the following, with the first superior text having the same degree of indentation as the article description of subheading 6204.69.10 (as in effect on the day before the date of enactment of this Act):

"	*Recreational performance outerwear:*			
	Of artificial fibers:			
6204.69.01	*Bib and brace overalls*	13.6%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	76%
	Trousers, breeches and shorts:			
6204.69.02	*Containing 36 percent or more by weight of wool or fine animal hair*	13.6%	Free (AU,BH, CA, CL,CO, IL, JO,KR, MA, MX, OM, P, PA, PE, SG)	58.5%
6204.69.03	*Other*	28.6%	Free (AU,BH, CA, CL,CO, IL, JO,KR, MA, MX, OM, P, PA, PE, SG)	90%
	Of silk or silk waste:			
6204.69.04	*Containing 70 percent or more by weight of silk or silk waste*	1.1%	Free (AU, BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	65%
6204.69.05	*Other*	7.1%	Free (AU,BH, CA, CL,CO, E*, IL, JO, KR,MA,MX, OM, P,PA, PE, SG)	65%

6204.69.06	Other	2.8%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%	
	Other:				
	Of artificial fibers:				
6204.69.15	Bib and brace overalls	13.6%	Free (AU,BH, CA, CL,CO, IL, JO,KR, MA, MX, OM, P, PA, PE, SG)	76%	
	Trousers, breeches and shorts:				
6204.69.22	Containing 36 percent or more by weight of wool or fine animal hair	13.6%	Free (AU,BH, CA, CL,CO, IL, JO,KR, MA, MX, OM, P, PA, PE, SG)	58.5%	
6204.69.28	Other	28.6%	Free (AU,BH, CA, CL,CO, IL, JO,KR, MA, MX, OM, P, PA, PE, SG)	90%	
	Of silk or silk waste:				
6204.69.45	Containing 70 percent or more by weight of silk or silk waste	1.1%	Free (AU,BH, CA, CL,CO, E, IL, JO, KR, MA, MX, OM, P,PA, PE, SG)	65%	
6204.69.65	Other	7.1%	Free (AU,BH, CA, CL,CO, E*,IL, JO, KR,MA,MX, OM, P,PA, PE, SG)	65%	
6204.69.80	Other	2.8%	Free (AU,BH, CA, CL,CO, E*, IL, JO, KR,MA,MX, OM, P,PA, PE, SG)	35%	''.

(17) By striking subheadings 6210.40.30 through 6210.40.90 and the immediate superior text to subheading 6210.40.30, and inserting the following, with the first superior text having the same degree of indentation as the immediate superior text to subheading 6210.40.30 (as in effect on the day before the effective date of this section):

''		Recreational performance outerwear:			
		Of man-made fibers:			
	6210.40.15	Having an outer surface impregnated, coated, covered or laminated with rubber or plastics material which completely obscures the underlying fabric	3.8%	Free (AU, BH, CA, CL, CO,IL, JO,KR, MA,MX, OM,P, PA,PE, SG)	65%
	6210.40.25	Other	7.1%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	65%
		Other:			
	6210.40.28	Having an outer surface impregnated, coated, covered or laminated with rubber or plastics material which completely obscures the underlying fabric	3.3%	Free (AU, BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	37.5%
	6210.40.29	Other	6.2%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	37.5%
		Other:			
		Of man-made fibers:			

6210.40.35	Having an outer surface impregnated, coated, covered or laminated with rubber or plastics material which completely obscures the underlying fabric	3.8%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	65%	
6210.40.55	Other	7.1%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	65%	
	Other:				
6210.40.75	Having an outer surface impregnated, coated, covered or laminated with rubber or plastics material which completely obscures the underlying fabric	3.3%	Free (AU, BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	37.5%	
6210.40.80	Other	6.2%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	37.5%	''.

(18) By striking subheadings 6210.50.30 through 6210.50.90 and the immediate superior text to subheading 6210.50.30, and inserting the following, with the first superior text having the same degree of indentation as the immediate superior text to subheading 6210.50.30 (as in effect on the day before the effective date of this section):

''		Recreational performance outerwear:			
		Of man-made fibers:			
6210.50.03	Having an outer surface impregnated, coated, covered or laminated with rubber or plastics material which completely obscures the underlying fabric	3.8%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM,P, PA, PE, SG)	65%	
6210.50.05	Other	7.1%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM,P, PA, PE, SG)	65%	
	Other:				
6210.50.12	Having an outer surface impregnated, coated, covered or laminated with rubber or plastics material which completely obscures the underlying fabric	3.3%	Free (AU, BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA,PE, SG)	37.5%	
6210.50.22	Other	6.2%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P,PA, PE, SG)	37.5%	
	Other:				
	Of man-made fibers:				
6210.50.35	Having an outer surface impregnated, coated, covered or laminated with rubber or plastics material which completely obscures the underlying fabric	3.8%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM,P, PA, PE, SG)	65%	
6210.50.55	Other	7.1%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM,P, PA, PE, SG)	65%	
	Other:				

6210.50.75	Having an outer surface impregnated, coated, covered or laminated with rubber or plastics material which completely obscures the underlying fabric	3.3%	Free (AU, BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	37.5%	
6210.50.80	Other	6.2%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	37.5%	''.

(19) By striking subheading 6211.32.00 and inserting the following, with the article description for subheading 6211.32 having the same degree of indentation as the article description for subheading 6211.32.00 (as in effect on the day before the effective date of this section):

''	6211.32	Of cotton:			
	6211.32.50	Recreational performance outerwear	8.1%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	90%
	6211.32.90	Other	8.1%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	90% ''.

(20)(A) By striking subheading 6211.33.00 and inserting the following, with the article description for subheading 6211.33 having the same degree of indentation as the article description for subheading 6211.33.00 (as in effect on the day before the effective date of this section):

''	6211.33	Of man-made fibers:			
	6211.33.50	Recreational performance outerwear	16%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA ,PE, SG) 4.8% (OM)	76%
	6211.33.90	Other	16%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 4.8% (OM)	76% ''.

(B) The staged reductions in the special rate of duty proclaimed for subheading 6211.33.00 of the Harmonized Tariff Schedule of the United States before the effective date of this section shall apply to subheadings 6211.33.50 and 6211.33.90 of such Schedule, as added by subparagraph (A), on and after such effective date.

(21)(A) By striking subheadings 6211.39.05 through 6211.39.90 and inserting the following, with the first superior text having the same degree of indentation as the article description for subheading 6211.39.05 (as in effect on the day before the effective date of this section):

''		Recreational performance outerwear:			
	6211.39.03	Of wool or fine animal hair	12%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 3.6% (OM)	58.5%
	6211.39.07	Containing 70 percent or more by weight of silk or silk waste	0.5%	Free (AU, BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%
	6211.39.15	Other	2.8%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PE, SG)	35%
		Other:			
	6211.39.30	Of wool or fine animal hair	12%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 3.6% (OM)	58.5%

6211.39.60	Containing 70 percent or more by weight of silk or silk waste	0.5%	Free (AU, BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%	
6211.39.80	Other	2.8%	Free (AU, BH, CA, CL, CO, E*, IL, JO, KR, MA, MX, OM, P, PE, SG)	35%	''.

(B) The staged reductions in the special rate of duty proclaimed for subheading 6211.39.05 of the Harmonized Tariff Schedule of the United States before the effective date of this section shall apply to subheadings 6211.39.03 and 6211.39.30 of such Schedule, as added by subparagraph (A), on and after such effective date.

(22) By striking subheading 6211.42.00 and inserting the following, with the article description for subheading 6211.42 having the same degree of indentation as the article description for subheading 6211.42.00 (as in effect on the day before the effective date of this section):

''	6211.42	Of cotton:			
	6211.42.05	Recreational performance outerwear	8.1%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	90%
	6211.42.10	Other	8.1%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	90% ''.

(23)(A) By striking subheading 6211.43.00 and inserting the following, with the article description for subheading 6211.43 having the same degree of indentation as the article description for subheading 6211.43.00 (as in effect on the day before the effective date of this section):

''	6211.43	Of man-made fibers:			
	6211.43.05	Recreational performance outerwear	16%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 4.8% (OM)	90%
	6211.43.10	Other	16%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE, SG) 4.8% (OM)	90% ''.

(B) The staged reductions in the special rate of duty proclaimed for subheading 6211.43.00 of the Harmonized Tariff Schedule of the United States before the effective date of this section shall apply to subheadings 6211.43.05 and 6211.43.10 of such Schedule, as added by subparagraph (A), on and after such effective date.

(24)(A) By striking subheadings 6211.49.10 through 6211.49.90 and inserting the following, with the first superior text having the same degree of indentation as the article description for subheading 6211.49.90 (as in effect on the day before the effective date of this section):

''		Recreational performance outerwear:			
	6211.49.03	Containing 70 percent or more by weight of silk or silk waste	1.2%	Free (AU, BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA,PE, SG)	35%
	6211.49.15	Of wool or fine animal hair	12%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA ,MX, P, PA, PE, SG) 3.6% (OM)	58.5%
	6211.49.25	Other	7.3%	Free (AU, BH, CA, CL, CO, E, IL, JO, MA, MX, OM, P, PA, PE, SG) 1.4% (KR)	35%
		Other:			
	6211.49.50	Containing 70 percent or more by weight of silk or silk waste	1.2%	Free (AU, BH, CA, CL, CO, E, IL, JO, KR, MA, MX, OM, P, PA, PE, SG)	35%

6211.49.60	Of wool or fine animal hair	12%	Free (AU, BH, CA, CL, CO, IL, JO, KR, MA, MX, P, PA, PE,SG) 3.6% (OM)	58.5%	
6211.49.80	Other	7.3%	Free (AU, BH, CA, CL, CO, E, IL, JO, MA, MX,OM, P, PA, PE, SG) 1.4% (KR)	35%	''.

(B) The staged reductions in the special rate of duty proclaimed for subheading 6211.49.41 of the Harmonized Tariff Schedule of the United States before the effective date of this section shall apply to subheadings 6211.49.15 and 6211.49.60 of such Schedule, as added by subparagraph (A), on and after such effective date.

(C) The staged reductions in the special rate of duty proclaimed for subheading 6211.49.90 of such Schedule before the effective date of this section shall apply to subheadings 6211.49.25 and 6211.49.80 of such Schedule, as added by subparagraph (A), on and after such effective date.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section—

(A) shall take effect on the 180th day after the date of the enactment of this Act; and

(B) shall apply to articles entered, or withdrawn from warehouse for consumption, on or after such 180th day.

(2) SUBSECTION (a).—Subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 913. MODIFICATIONS TO DUTY TREATMENT OF PROTECTIVE ACTIVE FOOTWEAR.

(a) IN GENERAL.—Chapter 64 of the Harmonized Tariff Schedule of the United States is amended—

(1) by redesignating the Additional U.S. Note added by section 602(a) of the Trade Preferences Extension Act of 2015 (Public Law 114–27; 129 Stat. 413) as Additional U.S. Note 6;

(2) in subheading 6402.91.42, by striking the matter in the column 1 special rate of duty column and inserting the following: ''Free (AU, BH, CA, CL, D, IL, JO, MA, MX, P, R, SG) 1%(PA) 6%(OM) 6%(PE) 12%(CO) 20%(KR)''; and

(3) in subheading 6402.99.32, by striking the matter in the column 1 special rate of duty column and inserting the following: ''Free (AU, BH, CA, CL, D, IL, JO, MA, MX, P, R, SG) 1%(PA) 6%(OM) 6%(PE) 12%(CO) 20%(KR)''.

(b) STAGED RATE REDUCTIONS.—Section 602(c) of the Trade Preferences Extension Act of 2015 (Public Law 114–27; 129 Stat. 414) is amended to read as follows:

''(c) STAGED RATE REDUCTIONS.—Beginning in calendar year 2016, the staged reductions in special rates of duty proclaimed before the date of the enactment of this Act—

''(1) for subheading 6402.91.90 of the Harmonized Tariff Schedule of the United States shall be applied to subheading 6402.91.42 of such Schedule, as added by subsection (b)(1); and

''(2) for subheading 6402.99.90 of such Schedule shall be applied to subheading 6402.99.32 of such Schedule, as added by subsection (b)(2).''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect as if included in the enactment of the Trade Preferences Extension Act of 2015 (Public Law 114–27; 129 Stat. 362).

(2) RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.—

(A) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to subparagraph (B), any entry of an article classified under subheading 6402.91.42 or 6402.99.32 of the Harmonized Tariff Schedule of the United States, that—

(i) was made—

(I) after the effective date specified in section 602(d) of the Trade Preferences Extension Act of 2015 (Public Law 114–27; 129 Stat. 414), and

(II) before the date of the enactment of this Act, and

(ii) to which a lower rate of duty would be applicable if the entry were made after such date of enactment,

shall be liquidated or reliquidated as though such entry occurred on such date of enactment.

(B) REQUESTS.—A liquidation or reliquidation may be made under subparagraph (A) with respect to an entry only if a request therefor is filed with U.S. Customs and Border Protection not later than 180 days after the date of the enactment of this Act that contains sufficient information to enable U.S. Customs and Border Protection—

(i) to locate the entry; or

(ii) to reconstruct the entry if it cannot be located.

(C) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry of an article under subparagraph (A) shall be paid, without interest, not later than 90 days after the date of the liquidation or reliquidation (as the case may be).

SEC. 914. AMENDMENTS TO BIPARTISAN CONGRESSIONAL TRADE PRIORITIES AND ACCOUNTABILITY ACT OF 2015.

(a) IMMIGRATION LAWS OF THE UNITED STATES.—Section 102(a) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (Public Law 114–26; 19 U.S.C. 4201(a)) is amended—

(1) in paragraph (12), by striking ''and'' at the end;

(2) in paragraph (13), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(14) to ensure that trade agreements do not require changes to the immigration laws of the United States or obligate the United States to grant access or expand access to visas issued under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).''.

(b) GREENHOUSE GAS EMISSIONS MEASURES.—Section 102(a) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (Public Law 114–26; 19 U.S.C. 4201(a)), as amended by subsection (a) of this section, is further amended—

(1) in paragraph (13), by striking ''and'' at the end;

(2) in paragraph (14), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(15) to ensure that trade agreements do not establish obligations for the United States regarding greenhouse gas emissions measures, including obligations that require changes to United States laws or regulations or that would affect the implementation of such laws or regulations, other than those fulfilling the other negotiating objectives in this section.''.

(c) FISHERIES NEGOTIATIONS.—Section 102(b) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (Public Law 114–26; 19 U.S.C. 4201(b)) is amended by adding at the end the following:

''(22) FISHERIES NEGOTIATIONS.—The principal negotiating objectives of the United States with respect to trade in fish, seafood, and shellfish products are—

''(A) to obtain competitive opportunities for United States exports of fish, seafood, and shellfish products in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports of fish, seafood, and shellfish products in United States markets and to achieve fairer and more open conditions of trade in fish, seafood, and shellfish products, including by reducing or eliminating tariff and nontariff barriers;

''(B) to eliminate fisheries subsidies that distort trade, including subsidies of the type referred to in paragraph 9 of Annex D to the Ministerial Declaration adopted by the World Trade Organization at the Sixth Ministerial Conference at Hong Kong, China on December 18, 2005;

''(C) to pursue transparency in fisheries subsidies programs; and

''(D) to address illegal, unreported, and unregulated fishing.''.

(d) ACCREDITATION.—Section 104 of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (Public Law 114–26; 19 U.S.C. 4203) is amended—

(1) in subsection (b)(3), by striking ''an official'' and inserting ''a delegate and official''; and

(2) in subsection (c)(2)(C)—

(A) by striking ''an official'' each place it appears and inserting ''a delegate and official''; and

(B) by inserting after the first sentence the following: ''In addition, the chairmen and ranking members described in subparagraphs (A)(i) and (B)(i) shall each be permitted to designate up to 3 personnel with proper security clearances to serve as delegates and official advisers to the United States delegation in negotiations for any trade agreement to which this title applies.''.

(e) TRAFFICKING IN PERSONS.—

(1) IN GENERAL.—Section 106(b)(6) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (Public Law 114–26; 19 U.S.C. 4205(b)(6)) is amended by striking subparagraph (B) and inserting the following:

''(B) EXCEPTION.—

''(i) INVOKING EXCEPTION.—If the President submits to the appropriate congressional committees a letter stating that a country to which subparagraph (A) applies has taken concrete actions to implement the principal recommendations with respect to that country in the most recent annual report on trafficking in persons, the prohibition under subparagraph (A) shall not apply with respect to a trade agreement or trade agreements with that country.

''(ii) CONTENT OF LETTER; PUBLIC AVAILABILITY.—A letter submitted under clause (i) with respect to a country shall—

''(I) include a description of the concrete actions that the country has taken to implement the principal recommendations described in clause (i);

''(II) be accompanied by supporting documentation providing credible evidence of each such concrete action, including copies of relevant laws or regulations adopted or modified, and any enforcement actions taken, by that country, where appropriate; and

''(III) be made available to the public.

''(C) SPECIAL RULE FOR CHANGES IN CERTAIN DETERMINATIONS.—If a country is listed as a tier 3 country in an annual report on trafficking in persons submitted in calendar year 2014 or any calendar year thereafter and, in the annual report on trafficking in persons submitted in the next calendar year, is listed on the tier 2 watch list, the President shall submit a detailed description of the credible evidence supporting the change in listing of the country, accompanied by copies of documents providing such evidence, where appropriate, to the appropriate congressional committees—

''(i) in the case of a change in listing reflected in the annual report on trafficking in persons submitted in calendar year 2015, not later than 90 days after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015; and

''(ii) in the case of a change in listing reflected in an annual report on trafficking in persons submitted in calendar year 2016 or any calendar year thereafter, not later than 90 days after the submission of that report.

''(D) SENSE OF CONGRESS.—It is the sense of Congress that the integrity of the process for making the determinations in the annual report on trafficking in persons, including determinations with respect to country rankings and the substance of the assessments in the report, should be respected and not affected by unrelated considerations.

''(E) DEFINITIONS.—In this paragraph:

''(i) ANNUAL REPORT ON TRAFFICKING IN PERSONS.—The term 'annual report on trafficking in persons' means the annual report on trafficking in persons required under section 110(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(1)).

''(ii) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(I) the Committee on Ways and Means and the Committee on Foreign Affairs of the House of Representatives; and

''(II) the Committee on Finance and the Committee on Foreign Relations of the Senate.

''(iii) TIER 2 WATCH LIST.—The term 'tier 2 watch list' means the list of countries required under section 110(b)(2)(A)(iii) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(2)(A)(iii)).

''(iv) TIER 3 COUNTRY.—The term 'tier 3 country' means a country on the list of countries required under section 110(b)(1)(C) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(1)(C)).''.

(2) CONFORMING AMENDMENT.—Section 106(b)(6)(A) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (Public Law 114–26; 19 U.S.C. 4205(b)(6)(A)) is amended by striking ''to which the minimum'' and all that follows through ''7107(b)(1))'' and inserting ''listed as a tier 3 country in the most recent annual report on trafficking in persons''.

(f) TECHNICAL AMENDMENTS.—The Bipartisan Congressional Trade Priorities and Accountability Act of 2015 is amended—

(1) in section 105(b)(3) (Public Law 114–26; 129 Stat. 346; 19 U.S.C. 4204(b)(3))—

(A) in subparagraph (A)(ii), by striking ''section 102(b)(16)'' and inserting ''section 102(b)(17)''; and

(B) in subparagraph (B)(ii), by striking ''section 102(b)(16)'' and inserting ''section 102(b)(17)''; and

(2) in section 106(b)(5) (Public Law 114–26; 129 Stat. 354; 19 U.S.C. 4205(b)(5)), by striking ''section 102(b)(15)(C)'' and inserting ''section 102(b)(16)(C)''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (Public Law 114–26; 129 Stat. 320; 19 U.S.C. 4201 et seq.).

SEC. 915. TRADE PREFERENCES FOR NEPAL.

(a) FINDINGS.—Congress makes the following findings:

(1) Nepal is among the least developed countries in the world, with a per capita gross national income of $730 in 2014.

(2) Nepal suffered a devastating earthquake in April 2015, with subsequent aftershocks. More than 9,000 people died and approximately 23,000 people were injured.

(b) ELIGIBILITY REQUIREMENTS.—

(1) IN GENERAL.—The President may authorize the provision of preferential treatment under this section to articles that are imported directly from Nepal into the customs territory of the United States pursuant to subsection (c) if the President determines—

(A) that Nepal meets the requirements set forth in paragraphs (1), (2), and (3) of section 104(a) of the African Growth and Opportunity Act (19 U.S.C. 3703(a)); and

(B) after taking into account the factors set forth in paragraphs (1) through (7) of subsection (c) of section 502 of the Trade Act of 1974 (19 U.S.C. 2462), that Nepal meets the eligibility requirements of such section 502.

(2) WITHDRAWAL, SUSPENSION, OR LIMITATION OF PREFERENTIAL TREATMENT; MANDATORY GRADUATION.—The provisions of subsections (d) and (e) of section 502 of the Trade Act of 1974 (19 U.S.C. 2462) shall apply with respect to Nepal to the same extent and in the same manner as such provisions apply with respect to beneficiary developing countries under title V of that Act (19 U.S.C. 2461 et seq.).

(c) ELIGIBLE ARTICLES.—

(1) IN GENERAL.—An article described in paragraph (2) may enter the customs territory of the United States free of duty.

(2) ARTICLES DESCRIBED.—

(A) IN GENERAL.—An article is described in this paragraph if—

(i)(I) the article is the growth, product, or manufacture of Nepal; and

(II) in the case of a textile or apparel article, Nepal is the country of origin of the article, as determined under section 102.21 of title 19, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act);

(ii) the article is imported directly from Nepal into the customs territory of the United States;

(iii) the article is classified under any of the following subheadings of the Harmonized Tariff Schedule of the United States (as in effect on the day before the date of the enactment of this Act):

4202.11.00	4202.22.60	4202.92.08
4202.12.20	4202.22.70	4202.92.15
4202.12.40	4202.22.80	4202.92.20
4202.12.60	4202.29.50	4202.92.30
4202.12.80	4202.29.90	4202.92.45
4202.21.60	4202.31.60	4202.92.60
4202.21.90	4202.32.40	4202.92.90
4202.22.15	4202.32.80	4202.99.90
4202.22.40	4202.32.95	4203.29.50
4202.22.45	4202.91.00	
5701.10.90	5702.91.30	5703.10.80
5702.31.20	5702.91.40	5703.90.00
5702.49.20	5702.92.90	5705.00.20
5702.50.40	5702.99.15	
5702.50.59	5703.10.20	
6117.10.60	6214.20.00	6217.10.85
6117.80.85	6214.40.00	6301.90.00
6214.10.10	6214.90.00	6308.00.00
6214.10.20	6216.00.80	
6504.00.90	6505.00.30	6505.00.90
6505.00.08	6505.00.40	6506.99.30
6505.00.15	6505.00.50	6506.99.60
6505.00.20	6505.00.60	
6505.00.25	6505.00.80	

(iv) the President determines, after receiving the advice of the United States International Trade Commission in accordance with section 503(e) of the Trade Act of 1974 (19 U.S.C. 2463(e)), that the article is not import-sensitive in the context of imports from Nepal; and

(v) subject to subparagraph (C), the sum of the cost or value of the materials produced in, and the direct costs of processing operations performed in, Nepal or the customs territory of the United States is not less than 35 percent of the appraised value of the article at the time it is entered.

(B) EXCLUSIONS.—An article shall not be treated as the growth, product, or manufacture of Nepal for purposes of subparagraph (A)(i)(I) by virtue of having merely undergone—

(i) simple combining or packaging operations; or

(ii) mere dilution with water or mere dilution with another substance that does not materially alter the characteristics of the article.

(C) LIMITATION ON UNITED STATES COST.—For purposes of subparagraph (A)(v), the cost or value of materials produced in, and the direct costs of processing operations performed in, the customs territory of the United States and attributed to the 35-percent requirement under that subparagraph may not exceed 15 percent of

the appraised value of the article at the time it is entered.

(3) VERIFICATION WITH RESPECT TO TRANSSHIPMENT FOR TEXTILE AND APPAREL ARTICLES.—

(A) IN GENERAL.—Not later than January 1, April 1, July 1, and October 1 of each calendar year, the Commissioner shall verify that textile and apparel articles imported from Nepal to which preferential treatment is extended under this section are not being unlawfully transshipped into the United States.

(B) REPORT TO PRESIDENT.—If the Commissioner determines under subparagraph (A) that textile and apparel articles imported from Nepal to which preferential treatment is extended under this section are being unlawfully transshipped into the United States, the Commissioner shall report that determination to the President.

(d) TRADE FACILITATION AND CAPACITY BUILDING.—

(1) FINDINGS.—Congress makes the following findings:

(A) As a land-locked least-developed country, Nepal has severe challenges reaching markets and developing capacity to export goods. As of 2015, exports from Nepal are approximately $800,000,000 per year, with India the major market at $450,000,000 annually. The United States imports about $80,000,000 worth of goods from Nepal, or 10 percent of the total goods exported from Nepal.

(B) The World Bank has found evidence that the overall export competitiveness of Nepal has been declining since 2005. Indices compiled by the World Bank and the Organization for Economic Co-operation and Development found that export costs in Nepal are high with respect to both air cargo and container shipments relative to other low-income countries. Such indices also identify particular weaknesses in Nepal with respect to automation of customs and other trade functions, involvement of local exporters and importers in preparing regulations and trade rules, and export finance.

(C) Implementation by Nepal of the Agreement on Trade Facilitation of the World Trade Organization could directly address some of the weaknesses described in subparagraph (B).

(2) ESTABLISHMENT OF TRADE FACILITATION AND CAPACITY BUILDING PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the President shall, in consultation with the Government of Nepal, establish a trade facilitation and capacity building program for Nepal—

(A) to enhance the central export promotion agency of Nepal to support successful exporters and to build awareness among potential exporters in Nepal about opportunities abroad and ways to manage trade documentation and regulations in the United States and other countries;

(B) to provide export finance training for financial institutions in Nepal and the Government of Nepal;

(C) to assist the Government of Nepal in maintaining publication on the Internet of all trade regulations, forms for exporters and importers, tax and tariff rates, and other documentation relating to exporting goods and developing a robust public-private dialogue, through its National Trade Facilitation Committee, for Nepal to identify timelines for implementation of key reforms and solutions, as provided for under the Agreement on Trade Facilitation of the World Trade Organization; and

(D) to increase access to guides for importers and exporters, through publication of such guides on the Internet, including rules and documentation for United States tariff preference programs.

(e) REPORTING REQUIREMENT.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the President shall monitor, review, and report to Congress on the implementation of this section, the compliance of Nepal with subsection (b)(1), and the trade and investment policy of the United States with respect to Nepal.

(f) TERMINATION OF PREFERENTIAL TREATMENT.—No preferential treatment extended under this section shall remain in effect after December 31, 2025.

(g) EFFECTIVE DATE.—The provisions of this section shall take effect on the date that is 30 days after the date of the enactment of this Act.

SEC. 916. AGREEMENT BY ASIA-PACIFIC ECONOMIC COOPERATION MEMBERS TO REDUCE RATES OF DUTY ON CERTAIN ENVIRONMENTAL GOODS.

Section 107 of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (Public Law 114–26; 19 U.S.C. 4206) is amended by adding at the end the following:

''(c) AGREEMENT BY ASIA-PACIFIC ECONOMIC COOPERATION MEMBERS TO REDUCE RATES OF DUTY ON CERTAIN ENVIRONMENTAL GOODS.—Notwithstanding the notification requirement described in section 103(a)(2), the President may exercise the proclamation authority provided for in section 103(a)(1)(B) to implement an agreement by members of the Asia-Pacific Economic Cooperation (APEC) to reduce any rate of duty on certain environmental goods included in Annex C of the APEC Leaders Declaration issued on September 9, 2012, if (and only if) the President, as soon as feasible after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, and before exercising proclamation authority under section 103(a)(1)(B), notifies Congress of the negotiations relating to the agreement and the specific United States objectives in the negotiations.''.

SEC. 917. AMENDMENT TO TARIFF ACT OF 1930 TO REQUIRE COUNTRY OF ORIGIN MARKING OF CERTAIN CASTINGS.

(a) IN GENERAL.—Section 304(e) of the Tariff Act of 1930 (19 U.S.C. 1304(e)) is amended—

(1) in the subsection heading, by striking ''MANHOLE RINGS OR FRAMES, COVERS, AND ASSEMBLIES THEREOF'' and inserting ''CASTINGS'';

(2) by inserting ''inlet frames, tree and trench grates, lampposts, lamppost bases, cast utility poles, bollards, hydrants, utility boxes,'' before ''manhole rings,''; and

(3) by adding at the end before the period the following: ''in a location such that it will remain visible after installation''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date of the enactment of this Act and apply with respect to the importation of castings described in such amendments on or after the date that is 180 days after such date of enactment.

SEC. 918. INCLUSION OF CERTAIN INFORMATION IN SUBMISSION OF NOMINATION FOR APPOINTMENT AS DEPUTY UNITED STATES TRADE REPRESENTATIVE.

Section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)) is amended by adding at the end the following:

''(5)(A) When the President submits to the Senate for its advice and consent a nomination of an individual for appointment as a Deputy United States Trade Representative under paragraph (2), the President shall include in that submission information on the country, regional offices, and functions of the Office of the United States Trade Representative with respect to which that individual will have responsibility.

''(B) The President shall notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not less than 30 days prior to making any change to the responsibilities of any Deputy United States Trade Representative included in a submission under subparagraph (A), including the reason for that change.''.

SEC. 919. SENSE OF CONGRESS ON THE NEED FOR A MISCELLANEOUS TARIFF BILL PROCESS.

(a) FINDINGS.—Congress makes the following findings:

(1) As of the date of the enactment of this Act, the Harmonized Tariff Schedule of the United States imposes duties on imported goods for which there is no domestic availability or insufficient domestic availability.

(2) The imposition of duties on such goods creates artificial distortions in the economy of the United States that negatively affect United States manufacturers and consumers.

(3) It would be in the interests of the United States if the Harmonized Tariff Schedule were updated regularly and predictably to eliminate such artificial distortions by suspending or reducing duties on such goods.

(4) The manufacturing competitiveness of the United States around the world would be enhanced if the Harmonized Tariff Schedule were updated regularly and predictably to suspend or reduce duties on such goods.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, to remove the competitive disadvantage to United States manufacturers and consumers resulting from the imposition of such duties and to promote the competitiveness of United States manufacturers, the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives are urged to advance, as soon as possible, after consultation with the public and Members of the Senate and the House of Representatives, a regular and predictable legislative process for the temporary suspension and reduction of duties that is consistent with the rules of the Senate and the House.

SEC. 920. CUSTOMS USER FEES.

(a) IN GENERAL.—Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking ''July 7, 2025'' and inserting ''September 30, 2025''; and

(2) by striking subparagraph (D).

(b) RATE FOR MERCHANDISE PROCESSING FEES.—Section 503 of the United States–Korea Free Trade Agreement Implementation Act (Public Law 112–41; 19 U.S.C. 3805 note) is amended—

(1) by striking ''June 30, 2025'' and inserting ''September 30, 2025''; and

(2) by striking subsection (c).

SEC. 921. INCREASE IN PENALTY FOR FAILURE TO FILE RETURN OF TAX.

(a) IN GENERAL.—Section 6651(a) of the Internal Revenue Code of 1986 is amended by striking ''$135'' in the last sentence and inserting ''$205''.

(b) CONFORMING AMENDMENT.—Section 6651(i) of such Code is amended by striking ''$135'' and inserting ''$205''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed in calendar years after 2015.

SEC. 922. PERMANENT MORATORIUM ON INTERNET ACCESS TAXES AND ON MULTIPLE AND DISCRIMINATORY TAXES ON ELECTRONIC COMMERCE.

(a) PERMANENT MORATORIUM.—Section 1101(a) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking ''during the period beginning November 1, 2003, and ending October 1, 2015''.

(b) TEMPORARY EXTENSION.—Section 1104(a)(2)(A) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking ''October 1, 2015'' and inserting ''June 30, 2020''.

And the House agree to the same.

KEVIN BRADY,
DAVID REICHERT,
PAT TIBERI,
Managers on the Part of the House.

ORRIN HATCH,
JOHN CORNYN,
JOHN THUNE,
JOHNNY ISAKSON,
RON WYDEN,
DEBBIE STABENOW,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 644), to reauthorize trade facilitation and trade enforcement functions and activities, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House amendment struck all of the Senate amendment after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the House amendment and the Senate amendment. The differences between the Senate amendment, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

DIVISION A—TRADE FACILITATION AND TRADE ENFORCEMENT ACT OF 2015

TITLE I—TRADE FACILITATION AND TRADE ENFORCEMENT

SECTION 101. IMPROVING PARTNERSHIP PROGRAMS

Present Law

The Customs-Trade Partnership Against Terrorism (C–TPAT), codified in the Security and Accountability for Every Port Act (SAFE Port Act) of 2006 (6 U.S.C. 961 et seq.), is a voluntary trade partnership program in which Customs and Border Protection (CBP) and members of the trade community work together to secure and facilitate the movement of legitimate trade. Companies that are members of C–TPAT are considered low-risk, which expedites cargo clearance based on the company's security profile and compliance history.

House Amendment

Section 101 requires the Commissioner of CBP to work with the private sector and other Federal agencies to ensure that all CBP partnership programs provide trade benefits to participants. This would apply to partnership programs established before enactment of this bill, and any programs established after enactment. It establishes elements for the development and operation of any such partnership programs, which require the Commissioner to: 1) consult with private sector entities, the public, and other Federal agencies when appropriate, to ensure that participants receive commercially significant and measurable trade benefits; 2) ensure an integrated and transparent system of trade benefits and compliance requirements for all CBP partnership programs; 3) consider consolidating partnership programs in situations in which doing so would support the objectives of such programs, increase participation, enhance trade benefits, and enhance the allocation of resources of CBP; 4) coordinate with the Director of ICE, and other Federal agencies with authority to detain and release merchandise; and 5) ensure that trade benefits are provided to participants in partnership programs.

It further requires the Commissioner to submit to the Committee on Finance and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Ways and Means and the Committee on Homeland Security of the House of Representatives a report that: 1) identifies each partnership program; 2) for each program, identifies the requirements for participation, benefits provided to participants, the number of participants, and in the case of a program that provides for participation at multiple tiers, the number of participants at each such tier; 3) identifies the number of participants enrolled in more than one program; 4) assesses the effectiveness of each program in advancing the security, trade enforcement, and trade facilitation missions of CBP; 5) summarizes CBP's efforts to work with other Federal agencies to detain and release merchandise entering the United States to ensure that partnership programs of those agencies are compatible with CBP partnership programs; 6) summarizes criteria developed with those agencies for authorizing the release, on an expedited basis, of merchandise for which documentation is required from one or more of those agencies to clear or license the merchandise for entry into the United States; 7) summarizes CBP efforts to work with the private sector and the public to develop partnership programs; 8) describes measures taken by CBP to make the private sector aware of trade benefits available to participants in partnership programs; and 9) summarizes CBP's plans, targets, and goals with respect to partnership programs for the two years following submission of the report.

Senate Amendment

Section 101 of the Senate amendment is the same as section 101 of the House amendment with the exception of a difference in the recipients of the report required in this section.

Conference Agreement

The conference agreement follows the House amendment.

SECTION 102. REPORT ON EFFECTIVENESS OF TRADE ENFORCEMENT ACTIVITIES

Present Law

No provision.

House Amendment

Section 102(a) requires the Comptroller General of the United States to submit a report on the effectiveness of trade enforcement activities of CBP to the Committee on Finance and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Ways and Means and the Committee on Homeland Security of the House of Representatives, no later than one year after the date of enactment of the bill.

Section 102(b) establishes that the report shall include: 1) a description of the use of resources, results of audits and verifications, targeting, organization, and training of CBP personnel; and 2) a description of trade enforcement activities to address undervaluation, transshipment, legitimacy of entities making entry, protection of revenue, fraud prevention and detection, and penalties, including intentional misclassification, inadequate bonding, and other misrepresentations.

Senate Amendment

Section 102 of the Senate amendment is the same as section 102 of the House amendment with the exception of the following provisions. In addition to the reporting requirements in section 102(b) of the House amendment, the Senate amendment requires a description of trade enforcement activities with respect to the priority trade issues, including methodologies used in such enforcement of actives, recommendations for improving such enforcement activities, and a description of the implementation of previous recommendations for improving such enforcement activities. The amendments also differ in the recipients of the required report.

Conference Agreement

The conference agreement follows the Senate amendment with a modification. The Conferees agree to modify section 102(a) of the Senate amendment to include the Committee on Finance and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Ways and Means and the Committee on Homeland Security of the House of Representatives as recipients of the required report.

SECTION 103. PRIORITIES AND PERFORMANCE STANDARDS FOR CUSTOMS MODERNIZATION, TRADE FACILITATION, AND TRADE ENFORCEMENT FUNCTIONS AND PROGRAMS

Present Law

No provision.

House Amendment

Section 103(a) directs the Commissioner of Customs to consult with the Committee on Finance and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Ways and Means and the Committee on Homeland Security of the House of Representatives to establish priorities and performance standards to measure the development and levels of achievement of the customs modernization, trade facilitation, and trade enforcement functions of the programs described in section 103(b). The amendment requires that the priorities and performance standards shall, at a minimum, include priorities and performance standards relating to efficiency, outcome, output, and other types of applicable measures.

Section 103(b) establishes the functions and programs to which section 103(a) applies: 1) the Automated Commercial Environment; 2) each of the priority trade issues described in section 111(a) of the House amendment (section 117 of the conference report); 3) the Centers of Excellence and Expertise; 4) drawback; 5) transactions relating to imported merchandise in bond; 6) the collection of antidumping and countervailing duties assessed; 7) the expedited clearance of cargo; 8) the issuance of regulations and rulings; and 9) the issuance of Regulatory Audit Reports.

Section 103(c) requires that the consultations with the Committee on Finance and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Ways and Means and the Committee on Homeland Security of the House of Representatives occur, at a minimum, on an annual basis, and requires the Commissioner to notify the Committees of any changes to the priorities referred to in section 103(a) no later than 30 days before such changes are to take effect.

Senate Amendment

Section 103 of the Senate amendment is the same as section 103 of the House amendment with the exception of a difference in the recipients of the report and consultations required in this section.

Conference Agreement

The conference agreement follows the House amendment.

SECTION 104. EDUCATIONAL SEMINARS TO IMPROVE EFFORTS TO CLASSIFY AND APPRAISE IMPORTED ARTICLES TO IMPROVE TRADE ENFORCEMENT EFFORTS, AND TO OTHERWISE FACILITATE LEGITIMATE INTERNATIONAL TRADE

Present Law

No provision.

House Amendment

Section 104(a) requires the Commissioner of CBP and the Director of ICE to establish and carry out educational seminars for CBP

port personnel and ICE agents to improve their ability to classify and appraise imported articles, improve trade enforcement efforts, and otherwise improve the ability and effectiveness of CBP and ICE to facilitate legitimate trade.

Section 104(b) establishes that these seminars shall include instruction on conducting physical inspections of articles, including testing of samples; reviewing the manifest and accompanying documentation to determine country of origin; customs valuation; industry supply chains; collection of antidumping and countervailing duties; addressing evasion of duties on imports of textiles; protection of intellectual property rights; and the enforcement of child labor laws.

Section 104(c) directs the Commissioner to establish a process to solicit, evaluate and select interested parties in the private sector to assist in providing instruction.

Section 104(d) directs the Commissioner to give special consideration to carrying out educational seminars dedicated to improving the ability of CBP to enforce antidumping and countervailing duty orders upon the request of a petitioner.

Section 104(e) requires the Commissioner and the Director to establish performance standards to measure the development and level of achievement of educational seminars under this section.

Section 104(f) requires the Commissioner and the Director to submit an annual report to the Committee on Finance and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Ways and Means and the Committee on Homeland Security of the House of Representatives on the effectiveness of the educational seminars.

Senate Amendment

Section 104 of the Senate amendment is the same as section 104 of the House amendment except for a difference in the recipients of the report required in this section.

Conference Agreement

The conference agreement follows the House amendment.

SECTION 105. JOINT STRATEGIC PLAN

Present Law

No provision.

House Amendment

Section 105(a) requires the Commissioner of CBP and the Director of ICE to create and submit to the Committee on Finance and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Ways and Means and the Committee on Homeland Security of the House of Representatives a biennial joint strategic plan on trade facilitation and trade enforcement.

Section 105(b) requires the joint strategic plan to contain a comprehensive plan for trade facilitation and trade enforcement that includes: 1) a summary of the actions taken during the 2-year period preceding submission of the plan to improve trade facilitation and trade enforcement; 2) a statement of objectives and plans for further improving trade facilitation and trade enforcement; 3) a specific identification of priority trade issues that can be addressed to enhance trade enforcement and trade facilitation; 4) a description of efforts made to improve consultation and coordination among and within Federal agencies; 5) a description of training that has occurred within CBP and ICE to improve trade enforcement and trade facilitation; 6) a description of efforts to work with the World Customs Organization and other international organizations with respect to enhancing trade facilitation and trade enforcement; 7) a description of CBP organizational benchmarks for optimizing staffing and wait times at ports of entry; 8) a specific identification of any domestic or international best practices that may further improve trade enforcement and trade facilitation; 9) any legislative recommendations to further improve trade facilitation and trade enforcements; and 10) a description of efforts to improve consultation and coordination with the private sector to enhance trade facilitation and trade enforcement.

Section 105(c) requires the Commissioner and the Director to consult with the appropriate Federal agencies and appropriate officials from relevant law enforcement agencies, international organizations, and interested parties in the private sector.

Senate Amendment

Section 105 of the Senate amendment is the same as section 105 of the House amendment with exception the following provisions. In addition to the reporting requirements contained in section 105(b) of the House amendment, the Senate amendment requires a description of trade enforcement activities with respect to priority trade issues, including methodologies used in enforcement activities, recommendations for improving enforcement activities, and a description of the implementation of previous recommendations for improving enforcement activities. The amendments also differ in the recipients of the required report.

Conference Agreement

The conference agreement follows the Senate amendment with a modification. The Conferees agree to modify section 105(a) to include the Committee on Finance and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Ways and Means and the Committee on Homeland Security of the House of Representatives as recipients of the required joint strategic plan.

SECTION 106. AUTOMATED COMMERCIAL ENVIRONMENT

Present Law

Section 411 of the Tariff Act of 1930 requires the Secretary of Treasury to establish the National Customs Automation Program, an automated and electronic system for processing commercial importations.

Section 13031(f)(4)(B) of the Consolidated Omnibus Budget Reconciliation Act of 1985 provides an authorization for appropriations from the Customs Commercial and Homeland Security Automation Account in fiscal years 2003 through 2005 such amounts as are available in that Account for the development, establishment, and implementation of the Automated Commercial Environment (ACE) computer system for the processing of merchandise that is entered or released and for other purposes related to the functions of the Department of Homeland Security.

Section 311(b)(3) of the Customs Border Security Act of 2002 requires the Commissioner of Customs to prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report demonstrating that the development and establishment of the Automated Commercial Environment computer system is being carried out in a cost-effective manner and meets the modernization requirements of title VI of the North American Free Trade Agreement Implementation Act.

House Amendment

Section 106(a) amends section 13031(f)(4)(B) of the Consolidated Omnibus Budget Reconciliation Act of 1985 to update fiscal years 2003 through 2005 to fiscal years 2016 through 2018, to update the amount to be allocated to ACE to ''not less than $153,736,000,'' and to make clear that these funds shall be used to complete the development and implementation of ACE.

Section 106(b) amends section 311(b)(3) of the Customs Border Security Act of 2002 to require two reports from the Commissioner in regards to ACE. The Commissioner is required to submit a report no later than December 31, 2016, to the Senate Appropriations Committee and Finance Committee, and the House of Representatives Appropriations Committee and Ways and Means Committee, updates on the implementation of ACE, incorporation of all core trade processing capabilities, components that have not been implemented, and additional components needed to realize the full implementation and operation of the program. The Commissioner is required to submit a second report no later than September 30, 2017, providing updates to the relevant Congressional committees from the prior report, as well as evaluations on the effectiveness of implementation of ACE and details of the percentage of trade processed in ACE every month since September 30, 2016.

Section 106(c) directs the Comptroller General of the United States to submit a report to the Senate Appropriations Committee and Finance Committee, and House of Representatives Appropriations Committee and Ways and Means Committee, assessing the progress of other Federal agencies in accessing and utilizing ACE and identifying potential cost savings to the U.S. government, importers, and exporters upon full implementation and utilization of ACE.

Senate Amendment

Section 106 of the Senate amendment is the same as section 106 of the House amendment.

Conference Agreement

The conference agreement follows the House amendment and the Senate amendment.

SECTION 107. INTERNATIONAL TRADE DATA SYSTEM

Present Law

Section 411(d) of the Tariff Act of 1930 requires the Secretary of the Treasury to oversee the establishment of an electronic trade data interchange system, known as the International Trade Data System (ITDS). It further requires ITDS to be implemented no later than the date that ACE is fully implemented and mandates the participation of all federal agencies that require documentation for clearing or licensing cargo imports or exports.

House Amendment

Section 107 amends section 411(d) of the Tariff Act of 1930 to require the Secretary of Homeland Security to work with the head of each Federal agency participating in ITDS and the Interagency Steering Committee to ensure that each agency: 1) develops and maintains the necessary information technology infrastructure to support the operation of ITDS and to submit all data to ITDS electronically; 2) enters into a memorandum of understanding to provide information sharing between the agency and CBP for the operation and maintenance of ITDS; 3) identifies and transmits admissibility criteria and data elements required by the agency to authorize the release of cargo by CBP for incorporation into ACE, no later than June 30, 2016; and 4) utilizes ITDS as the primary means of receiving the standard set of data and other relevant documentation from users, no later than December 31, 2016.

Senate Amendment

Section 107 of the Senate amendment is the same as section 107 of the House amendment.

Conference Agreement

The conference agreement follows the House amendment and the Senate amendment.

SECTION 108. CONSULTATIONS WITH RESPECT TO MUTUAL RECOGNITION ARRANGEMENTS

Present Law

No provision.

House Amendment

Section 108(a) requires the Secretary of Homeland Security to consult with the Committee on Finance and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Ways and Means and the Committee on Homeland Security of the House of Representatives at least thirty days before the initiation of mutual recognition arrangement negotiations and at least thirty days before entering into any mutual recognition arrangement.

Section 108(b) requires that the United States have as a negotiating objective in any negotiation for a mutual recognition arrangement with a foreign country on partnership programs to seek to ensure the compatibility of the foreign country's partnership program with the partnership programs of CBP in order to enhance security, trade facilitation, and trade enforcement.

Senate Amendment

Section 108 of the Senate amendment is the same as section 108 of the House bill, except that the Senate amendment does not include as a negotiating objective an enhancement of security when CBP seeks to ensure the compatibility of partnership programs of foreign countries. The amendments also differ in the recipients of the required report.

Conference Agreement

The conference agreement follows the House amendment.

SECTION 109. COMMERCIAL CUSTOMS OPERATIONS ADVISORY COMMITTEE

Present Law

The Advisory Committee on Commercial Operations (COAC) of the United States Customs Service was established in the Omnibus Budget Reconciliation Act of 1987. The Department of the Treasury Order No. 100–16, effective May 23, 2003, specified that COAC would be administered jointly by the Department of the Treasury and Department of Homeland Security.

House Amendment

Section 109(a) requires the Secretary of the Treasury and the Secretary of Homeland Security to jointly establish a Commercial Customs Operations Advisory Committee (COAC).

Section 109(b) requires that COAC be comprised of 20 appointed individuals from the private sector, appointed without regard to political affiliation; the Commissioner of CBP and the Assistant Secretary of Treasury for Tax Policy, who shall co-chair meetings; and the Assistant Secretary for Policy of the Department of Homeland Security and the ICE Director, who shall serve as deputy co-chairs of meetings. Section 109(b) further requires that appointed private sector individuals be representative of individuals and firms affected by the commercial operations of CBP, and provides that individuals may be appointed to multiple 3-year terms but cannot serve more than two terms sequentially. The Secretaries of the Treasury and Homeland Security are authorized to transfer members to the COAC who are currently serving on the Advisory Committee on Commercial Operations of the United States Customs Service.

Section 109(c) establishes the duties of COAC, which shall be to: 1) advise the Secretaries of the Treasury and Homeland Security on all matters involving the commercial operations of CBP and the investigations of ICE; 2) provide recommendations to the Secretaries on improvements that CBP and ICE should make to their commercial operations and investigations; 3) collaborate in developing the agenda for COAC meetings; and 4) perform other functions relating to the commercial operations of CBP and the investigations of ICE as prescribed by law or as directed by the Secretaries.

Section 109(d) establishes that: 1) COAC shall meet at the call of the Secretary of the Treasury, the Secretary of Homeland Security, or two-thirds of the membership of COAC; 2) COAC shall meet at least four times each calendar year; and 3) that COAC meetings shall be open to the public unless the Secretary of the Treasury or the Secretary of Homeland Security determines that the meeting will include matters the disclosure of which would compromise the development of policies, priorities, or negotiating objectives or positions that could impact the commercial operations of CBP of the operations or investigations of ICE.

Section 109(e) requires COAC to submit an annual report to the Senate Committee on Finance and the House Committee on Ways and Means that describes the activities of COAC during the preceding fiscal year and sets forth any recommendations of COAC regarding the commercial operations of CBP.

Section 109(f) establishes that section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.), relating to the termination of advisory committees, shall not apply to COAC.

Senate Amendment

Section 109 of the Senate amendment is the same as section 109 of the House amendment.

Conference Agreement

The conference agreement follows the House amendment and the Senate amendment with a modification. The Conferees have agreed to strike Section 109(d)(2). The Conferees believe that COAC meetings should normally be open to the public. The Conferees recognize the need to close COAC meetings, in portion or in whole, when a meeting will include matters the disclosure of which would compromise the development of policies, priorities, or negotiating objectives or positions that could impact the operations of CBP or the operations or investigations of ICE. The Conferees agree, however, that the current procedures in the Federal Advisory Committee Act (5 U.S.C. App.) are sufficient to close COAC meetings, in portion or in whole, when necessary.

SECTION 110. CENTERS FOR EXCELLENCE AND EXPERTISE

Present Law

No provision.

House Amendment

Section 110(a) requires the Commissioner to develop and implement, in consultation with the Committee on Finance and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Ways and Means and the Committee on Homeland Security of the House of Representatives, and the COAC established by section 109(a), Centers of Excellence and Expertise (CEE) throughout CBP that: 1) enhance the economic competitiveness of the United States; 2) improve enforcement efforts; 3) build upon CBP expertise in particular industry operations, supply chains, and compliance requirements; 4) promote the uniform implementation at each port of entry of policies and regulations relating to imports; 5) centralize the trade enforcement and trade facilitation efforts of CBP; 6) formalize an account-based approach to the importation of merchandise into the United States; 7) foster partnerships through the expansion of trade programs and other trusted trader programs; 8) develop applicable performance measures to meet internal efficiency and effectiveness goals; and 9) when feasible, facilitate a more efficient flow of information between Federal agencies.

Section 110(b) requires the Commissioner to submit a report to the Committee on Finance and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Ways and Means and the Committee on Homeland Security of the House of Representatives no later than December 31, 2016 describing the scope, functions and structure of the CEEs; the effectiveness of the CEEs in improving enforcement efforts; the benefits to the trade community; applicable performance measurements; the performance of each CEE in facilitating trade; and any planned changes to the CEEs.

Senate Amendment

Section 110 of the Senate amendment is similar to section 110 of the House amendment except the House amendment requires the CEEs to use targeting information from the National Targeting Center at CBP, while the Senate amendment requires the CEEs to use targeting information from the Commercial Targeting Division established in the amendment. The amendments also differ in the recipients of the required report.

Conference Agreement

The conference agreement follows the House amendment.

SECTION 111. COMMERCIAL RISK ASSESSMENT TARGETING AND TRADE ALERTS

Present Law

No provision.

House Amendment

Section 111(a) requires National Targeting Center (NTC) to establish methodologies for assessing the risk that imports may violate U.S. customs and trade laws and to issue trade alerts when the NTC determines cargo may violate such laws; assess the risk of cargo based on all information available to CBP through the Automated Targeting System, ACE, the Automated Entry System, ITDS, and TECS (formerly known as the "Treasury Enforcement Communications System") or any successor systems, publicly available information, and information made available to the NTC by private sector entities; and, provide for the receipt and transmission to appropriate CBP offices of allegations from interested parties in the private sector of violations of the customs and trade laws of the United States relating to the priority trade issues described in section 111(a) of the House amendment (section 117 of the conference report).

Section 111(b) authorizes the Executive Director of the NTC to issue trade alerts to port directors when such person determines cargo may violate U.S. customs and trade laws. The trade alert may direct further inspection or physical examination or testing of specific merchandise by the port personnel. A port director may determine not to carry out the direction of the trade alerts if the port director finds security interests justify such determination, and the port director notifies the Assistant Commissioner of the Office of Field Operations of such determination. The Assistant Commissioner of the Office of Field Operations must compile an annual report of all determinations by port directors to not implement trade alerts and include an evaluation of the utilization of trade alerts. This report must be submitted to Committee on Finance and the

Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Ways and Means and the Committee on Homeland Security of the House of Representatives not later than December 31 each year. Section 111(b) further defines ''inspection'' as the comprehensive evaluation process used by CBP, other than physical examination or testing, to permit the entry of merchandise into the United States, or the clearance of merchandise for transportation in bond through the United States for the purposes of assessing duties, identifying restricted or prohibited items, and ensuring compliance with all applicable customs and trade laws and regulations administered by CBP.

Section 111(c) amends section 343(a)(3)(F) of the Trade Act of 2002 to establish that the information collected pursuant to regulations shall be used exclusively for ensuring cargo safety and security, prevent smuggling, and commercial risk assessment targeting, and shall not be used for any commercial enforcement purposes, including for determining merchandise entry.

Senate Amendment

Section 111(a) of the Senate amendment establishes a Commercial Targeting Division (CTD) at CBP by amending section 2(d) of the Act of March 3, 1927 (19 U.S.C. 2072(d)). The section requires the Secretary of Homeland Security to establish and maintain a Commercial Targeting Division (CTD) within CBP's Office of International Trade at CBP. The CTD shall be comprised of headquarters staff led by an Executive Director, and individual National Targeting and Analysis Groups (NTAGs) led by Directors reporting to the Executive Director. The CTD shall develop and conduct commercial targeting with respect to cargo destined for the United States and issue trade alerts.

Section 111(a) requires the establishment of an NTAG for, at a minimum, each of the following priority trade issues (PTIs): 1) agricultural programs; 2) antidumping and countervailing duties; 3) import safety; 4) intellectual property rights; 5) revenue; 6) textiles and wearing apparel; and 7) trade agreements and preference programs. The Commissioner may alter the PTIs in consultation with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

The duties of each NTAG include: 1) directing the trade enforcement and compliance assessment activities of CBP as they relate to the each NTAG's PTI; 2) facilitating, promoting, and coordinating cooperation and the exchange of information between CBP, ICE, and other relevant Federal departments and agencies regarding each NTAG's PTI; and 3) serving as the primary liaison between CBP and the public regarding United States Government activities related to each NTAG's PTI.

Section 111(a) also requires the CTD to establish methodologies for assessing the risk that cargo destined for the United States may violate U.S. customs and trade laws and for issuing Trade Alerts. The CTD should assess the risk of cargo based on all information available to CBP through the Automated Targeting System, ACE, the Automated Commercial System, the Automated Export System, ITDS, and TECS (formerly known as the ''Treasury Enforcement Communications System''), the case management system of ICE or any successor systems, and publicly available information. The CTD should also use information provided by private sector entities and coordinate targeting efforts with other Federal agencies.

The section authorizes the CTD Executive Director and NTAG Directors to issue Trade Alerts to port directors to ensure compliance with U.S. customs and trade laws. The Trade Alert may direct further inspection or physical examination or testing of merchandise by port personnel if certain risk-assessment thresholds are met. A port director may determine not to carry out the direction of the Trade Alerts if the port director finds such a determination is justified by security interests and the port director notifies the Assistant Commissioners of the Office of Field Operations and the Office of International Trade of such a determination. The Assistant Commissioner of the Office of Field Operations must compile an annual report of all determinations by port directors to override Trade Alerts and evaluate the utilization of Trade Alerts.

Section 111(b) amends section 343(a)(3)(F) of the Trade Act of 2002 (19 U.S.C. 2071 note), to indicate that information collected pursuant to the regulations shall be used exclusively for ensuring cargo safety and security, preventing smuggling, and commercial risk assessment targeting, and shall not be used for any commercial enforcement purposes, including for determining merchandise entry.

Conference Agreement

The conference agreement follows the House amendment with modifications. It requires the NTC to coordinate with the CBP Office of Trade, as appropriate, in carrying out its duties under this section and to notify each interested party in the private sector that has submitted an allegation of any violation of the customs and trade laws of the United States or any civil or criminal action taken by CBP or any other agency resulting from the allegation. It also provides that the first report under Section 111(b)(3) is due December 31, 2016.

SECTION 112. REPORT ON OVERSIGHT OF REVENUE PROTECTION AND ENFORCEMENT MEASURES

Present Law

No provision.

House Amendment

Section 112(a) requires the Inspector General of the Department of the Treasury to submit a report, not later than March 31, 2016 and biennially thereafter, to the Senate Committee on Finance and the House Committee on Ways and Means that assesses the effectives of the measures taken by CBP with respect to protection of the revenue and to measure accountability and performance with respect to protection of the revenue.

Section 112(b) establishes that each report required by section 112(a) shall cover the period of two fiscal years ending on September 30 of the calendar year preceding the submission of the report.

Senate Amendment

Section 112 of the Senate amendment is the same as section 112 of the House amendment.

Conference Agreement

The conference agreement follows the House amendment and the Senate amendment except that it provides an additional three months for the issuance of the first report required under Section 112(a).

SECTION 113. REPORT ON SECURITY AND REVENUE MEASURES WITH RESPECT TO MERCHANDISE TRANSPORTED IN BOND

Present Law

No provision.

House Amendment

Section 113(a) requires the Secretaries of Homeland Security and the Treasury to jointly submit a report to the Senate Committee on Finance and the House Committee on Ways and Means on efforts undertaken by CBP to ensure the secure transportation of merchandise in bond through the United States and the collection of revenue owed upon the entry of such merchandise into the United States for consumption. The report must be submitted no later than December 31 of 2016, 2017, and 2018.

Section 113(b) requires that each report required by section 113(a) shall include information on: 1) the overall number of entries of merchandise for transportation in bond through the United States; 2) the ports at which merchandise arrives in the United States for transportation in bond and at which records of arrival of such merchandise are generated; 3) the average time taken to reconcile such records with the records at the final destination of merchandise in the United States to demonstrate that the merchandise reaches its final destination or is re-exported; 4) the average time taken to transport merchandise in bond from the port at which the merchandise arrives in the United States to its final destination in the United States; 5) the total amount of duties, taxes, and fees owed with respect to shipments of merchandise transported in bond and the total of such duties, taxes, and fees paid; 6) the total number of notifications by carriers of merchandise being transported in bond that the destination of merchandise has changed; and 7) the number of entries that remain unreconciled.

Senate Amendment

Section 113 of the Senate amendment is the same as section 113 of the House amendment.

Conference Agreement

The conference agreement follows the House amendment and the Senate amendment.

SECTION 114. IMPORTER OF RECORD PROGRAM

Present Law

No provision.

House Amendment

Section 114(a) requires the Secretary of Homeland Security to establish an importer of record program to assign and maintain importer of record numbers.

Section 114(b) requires the Secretary to ensure that CBP develops criteria that importers must meet in order to obtain an importer of record number, provides a process by which importers are assigned importer of record numbers, maintains a centralized database of importer of record numbers, evaluates and maintains accuracy of the database if importer information changes, and takes measures to ensure that duplicate importer of record numbers are not issued.

Section 114(c) requires the Secretary of Homeland Security to submit a report to the Senate Committee on Finance and the House Committee on Ways and Means on the establishment of the importer of record program no later than one year after enactment of the Trade Facilitation and Trade Enforcement Act of 2015.

Senate Amendment

Section 114 of the Senate amendment is the same as section 114 of the House amendment.

Conference Agreement

The conference agreement follows the House amendment and the Senate amendment.

SECTION 115. ESTABLISHMENT OF IMPORTER RISK ASSESSMENT PROGRAM

Present Law

No provision.

House Amendment

Section 115(a) requires the Commissioner to establish a new importer program that directs CBP to adjust bond amounts for new

importers based on the level of risk assessed by CBP for revenue protection.

In establishing this program, section 115(b) requires CBP to: 1) develop risk-based criteria to assess new importers; 2) develop risk assessment guidelines for new importers to determine if and to what extent to adjust the bond amounts and increase screening of imports of new importers; 3) develop procedures to ensure increased oversight of imported products of new importers relating to the enforcement of priority trade issues; 4) develop procedures to ensure increased oversight by Centers of Excellence and Expertise; and 5) establish a centralized database of new importers to ensure the accuracy of information provided by new importers pursuant to the requirements of this section.

Senate Amendment

Section 115 of the Senate amendment is the same as section 115 of the House amendment.

Conference Agreement

The conference agreement follows the House amendment and the Senate amendment except that the Commissioner is required to establish a program that directs CBP to adjust bond amounts for importers, including new importers and non-resident importers, based on the level of risk assessed by CBP for revenue protection.

In establishing this program, CBP is required to: 1) develop risk-based guidelines to determine if and to what extent to adjust bond amounts and screen imported products of importers, including new and non-resident importers; 2) develop procedures to ensure increased oversight of imported products of new importers, including new non-resident importers, relating to the enforcement of the priority trade issues; 3) develop procedures to ensure increased oversight of imported products of new importers, including new non-resident importers, by Centers of Excellence and Expertise; and 4) establish a centralized database of new importers, including new non-resident importers, to ensure the accuracy of information provided by such importers pursuant to the requirements of this section. The requirements of this section shall not apply to any importer that is a validated Tier 2 or Tier 3 participant in the Customs-Trade Partnership Against Terrorism program established under subtitle B of title II of the SAFE Port Act (6 U.S.C. 961 et seq.).

No later than two years after the enactment of this Act, the Inspector General of the Department of Treasury shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report detailing: 1) the risk assessment guidelines required by this section; 2) the procedures developed to ensure increased oversight of imported products of new importers, including new non-resident importers, relating to the enforcement of priority trade issues; 3) the procedures developed to ensure increased oversight of imported products of new importers, including new non-resident importers, by Centers of Excellence and Expertise; and 4) the number of bonds adjusted based on the risk assessment guidelines required by this section.

SECTION 116. CUSTOMS BROKER IDENTIFICATION OF IMPORTERS

Present Law

Section 641 of the Tariff Act of 1930 establishes requirements and procedures for customs brokers in acquiring a license or permit, disciplinary proceedings, and judicial appeals of revocation or suspension of a broker's license.

House Amendment

Section 116(a) amends section 641 of the Tariff Act of 1930 by inserting a new provision that requires the Secretary of Homeland Security to prescribe regulations setting minimum standards for customs brokers and importers regarding the identity of the importer. The regulations shall, at a minimum, require customs brokers and importers, upon adequate notice, to comply with procedures for collecting the identity of importers, including nonresident importers, seeking to import merchandise into the United States, and maintain records of the information used to substantiate a person's identity. This section further provides that a customs broker will be penalized, at the discretion of the Secretary, in an amount not exceeding $10,000 for each violation of the regulations concerning the collection and maintenance of importer's identity and identifying information, and the broker's license or permit will be subject to revocation or suspension, pursuant to procedures established in section 641(d) of the Tariff Act of 1930.

Section 116(b) requires the Commissioner to submit a report to Congress no later than 180 days after enactment of this bill containing recommendations for determining the most timely and effective way to require foreign nationals to provide customs brokers with appropriate and accurate information (comparable to that which is required of United States nationals concerning the identity, address and other related information), and for establishing a system for customs brokers to review information maintained by relevant Federal agencies for purposes of verifying the identities of importers, including nonresident importers, seeking to import merchandise into the United States.

Senate Amendment

No provision.

Conference Agreement

The conference agreement follows the House amendment except that the regulations shall, at a minimum: 1) identify the information that an importer, including a nonresident importer, must submit to a broker in order to verify the identity of the importer; 2) identify the reasonable procedures that a broker must perform to verify the authenticity of the information collected from the importer; and 3) require the broker to maintain records of the information collected to verify an importer's identity. Further, the penalties required under this section shall be assessed in the same manner and under the same procedures as the monetary penalties provided for in 19 U.S.C. 1641(d)(2)(A).

SECTION 117. PRIORITY TRADE ISSUES

Present Law

No provision.

House Amendment

Section 118(a) requires the Commissioner to establish the following as priority trade issues within CBP: 1) agriculture programs; 2) antidumping and countervailing duties; 3) import safety; 4) intellectual property rights; 5) revenue; 6) textiles and wearing apparel; and 7) trade agreements and preference programs.

Section 118(b) authorizes the Commissioner to establish new priority trade issues and eliminate, consolidate or otherwise modify them upon the determination that it is necessary and appropriate to do so with notification to the Committee on Finance and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Ways and Means and the Committee on Homeland Security of the House of Representatives no later than 60 days before such changes are to take effect.

Senate Amendment

Section 111 of the Senate amendment includes a list of priority trade issues (PTI) that is the same as the PTIs identified in section 118 of the House amendment. The Senate amendment, however, requires notification by CBP not later than 30 days after the establishment of a new PTI. The amendments also differ in the recipients of the required report.

Conference Agreement

The conference agreement follows the House amendment and requires the Commissioner to notify the committees of 1) new PTIs no later than 30 days after the establishment of the new PTI, and 2) a summary of proposals to eliminate, consolidate or otherwise modify existing PTIs no later than 60 days before such changes are to take effect.

SECTION 118. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED

Present Law

No provision.

House Amendment

Section 119 defines the term ''appropriate congressional committees,'' as used in title I of the Trade Facilitation and Trade Enforcement Act of 2015, as the Committee on Finance and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Ways and Means and the Committee on Homeland Security of the House of Representatives.

Senate Amendment

No provision.

Conference Agreement

The conference agreement follows the House amendment.

TITLE II—IMPORT HEALTH AND SAFETY

SECTION 201. INTERAGENCY IMPORT SAFETY WORKING GROUP

Present Law

No provision.

House Amendment

Section 201(a) establishes an Interagency Import Safety Working Group.

Section 201(b) sets forth the membership of the Working Group and designates the Secretary of Homeland Security as the Chair and the Secretary of Health and Human Services as the Vice-Chair. The membership of the Working Group also shall include the Secretaries of the Treasury, Commerce and Agriculture; the United States Trade Representative; the Director of the Office of Management and Budget; the Commissioners of CBP and the Food and Drug Administration; the Chairman of the Consumer Product Safety Commission; the Director of ICE; and the head of any other Federal agency designated by the President to participate.

Section 201(c) requires the Working Group to 1) consult on the development of a joint import safety rapid response plan required under section 202; 2) evaluate federal government and agency resources, plans, and practices to ensure the safety of U.S. imports and the expeditious entry of such merchandise; 3) review the engagement and cooperation of foreign governments and foreign manufacturers; 4) identify best practices, in consultation with the private sector, to assist U.S. importers in ensuring import health and safety of imported merchandise; 5) identify best practices to improve Federal, state, and local coordination in responding to import health and safety threats; and 6) identify appropriate steps to improve domestic accountability and foreign government engagement with respect to imports.

Senate Amendment

Section 201 of the Senate amendment is the same as section 201 of the House amendment.

Conference Agreement

The conference agreement follows the House amendment and the Senate amendment.

SECTION 202. JOINT IMPORT SAFETY RAPID RESPONSE PLAN

Present Law

No provision.

House Amendment

Section 202(a) requires the Secretary of Homeland Security, in consultation with the Working Group, to develop a joint import safety rapid response plan (the Plan) that establishes protocols and practices CBP should use when responding to cargo that poses a threat to the health or safety of U.S. consumers.

Section 202(b) sets forth the contents of the Plan, which must define 1) the authorities and responsibilities of CBP and other Federal agencies in responding to an import health or safety threat; 2) the protocols and practices used in responding to such threats; 3) the mitigation measures CBP and other agencies must take when responding to such threats after the incident to ensure the resumption of the entry of merchandise into the United States; and 4) exercises CBP should take with Federal, State, and local agencies as well as the private sector to simulate responses to such threats.

Section 202(c) requires the Secretary of Homeland Security to review and update the joint import safety rapid response plan, as appropriate, after conducting exercises under subsection (d).

Section 202(d) requires the Commissioner, in conjunction with Federal, State, and local agencies, to conduct exercises to test and evaluate the Plan. When conducting exercises, the Commissioner must make allowances for the specific needs of the port where the exercise is occurring, base evaluations on current import risk assessments, and ensure that the exercises are conducted consistent with other national preparedness plans. The Secretary of Homeland Security and Commissioner must ensure that the testing and evaluations use performance measures in order to identify best practices and recommendations in responding to import health and safety threats and develop metrics with respect to the resumption of the entry of merchandise into the United States. Best practices and recommendations should then be shared among relevant stakeholders and incorporated into the Plan.

Senate Amendment

Section 202 of the Senate amendment is the same as section 202 of the House amendment.

Conference Agreement

The conference agreement follows the House amendment and the Senate amendment.

SECTION 203. TRAINING

Present Law

No provision.

House Amendment

Section 203 requires the Commissioner to ensure that CBP port personnel are trained to effectively enforce U.S. import health and safety laws.

Senate Amendment

Section 203 of the Senate amendment is the same as section 203 of the House amendment.

Conference Agreement

The conference agreement follows the House amendment and the Senate amendment.

TITLE III—IMPORT-RELATED PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

SECTION 301. DEFINITION OF INTELLECTUAL PROPERTY RIGHTS

Present Law

No provision.

House Amendment

Section 301 defines ''intellectual property rights,'' as used in this title, as copyrights, trademarks, and other forms of intellectual property rights that are enforced by CBP and ICE.

Senate Amendment

Section 301 of the Senate amendment is the same as section 301 of the House amendment.

Conference Agreement

The conference agreement follows the House amendment and the Senate amendment.

SECTION 302. EXCHANGE OF INFORMATION RELATED TO TRADE ENFORCEMENT

Present Law

Section 818(g) of the 2012 National Defense Authorization Act (NDAA) authorizes, but does not require, CBP to share unredacted images and samples with right holders if CBP suspects a product of infringing a trademark.

House Amendment

Section 302 amends the Tariff Act of 1930 to create section 628A, which requires CBP to share certain information about merchandise suspected of violating intellectual property rights (IPR) prior to seizure if CBP determines that examination or testing of the merchandise by the right holder would assist in determining if there is a violation, except in such cases as would compromise an ongoing law enforcement investigation or national security. Section 302 supersedes section 818(g) of the 2012 NDAA.

Senate Amendment

Section 302 of the Senate amendment is the same as section 302 of the House amendment.

Conference Agreement

The conference agreement follows the House amendment and the Senate amendment.

SECTION 303. SEIZURE OF CIRCUMVENTION DEVICES

Present Law

Section 596(c)(2) of the Tariff Act of 1930 specifies a number of items that are to be seized by CBP when presented for importation, including ''merchandise or packaging in which copyright, trademark, or trade name protection violations are involved.''

House Amendment

Section 303(a) expands CBP's seizure and forfeiture authority to explicitly include unlawful circumvention devices, as defined under subsection (a)(2) or (b)(1) of section 1201 of title 17, United States Code.

Section 303(b) directs CBP to disclose certain information to right holders about the seized merchandise within 30 days of seizure, if the right holder is included on a list maintained by CBP. The information that must be provided is the same information provided to copyright owners under CBP regulations for merchandise seized under copyright laws. CBP must prescribe regulations establishing procedures that implement this process within one year of the date of enactment of this bill.

Senate Amendment

Section 303 of the Senate amendment is the same as section 303 of the House amendment.

Conference Agreement

The conference agreement follows the House amendment and the Senate amendment.

SECTION 304. ENFORCEMENT BY U.S. CUSTOMS AND BORDER PROTECTION OF WORKS FOR WHICH A COPYRIGHT REGISTRATION IS PENDING

Present Law

No provision.

House Amendment

Section 304 directs the Secretary of Homeland Security to establish a process for the enforcement of copyrights for which the owner has submitted an application for registration with the U.S. Copyright Office to the same extent and in the same manner as if the copyright were registered with the Copyright Office.

Senate Amendment

Section 304 of the Senate amendment is the same as section 304 of the House amendment.

Conference Agreement

The conference agreement follows the House amendment and the Senate amendment.

SECTION 305. NATIONAL INTELLECTUAL PROPERTY RIGHTS COORDINATION CENTER

Present Law

No provision.

House Amendment

Section 305(a) establishes within ICE the National Intellectual Property Rights Coordination Center (IPR Center), which shall be headed by an Assistant Director.

Section 305(b) assigns the Assistant Director duties, including: 1) coordinating the investigation of sources of merchandise that infringes intellectual property rights (IPR); 2) conducting and coordinating training with other domestic and international law enforcement agencies to improve IPR enforcement; 3) coordinating, with CBP, U.S. activities to prevent the importation or exportation of IPR infringing merchandise; 4) supporting the international interdiction of merchandise destined for the U.S. that infringe IPR; 5) collecting and integrating information regarding infringements; 6) developing a means to receive and organize information regarding infringement of IPR; 7) disseminating information regarding infringement of IPR to other Federal agencies; 8) developing risk-based alert systems in coordination with CBP; and 9) coordinating with U.S. Attorneys' offices to investigate and prosecute IPR crime.

Section 305(c) requires the Assistant Director to coordinate with federal, state, local and international law enforcement, intellectual property, and trade agencies, as appropriate, in carrying out the IPR Center's duties.

Section 305(d) requires the Assistant Director to: 1) conduct outreach to the private sector to determine trends in and methods of infringing IPR; and 2) coordinate public and private-sector efforts to combat the infringement of IPR.

Senate Amendment

Section 305 of the Senate amendment is the same as section 305 of the House amendment.

Conference Agreement

The conference agreement follows the House amendment and the Senate amendment.

SECTION 306. JOINT STRATEGIC PLAN FOR THE ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS

Present Law

No provision.

House Amendment

Section 306 requires the Commissioner and Director to include in the joint strategic

plan on trade facilitation and enforcement required under section 105 of the amendment the following: 1) a description of DHS's IPR enforcement efforts; 2) a list of the top 10 ports, by volume and value, where CBP seized IPR infringing goods in the preceding two years; and 3) a recommendation of the optimal allocation of personnel to ensure CBP and ICE are effectively enforcing IPR.

Senate Amendment

Section 306 of the Senate amendment is the same as section 306 of the House amendment.

Conference Agreement

The conference agreement follows the House amendment and the Senate amendment.

SECTION 307. PERSONNEL DEDICATED TO THE ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS

Present Law

No provision.

House Amendment

Section 307(a) requires the Commissioner to ensure sufficient personnel are assigned throughout CBP with responsibility to enforce intellectual property rights with respect to U.S. imports.

Section 307(b) requires the Commissioner to assign at least three full-time CBP employees to the IPR Coordination Center established under section 305 and to ensure that sufficient personnel are assigned to U.S. ports of entry to carry out the directives of the IPR Coordination Center established under section 305.

Senate Amendment

Section 307 of the Senate amendment is the same as section 307 of the House amendment.

Conference Agreement

The conference agreement follows the House amendment and the Senate amendment.

SECTION 308. TRAINING WITH RESPECT TO THE ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS

Present Law

No provision.

House Amendment

Section 308(a) requires the Commissioner to effectively train CBP port personnel to detect and identify IPR infringing imported goods.

Section 308(b) requires the Commissioner to work with the private sector to identify opportunities for collaboration with respect to training for officers of the agency to enforce IPR.

Section 308(c) requires the Commissioner to consult with private sector entities to identify technologies which can cost-effectively identify infringing merchandise, and to provide for cost-effective training for CBP officers with regard to the use of such technologies.

Section 308(d) permits CBP to receive donations of technology to improve IPR enforcement.

Senate Amendment

Section 308 of the Senate amendment is the same as section 308 of the House amendment.

Conference Agreement

The conference agreement follows the House amendment and the Senate amendment.

SECTION 309. INTERNATIONAL COOPERATION AND INFORMATION SHARING

Present Law

Section 628 of the Tariff Act of 1930 permits CBP to exchange information or documents with foreign customs and law enforcement agencies if the Secretary of the Treasury reasonably believes the exchange of information is necessary to comply with CBP laws and regulations, to enforce a trade agreement to which the United States is a party, to assist in investigative, judicial and quasi-judicial proceedings in the United States, or for any similar action undertaken by a foreign law enforcement agency in a foreign country.

House Amendment

Section 309 requires the Secretary of Homeland Security to coordinate with competent foreign law enforcement agencies to enhance IPR enforcement, including by information sharing and technical assistance, and requires the Commissioner and the Director of ICE to lead interagency efforts to collaborate with law enforcement and customs authorities of foreign countries.

Senate Amendment

Section 309 of the Senate amendment is the same as section 309 of the House amendment.

Conference Agreement

The conference agreement follows the House amendment and the Senate amendment.

SECTION 310. REPORT ON INTELLECTUAL PROPERTY RIGHTS ENFORCEMENT

Present Law

No provision.

House Amendment

Requires the Commissioner of CBP and the Director of ICE to jointly submit to the Committee on Finance and Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Ways and Means and Committee on Homeland Security of the House of Representatives a report that includes: 1) information regarding the number, and a description of, certain efforts to investigate and prosecute IPR infringements; 2) an estimate of the average time required by the CBP Office of International Trade to respond to a request from port personnel for advice with respect to whether merchandise detained by the Agency infringed IPR, distinguished by types of IPR infringed; 3) a summary of the outreach efforts of CBP and ICE with respect to interdiction, investigation and information sharing between certain agencies related to the infringement of IPR, collaboration with the private sector, and coordination with foreign governments; 4) a summary of the efforts of CBP and ICE to address the challenges with respect to the enforcement of IPR presented by Internet commerce and the transit of small packages and an identification of the volume, value, and type of merchandise seized for infringing IPR as a result of such efforts; and 5) a summary of training relating to the enforcement of IPR conducted under section 308 and expenditures for such training.

Senate Amendment

Section 310 of the Senate amendment is the same as section 310 of the House amendment with the exception of a difference in the recipients of the report required in this section.

Conference Agreement

The conference agreement follows the House amendment, except that it changes the due date of the report to September 30th of each year.

SECTION 311. INFORMATION FOR TRAVELERS REGARDING VIOLATIONS OF INTELLECTUAL PROPERTY RIGHTS

Present Law

No provision.

House Amendment

Section 311(a) requires the Secretary of Homeland Security to develop and implement an educational campaign for travelers entering or departing the United States on the legal, economic, and public health and safety implications of importing IPR infringing goods into the United States.

Section 311(b) requires the Commissioner to ensure that all versions, including the electronic versions, of CBP Form 6059B (customs declaration), or a successor form, include a written warning to inform travelers arriving in the United States that importation of merchandise that infringes IPR may subject travelers to civil or criminal penalties and may pose serious risks to health and safety.

Senate Amendment

Section 311 of the Senate amendment is the same as section 311 of the House amendment.

Conference Agreement

The conference agreement follows the House amendment and the Senate amendment.

TITLE IV—PREVENTION OF EVASION OF ANTI-DUMPING AND COUNTERVAILING DUTY ORDERS

SECTION 401. SHORT TITLE

Present Law

No provision.

House Amendment

Section 401 sets forth the short title as the ''Preventing Recurring Trade Evasion and Circumvention Act.''

Senate Amendment

Section 401 of the Senate amendment sets forth the short title as the ''Enforcing Orders and Reducing Customs Evasion Act of 2015.''

Conference Agreement

The conference agreement sets forth the short title as the ''Enforce and Protect Act of 2015.''

SECTION 402. DEFINITIONS

Present Law

No provision.

House Amendment

Section 402 establishes the applicable definitions for this title.

Senate Amendment

No provision.

Conference Agreement

The conference agreement follows the House amendment.

SECTION 403. APPLICATION TO CANADA AND MEXICO

Present Law

Article 1902 of the North American Free Trade Agreement (NAFTA) (19 U.S.C. 3438) states that any amendments to title VII of the Tariff Act of 1930, or to any other statute which provides for judicial review of determinations under that title or the standard of review to be applied, shall apply to goods from a NAFTA country only to the extent specified in the amendment.

House Amendment

Section 403 provides that this title applies to goods from Canada and Mexico, the current members of NAFTA.

Senate Amendment

Section 402(e) of the Senate amendment is the same as section 403 of the House amendment.

Conference Agreement

The conference agreement follows the House amendment and the Senate amendment.

Subtitle A—Actions Relating to Enforcement of Trade Remedy Laws

SECTION 411. TRADE REMEDY LAW ENFORCEMENT DIVISION

Present Law

No provision.

House Amendment

Section 411(a) establishes within the Office of International Trade of CBP a Trade Law Remedy Enforcement Division. The Trade Law Remedy Division's duties are to: develop and administer policies to prevent and counter evasion; direct enforcement and compliance assessment activities concerning evasion; develop and conduct commercial risk assessment targeting with respect to potentially evading cargo destined for the United States; issuing Trade Alerts regarding evading imports; and develop policies for the application of single entry and continuous bonds to sufficiently protect the collection of antidumping and countervailing duties.

Section 411(b) establishes the Director of the Trade Law Remedy Enforcement Division responsible for: directing the trade enforcement and compliance assessment activities of CBP regarding evasion; improving cooperation and the exchange of information between CBP, ICE, and other relevant agencies regarding evasion; notifying the Department of Commerce and the International Trade Commission of any findings, determinations, or criminal actions taken by CBP or other Federal agency regarding evasion; and serving as the primary liaison between CBP and the public regarding United States Government activities concerning evasion. The Director's liaison responsibilities include: receiving and transmitting to the appropriate CBP office parties' allegations of evasion; provide information to a party that submitted an allegation of evasion on the status of CBP's consideration of the allegation and decision to pursue or not pursue any administrative inquiries or other actions; request from the party that submitted an allegation of evasion any additional information that may be relevant for CBP determining whether to initiate an administrative inquiry or take any other action regarding the allegation; notify on a timely basis the party that submitted such an allegation of the results of any administrative, civil or criminal actions taken by CBP or other Federal agency regarding evasion as a direct or indirect result of the allegation; provide technical assistance and advice to eligible small businesses to enable such businesses to prepare and submit allegations of evasion; develop guidelines on the types and nature of information that may be provided in allegations of evasion; and regularly consult with relevant parties and organizations regarding the development and implementation of regulations, interpretations, and policies related to countering evasion.

Section 411(c) establishes within the Trade Remedy Law Enforcement Division a National Targeting and Analysis Group (NTAG) dedicated to preventing and countering evasion through establishing targeted risk assessment methodologies and standards.

Section 411(d) requires the Director of the Trade Remedy Law Enforcement Division to issue Trade Alerts to port directors as required to inspect imported merchandise, require additional bonds, and take other actions necessary to prevent evasion.

Senate Amendment

No provision.

Conference Agreement

The conference agreement follows the House amendment, except also adding that the duties of the Trade Remedy Law Enforcement Division and its director include those policies and activities related to implementing section 517 of the Tariff Act of 1930, as added by section 421 of this Act. The conference agreement establishes the Trade Law Remedy Enforcement Division in the Office of Trade, the successor office to the Office of International Trade.

SECTION 412. COLLECTION OF INFORMATION ON EVASION OF TRADE REMEDY LAWS

Present Law

No provision.

House Amendment

Section 412(a) directs CBP to exercise all existing information collection authorities to identify evasion and authorizes CBP to issue questionnaires to collect information on alleged evasion from persons who have information relevant to an allegation of evasion.

If a person fails to cooperate to provide requested information, section 412(b) authorizes CBP to apply an adverse inference against the interests of that party in determining if evasion occurred.

Senate Amendment

No provision.

Conference Agreement

The conference agreement follows the House amendment, except also clarifying that an adverse inference may be used with respect to a person alleged to have entered covered merchandise through evasion, or a foreign producer or exporter of covered merchandise alleged to have entered through evasion regardless of whether another person involved in the same transaction or transactions has provided requested information.

SECTION 413. ACCESS TO INFORMATION

Present Law

Section 777(b)(1)(A)(ii) of the Trade Act of 1930, at 19 U.S.C. 1677f(b)(1)(A)(ii), authorizes the Department of Commerce and the International Trade Commission to transfer to CBP information that was designated proprietary by the person submitting the information, for purposes of conducting an investigation regarding fraud.

House Amendment

Section 413(a) amends section 777(b)(1)(A)(ii) of the Trade Act of 1930 by allowing the Department of Commerce and the International Trade Commission to transfer information designated proprietary by the person submitting the information to CBP for investigations of negligence and gross negligence, rather than just for fraud.

Section 413(b) authorizes the Secretary of the Treasury to provide to the Department of Commerce or the International Trade Commission any information that would enable the Department of Commerce or the International Trade Commission to assist in identifying imports evading antidumping or countervailing duties.

Senate Amendment

No provision.

Conference Agreement

The conference agreement follows the House amendment.

SECTION 414. COOPERATION WITH FOREIGN COUNTRIES ON PREVENTING EVASION OF TRADE REMEDY LAWS

Present Law

No provision.

House Amendment

Section 414(a) requires the negotiation of bilateral agreements with other countries' customs authorities to cooperate on preventing evasion. These agreements should include provisions allowing the sharing of information to determine if evasion occurred, verification of such information, allowing officials from the importing country to participate in such verifications, and, if a country refuses to allow officials from an importing country to participate in a verification, allowing the importing country to take such lack of cooperation into account in its trade enforcement and compliance activities.

Section 414(b) allows CBP to take into account whether a country is a party to a bilateral agreement regarding cooperation on evasion and the extent to which that country is cooperating under such an agreement for the purposes of trade enforcement and compliance assessment of that country's exports regarding potential evasion.

Section 414(c) requires an annual report to Congress on the status of ongoing negotiations of bilateral cooperation agreements regarding evasion, the terms of any such completed agreements, and any cooperation and other activities conducted as a result of such agreements.

Senate Amendment

No provision.

Conference Agreement

The conference agreement follows the House amendment.

SECTION 415. TRADE NEGOTIATING OBJECTIVES

Present Law

No provision.

House Amendment

Section 415 establishes obtaining the commitments for cooperation on evasion described in section 414 as a negotiating objective for current trade agreements under negotiation and future agreements.

Senate Amendment

No provision.

Conference Agreement

The conference agreement follows the House amendment.

Subtitle B—Investigation of Evasion of Trade Remedy Laws

SECTION 421. PROCEDURES FOR INVESTIGATION OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS

Present Law

No provision.

House Amendment

Section 421 grants the Department of Commerce the authority to administratively investigate evasion and order CBP to collect or preserve for collection antidumping and countervailing duties owed on evading imports. In addition to defining required terms, section 421(a) excludes from these investigations evasion that is the result of clerical errors unless the errors reflect a pattern of negligent conduct.

Section 421(b) establishes the procedures for evasion investigations. The Department of Commerce may self-initiate an evasion investigation, or may initiate an investigation as a result of an adequate petition from an interested party or a referral from CBP. CBP is required to refer a matter to the Department of Commerce if CBP has information that evasion occurred, but cannot determine if the merchandise is in fact subject to an antidumping or countervailing duty order. The Department of Commerce has 30 days after receiving a petition or referral to determine whether to initiate an investigation. The Department of Commerce is to notify CBP if it initiates an evasion investigation as a result of a petition from an interested party.

CBP is required to provide documents and information requested by the Department of Commerce for an evasion investigation within 10 days after the request and these documents and information will be available to

authorized representatives of interested parties under an administrative protective order. If an authorized representative of an interested party has access to business proprietary information from another Department of Commerce proceeding under an administrative protective order issued in that proceeding and this information is relevant to an evasion investigation, the authorized representative may submit this information on the record of the evasion investigation. The Department of Commerce is authorized to issue questionnaires to interested parties in an evasion investigation and to make an adverse inference against a party that fails to cooperate to the best of its ability.

The Department of Commerce is to issue a preliminary determination of whether there is a reasonable basis to believe or suspect evasion within 90 days after initiation of the investigation and a final determination of evasion within 300 days after initiation. If the Department of Commerce makes an affirmative preliminary determination of evasion, CBP is to suspend liquidation of entries of evading merchandise on or after the preliminary determination and any unliquidated entries before that date. A cash deposit is also required for such entries reflecting the applicable rates previously determined by the Department of Commerce.

If the Department of Commerce makes an affirmative final determination of evasion, CBP is to assess the applicable antidumping and countervailing duties on entries of evading merchandise, including such entries that were already liquidated, and to review and reassess the amount of bond or other security the importer must post for entries of such merchandise on or after the date of the final determination. The Department of Commerce may also instruct CBP to require a cash deposit or bond on entries of such merchandise on or after the date of the final determination in the amount of antidumping and countervailing duties potentially owed on the merchandise. If the Department of Commerce cannot determine the amount of the applicable antidumping and countervailing duty rate or cash deposit because the actual producer or exporter of the merchandise is unknown, then the highest amount for any producer or exporter will be applied. If the Department of Commerce makes a negative final determination of evasion, then any suspension of liquidation is ended and any cash deposits refunded. The preliminary and final determinations in an evasion investigation are to be published in the Federal Register, as well as the notice of initiation of such an investigation.

If the Department of Commerce makes an affirmative preliminary or final determination of evasion, it is required to transmit the administrative record of the investigation to CBP and any other agency that requests the administrative record. After making a final determination, the Department of Commerce may also provide importers information discovered in an investigation that would help educate importers on complying with importing merchandise in accordance with U.S. laws and regulations.

The Department of Commerce and CBP are to establish procedures to maximize cooperation and communication between the two agencies to quickly, efficiently, and accurately investigation allegations of evasion. The Department of Commerce will issue annual reports to Congress on the conduct of evasion investigations.

Section 421(b) makes a technical amendment to the table of contents for title VII of the Trade Act of 1930 to reflect this subtitle.

Section 421(c) establishes that the Department of Commerce's final determination in an evasion investigation is subject to judicial review by the U.S. Court of International Trade.

Section 421(d) instructs the Department of Commerce and CBP to issue regulations to implement this subtitle.

Section 421(e) provides that the amendments in this subtitle are effective 180 days after enactment and applies to merchandise entered on or after the date of enactment.

Senate Amendment

Section 402 requires that if the Commissioner makes an affirmative determination of evasion, the Commissioner shall: 1) suspend the liquidation of any unliquidated entries of the covered merchandise that is the subject of the allegation entered between the date of initiation and the date of the determination; 2) extend the period for liquidating any unliquidated entries of merchandise that entered before the initiation of the investigation; 3) notify Commerce of the determination and request that Commerce determine the appropriate duty rates for such covered merchandise; 4) require importers of such covered merchandise to post cash deposits and assess duties on the covered merchandise as directed by Commerce; and 5) take such additional enforcement measures as the Commissioner deems appropriate, including initiating proceedings for related violations of law, modifying CBP's procedures for identifying future evasion, requiring a deposit of estimated duties on future entries, and referring the matter to ICE for civil or criminal investigation. The section also requires the Department of Commerce to promptly provide the Commissioner with cash deposit rates and antidumping and countervailing duty rates, and establishes a special rule for cases in which the producer or exporter is unknown.

Under section 402, the Commissioner must determine within 90 calendar days of initiation of an evasion investigation whether there is a reasonable suspicion that entries of covered merchandise that are the subject of the allegation were entered through evasion. If the Commissioner decides there is a reasonable suspicion, the Commissioner shall: 1) suspend the liquidation of any unliquidated entries of the covered merchandise entered after the date of initiation; 2) extend the period for liquidating any unliquidated entries of merchandise that entered before the initiation of the investigation; and 3) take any additional measures necessary to protect the ability to collect appropriate duties, which may include requiring a single transaction bond or posting cash deposits with respect to entries of covered merchandise.

Section 402 requires that if the Commissioner makes an affirmative determination of evasion, the Commissioner shall (1) suspend the liquidation of any unliquidated entries of the covered merchandise that is the subject of the allegation entered between the date of initiation and the date of the determination; (2) extend the period for liquidating any unliquidated entries of merchandise that entered before the initiation of the investigation; (3) notify Commerce of the determination and request that Commerce determine the appropriate duty rates for such covered merchandise; (4) require importers of such covered merchandise to post cash deposits and assess duties on the covered merchandise as directed by Commerce; and (5) take such additional enforcement measures as the Commissioner deems appropriate, including initiating proceedings for related violations of law, modifying CBP's procedures for identifying future evasion, requiring a deposit of estimated duties on future entries, and referring the matter to ICE for civil or criminal investigation. The section also requires the Department of Commerce to promptly provide the Commissioner with cash deposit rates and antidumping and countervailing duty rates, and establishes a special rule for cases in which the producer or exporter is unknown.

Under section 402, the Commissioner must determine within 90 calendar days of initiation of an evasion investigation whether there is a reasonable suspicion that entries of covered merchandise that are the subject of the allegation were entered through evasion. If the Commissioner decides there is a reasonable suspicion, the Commissioner shall (1) suspend the liquidation of any unliquidated entries of the covered merchandise entered after the date of initiation; (2) extend the period for liquidating any unliquidated entries of merchandise that entered before the initiation of the investigation; and (3) take any additional measures necessary to protect the ability to collect appropriate duties, which may include requiring a single transaction bond or posting cash deposits with respect to entries of covered merchandise.

Section 402 provides a period of 30 business days for interested party who made the allegation of evasion or the importer of the covered merchandise alleged to have entered the merchandise subject to the evasion determination to request de novo administrative review by the Commissioner after notification of a determination. Section 402 establishes that judicial review shall be available to the interested party alleging evasion or the party found to have entered merchandise subject to the investigation through evasion of any administrative review of the evasion determination by CBP. Section 402 also sets out a rule of construction with respect to other civil and criminal proceedings so that no determination under subsection (c) or action taken by the Commissioner pursuant to the section shall be construed to limit the authority to carry out, or the scope of, any other proceeding or investigation pursuant to any other provision of Federal or State law.

Conference Agreement

The conference agreement follows the Senate amendment except for the following changes. The definition of the term ''interested party'' is expanded to include a foreign manufacturer, producer, or exporter, or the United States importer, of covered merchandise, or a trade or business association a majority of the members of which are producers, exporters, or importers of such merchandise.

The Commissioner has 15 business days after receiving an evasion allegation or a referral to determine whether to initiate an investigation.

If the Commissioner is unable to determine whether the merchandise at issue is covered merchandise, the Commissioner shall refer the matter to the Department of Commerce to determine whether the merchandise is covered merchandise. The Department of Commerce is to make this determination pursuant to its applicable statutory and regulatory authority, and the determination shall be subject to judicial review under 19 U.S.C. 1516a(a)(2). The Conferees intend that such determinations include whether the merchandise at issue is subject merchandise under 19 U.S.C. 1677j. The time required for the Department of Commerce to determine whether the merchandise at issue is covered merchandise shall not be counted in calculating any deadlines under the procedures created by this section.

The Commissioner has 300 calendar days after the date on which an evasion investigation was initiated to make a determination as to whether the covered merchandise was entered through evasion. If the Commissioner concludes that the investigation is extraordinarily complicated and additional

time is necessary to make a determination, then the Commission may extend the time to make a determination by no more than 60 calendar days.

It is clarified that an adverse inference may be used with respect to a person alleged to have entered covered merchandise through evasion, or a foreign producer or exporter of covered merchandise alleged to have entered through evasion regardless of whether another person involved in the same transaction or transactions has provided requested information.

The standard of review for judicial review of an investigation is clarified to be whether the Commissioner fully complied with all procedures in making a determination and conducting an administrative review of that determination and whether any determination, finding, or conclusion is arbitrary, capricious, or an abuse of discretion. Other technical changes were made to the judicial review provision.

SECTION 422. GOVERNMENT ACCOUNTABILITY OFFICE REPORT

Present Law

No provision.

House Amendment

Section 422 directs the Government Accountability Office to submit to Congress a report on the effectiveness of the provisions made by this title and the actions by the Department of Commerce and CBP pursuant to this title.

Senate Amendment

No provision.

Conference Agreement

The conference agreement does not contain this section. Under the House amendment, the Department of Commerce would conduct evasion investigations, and the primary purpose of the report was to monitor the cooperation of the Department of Commerce and CBP in the Department of Commerce's conduct of such investigations. This report is not required under the Conference Agreement because the Senate amendment is being followed, which has CBP conduct evasion investigations.

Subtitle C—Other Matters

SECTION 431. ALLOCATION AND TRAINING OF PERSONNEL

Present Law

No provision.

House Amendment

Section 431 requires CBP, to the maximum extent possible, to assign sufficient personnel responsible for preventing and investigating evasion and to provide adequate training for such personnel.

Senate Amendment

No provision.

Conference Agreement

The conference agreement follows the House amendment.

SECTION 432. ANNUAL REPORT ON PREVENTION OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS

Present Law

No provision.

House Amendment

Section 432(a) directs CBP, in consultation with the Department of Commerce and ICE, to provide Congress with an annual report on efforts to prevent and investigate evasion.

The required contents of the report are described in section 432(b). In addition to metrics on CBP's activities, resource allocation and training regarding evasion, the report must include a description of CBP's policies and practices regarding evasion, any changes in such policies and practices, and any recommended legislative or other changes to improve the effectiveness of CBP in preventing and identifying evasion.

Senate Amendment

Section 403 requires the Commissioner to submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House an annual report on the Commissioner's efforts to prevent and investigate the evasion of antidumping and countervailing duty orders.

Conference Agreement

The conference agreement follows the Senate amendment, except to clarify that the report is to cover all types of evasion allegations and investigations. The requirement to report the number of investigations not completed within the deadlines provided in section 517 of the Tariff Act of 1930, as added by section 421 of this Act, is removed because the Commissioner is statutorily required to meet these deadlines.

SECTION 433. ADDRESSING CIRCUMVENTION BY NEW SHIPPERS

Present Law

Section 751(a)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(2)(B)) allows new exporters and producers to obtain an individual weighted average dumping margin or individual countervailing duty rate on an expedited basis. While the review to determine the individual margin or duty rate is being conducted, an importer of the new exporter or producer's merchandise may post a bond or security instead of a cash deposit for entries of that merchandise.

House Amendment

Section 433 strikes the ability of an importer of a new exporter or producer's merchandise to post a bond or security instead of a cash deposit for entries of that merchandise while the Department of Commerce is determining the exporter or producer's individual weighted average dumping margin or individual countervailing duty rate. This section also adds the requirement that the individual weighted average dumping margin or individual countervailing duty rate for a new exporter or producer must be based on bona fide sales in the United States and sets out criteria to be considered in determining if such sales were bona fide.

Senate Amendment

No provision.

Conference Agreement

The conference agreement follows the House amendment.

TITLE V—SMALL BUSINESS TRADE ISSUES AND STATE TRADE COORDINATION

SECTION 501. SHORT TITLE

Present Law

No provision.

House Amendment

No provision.

Senate Amendment

No provision.

Conference Agreement

The conference agreement sets forth the short title as the ''Small Business Trade Enhancement Act of 2015'' or the ''State Trade Coordination Act.''

SECTION 502. OUTREACH AND INPUT FROM SMALL BUSINESSES TO TRADE PROMOTION AUTHORITY

Present Law

Per section 203 of Public Law 94–305 (15 U.S.C. 1634c), the Office of Advocacy within the Small Business Administration is statutorily charged with receiving complaints, criticisms, and suggestions concerning federal policies affecting small businesses, transmitting those complaints, criticisms and suggestions to the relevant federal regulatory agencies, and developing proposals for changes in the policies and activities of federal agencies as those relate to small businesses. However, current law does not specifically provide for engagement by the Office of Advocacy during the negotiation of trade agreements.

House Amendment

No provision.

Senate Amendment

No provision.

Conference Agreement

The Conferees agree to amend section 203 of Public Law 94–305 (15 U.S.C. 634c) by adding certain provisions and requirements concerning the Office of Advocacy. In particular, the provision requires: 1) the Chief Counsel for Advocacy to convene an Interagency Working Group (IWG) not later than 30 days after the date on which the President submits a notification to Congress under section 105(a) of Public Law 114–26; 2) the IWG to include representation from the Office of the United States Trade Representative, the Department of Commerce, the Department of Agriculture, and any other federal agencies deemed relevant with respect to the subject of the trade agreement at issue; 3) the IWG to identify a diverse group of small entities to provide to the IWG the views of small businesses on the potential economic effects of the trade agreement at issue; and 4) the Chief Counsel for Advocacy to submit to relevant Committees of the Senate and the House of Representatives a report on the economic impacts of the trade agreement at issue on small entities. By assigning the Office of Advocacy a role in trade negotiations, the legislation will promote consideration of small business interests throughout trade negotiation processes.

SECTION 503. STATE TRADE EXPANSION PROGRAM

Present Law

Section 1207 of the Small Business Jobs Act of 2010 (Pub. L. 111–240) created a pilot State Trade and Export Promotion Grant Program to make grants to states to carry out export promotion programs for small businesses. These programs include a foreign trade mission, a foreign market sales trip, a subscription to services provided by the Department of Commerce, the payment of website translation fees, the design of international marketing media, a trade show exhibition, and training workshops.

House Amendment

No provision.

Senate Amendment

No provision.

Conference Agreement

The Conferees agree to rename the ''State Trade and Export Promotion Grant Program'' authorized by the Small Business Jobs Act of 2010 the ''State Trade Expansion Program'' (STEP); to insert STEP into section 22 of the Small Business Act (15 U.S.C. 652); and to authorize STEP grants at $30 million per year through fiscal year 2020. The Conferees also agree to alter STEP to improve coordination between the federal government and the states, to authorize reverse trade missions and procurement of consultancy services, and to require the Inspector General of the Small Business Administration to provide to the Congress a report on STEP within 18 months of the first grant award.

SECTION 504. STATE AND FEDERAL EXPORT PROMOTION COORDINATION

Present Law

Section 2312 of the Export Enhancement Act of 1988 (Public Law 100 418) created the

Trade Promotion Coordinating Committee (TPCC). The TPCC provides a framework to coordinate and carry out certain export promotion and export financing programs of the United States Government.

House Amendment

No provision.

Senate Amendment

No provision.

Conference Agreement

The Conferees agree to establish a new section 2313A of the Export Enhancement Act of 1988, which establishes a State and Federal Export Promotion Coordination Working Group as a subcommittee of the TPCC. The subcommittee is charged with coordinating export promotion and export financing activities between the federal government and state and local governments. The provision further requires that the Office of International Trade of the Small Business Administration, in coordination with other members of the TPCC, submit a report to the Congress that includes recommendations to improve the Internet website Export.gov.

SECTION 505. STATE TRADE COORDINATION

Present law

Section 2312 of the Export Enhancement Act of 1988 (Public Law 100–418) created the Trade Promotion Coordinating Committee (TPCC), which is charged with developing a plan to carry out Federal export promotion and export financing programs. The TPCC is chaired by the Department of Commerce and comprised of representatives from the Office of the United States Trade Representative, the Small Business Administration, the Agency for International Development, the Trade and Development Program, the Overseas Private Investment Corporation, the Export-Import Bank of the United States, and the Departments of Agriculture, Energy, State, Transportation, and the Treasury. The President may appoint additional departments or agencies to the TPCC.

House Amendment

No provision.

Senate Amendment

No provision.

Conference Agreement

The Conferees agree to amend section 2312 by: 1) adding to the TPCC one or more new members appointed by the President who are representatives of state trade promotion agencies; 2) expanding the scope of the responsibilities of the TPCC to add a new Federal and State Export Promotion Coordination Plan, which shall develop a comprehensive plan to coordinate federal and state export promotion resources and strategies; and 3) requiring the TPCC to include, as part of its annual report, a survey and analysis regarding the overall effectiveness of Federal-state coordination and export promotion goals. Further, the provision requires: 1) the Department of Commerce to develop an annual Federal-state export strategy for each state that provides its export strategy; and 2) the Department of Commerce and the state trade promotion agencies to develop a coordinated set of reporting metrics on exports and to report annually to Congress on the results of the coordination.

TITLE VI—ADDITIONAL ENFORCEMENT PROVISIONS

Subtitle A—Trade Enforcement

SECTION 601. TRADE ENFORCEMENT PRIORITIES

Present Law

No provision.

House Amendment

Section 601 requires the Administration to identify, in close consultation with Congress, enforcement priorities and to more regularly consult with Congress on the Administration's enforcement strategy. This section also directs the Administration to focus its enforcement actions on addressing practices that, if eliminated, would likely have the most significant potential to increase economic growth of the United States.

Senate Amendment

Section 601 of the Senate amendment is the same section 601 of the House amendment.

Conference Agreement

The conference agreement follows the House amendment and the Senate amendment.

SECTION 602. EXERCISE OF WTO AUTHORIZATION TO SUSPEND CONCESSIONS OR OTHER OBLIGATIONS UNDER TRADE AGREEMENTS

Present Law

Under section 307(c) of the Trade Act of 1974, a particular action taken under section 301 of the Trade Act of 1974 automatically terminates after four years if neither the petitioner nor any representative of the domestic industry that benefits from such action has requested its continuation during the last sixty days of the four-year period.

House Amendment

Section 602 allows the Administration, under certain conditions, to reinstate a retaliatory action if such action has terminated previously. To reinstate such action, the Administration must receive a request from an affected domestic industry and engage in a detailed analysis and robust consultations with Congress and the public.

Senate Amendment

Section 602 of the Senate amendment is the same section 602 of the House amendment.

Conference Agreement

The conference agreement follows the House amendment and the Senate amendment.

SECTION 603. TRADE MONITORING

Present Law

No provision.

House Amendment

Section 603(a) requires the International Trade Commission to make a web-based import monitoring tool available that provides public access to data on the volume and value of goods imports for the purposes of determining if such data has changed over time. The data used will be from the Department of Commerce and any other appropriate government data, and will include data from the most recent quarter for which such data are available, plus previous quarters as practicable.

This provision further requires the Department of Commerce to publish on a website monitoring reports on changes in the volume and value of imports and exports of goods categorized based on the 6-digit subheadings of the Harmonized Tariff Schedule of the United States. The Department of Commerce must also notify Congress when the reports are available. These reports are to published at least quarterly and have data for the most recent quarter for which such data are available, as well as previous quarters as practicable. The Department of Commerce is required to solicit public comment on the monitoring reports through the Federal Register.

This provision is to terminate seven years after the date of enactment.

Section 603(b) makes the clerical amendment of adding the title of this section to the table of contents for the Trade Act of 1974 (19 U.S.C. 2101 et. seq.).

Senate Amendment

Section 603 of the Senate amendment is the same section 603 of the House amendment.

Conference Agreement

The conference agreement follows the House amendment and the Senate amendment.

SECTION 604. ESTABLISHMENT OF INTERAGENCY CENTER ON TRADE IMPLEMENTATION, MONITORING, AND ENFORCEMENT

Present Law

The Office of the United States Trade Representative (USTR) is required to submit to Congress an Annual Report on Trade Agreements Program and National Trade Policy Agenda, pursuant to 19 U.S.C. 2213; a budget justification, pursuant to 31 U.S.C. 1105; and an agency strategic plan, pursuant to 5 U.S.C. 306.

House Amendment

Section 907 requires that, in its Annual Report on Trade Agreements Program and National Trade Policy Agenda to Congress, USTR must submit additional information regarding USTR-led interagency programs, including the Interagency Trade Enforcement Center. Specifically, the section requires that USTR report on the objectives and priorities of all USTR-led interagency programs; the actions proposed, or anticipated, to be undertaken to achieve such objectives and priorities, including actions authorized under the trade laws and negotiations with foreign countries; the role of each Federal agency participating in the interagency program in achieving such objectives and priorities and activities of each agency with respect to their participation in the program; USTR's coordination of each participating Federal agency to more effectively achieve such objectives and priorities; any proposed legislation necessary or appropriate to achieve such objectives or priorities; and prior progress made in achieving such objectives and priorities and coordination activities.

The section also requires that USTR submit a report to Congress, in conjunction with the President's budget, regarding its annual plan to match available agency resources with projected workload and provide a detailed analysis of how the prior year's funds were spent; identify existing and new staff necessary to support the functions and powers of USTR; identify USTR and other Federal agency staff who will be required to be detailed to support USTR-led interagency programs; and provide detailed analysis of the budgetary requirements of USTR-led interagency programs.

In addition, the section requires that USTR submit to Congress a quadrennial plan, in conjunction with agency strategic plans already required under statute, with some additional requirements: analyzing internal quality controls and record management; identifying existing and new staff necessary to support the functions and powers of USTR; identifying existing USTR and other Federal agency staff who will be required to be detailed to support USTR-led interagency programs; providing an outline of budget justifications, including salaries, expenses, and non-personnel administrative costs, required under the strategic plan; providing an outline of budget justifications for USTR-led interagency programs. This quadrennial plan is required in conjunction with the agency strategic plan produced at the beginning of every new Presidential Administration; this section requires USTR to submit the initial report separately, on February 1, 2016.

Senate Amendment

Section 604 establishes an Interagency Trade Enforcement Center (ITEC) in the Office of the United States Trade Representative (USTR), and provides that the main functions of the Center are to: 1) serve as the primary forum within the Federal government for the USTR and other agencies to coordinate the enforcement of United States trade rights under international trade agreements and enforcement of United States trade remedy laws; 2) coordinate the exchange of information related to potential violations of international trade agreements; and 3) conduct outreach to United States workers, businesses, and other interested persons.

Section 604 also requires the head of the ITEC to be a Director who shall be appointed from among full-time senior-level officials of USTR, and a Deputy Directory appointed by the Secretary of Commerce from among full-time, senior-level officials of Commerce. Other Federal government agencies that the Center coordinates with may detail or assign employees to the Center. The provision requires that funding and administrative support for the ITEC be provided by USTR. The Director of ITEC is required to submit an annual report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the actions taken by the Center with respect to the enforcement of U.S. trade rights under trade agreements in the preceding year.

Conference Agreement

The conference agreement establishes the Interagency Center on Trade Implementation, Monitoring, and Enforcement (ICTIME) in the office of the United States Trade Representative. The function of ICTIME is to support the USTR in: 1) investigating potential disputes to be brought at the World Trade Organization; 2) investigating potential disputes to be brought under U.S. bilateral and regional trade agreements; 3) monitoring and enforcement activities pursuant to U.S. trade agreements; and 4) monitoring measures taken by parties during implementation of trade agreements with the United States. The director of ICTIME is to be appointed by the USTR, and additional personnel may be detailed or assigned to ICTIME by other Federal agencies. The conference agreement requires the President to annually report to Congress regarding the operations of ICTIME. The conference agreement also adopts the House provision requiring USTR to submit to Congress a quadrennial plan concerning quality controls and records management, staffing, and budgeting, with the first report due June 1, 2016. The commitments subject to ICTIME's monitoring and enforcement shall include those negotiated to address the interests in U.S. trade agreements of domestic manufacturers, services providers, farmers, ranchers, and intellectual property rightholders.

SECTION 605. INCLUSION OF INTEREST IN CERTAIN DISTRIBUTIONS OF ANTIDUMPING DUTIES AND COUNTERVAILING DUTIES

Present Law

No provision.

House Amendment

Section 913(a) directs CBP to include in all distributions of collected antidumping and countervailing duties any and all interest earned on such duties that is, or was, realized through any payments received on or after October 1, 2014 under, or in connection with, any customs bond pursuant to a court order or judgment, or settlement.

Section 913(b) describes the distributions in subsection (a) as all distributions made on or after enactment pursuant to section 754 of the Trade Act of 1930 (19 USC 1675c) (as that section was in effect on February 7, 2006) of collected antidumping and countervailing duties assessed on or after October 1, 2000 on entries made through September 30, 2007.

Senate Amendment

Section 609 of the Senate amendment is similar to section 913 of the House amendment. Senate section 609(a) provides that the Secretary of Homeland Security shall deposit all interest in subsection 609(c) into the special account established under section 754(e) of the Tariff Act of 1930 for inclusion in distributions described in subsection 609(b) made on or after the date of the enactment of this Act.

Section 609(b) defines distributions as those made under section 754 of the Tariff Act of 1930 (19 U.S.C. 1675c) (repealed by subtitle F of title VII of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 154)) with respect to entries of merchandise made on or before September 30, 2007 and that were unliquidated, not in litigation, and not under an order of liquidation on December 8, 2010.

Section 609(c) defines interest as an amount earned on antidumping duties or countervailing duties distributed in subsection (b) that is realized through application of a payment received on or after October 1, 2014 by CBP or in connection with a customs bond pursuant to a court order or a settlement for any such bond. It further provides that the types of interest include interest accrued under section 778 or 505(d) of the Trade Act of 1930, or equitable interest under common law, or interest under section 963 of the Revised Statutes awarded by a court against a surety under its bond for late payment of antidumping duties, countervailing duties, or other interest.

Conference Agreement

The conference agreement follows the Senate amendment with a modification. The Conferees agree to describe interest in section 609(c) as an amount earned on antidumping duties or countervailing duties in subsection (b) that is realized through application of a payment received on or after October 1, 2014 by CBP under, or in connection with, a customs bond pursuant to a court order or judgment, or a settlement with respect to a customs bond, including any payment to CBP with respect to that bond by a surety.

SECTION 606. ILLICITLY IMPORTED, EXPORTED, OR TRAFFICKED CULTURAL PROPERTY, ARCHAEOLOGICAL OR ETHNOLOGICAL MATERIALS, AND FISH, WILDLIFE, AND PLANTS

Present Law

No provision.

House Amendment

No provision.

Senate Amendment

Section 610 of the Senate amendment requires the Commissioner and Director of ICE to ensure that appropriate personnel are trained in the detection, identification, detention, seizure, and forfeiture of cultural property and archaeological or ethnological materials, and fish, wildlife and plants, the importation, exportation, or trafficking of which violates the laws of the United States.

Conference Agreement

The conference agreement follows the Senate amendment.

SECTION 607. ENFORCEMENT UNDER TITLE III OF THE TRADE ACT OF 1974 WITH RESPECT TO CERTAIN ACTS, POLICIES, AND PRACTICES

Present Law

Section 301 of the Trade Act of 1974 establishes procedures and timetables for addressing certain violations of U.S. rights under a trade agreement and unreasonable or discriminatory practices that burden or restrict U.S. commerce.

House Amendment

No provision.

Senate Amendment

Section 606 of the Senate amendment amends section 301(d)(3)(B) of the Trade Act of 1974 to include, among the conduct that is unreasonable for purposes of taking discretionary action under 301(b), a persistent pattern of conduct by a foreign country that: 1) fails to effectively enforce the environmental laws of the foreign country; 2) waives or otherwise derogates from the environmental laws of the foreign country or weakens the protections afforded by such laws; 3) fails to provide for the judicial or administrative proceedings giving access to remedies for violations of the environmental laws of the foreign country; 4) fails to provide appropriate and effective sanctions or remedies for violations of the environmental laws of the foreign country; or 5) fails to effectively enforce environmental commitments under agreements to which the foreign country and the United States are a part.

Conference Agreement

The conference agreement includes modifications to amend section 301(d)(3)(B) of the Trade Act of 1974 to include, among the types of conduct that are unreasonable for purposes of taking discretionary action under 301(b), actions that constitute a persistent pattern of conduct by the government of the foreign country under which that government fails to effectively enforce commitments under agreements including with respect to trade in goods, trade in services, trade in agriculture, foreign investment, intellectual property, digital trade in goods and services and cross-border data flows, regulatory practices, state-owned and state-controlled enterprises, localization barriers to trade, labor and the environment, anti-corruption, trade remedy laws, textiles, and commercial partnerships to which the foreign country and the United States are a party.

SECTION 608. HONEY TRANSSHIPMENT

Present Law

No provision.

House Amendment

No provision.

Senate Amendment

Section 608(a) requires the Commissioner of CBP to direct appropriate personnel and resources to address concerns that honey is being imported into the United States in violation of U.S. customs and trade laws.

Section 608(b) requires CBP to compile a database of the individual characteristics of foreign honey to facilitate the verification of country of origin markings, and to seek to work with foreign governments, industry, and the Food and Drug Administration in compiling the database.

Section 608(c) requires the Commissioner to submit a report to Congress within 180 days after enactment of the Act that describes and assesses the limitations in existing analysis capabilities of laboratories with respect to determining the country of origin of honey and includes any recommendation of the Commissioner for improving such capabilities.

Section 608(d) expresses the sense of Congress that the Commissioner of Food and Drugs should promptly establish a honey national identification standard to ensure that honey imports are classified appropriately for duty assessment; and are denied entry to the United States if such imports pose a threat to the health or safety of consumers.

Conference Agreement

The conference agreement follows the Senate amendment. The agreement of the conference on establishment of a database pertaining to honey transshipment reflects the

unique geographical characteristics of honey, particularly unique regional pollens, that allow CBP to discern the country of origin of honey imported into the United States through currently available, cost-effective scientific methods, and also the importation of honey in sufficient quantity and with historical patterns of duty evasion to justify establishing and maintaining such a database.

SECTION 609. ESTABLISHMENT OF CHIEF INNOVATION AND INTELLECTUAL PROPERTY NEGOTIATOR

Present Law

Section 141 of the Trade Act of 1974 (19 U.S.C. 2171) establishes the structure, functions, powers, and personnel of the Office of the United States Trade Representative (USTR).

House Amendment

No provision.

Senate Amendment

Section 611(a) amends section 141 of the Trade Act of 1974 (19 U.S.C. 2171) to establish a Chief Innovation and Intellectual Property Negotiator at USTR with the rank of Ambassador, who shall be appointed by the President, by and with the advice and consent of the Senate, to conduct trade negotiations and to enforce trade agreements relating to United States intellectual property, and to take appropriate actions to address acts, policies, and practices of foreign governments that have a significant adverse impact on the value of United States innovation.

Section 611(b) amends section 5314 of title 5, United States Code, to set the pay for this position at Level III of the Executive Schedule.

Section 611(c) requires the USTR to submit an annual report to the Senate Finance and Ways and Means Committees detailing the enforcement actions taken by USTR to ensure the protection of United States innovation and intellectual property interests, and other actions taken to advance United States innovation and intellectual property interests.

Conference Agreement

The conference agreement follows the Senate amendment.

SECTION 610. MEASURES RELATING TO COUNTRIES THAT DENY ADEQUATE PROTECTION FOR INTELLECTUAL PROPERTY RIGHTS

Present Law

Section 182 of the Trade Act of 1974 (19 U.S.C. 2242) requires USTR to submit to the Committees a ''Special 301 Report'' identifying countries that deny adequate protection or market access for intellectual property rights.

House Amendment

No provision.

Senate Amendment

Section 612(a) amends section 182(d)(2) of the Trade Act of 1974 (19 U.S.C. 2242(d)(2)) to require USTR to identify foreign countries that deny adequate and effective protection of trade secrets.

Section 612(b) amends section 182 of the Trade Act of 1974 (19 U.S.C. 2242) to require USTR, within 90 days after submitting the annual National Trade Estimate, to develop an action plan for foreign countries that have spent at least one year on the Priority Watch List of the Special 301 Report. The action plan calls for such countries to meet benchmarks designed to assist them to achieve effective protection of intellectual property rights, and equitable market access for U.S. persons that rely upon intellectual property protections. This section also authorizes the President to take appropriate action with respect to foreign countries that fail to meet action plan benchmarks and requires USTR to transmit to the Committees a report on the action plans and the progress in achieving the action plan benchmarks.

Conference Agreement

The conference agreement follows the Senate amendment, with the addition of allowing USTR to provide assistance to developing countries pursuant to Section 611.

SECTION 611. TRADE ENFORCEMENT TRUST FUND

Present Law

No provision.

House Amendment

No provision.

Senate Amendment

Section 607 of the Senate amendment establishes a Trade Enforcement Trust Fund (Trust Fund) in the Treasury of the United States. The provision requires the Treasury to transfer $15 million each fiscal year to the Trust Fund of receipts from antidumping and countervailing duties, and the aggregate money held in the Trust Fund may not exceed $30 million at any time. Transfers to the fund are made quarterly. The provision allows the United States Trade Representative to use amounts in the Trust Fund to enforce the provisions of and commitments and obligations under WTO Agreements and free trade agreements to which the United States is a party, monitor the implementation by foreign countries of the provisions and commitments and obligations under free trade agreements, and investigate and respond to petitions under section 302 of the Trade Act of 1974. In addition, identified Federal agencies would also be authorized to also use amounts in the Trust Fund to ensure capacity building efforts undertaken by the United States prioritize the implementation of intellectual property, labor, and environmental commitments, are self-sustaining and promote local ownership, include performance indicators, and monitor and evaluate capacity building efforts.

If a Federal agency uses amounts in the Trust Fund in connection with the entry into force of any free trade agreement, that agency must submit a report to Congress on the actions taken by that agency not later than 18 months after the agreement enters into force. It also requires the Comptroller General to submit a report to Congress within one year of enactment that contains (1) a comprehensive analysis of the trade enforcement expenditures of each Federal agency and (2) recommendations on the additional employees and resources that each Federal agency may need to effectively enforce free trade agreements that the United States is a party to.

Conference Agreement

The conference agreement follows the Senate amendment with a number of changes. The conference agreement establishes the Trust Fund through 2026 and funds are transferred from the general fund. It allows the United States Trade Representative, on the basis of advice from the Trade Policy Committee, to use amounts in the Trust Fund, only as provided in appropriation acts, to enforce obligations under WTO Agreements and free trade agreements to which the United States is a party, monitor the implementation by foreign countries of the provisions and commitments and obligations under free trade agreements, investigate and respond to petitions under section 302 of the Trade Act of 1974, and to support capacity building efforts, including commitments and obligations related to trade in goods, trade in services, trade in agriculture, foreign investment, intellectual property, digital trade in goods and services and cross-border data flows, regulatory practices, state-owned and state-controlled enterprises, localization barriers to trade, labor and the environment, currency, foreign currency manipulation, anticorruption, trade remedy laws, textiles, and commercial partnerships. Additional changes are made with respect to reporting and definitions.

The conferees are committed to work diligently and at the earliest opportunity to achieve full appropriation for the fund, including during the annual budget resolution process to assure full appropriations to the fund.

TITLE VII—CURRENCY MANIPULATION

SECTION 701. ENHANCEMENT OF ENGAGEMENT ON CURRENCY EXCHANGE RATE AND ECONOMIC POLICIES WITH CERTAIN MAJOR TRADING PARTNERS OF THE UNITED STATES

Present Law

No provision.

House Amendment

This section strengthens and complements existing requirements by requiring the Secretary of the Treasury to submit to Congress a report on the macroeconomic and currency exchange rate policies of each country that is a major trading partner of the United States and to take specific steps if it finds that a currency is undervalued. The report is to include: 1) an analysis of various economic indicators for each major trading partner and 2) an enhanced analysis of macroeconomic and exchange rate policies for each major trading partner that satisfies certain economic criteria related to its bilateral trade balance, current account balance, and foreign exchange interventions. The new report thus strengthens existing requirements, established in Section 3005 of the Omnibus Trade and Competitiveness Act of 1988, regarding reporting by the Secretary to Congress of international economic and exchange rate policies. The provisions direct the Secretary to conduct enhanced bilateral engagement with each country for which an enhanced analysis of macroeconomic and currency exchange rate policies is included in the report submitted by the Secretary to Congress. The Secretary may determine not to enhance bilateral engagement with a country if the Secretary determines that commencing enhanced bilateral engagement would have an adverse impact on the U.S. economy greater than the benefits of such engagement or would cause serious harm to the national security of the United States. The provision authorizes the President to take certain remedial actions regarding a country that fails to adopt appropriate policies to correct the identified undervaluation and surpluses, including: 1) restrictions on U.S. government financing; 2) restrictions on U.S. government procurement; 3) additional efforts at the International Monetary Fund; or (4) by taking into account such currency policies before initiating or entering into any bilateral or regional trade agreement negotiations.

Senate Amendment

The Senate Amendment is similar to the House Amendment but contains certain variations, including variations related to the economic criteria associated with an enhanced analysis of a major trading partner, variations related to the objectives of enhanced bilateral engagement, and variations related to a decision by the Secretary not to enhance bilateral engagement with a country.

Conference Agreement

The conference agreement follows the House amendment with modified criteria in section 701(a)(2)(B), an additional item in the list of actions in section 701(b)(1) from the Senate amendment, and modified reporting requirements.

SECTION 702. ADVISORY COMMITTEE ON INTERNATIONAL EXCHANGE RATE POLICY

Present Law

No provision.

House Amendment

This section creates a nine-member advisory committee to advise Treasury on international exchange rates and financial policies and their impact on the United States. The Senate, House, and Administration each appoint members to the committee.

Senate Amendment

Section 712 of the Senate amendment is the same as section 702 of the House amendment.

Conference Agreement

The conference agreement follows the House amendment and the Senate amendment.

TITLE VIII—ESTABLISHMENT OF U.S. CUSTOMS AND BORDER PROTECTION

SECTION 801. SHORT TITLE

Present Law

No provision.

House Amendment

Section 801 sets forth the short title as the ''U.S. Customs and Border Protection Authorization Act.''

Senate Amendment

No provision.

Conference Agreement

The conference agreement follows the House amendment.

SECTION 802. ESTABLISHMENT OF U.S. CUSTOMS AND BORDER PROTECTION

Present Law

Section 401 of the Homeland Security Act of 2002 (HSA), at 6 U.S.C. 201, establishes the now-defunct Directorate for Border and Transportation Security headed by an Under Secretary for Border and Transportation Security.

Further, section 411 of the HSA, at 6 U.S.C. 211, established the now-defunct United States Customs Services and it's head, the Commissioner of Customs, within the Department of Homeland Security.

House Amendment

Section 802(a) amends section 411 of the HSA to formally establish U.S. Customs and Border Protection (CBP) in title 6 of the United States Code. Section 802(a) also establishes the Commissioner of U.S. Customs and Border Protection as the head of the component, and the position of Deputy Commissioner to assist the Commissioner in the management of CBP.

Additionally, section 802(a) establishes operational offices within CBP. These include: U.S. Border Patrol and its head, the Chief of U.S. Border Patrol; Office of Air and Marine Operations and its head, the Assistant Commissioner for the Office of Air and Marine Operations; the Office of Field Operations and its head, the Assistant Commissioner for the Office of Field Operations; the Office of Intelligence and its head, the Assistant Commissioner for the Office of Intelligence; the Office of International Affairs and its head, the Assistant Commissioner for the Office of International Affairs; and the Office of Internal Affairs and its head, the Assistant Commissioner for the Office of Internal Affairs.

Finally, section 802(a) establishes certain Standard Operating Procedures, audits, and reports to be carried out and completed, mandates training for CBP officers and agents, establishes short term detention standards, and grants the Secretary additional authorities to establish additional offices and Assistant Commissioners to carry out the functions of CBP.

Section 802(b) affirms that CBP shall continue to carry out the functions, missions, duties, and authorities that were vested in them prior to the passage of this act. Further, this subsection makes clear that rules, regulations, and policies issued by CBP pursuant to section 411 of the Homeland Security Act prior to the passage of this act shall remain in place.

Section 802(c) clarifies that the Commissioner of CBP, as well as Assistant Commissioners and other CBP officials, may continue to serve in their roles after passage of this act.

Section 802(d) amends 5 U.S.C. 5314 to include the Commissioner of CBP in place of the outdated ''Commissioner of Customs''' position in the Level III Executive Pay Schedule.

Section 802(e) amends the table of contents in the Homeland Security Act of 2002 to reflect the changes made by this act.

Section 802(f) repeals provisions in the HSA that are no longer necessary or have already been fulfilled. These include: Sec. 416, which mandated a Government Accountability Office report that was completed in 2003; and section 418, which required a report from the Secretary of the Treasury that was completed in 2003.

Section 802(g) amends sections of the HSA to accurately reflect current titles and functions. In addition, 802(g) amends the HSA to maintain the Transportation Security Administration as a distinct entity within the Department of Homeland Security and grants the Secretary of Homeland Security the authority to discipline any employee of CBP or ICE who willfully deceives Congress or DHS leadership.

Section 802(h) amends the Act of March 3, 1927, at 19 U.S.C. 2071, et seq., to establish the Office of Trade within CBP, and its head, the Assistant Commissioner for the Office of Trade. Section 802(h) also provides for the transfer of assets, functions, and personnel from the Office of International Trade to the Office of Trade within CBP.

Section 802(i) requires the Commissioner of CBP to issue a report on CBP's Business Transformation Initiative, and a report on personal searches conducted by CBP personnel. 802(i) also requires the Commissioner of CBP to conduct a Port of Entry Infrastructure Needs Assessment.

Section 802(j) prohibits the Secretary of Homeland Security from entering into or renewing an agreement with a foreign government for a Trusted Traveler Program administered by CBP unless the Secretary certifies that the foreign government routinely submits information to INTERPOL's Stolen and Lost Travel Document (SLTD) database or otherwise makes such information available to the United States.

Section 802(k) provides a sense of Congress supporting CBP's Foreign Language Award Program (FLAP).

Senate Amendment

No provision.

Conference Agreement

The conference agreement follows the House amendment with modifications.

The Conferees agree to modify section 802(a) to specify that the Senate Committee on Finance will consider nominations of individuals to fill the position of the Commissioner of U.S. Customs and Border Protection. This modification will ensure that the Senate Committee on Finance will maintain its sole jurisdiction over the confirmation of the Commissioner of U.S. Customs and Border Protection. In addition, the duties of the Commissioner are expanded to require the Commissioner to: 1) coordinate and integrate the security, trade facilitation, and trade enforcement functions of U.S. Customs and Border Protection; 2) direct and administer the commercial operations of U.S. Customs and Border Protection, and the enforcement of the customs and trade laws of the United States; 3) ensure the overall economic security of the United States is not diminished by efforts, activities, and programs aimed at securing the homeland; and 4) ensure that the policies and regulations of U.S. Customs and Border Protection are consistent with the obligations of the United States pursuant to international agreements.

The Conferees also agree to modify section 802(a) to specify that the head of Air and Marine Operations and the Office of Field Operations will be headed by an Executive Assistant Commissioner. In addition, U.S. Border Patrol shall be headed by a Chief who shall be at the level of an Executive Assistant Commissioner.

With respect to the Office of International Affairs in section 802(a), the Conferees agree to expand the duties of the office to require that it shall: 1) coordinate with customs authorities of foreign countries with respect to trade facilitation and trade enforcement; 2) advise the Commissioner with respect to matters arising in the World Customs Organization and other international organizations as such matters relate to the policies and procedures of U.S. Customs and Border Protection; and 3) advise the Commissioner regarding international agreements to which the United States is a party as such agreements relate to the policies and regulations of U.S. Customs and Border Protection.

Furthermore, the Conferees also agree to the following changes to section 802(a): 1) Air and Marine Operations will coordinate with other appropriate agencies in detecting, identifying, and coordinating a response to threats to national security in the air domain; 2) the Executive Assistant Commissioner for the Office of Field Operations shall coordinate with the Executive Assistant Commissioner for the Office of Trade with respect to the trade facilitation and trade enforcement activities of CBP; 3) the national targeting center shall coordinate with the TSA, as appropriate; 4) the annual report on staffing for the Office of Field Operations may be submitted in classified form if the Executive Assistant Commissioner of the Office of Field Operations determines it to be appropriate and informs the appropriate Congressional committees of the reasoning for such; 5) the Office of Intelligence shall manage the counter-intelligence operations of CBP; 6) the Office of Internal Affairs is renamed the Office of Professional Responsibility; 7) subsection (k) of section 411 of the Homeland Security Act is modified to state that the Commissioner's right to withhold required notifications due to national security, law enforcement, or other operational interests is unreviewable; and 8) the Commissioner is required to continue to submit to the appropriate committees any reports that were required to be submitted prior to the passage of this Act.

Section 802(c) is modified to clarify that the individuals serving as Assistant Commissioners may continue to serve as Executive Assistant Commissioners, as appropriate.

Section 802(h) is modified to specify that the head of the Office Trade shall be an Executive Assistant Commissioner. In addition, the provisions specifying the pay and qualifications for the Executive Assistant Commissioner of the Office of Trade are stricken. The Conferees have also agreed to allow the transfer of assets, functions, personnel, or liabilities of the Office of International Trade to offices other than the Office of Trade if the appropriate committees are notified with the reason for such a transfer at least 90 days prior to such transfer. Furthermore, section

802(h) is modified to clarify that the individual serving as the Assistant Commissioner may continue to serve as the Executive Assistant Commissioner.

Lastly, the Conferees agree to require CBP to develop a plan to establish an agricultural specialist career track within CBP. This agreement is codified under section 802(k).

Subtitle B—Preclearance Operations

SECTION 811. SHORT TITLE

Present Law

No provision.

House Amendment

No provision.

Senate Amendment

No provision.

Conference Agreement

The conference agreement sets forth the short title as the ''Preclearance Authorization Act of 2015.''

SECTION 812. DEFINITION

Present Law

No provision.

House Amendment

No provision.

Senate Amendment

No provision.

Conference Agreement

The conference agreement defines key terms.

SECTION 813. ESTABLISHMENT OF PRECLEARANCE OPERATIONS

Present Law

Current law (19 U.S.C. 1629 and 8 U.S.C. 1103(a)(7)) provides the necessary legal authority for CBP to conduct customs and immigration functions (e.g., inspections, seizures, searches, etc.) in foreign counties.

House Amendment

No provision.

Senate Amendment

No provision.

Conference Agreement

The conference agreement authorizes CBP to operate preclearance locations, provided an aviation security preclearance agreement is in effect, in foreign countries: 1) to prevent terrorists, instruments of terrorism, and other security threats from entering the United States; 2) to prevent inadmissible persons from entering the United States; 3) to ensure that merchandise destined for the United States complies with applicable laws; 4) to ensure the prompt processing of persons eligible to travel to the United States; and 5) to accomplish such other objectives as the Secretary determines are necessary to protect the United States.

SECTION 814. NOTIFICATION AND CERTIFICATION TO CONGRESS

Present Law

No provision.

House Amendment

No provision.

Senate Amendment

No provision.

Conference Agreement

The conference agreement requires DHS to provide certain notifications and certifications to appropriate congressional committees.

Section 814(a) requires the Secretary to provide to the appropriate congressional committees not later than 60 days prior to entering into a preclearance agreement with a foreign country the following: 1) a copy of the proposed agreement to establish such preclearance operations, which shall include the identification of the foreign country with which CBP intends to enter into a preclearance agreement, the location at which such preclearance operations will be conducted, and the terms and conditions for CBP personnel operating at the location; 2) an assessment of the impact such preclearance operations will have on legitimate trade and travel, including potential impacts on passengers traveling to the United States; 3) an assessment of the impacts such preclearance operations will have on CBP domestic port of entry staffing; 4) country-specific information on the anticipated homeland security benefits associated with establishing such preclearance operations; 5) information on potential security vulnerabilities associated with commencing such preclearance operations and mitigation plans to address such potential security vulnerabilities; 6) a CBP staffing model for such preclearance operations and plans for how such positions would be filled; 7) information on the anticipated costs over the next five fiscal years associated with commencing such preclearance operations; and

Section 814(b) requires the Secretary to provide to the appropriate congressional committees not later than 45 days before entering into a preclearance agreement with a foreign country for preclearance operations at an airport, in addition to the information required in section 814(a), the following: 1) an estimate of the date on which CBP intends to establish preclearance operations under such agreement, including any pending caveats that must be resolved before preclearance operations are approved; 2) the anticipated funding sources for preclearance operations under such agreement, and other funding sources considered; 3) a homeland security threat assessment for the country in which such preclearance operations are to be established; 4) information on potential economic, competitive, and job impacts on United States air carriers associated with establishing such preclearance operations; 5) details on information sharing mechanisms to ensure that CBP has current information to prevent terrorist and criminal travel; and 6) other factors that the Secretary determines to be necessary for Congress to comprehensively assess the appropriateness of commencing such preclearance operations.

Section 814(c) requires the Secretary to provide to the appropriate congressional committees not later than 60 days before entering into a preclearance agreement with a foreign country for preclearance operations at an airport, in addition to the information required in sections 814(a) and 814(b), the following: 1) a certification that preclearance operations under such preclearance agreement, after considering alternative options, would provide homeland security benefits to the United States through the most effective means possible; 2) a certification that preclearance operations within such foreign country will be established under such agreement only if at least one United States passenger carrier operates at such airport and the access of all United States passenger carriers to such preclearance operations is the same as the access of any non-United States passenger carrier; 3) a certification that the establishment of preclearance operations in such foreign country will not significantly increase customs processing times at United States airports; 4) a certification that representatives from CBP consulted with stakeholders, including providers of commercial air service in the United States, employees of such providers, security experts, and such other parties as the Secretary determines to be appropriate; and 5) a report detailing the basis for the certifications referred to in 1) through 4).

Section 814(d) requires the Secretary to provide to the appropriate congressional committees not later than 30 days before entering into a substantially amended preclearance agreement with a foreign country a copy of the proposed agreement, as modified, and the justification for such modification.

Section 814(e) requires the Commissioner to report to the appropriate congressional committees on a quarterly basis the number of CBP officers, by port, assigned from domestic ports of entry to preclearance operations and the number of these positions that have been filled by another hired, trained, and equipped CBP officer. In addition, if the CBP officer positions at domestic ports of entry that were reassigned to preclearance ports of entry have not been backfilled and the Commissioner determines that processing times at those domestic ports of entry have significantly increased, the Commissioner shall submit to the appropriate congressional committees not later than 60 days after such a determination an implementation plan for reducing CBP processing times at those domestic ports of entry. If the Commissioner fails to submit the required implementation plan, the Secretary would be prohibited from establishing additional preclearance locations until such plan is submitted.

Section 814(f) allows for the reporting requirement under subsection (c)(5) to be submitted in classified form.

SECTION 815. PROTOCOLS

Present Law

Current law (49 U.S.C. 44901(d)(4)) requires that for flights traveling to the U.S., checked baggage has been screened in accordance to an aviation security preclearance agreement between the U.S. and the country of departure.

House Amendment

No provision.

Senate Amendment

No provision.

Conference Agreement

The conference agreement requires the TSA to rescreen passengers and their baggage arriving from a foreign country if the Administrator of TSA determines that the foreign government has not maintained security standards and protocols comparable to those at U.S. airports at the airports at which preclearance operations have been established.

SECTION 816. LOST AND STOLEN PASSPORTS

Present Law

No provision.

House Amendment

No provision.

Senate Amendment

No provision.

Conference Agreement

The conference agreement prohibits the establishment or renewal of a preclearance location with a foreign country unless the Secretary certifies to Congress that the foreign country routinely provides stolen passport information to INTERPOL's Stolen and Lost Travel Document database or provides the information to the United States through comparable reporting.

SECTION 817. RECOVERY OF INITIAL U.S. CUSTOMS AND BORDER PROTECTION PRECLEARANCE OPERATIONS COSTS

Present Law

Current law, including 8 U.S.C. 1356(i) and 7 U.S.C. 8311(b), provides the necessary legal authority for CBP to be reimbursed for immigration and agriculture inspection services, and other preclearance costs.

Current law, however, does not allow CBP to receive payments prior to services being rendered.

House Amendment

No provision.

Senate Amendment

No provision.

Conference Agreement

The conference agreement allows CBP to enter into a cost sharing agreement with airport authorities in foreign countries for new preclearance locations or to maintain existing operations. The cost sharing agreement may provide for initial preclearance operations costs. These payments may be made in advance of the incurrence of the costs or on a reimbursable basis.

Initial preclearance operations costs include: 1) hiring, training, and equipping new CBP officers who will be stationed at U.S. ports of entry or other CBP facilities to backfill CBP officers to be stationed at a preclearance facility (payments would be prohibited once such officers are permanently stationed domestically after being trained) and 2) visits to the airport authority conducted by CBP personnel necessary to prepare for the establishment or maintenance of preclearance operations at such airport, including the compensation, travel expenses, and allowances payable to such CBP personnel attributable to such visits.

SECTION 818. COLLECTION AND DISPOSITION OF FUNDS COLLECTED FOR IMMIGRATION INSPECTION SERVICES AND PRECLEARANCE ACTIVITIES

Present Law

Current law (8 U.S.C. 1356(i) and 7 U.S.C. 8311(b)) allows the reimbursement of funds for immigration and agricultural inspection services.

House Amendment

No provision.

Senate Amendment

No provision.

Conference Agreement

The conference agreement allows CBP to be reimbursed in advance of providing immigration and agricultural inspection services for preclearance operations.

SECTION 819. APPLICATION TO NEW AND EXISTING PRECLEARANCE OPERATIONS

Present Law

No provision.

House Amendment

No provision.

Senate Amendment

No provision.

Conference Agreement

The conference agreement establishes that, with the exception of sections 4(d), 5, 7, and 8 of this subtitle, this subtitle shall apply only to the establishment of preclearance operations in a foreign country in which no preclearance operations have been established as of the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015.

TITLE IX—MISCELLANEOUS PROVISIONS

SECTION 901. DE MINIMIS VALUE

Present Law

Section 321(a)(2)(C) of the Tariff Act of 1930 provides that individuals may import up to $200 in merchandise free of duties into the United States.

House Amendment

Section 901 raises the duty-free or *de minimis* threshold from $200 to $800.

Senate Amendment

Section 901 sets out findings of Congress and a sense of Congress regarding thresholds for the value of articles that may be entered informally and free of duty into the United States and that the Unites States Trade Representative should encourage foreign countries to establish commercially meaningful de minimis thresholds.

Section 901 amends section 321(a)(2)(C) of the Tariff Act of 1930 to raise the *de minimis* threshold for the Secretary of Treasury to permit the admission of articles duty free from $200 to $800.

Conference Agreement

The conference agreement follows the Senate amendment.

SECTION 902. CONSULTATION ON TRADE AND CUSTOMS REVENUE FUNCTIONS

Present Law

Section 401(c) of the Safety and Accountability for Every Port Act (SAFE Port) requires the Secretary of Homeland Security to consult with the business community involved in international trade, including the COAC, on Department policies that have a significant impact on international trade and customs revenue functions. Furthermore, section 401(c) requires that the Secretary notify the appropriate congressional committees at least 30 days before finalizing policies or actions that will have a major impact on international trade and customs revenue functions, except if it is determined that it is in the interest of national security to finalize policies or actions prior to consultations with the business community and appropriate congressional committees.

House Amendment

Section 902 amends section 401(c) of the SAFE Port Act by requiring the Secretary of Homeland Security to consult with the business community involved in international trade at least 30 days before proposing and at least 30 days before finalizing any Department policies or actions that will have an impact on international trade and customs revenue functions. The amendment also extends the notice for appropriate congressional committees by requiring the Secretary of Homeland Security to provide at least 60 days notification before proposing and at least 60 days before finalizing Department policies or actions that have an impact on international trade.

Senate Amendment

Section 902 of the Senate amendment is the same as section 902 of the House amendment.

Conference Agreement

The conference agreement follows the House amendment and the Senate amendment.

SECTION 903. PENALTIES FOR CUSTOMS BROKERS

Present Law

Section 641(d)(1) of the Tariff Act of 1930 authorizes the Secretary of the Treasury to impose a monetary penalty or revoke or suspend a license or permit of any customs broker if the broker has acted contrary to law or regulations.

House Amendment

Section 903 amends section 641(d)(1) of the Tariff Act of 1930 by adding to the list of offenses as grounds for a monetary penalty or removal of a broker license committing or conspiring to commit an act of terrorism.

Senate Amendment

Section 903 of the Senate amendment is the same as section 903 of the House amendment.

Conference Agreement

The conference agreement follows the House amendment and the Senate amendment.

SECTION 904. AMENDMENTS TO CHAPTER 98 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Present Law

U.S. Note 3 to subchapter II of Chapter 98 of the Harmonized Tariff Schedule of the United States (HTS) allows a partial or complete duty exemption for articles returned to the United States, after having been exported to be advanced in value or improved in condition by means of repairs or alterations. It also allows goods to be entered duty free if the goods are a product of the United States when returned after having been exported, without having been advanced in value or improved in condition by any process of manufacture or other means while abroad.

The article description for heading 9801.00.10 of the HTS establishes that products of the United States, when returned after having been exported without having been advanced in value or improved in condition by any process of manufacture or other means abroad, will be duty-free.

House Amendment

Section 904(a) amends U.S. Note 3 to subchapter II of Chapter 98 of the HTS by modernizing existing inventory management rules by subtracting the value of U.S. components assembled into the final product that will be entered into the commerce of the United States for articles exported and returned after being improved abroad.

Section 904(b) amends the article description for heading 9801.00.10 of the HTS by reducing record-keeping burdens on goods returned to the United States without improvement abroad so that duties are not assessed twice.

Section 904(c) amends subchapter I of chapter 98 of the HTS by inserting new heading 9801.00.11, which provides duty-free treatment for certain U.S. government property returned to the United States.

Senate Amendment

Section 904 of the Senate amendment is the same as section 904 of the House amendment.

Conference Agreement

The conference agreement follows the House amendment and the Senate amendment.

SECTION 905. EXEMPTION FROM DUTY OF RESIDUE OF BULK CARGO CONTAINED IN INSTRUMENTS OF INTERNATIONAL TRAFFIC PREVIOUSLY EXPORTED FROM THE UNITED STATES

Present Law

No provision.

House Amendment

Section 905 amends General Note 3(e) of the Harmonized Tariff Schedule of the United States (HTS) to remove from formal entry requirements residue of bulk cargo contained in instruments of international traffic (IIT) previously exported from the United States.

Senate Amendment

Section 905 of the Senate amendment is the same as section 905 of the House amendment.

Conference Agreement

The conference agreement follows the House amendment and the Senate amendment.

SECTION 906. DRAWBACK AND REFUNDS

Present Law

Section 313 of the Tariff Act of 1930 authorizes a refund, known as drawback, of certain duties, internal revenue taxes, and certain fees collected upon the importation of goods. Such refunds are allowed only upon the exportation or destruction of goods under CBP supervision.

House Amendment

Section 906(a) amends section 313(a) of the Tariff Act of 1930 by establishing that the amount of drawback claimed must be calculated pursuant to section 313(l) of the Tariff Act of 1930, as amended by this amendment.

Section 906(b) amends section 313(b) of the Tariff Act of 1930 by allowing substitution drawback for imported merchandise or merchandise classifiable under the same 8-digit HTS used in the manufacture or production of articles; establishing that the amount of drawback claimed must be calculated pursuant to section 313(l) of the Tariff Act of 1930, as amended by this amendment; and providing that such claim must be filed within 5 years of the importation of the merchandise. This subsection further allows records kept in the normal course of business to be used to demonstrate the transfer of merchandise, requires a drawback claimant to submit a bill of materials to demonstrate the merchandise was incorporated into an exported article, and provides a special rule for sought chemical elements.

Section 906(c) amends section 313(c) of the Tariff Act of 1930 by extending the filing deadline for drawback claims for merchandise not conforming to sample or specifications to 5 years from the date of importation. This subsection further establishes that the amount of drawback claimed must be calculated pursuant to section 313(l) of the Tariff Act of 1930, as amended by this amendment, and allows records kept in the normal course of business to be used to demonstrate the transfer of merchandise.

Section 906(d) amends section 313(i) of the Tariff Act of 1930 by striking the current text and replacing it with a new provision requiring that a person claiming drawback based on exportation shall provide proof of the exportation of the article, that such proof shall fully establish the date and fact of exportation and identity of the exporter, and may be established either by records kept in the normal course of business or through an electronic export system of the United States Government.

Section 906(e) amends section 313(j) of the Tariff Act of 1930 by allowing unused drawback claims for merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise. Merchandise may not be substituted for imported merchandise for drawback purposes based on the 8-digit HTS if the article description for the 8-digit HTS begins with the term ''other.'' In these instances, merchandise may be substituted for imported merchandise if such imported merchandise is classifiable under the same 10-digit HTS. If the 10-digit HTS begins with the term ''other,'' then substitution drawback is not permissible and the drawback claimant must use direct identification under section 313(a) of the Tariff Act of 1930, as amended by this Act. For unused merchandise that is either exported or destroyed, the Department of Commerce Schedule B number may be used to demonstrate that an article and merchandise are classifiable under the same 8-digit HTS without regard to whether or not the Schedule B number corresponds to more than one 8-digit HTS number. Furthermore, this subsection amends the filing deadline for drawback claims to be 5 years from the date of importation and establishes that the amount of drawback claimed must be calculated pursuant to section 313(l) of the Tariff Act of 1930, as amended by this amendment.

Section 906(f) amends section 313(k) of the Tariff Act of 1930 by providing that any person making a drawback claim is liable for the full amount of the drawback claimed. Any person claiming drawback shall be jointly and severally liable with the importer for the lesser of the amount of drawback claimed or the amount the importer authorized the other person to claim.

Section 906(g) amends section 313(l) of the Tariff Act of 1930 to require the Secretary of the Treasury to prescribe regulations for claims with respect to unused merchandise drawback to establish that the calculation of drawback that cannot exceed 99 percent of the lesser of the amount of duties, taxes, and fees paid with respect to the imported merchandise or the amount of duties, taxes, and fees that would apply to the exported article if the exported article were imported. Section 906(g) also requires the Secretary of Treasury to prescribe regulations for claims with respect to manufactured articles into which substitute merchandise is incorporated to establish that the calculation of drawback cannot exceed 99 percent of the lesser of the amount of duties, taxes, and fees paid with respect to the imported merchandise or the amount of duties, taxes, and fees that would apply to the substituted merchandise if the substituted merchandise were imported. This section requires the promulgation of the necessary regulations within 2 years. Additionally, one year after the enactment of this Act, and annually thereafter until the regulations required under this subsection are promulgated, the Secretary shall submit to Congress a report on the status of the regulations.

Section 906(h) amends section 313(p) of the Tariff Act of 1930 to require evidence of transfer to be demonstrated with records kept in the normal course of business.

Section 906(i) amends section 313(q) of the Tariff Act of 1930 to require the amount of drawback shall be calculated pursuant to section 313(l) of the Tariff Act of 1930, as amended by this amendment.

Section 906(j) amends section 313(r) of the Tariff Act of 1930 to establish that a drawback entry shall be filed or applied for, as applicable, no later than 5 years after the date on which merchandise on which drawback is claimed was imported. This section also requires that all drawback claims be filed electronically no later than 2 years after the date of the enactment of this Act.

Section 906(k) amends section 313(s) of the Tariff Act of 1930 by allowing a drawback successor to designate unused imported merchandise, other merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise, or any combination of such imported merchandise and such other merchandise, that the predecessor received, before the date of succession, from the person who imported and paid any duties, taxes, and fees due on the imported merchandise as the basis for drawback on merchandise possessed by the drawback successor after the date of succession.

Section 906(l) strikes section 313(t) of the Tariff Act of 1930.

Section 906(m) amends section 313(x) of the Tariff Act of 1930 by requiring the amount of drawback claimed pursuant to section 313(l) of the Tariff Act of 1930, as amended by this amendment, to be reduced by the value of any materials reclaimed during the destruction of unused merchandise.

Section 906(n) defines key terms.

Section 906(o) amends section 508(c)(3) of the Tariff Act of 1930 by requiring records for drawback claims to be maintained for 5 years after the date of liquidation.

Section 906(p) requires the Government Accountability Office (GAO) to provide the Senate Committee on Finance and the House Committee on Ways and Means with a report that shall include: 1) an assessment of the modernization of drawback and refunds; 2) a description of drawback claims that were permissible before the enactment of the bill that are not permissible after, and an identification of industries most affected; and 3) a description of drawback claims that were not permissible before the enactment of this bill that are after, and an identification of industries most affected.

Section 906(q) provides that the amendments made by this section shall take effect upon enactment of this bill and apply to drawback claims filed on or after the date that is 2 years after such enactment. This section also requires the Secretary of the Treasury to submit a report to Congress, no later than two years after enactment of this bill, on the date on which the Automated Commercial Environment (ACE) will be ready to process claims and the date on which the Automated Export System (AES) will be ready to accept proof of exportation. Lastly, this section provides for a one-year transition for filing drawback claims under section 313 as amended by this section, or under section 313 in effect before the enactment of this bill.

Senate Amendment

Section 906 of the Senate amendment is the same as section 906 of the House amendment with exception the following: (1) the Senate amendment permits the substitution of a manufactured article that is exported or destroyed with an article that is classifiable under the same 8-digit HTS subheading; (2) the House amendment requires CBP to promulgate separate regulations for calculating drawback for unused merchandise and drawback for articles into which substitute merchandise is incorporated; and (3) the Senate amendment permits a delay in the effective date of this section if the Automated Commercial Environment (ACE) is not ready to process drawback claims within two years after the enactment of this Act.

Conference Agreement

The conference agreement follows the House amendment with technical revisions. The Conferees agree that section 906(g) grants CBP the authority, in prescribing regulations for determining the calculation of amounts refunded as drawback, to permit the drawback claim to be based upon the average per unit duties, taxes, and fees as reported on the summary line item. This authority is granted to CBP solely to allow for the simplification of drawback claims. It is not granted to allow claimants to manipulate claims in order to maximize refunds to the detriment of the revenue of the United States. The Conferees grant this authority with the expectation that CBP and the Department of the Treasury will study the potential impact of such line item averaging in drafting regulations and will forego such averaging if it is determined that line item averaging will result in a significant loss to the revenue of the United States.

The Conferees further clarify that the existing treatment of wine under section 313(j)(2) of the Tariff Act of 1930 is preserved, and that the amendments to the statute do not change this treatment. Such preservation, however, does not preclude the filing of drawback claims for wine under the new substitution drawback procedures, subject to the restrictions in such procedures, such as the amount of drawback that may be refunded when such procedures are used.

With respect to claims for unused merchandise under section 906(g) (adding section 313(l)(2)(B) of the Tariff Act of 1930), the Conferees intend that if the exported article was not imported, CBP will determine the amount of duties, taxes, and fees applicable to the exported article by applying the rate of duties, taxes, and fees applicable to the imported merchandise by substituting the value of the imported merchandise for the

value of the exported article. For claims with respect to manufactured articles into which imported or substitute merchandise is incorporated under section 906(g) (adding section 313(l)(2)(C) of the Tariff Act of 1930), the Conferees intend that if the manufactured exported article contains substitute merchandise that was not imported, CBP will determine the amount of duties, taxes, and fees applicable to the imported merchandise by substituting the value of the imported merchandise for the value of the substitute merchandise incorporated into the exported article. The goal of the rules established in section 906(g) (adding sections 313(l)(2)(B) and 313(l)(2)(C) of the Tariff Act of 1930) is to prevent the refund of full duties, taxes, and fees on the importation of higher value goods upon the exportation of lower value goods. The Conferees do not intend a scenario in which the drawback claimant would not receive a refund upon the application of either rule, but rather intend to limit the refund to the lesser of the import and the export.

Lastly, the Conferees agree that section 906(o), amending section 508(c)(3) of the Tariff Act of 1930, shall require records for drawback claims to be maintained for three years after the date of liquidation.

SECTION 907. REPORT ON CERTAIN U.S. CUSTOMS AND BORDER PROTECTION AGREEMENTS

Present Law

Section 560 of the Department of Homeland Security Appropriations Act of 2013 authorizes CBP to enter into certain reimbursable fee agreements for the provision of CBP services.

Section 559 of the Department of Homeland Security Appropriations Act of 2014 establishes a pilot program authorizing CBP to enter into partnerships with private sector and government entities at ports of entry.

House Amendment

Section 911 requires the Commissioner to submit to Congress a detailed annual report on each reimbursable agreement and public-private partnership agreement into which CBP enters. Each report must include: 1) a description of the development of the program; 2) a description of the type of entity with which CBP entered into the agreement and the amount that entity reimbursed CBP under the agreement; 3) an identification of the type of port of entry to which the agreement relates and an assessment of how the agreement provides economic benefits at the port of entry; 4) a description of the services provided by CBP under the agreement during the year preceding the submission of the report; 5) the amount of fees collected under the agreement during that year; 6) a detailed accounting of how the fees collected under the agreement have been spent during that year; 7) a summary of any complaints or criticism received by CBP during that year regarding the agreement; 8) an assessment of the compliance with the terms of the agreement of the entity that entered into an agreement with CBP; 9) recommendations with respect to how activities conducted pursuant to the agreement could function more effectively or better produce economic benefits; and 10) a summary of the benefits to and challenges faced by CBP and the entity that entered into an agreement with CBP.

Senate Amendment

Section 909 of the Senate amendment is the same as section 911 of the House amendment except with respect to the recipients of the report required in this section.

Conference Agreement

The conference agreement follows the Senate amendment and House amendment with modifications. For agreements with an airport operator, the Conferees agree to require CBP to include in the annual report a detailed account of revenues collected by CBP to cover its operating costs at that airport from fees collected under the agreement and fees collected from other sources, including fees paid by passengers and aircraft operators. Further, subsection (a) is modified to require CBP to identify the authority under which a program operates and to require the reporting of the total operating expenses of a program, and subsection (b) is modified to cover the program under which CBP collects a fee for the use of customs services at designated facilities under 19 U.S.C. 58b. The conference agreement also incorporates reporting related to the preclearance program established by subtitle B of title VIII.

SECTION 908. CHARTER FLIGHTS

Present Law

Section 13031(e)(1) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(e)(1)) requires CBP to provide customs services to passengers upon arrival in the United States in connection with scheduled airline flights.

House Amendment

No provision.

Senate Amendment

Section 910 of the Senate amendment amends current law to permit CBP employees to provide customs services for passengers and baggage on charter flights that arrive at U.S. ports of entry after normal operating hours, if the air carrier specifically requests the services at least four hours before the flight arrives and pays any overtime fees.

Conference Agreement

The conference agreement follows the Senate amendment.

SECTION 909. UNITED STATES-ISRAEL TRADE AND COMMERCIAL ENHANCEMENT

Present Law

No provision.

House Amendment

This section sets out U.S. policy identifying the importance of the bilateral U.S.-Israel trade relationship and establishes principal trade negotiating objectives, statements of policy, findings, and other provisions related to trade and commercial activities affecting the United States and Israel. This section: 1) states that among the U.S. principal trade negotiating objectives for proposed trade agreements with foreign countries is the discouragement of politically motivated actions to boycott, divest from, or sanction Israel (*i.e.*, BDS actions); 2) sets forth various statements of policy regarding trade with and commercial activities affecting Israel, including Congress's opposition to politically motivated BDS actions against Israel; 3) presents various positive findings regarding the trade and commercial relationship between the United States and Israel; 4) requires the President to report annually to Congress on politically motivated BDS actions against Israel; and 5) requires that no U.S. court recognize or enforce any judgment by a foreign court against a U.S. person doing business in Israel, or any territory controlled by Israel, if the U.S. court determines that the foreign judgment is based, in whole or in part, on a determination by a foreign court that the U.S. person's mere conduct of business operations therein or with Israeli entities constitutes a violation of law.

Senate Amendment

The Senate amendment contains the statements of policy contained in the House amendment.

Conference Agreement

The conference agreement follows the House amendment with the exception of section 908(b)(8) of the House amendment regarding certain activities by U.S. states, which is excluded from the conference agreement.

SECTION 910. ELIMINATION OF CONSUMPTIVE DEMAND EXCEPTION TO PROHIBITION ON IMPORTATION OF GOODS MADE WITH CONVICT LABOR, FORCED LABOR, OR INDENTURED LABOR; REPORT

Present Law

Section 307 of the Tariff Act of 1930 prohibits the importation of foreign-made goods that were manufactured or produced by convict, forced, or indentured labor, except in such quantities as necessary to meet the consumptive demands of the United States.

House Amendment

Section 909 eliminates the ''consumptive demand'' exception to the prohibition on importing goods made by convict, forced, or indentured labor, and requires the Commissioner to provide an annual report to Congress that includes: 1) the number of instances in which merchandise was denied entry pursuant to this section during the preceding 1-year period; 2) a description of the merchandise denied entry pursuant to this section; and 3) such other information the Commissioner considers appropriate with respect to monitoring and enforcing compliance with this section.

Senate Amendment

Section 912 of the Senate amendment is the same as section 909 of the House amendment.

Conference Agreement

The conference agreement follows the House and Senate amendment.

SECTION 911. VOLUNTARY RELIQUIDATIONS

Present Law

19 U.S.C. 1501 establishes that the Customs Service may reliquidate an entry, notwithstanding the filing of a protest, within 90 days from the date on which notice of the original liquidation is given or transmitted to the importer, the importer's consignee, or the importer's agent.

House Amendment

No provision.

Senate Amendment

No provision.

Conference Agreement

The Conferees agree to amend 19 U.S.C. 1501 to establish that CBP may reliquidate an entry, notwithstanding the filing of a protest, within 90 days from the date of the original liquidation.

SECTION 912. TARIFF CLASSIFICATION OF RECREATIONAL PERFORMANCE OUTERWEAR

Present Law

No provision.

House Amendment

Section 914 of the House amendment requires the U.S. International Trade Commission to submit to the Senate Committee on Finance and House Ways and Means Committee a report regarding the competitiveness of the U.S. recreational performance outerwear industry no later than June 1, 2016.

Senate Amendment

No provision.

Conference Agreement

This section includes technical corrections with respect to HTS subheadings for recreational performance outerwear created in Pub. L. 114–27.

SECTION 913. MODIFICATIONS OF DUTY TREATMENT OF PROTECTIVE ACTIVE FOOTWEAR

Present Law

Additional U.S. Note to chapter 64 of the HTS contains HTS subheadings for protective active footwear, which includes products

such as certain water resistant hiking shoes, trekking shoes, and train running shoes, and ensures they carry a 20 percent duty rate. Current law requires that any staged reductions in duties as may be required by U.S. free trade agreements for athletic footwear will also apply to protective active footwear.

House Amendment

No provision.

Senate Amendment

No provision.

Conference Agreement

Section 913 contains technical corrections to Additional U.S. Note to chapter 64.

SECTION 914. AMENDMENTS TO BIPARTISAN CONGRESSIONAL TRADE PRIORITIES AND ACCOUNTABILITY ACT OF 2015

Present Law

The Bipartisan Congressional Trade Priorities and Accountability Act of 2015 sets forth negotiating objectives, procedures for consulting with Congress, and provisions for the consideration of trade agreements.

House Amendment

This section amends the Bipartisan Congressional Trade Priorities and Accountability Act of 2015. Subsection (a) ensures that trade agreements do not require changes to U.S. immigration law or obligate the United States to grant access or expand access to visas issued under 8 U.S.C. 1101(a)(15). Subsection (b) ensures that trade agreements do not establish obligations for the United States regarding greenhouse gas emissions measures. Subsection (c) adds a negotiating objective related to fisheries. Subsection (d) allows the Chair and Ranking Member of the House and Senate Advisory Groups to each send up to three personnel to serve as delegates to negotiating rounds. Subsection (e) perfects the negotiating objective on human trafficking to require countries to take concrete steps to address trafficking. Subsection (f) makes technical amendments. Subsection (g) makes these amendments effective as if included in the enactment of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015.

Senate Amendment

No provision.

Conference Agreement

The conference agreement follows the House Amendment, with modifications to the climate change, and fisheries negotiating objectives; the provisions on delegates attending negotiating rounds; and human trafficking.

With regard to section 914(b), this negotiating objective reaffirms that, consistent with current practice, trade agreements are not to establish obligations for the United States regarding greenhouse gas emissions measures, other than those fulfilling the other negotiating objectives in section 102 of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015. This objective is not intended to prevent trade agreements from including generally applicable or horizontal commitments, such as those regarding transparency or nondiscrimination, that may also apply to such requirements, nor to prevent trade agreements from including obligations consistent with other negotiating objectives addressed in the Bipartisan Trade Priorities and Accountability Act of 2015, including those relating to the environment, the reduction of tariffs on environmental goods, or fisheries as provided in this Conference Report. Were an agreement to include a provision establishing obligations regarding U.S. greenhouse gas emissions measures as specified in the Conference Report, a bill approving the agreement should be disqualified from eligibility for trade authorities procedures and should be considered under regular order, just like an agreement that fails to make progress in achieving the negotiating objectives set forth in section 102 of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015.

With regard to Section 914(d), the Conference additionally clarifies that Members of Congress and personnel designated by the Chair and Ranking Member of the House and Senate Advisory Groups shall be delegates and official advisors to any trade agreement negotiating round.

With regard to section 914(e), this provision follows the House Amendment with additional changes to incorporate the sense of Congress that the integrity of the annual trafficking in persons report and report process should be respected and should not be affected by unrelated considerations, to require that the President provide supporting documentation with any letter submitted pursuant to the exception, and to require the President to submit a detailed description of the credible evidence supporting a change in designation from tier 3 to tier 2 watch list.

SECTION 915. TRADE PREFERENCES FOR NEPAL

Present Law

No provision.

House Amendment

No provision.

Senate Amendment

No provision.

Conference Agreement

The conference agreement creates a additional trade preferences for Nepal. The program requires Nepal to satisfy the eligibility criteria of the Africa Growth and Opportunity Act to be eligible for duty-free treatment of certain articles imported from Nepal. The provision is in response to the recent natural disaster in Nepal.

SECTION 916. AGREEMENT BY ASIA-PACIFIC ECONOMIC COOPERATION MEMBERS TO REDUCE RATES OF DUTY ON CERTAIN ENVIRONMENTAL GOODS

Present Law

No provision.

House Amendment

No provision.

Senate Amendment

No provision.

Conference Agreement

Section 916 amends section 107 of the Trade Priorities and Accountability Act of 2015 to allow the President to use section 103(a) authorities to implement an agreement by members of the Asia-Pacific Economic Cooperation (APEC) forum to reduce any rate of duty on certain environmental goods included in annex C of the APEC Leaders Declaration issued on September 9, 2012, notwithstanding the notification requirement in section 103(a)(2). Such authority may be exercised only after the President notifies Congress, consistent with this provision.

SECTION 917. AMENDMENT TO TARIFF ACT OF 1930 TO REQUIRE COUNTRY OF ORIGIN MARKING OF CERTAIN CASTINGS

Present Law

Section 304(e) of the Tariff Act of 1930 (19 U.S.C. 1304(e)) requires that certain products (*e.g.*, manhole rings) have visible country of origin markings.

House Amendment

No provision.

Senate Amendment

Section 911 of the Senate amendment amends section 304(e) of the Tariff Act of 1930 (19 U.S.C. 1304(e)) to include inlet frames, tree and trench grates, lampposts, lamppost bases, cast utility poles, bollards, hydrants, and utility boxes in the list of products which must be imprinted with a country of origin marking. This section also amends current law by requiring the aforementioned marking to be in a location such that it will remain visible after installation.

Conference Agreement

The conference agreement follows the Senate amendment.

SECTION 918. INCLUSION OF CERTAIN INFORMATION IN SUBMISSION OF NOMINATION FOR APPOINTMENT OF DEPUTY UNITED STATES TRADE REPRESENTATIVE

Present Law

No provision.

House Amendment

No provision.

Senate Amendment

Section 907 of the Senate amendment requires that, when the President submits to the Senate for its advice and consent a nomination of an individual for appointment as a Deputy United States Trade Representative, the President shall include in that submission information on the country, regional offices, and functions of the Office of the United States Trade Representative with respect to which that individual will have responsibility.

Conference Agreement

The conference agreement follows the Senate amendment with additional reporting requirements.

SECTION 919. SENSE OF CONGRESS ON THE NEED FOR A MISCELLANEOUS TARIFF BILL PROCESS

Present Law

No provision.

House Amendment

No provision.

Senate Amendment

Title VIII of the Senate amendment established a process for the consideration of temporary duty suspensions and reductions.

Conference Agreement

The conference agreement states that it is the sense of Congress that the Senate Finance Committee and the House Ways and Means Committee are urged to advance, as soon as possible, after consultation with the public and Members of the Senate and the House of Representatives, a process for the temporary suspension and reduction of duties that is consistent with the rules of the Senate and the House.

SECTION 920. CUSTOMS USER FEES

Present Law

Under section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985, the Secretary of the Treasury is authorized to charge and collect fees for the provision of certain customs services. Pursuant to section 13031(j)(3), the Secretary of the Treasury may not charge fees for the provision of certain customs services after September 30, 2024.

House Amendment

Section 910 amends section 13031(j)(3)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 to extend the period that the Secretary of the Treasury may charge for certain customs services for imported goods from July 8, 2025 to July 28, 2025, and extends the ad valorem rate for the Merchandise Processing Fee collected by CBP that offsets the costs incurred in processing and inspecting imports from July 1, 2025 to July 14, 2025.

Senate Amendment

Section 1002 of the Senate amendment is the same as section 910 of the House amendment.

Conference Agreement

The conference agreement follows the House amendment and the Senate amendment and makes technical corrections to the drafting.

SECTION 921. INCREASE IN PENALTY FOR FAILURE TO FILE RETURN OF TAX

Present Law

The Federal tax system is one of ''self-assessment,'' *i.e.*, taxpayers are required to declare their income, expenses, and ultimate tax due, while the IRS has the ability to propose subsequent changes. This voluntary system requires that taxpayers comply with deadlines and adhere to the filing requirements. While taxpayers may obtain extensions of time in which to file their returns, the Federal tax system consists of specific due dates of returns. In order to foster compliance in meeting these deadlines, Congress has enacted a penalty for the failure to timely file tax returns.[1]

A taxpayer who fails to file a tax return on or before its due date is subject to a penalty equal to 5 percent of the net amount of tax due for each month that the return is not filed, up to a maximum of 25 percent of the net amount.[2] If the failure to file a return is fraudulent, the taxpayer is subject to a penalty equal to 15 percent of the net amount of tax due for each month the return is not filed, up to a maximum of 75 percent of the net amount.[3] The net amount of tax due is the amount of tax required to be shown on the return reduced by the amount of any part of the tax which is paid on or before the date prescribed for payment of the tax and by the amount of any credits against tax which may be claimed on the return.[4] The penalty will not apply if it is shown that the failure to file was due to reasonable cause and not willful neglect.[5]

If a return is filed more than 60 days after its due date, and unless it is shown that such failure is due to reasonable cause, the failure to file penalty may not be less than the lesser of $135 (indexed annually for inflation) or 100 percent of the amount required to be shown as tax on the return. If a penalty for failure to file and a penalty for failure to pay tax shown on a return both apply for the same month, the amount of the penalty for failure to file for such month is reduced by the amount of the penalty for failure to pay tax shown on a return.[6] If a return is filed more than 60 days after its due date, the penalty for failure to pay tax shown on a return may not reduce the penalty for failure to file below the lesser of $135 or 100 percent of the amount required to be shown on the return.[7]

The failure to file penalty applies to all returns required to be filed under subchapter A of Chapter 61 (relating to income tax returns of an individual, fiduciary of an estate or trust, or corporation; self-employment tax returns, and estate and gift tax returns), subchapter A of chapter 51 (relating to distilled spirits, wines, and beer), subchapter A of chapter 52 (relating to tobacco, cigars, cigarettes, and cigarette papers and tubes), and subchapter A of chapter 53 (relating to machine guns and certain other firearms).[8] The failure to file penalty does not apply to any failure to pay estimated tax required to be paid by sections 6654 or 6655.[9]

House Amendment

Under the provision, if a return is filed more than 60 days after its due date, then the failure to file penalty may not be less than the lesser of $205 or 100 percent of the amount required to be shown as tax on the return.

Effective date.—The provision applies to returns required to be filed in calendar years after 2015.

Senate Amendment

No provision.

Conference Agreement

The conference agreement follows the House amendment provision.

SECTION 922. PERMANENT MORATORIUM ON INTERNET ACCESS TAXES AND ON MULTIPLE AND DISCRIMINATORY TAXES ON ELECTRONIC COMMERCE

Present Law

The temporary moratorium on states and localities taxing Internet access or placing multiple and discriminatory taxes on Internet commerce expires on December 11, 2015.

House Amendment

No provision.

Senate Amendment

No provision.

Conference Agreement

Section 922 makes permanent an existing moratorium on states and localities taxing Internet access or placing multiple and discriminatory taxes on Internet commerce. The existing temporary ban was first put in place in 1998. Since then, Congress has extended it multiple times with enormous bipartisan support. Section 922 converts the moratorium into a permanent ban—on which consumers, innovators and investors can permanently rely—by simply striking the 2015 end date. The original moratorium included a grandfather clause to give States that were then taxing Internet access some time to transition to other sources of revenue. All but six of the originally grandfathered states have discontinued taxing Internet access. Section 922 gives those states additional time by delaying the phase-out of the grandfathers until June 30, 2020 which is the end of the fiscal year for states and the start of a new billing cycle for Internet access providers.

MINORITY VIEWS

During the Senate's consideration of legislation earlier this year, Finance Committee Ranking Member Ron Wyden, Senator Bill Nelson (D–FL), and Senator Ben Cardin (D–MD), members of the Finance Committee, expressed their support for the establishment of a process whereby Congress would consider the merits of an extension of certain apparel Tariff Preference Levels (TPLs). It is the view of Senator Wyden that these programs can offer benefits to U.S. consumers, workers, and exporters, and Congress should further consider the merits of an extension of the Nicaragua, Bahrain, and Morocco TPLs.

KEVIN BRADY,
DAVID REICHERT,
PAT TIBERI,
Managers on the Part of the House.

ORRIN HATCH,
JOHN CORNYN,
JOHN THUNE,
JOHNNY ISAKSON,
RON WYDEN,
DEBBIE STABENOW,
Managers on the Part of the Senate.

[1] See *United States v. Boyle*, 469 U.S. 241, 245 (1985).
[2] Sec. 6651(a)(1).
[3] Sec. 6651(f).
[4] Sec. 6651(b)(1).
[5] Sec. 6651(a)(1).
[6] Sec. 6651(c)(1).
[7] *Ibid.*
[8] Sec. 6651(a)(1).
[9] Sec. 6651(e).

RED RIVER PRIVATE PROPERTY PROTECTION ACT

GENERAL LEAVE

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the bill, H.R. 2130.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 556 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2130.

The Chair appoints the gentleman from Texas (Mr. POE) to preside over the Committee of the Whole.

□ 1510

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2130) to provide legal certainty to property owners along the Red River in Texas, and for other purposes, with Mr. POE of Texas in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources.

The gentleman from Utah (Mr. BISHOP) and the gentlewoman from Massachusetts (Ms. TSONGAS) each will control 30 minutes.

The Chair recognizes the gentleman from Utah.

Mr. BISHOP of Utah. Mr. Chairman, this is an extremely important bill to the people who live in this particular area of Texas and Oklahoma.

Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. MCCLINTOCK), the subcommittee chair who heard this bill.

Mr. MCCLINTOCK. Mr. Chairman, every now and then, we have a chance to stop an injustice and restore the fundamental purpose of our government to secure the inalienable rights of the people. In this instance, the Federal Government has become destructive of this end. It is attempting to seize thousands of acres of private land lawfully owned by American citizens along a 116-mile stretch of the Red River between Texas and Oklahoma. Mr. THORNBERRY's bill would stop this injustice, reassert the rule of law, and restore the unclouded title of these lands to their rightful owners.

In 1923, the U.S. Supreme Court established the rules for determining the boundary between Texas and Oklahoma that established the property rights over this land. For nearly a century, the Federal Government recognized and respected the property lines established by this ruling. Property owners purchased and sold this land and, in some cases, passed it down from generation to generation. These property owners, in good faith, dutifully paid

taxes on their lands year after year, invested in these lands, maintained them, cultivated them, and improved them.

Out of the blue, the Bureau of Land Management has now announced that it is arbitrarily changing the boundaries established by the Supreme Court and is seizing this land for itself.

□ 1515

This outrageous claim clouds the property rights along this vast territory. It is based on the flimsiest of pretexts, a limited survey over a fraction of this land that ignored the 1923 Supreme Court decree that originally established these boundary lines. In other words, it is a guess based upon a fraud.

The Red River Private Property Protection Act rights this obvious wrong. It requires the Federal Government, in conjunction with the affected State and tribal governments, to make clear the true ownership of this property.

It tells the BLM to back off, and authorizes a collaborative survey to be conducted by the affected State and tribal governments, according to the rule of law established by the Supreme Court. And if this new survey determines any errors in the old, it provides that the landowners who have poured their blood, toil, tears, and sweat into this land can repurchase it for a $1.25 per acre, the price set by the Color of Title Act to resolve disputes of this nature.

Without this act, title to the farms and homes will be clouded for decades while this matter drags on through the courts.

Meanwhile, the BLM's assertion that it has regulatory jurisdiction would have devastating impacts on local landowners and businesses and make it much more difficult to encourage economic development in the region.

We should also beware of an amendment sought by several neighboring tribal governments that attempts to seize this property for themselves. Despite the fact that this bill is to be amended to reaffirm all tribal treaties to assure that the tribes are an integral part of the new survey process, and are guaranteed the right of first refusal over any lands they currently occupy, they are seeking to replace the injustice perpetrated by the BLM with an injustice of their own.

Whether private property is seized by the Federal Government or by a tribal government makes no difference to the innocent victims whose land is being stolen, and it is an equal affront to the just principles of property rights that this bill seeks to restore.

Tribal governments whose own sovereignty and property rights are often threatened by this Federal Government ought to be particularly sensitive when that same government threatens the rights of others.

Government exists to protect our natural rights, including our property rights. This bill realigns our government with its stated purpose.

Ms. TSONGAS. Mr. Chairman, I yield myself such time as I may consume.

H.R. 2130, the Red River Private Property Protection Act, sponsored by Representative THORNBERRY of Texas, aims to resolve a series of property disputes along a 116-mile stretch of the Red River, which forms a portion of the boundary between Texas and Oklahoma.

While this legislation may seem like an issue with only local or regional interests, it speaks to broader policy issues on our Nation's public lands, lands which belong to all Americans.

I am sympathetic to the concerns of Mr. THORNBERRY and his constituents. Landowners in the area, some of whom have lived there for generations, deserve clarification on the amount of land owned by the Federal Government and the location of the boundary between Texas and Oklahoma.

However, as written, I am concerned that this legislation undermines the authority of the Federal Government, and potentially jeopardizes longstanding mineral revenue distribution agreements with the State of Oklahoma and certain Native American tribes.

Federal interest in land along the Red River goes back to the Louisiana Purchase. More than 200 years later, after several treaties and compacts, there is still confusion about the amount of land owned by the Federal Government and the location of the boundary between Texas and Oklahoma.

The majority rightly cites a 1926 Supreme Court case that established the gradient boundary method as the means of determining the boundary between the two States, Texas and Oklahoma.

Under this decision, which has been adhered to for nearly a century, the boundary of Oklahoma extends to the center of the river, and the Texas boundary extends to the ordinary high water mark on the south bank. All the land in between was retained in Federal ownership.

The Supreme Court ruling established the boundary between the States, but it did not change the ownership status of any land, and the Federal Government has had a continual interest in land along the Red River.

To complicate matters even further, the area has a long history of oil and gas development and includes several tribal interests.

The Bureau of Land Management, the Federal Government's ''Surveyor of Record,'' is in the process of updating its management plan for the area, which includes surveying all of the land in question, in order to determine the extent of the remaining Federal interest and clarify ownership claims.

There are many overlapping claims, missing and unreliable records, and even competing claims from both Texas and Oklahoma over the same pieces of property, so the BLM is poring through county GIS data to sort out who owns what and where.

This survey is not a land grab by the Federal Government. It is a long, but necessary, process that BLM must work through to validate ownership claims.

In fact, BLM wants to limit Federal interest in the region. But it has to be allowed to survey the area first.

There are an estimated 30,000 acres of Federal land in the affected area, 23,000 of which are potentially overlaid by private deeds. Without the survey, the agency will have no legal way to give a clear title to land claimed by a private interest or determine what Federal land is suitable for sale.

Unfortunately, H.R. 2130 halts the survey process, nullifies all previous BLM surveys, and transfers survey authority to the Texas General Land Office. The bill also requires the Secretary of the Interior to forfeit any right, title, and interest to land in the affected area.

Taking away BLM's survey authority and putting the Texas General Land Office in control of the survey would effectively make a large portion of the estimated Federal landholdings disappear. The result is unfair to American taxpayers, who deserve fair compensation for their assets.

H.R. 2130 could also jeopardize a longstanding agreement between the Federal Government and the Kiowa, Apache, and Comanche tribes. These tribes receive 62.5 percent of any royalty generated for oil and gas development along this section of the Red River. If part of this land no longer belongs to the Federal Government, this important source of revenue relied on by the tribes could also vanish.

Yesterday, the Natural Resources Committee received a letter from the Kiowa-Comanche Intertribal Land Use Committee that outlined serious concerns with the bill, as introduced. We were unable to hear about these concerns until now, because we have not had a hearing on this bill in this Congress.

Representative COLE has offered an amendment to address the concerns of these tribes. His amendment will ensure that the mineral and surface interests held by tribes are not diminished by this bill. The Cole amendment makes significant improvements to the bill, and I am glad the Rules Committee made it in order.

Adoption of the Cole amendment, however, does not address all of our concerns or remove our fundamental opposition to the bill.

I want to reiterate, we would all like to see the property dispute resolved in a way that benefits all parties and provides much-needed clarification for local landowners and tribes. However, instead of ceding Federal authority to a State, Congress should allow BLM to complete its work.

I urge my colleagues to reject H.R. 2130.

Before I reserve my time, I want to note that, as we approach the end of the year, there are critical issues that

we have yet to address. Funding the Federal Government, extending tax breaks and, yes, addressing the scourge of gun violence in this country are just a few that deserve our urgent attention, instead of debating this bill, which the President will likely veto.

For example, Representative KING's bill, H.R. 1076, the Denying Firearms and Explosives to Dangerous Terrorists Act is a bipartisan and commonsense bill that would make our communities safer.

Since 2004, for 11 years now, more than 2,000 FBI-identified suspected terrorists have legally purchased weapons in the United States. This is an alarming figure.

That is why I am a cosponsor of Republican Congressman PETER KING's bill, which would prevent people who are linked to terrorist activities from buying a gun, a commonsense bill that has support from both Republicans and Democrats, and would protect our communities.

It is pretty simple. If the Federal Government doesn't allow you to board an airplane, it shouldn't allow you to buy a gun.

I have joined my colleagues in filing a discharge petition to force a vote on this bill after House Republicans have repeatedly voted to prevent the House from even debating Congressman KING's bill.

We should be doing everything we can to keep deadly weapons out of the hands of suspected terrorists. It is just common sense to allow a vote on this.

I urge the Republican leadership to allow on vote on this bill.

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

Mr. BISHOP of Utah. Mr. Chairman, I yield myself such time as I may consume.

For people whose homes and lives are being threatened by inaction or an improper action of the Federal Government, that is a critical issue to them. This bill is significantly important to people who are being harmed by the Federal Government.

So this is what happened: In 2009, the Bureau of Land Management, they did a survey on 6,000 acres, out of a potential of about 90,000 acre piece of property. They used poor surveying methods, methods that were outlawed by the Supreme Court back in the 1920s because of the inaccuracy of the method they used.

Four years later, this Bureau then decided, based on the inaccurate surveying done in an improper way, that they would lay claim to 90,000 acres. They later reduced that number somewhat, even though people lived on the land they were claiming. Their homes were there. Their future was there. They had a valid title to that land. They had been paying taxes on that land for years.

Nonetheless, the government decided it was theirs. The government had no use for this land. They had no plan. They had no need for it. All it was was about control.

Even the BLM workers who were on the field that understood, they didn't want this. It was made up here in the higher levels of people who want to control. And even though they own a third of the land mass of the United States, that simply was not enough. They wanted to go after the homes of these people as well.

If people were in the way of that control, they didn't care. If property rights were in the way of that control, they didn't care.

We have seen this issue played over and over on this floor recently. We had a bill the other day in the State of Virginia, where 1 acre, 1 acre of a park that was not being used was needed for a daycare center, and the Park Service was opposed to it because it took their control away from that 1 acre of land. Fortunately, we passed that bill on a voice vote.

There is a school, a middle school in Reno, Nevada, that was stopped by the BLM because it was going to be put on land that was 12 miles away from a potential sage grouse lek. That was stopped.

There is a lake in Louisiana where the exact same thing is happening on 200 acres around that particular lake, a bad survey in which the Federal Government says, oh, give us time to fix this problem.

The bottom line is, we are seeing, time after time after time, in which actions by the Federal Government, specifically, the Department of the Interior, are actually hurting people, and that is wrong. We must stop that.

We are here in the people's House. It is incumbent upon us, if an agency of government, an administration, or a bureaucracy does something to harm people, it is our responsibility to change that, to challenge it, and to set it right.

If the bureaucracy decides to become heartless thugs and tries to take away property rights, tries to take away homes, then we, the Representatives of the people, need to have this time to stand up there and say, no, it is wrong; we need to do it the right way.

That is exactly what the bill before us does. It says: Stop this inaccuracy. Stop this offense. Stop hurting people. Redo the survey, but redo it in a proper way, and put in a source of process where those who have actual rights on this land can go about and get their rights.

If that undermines the Federal Government, which has had 6 years to redo the survey, and do it the right way, then it is incumbent upon us. If they have done something wrong, we need to fix it.

This bill in no way, shape, or form has any negative impact on anybody's mineral rights. Whether it is the government, tribes, or individuals, it does not harm them.

But it is our job to make sure we do something. We, in this body, set the standards and the boundaries of what government should do, not a faceless bureaucracy. And when that faceless bureaucracy, after a great deal of time, fails to do their job, that is when we, as a body, need to stand up and set things right to protect the people whom we represent.

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

Ms. TSONGAS. Mr. Chairman, I yield such time as he may consume to the gentleman from Rhode Island (Mr. LANGEVIN).

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. I thank the gentlewoman for yielding.

Mr. Chairman, I am appalled that Republicans are continuing to ignore the calls that Mr. THOMPSON has led to bring up my good friend from New York, Republican PETER KING's bipartisan bill to keep guns out of the hands of terrorists.

It is remarkable enough that individuals on the terrorist watch list are able to freely purchase weapons in this country, weapons that could then be turned against innocent Americans.

In fact, the GAO report showed that over the last 10 years, 90 percent of the people on the terrorist watch list who wanted to buy a weapon passed a background check. That is simply outrageous.

□ 1530

But it is extraordinary that, knowing of this truly absurd policy, Republicans refuse to bring Mr. KING of New York's aptly named Denying Firearms and Explosives to Dangerous Terrorists Act.

Mr. Chairman, protecting our Nation from its enemies motivates my work here in Congress, as it should motivate all of us. That Members on the other side of the aisle are in such thrall to gun advocates that they would place their political aspirations above our national security shocks the conscience. This cannot be.

Mr. Chairman, I hope you will see Mr. KING's worthy bill on the floor without delay

Mr. BISHOP of Utah. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. THORNBERRY), the sponsor of this bill. He is someone who has been working for at least 6 long years to try to make sure that the Federal Government stops its harming of individuals in taking away their property and their homes.

Mr. THORNBERRY. Mr. Chairman, first, I want to express my appreciation to Chairman BISHOP not only for bringing this bill to the floor, but for taking the time to understand the issues, how they came to be, and cutting to the heart of the matter. I thought he did an outstanding job of explaining the challenges that my constituents face. Also, Subcommittee Chairman MCCLINTOCK has done an excellent job of talking about this bill.

Mr. Chairman, it is absolutely true. This specific legislation applies only to the 116-mile stretch of the Red River

that is at issue here; but one point I completely agree with the gentlewoman from Massachusetts on is that the consequences of this extend far beyond those 116 miles, because if the Federal Government can come in and, through a regulatory process, say this land that you may have a deed to, that you may have paid taxes on for generations, that you may think you own, is not yours but is really ours, then that threatens private property rights throughout the country.

I would suggest, Mr. Chairman, that that is the reason the American Farm Bureau, the Oklahoma Farm Bureau, the Texas Farm Bureau, the National Cattlemen's Association, and the Public Lands Council all support this legislation, because private property rights are very important to be protected wherever they may be threatened.

Now, the bottom line, as Chairman BISHOP just mentioned, is that the BLM conducted some surveys several years ago, spot surveys, and they refuse to follow the mandates of the Supreme Court in its 1926 decision. The rest of the story is, BLM has indicated they will never survey the whole 116 miles. So, as the gentlewoman from Massachusetts points out, well, there is confusion, and this, that, and the other. The only way to straighten it out is to conduct a survey of the whole area and do it under the mandate, the way the Supreme Court of the United States said it should be done. BLM has said they are not going to do that. The only way to get that done is to support this bill.

Mr. Chairman, I do appreciate the gentlewoman from Massachusetts accurately described how there got to be this narrow strip of Federal land from the middle of the river to the south bank. Some people don't understand that. The gentlewoman described it exactly right. But that has been the problem for the BLM. They don't know how to manage a narrow strip of sand down the middle of the river. It has been suggested to me that that is the reason they are looking to expand what they own, so it is easier to manage if they can make it grow. Obviously, as the chairman points out, that takes away people's homes, property that people have the deeds to and that they have paid taxes on sometimes for generations.

The other misstatement that has been made is that somehow Texas is going to control this survey. That is not true. This legislation says Texas, in conjunction with Oklahoma—and I think the manager's amendment will say in conjunction with the tribes—will choose a professional surveyor to do this right. The Congressional Budget Office says this legislation actually saves the taxpayers money. Certainly, we have bent over backwards to make sure landowners on both sides of the river—the tribes, individuals, and local governments—are part of this process.

I think the bottom line, Mr. Chairman, is the only way to prevent the BLM from taking this land in a timely way without years of court battles is to pass this legislation, as written, with the manager's amendment that Chairman BISHOP will offer, requiring there to be a survey that is done right, and then set up the process so that whatever that survey reveals can be dealt with in an equitable manner. That is what the underlying bill does.

Again, I appreciate the chairman's taking the time to understand this. We don't have a lot of Federal land in and around Texas, but any time the Federal Government comes in to try to confiscate what people own and have paid taxes on for generations, it is a threat to us all, and this legislation, I hope, will be supported.

Ms. TSONGAS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New Mexico (Ms. MICHELLE LUJAN GRISHAM), my colleague.

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Chairman, I too believe that Congress must act quickly to address terrorist threats in order to keep Americans safe.

Congress promptly acted in a bipartisan manner this week to strengthen glaring holes in our country's Visa Waiver Program. However, we have done absolutely nothing to close an equally alarming loophole which allows suspected terrorists to purchase guns.

Unlike felons, domestic abusers, and the adjudicated mentally ill, suspected terrorists can legally purchase firearms in the United States. I think that is worth repeating. Individuals who are suspected of being involved in terrorist activities by the FBI can legally purchase dangerous weapons—including military-style assault rifles and explosives—in this country. In fact, more than 2,000 suspects on the FBI's terrorist watch list have purchased firearms over the last 11 years.

If our intelligence community is concerned enough about an individual's suspected ties to terrorism to prohibit them from boarding an aircraft, why would we allow that person to purchase a firearm?

The American people are urging Congress to address gun violence and strengthen our Nation's security against increasing threats from ISIS and other terrorist organizations. This bill provides a rare opportunity to do both. Unfortunately, the Republican leadership has refused to even debate this bill.

We cannot, Mr. Chairman, wait to act any longer. I urge my colleagues to support this legislation and help ensure that every American lives free from the threat of gun violence.

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

Ms. TSONGAS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Florida (Ms. FRANKEL), my colleague.

Ms. FRANKEL of Florida. Mr. Chairman, here is what the terrorists say: ''America is absolutely awash with easily obtainable firearms. You can go down to a gun show at the local convention center and come away with a fully automatic assault rifle, without a background check, and most likely without having to show an identification card.''

Those words, Mr. Chairman, are from the mouth of former al Qaeda spokesman Adam Gadahn, who, until his demise, was one of the world's most wanted terrorists. Mr. Gadahn can be seen on a video urging lone-wolf attacks on innocent Americans.

After describing how easy it is to buy a firearm in our country, he ends the video by saying: ''So what are you waiting for?''

So I ask this Congress: What are we waiting for—more attacks like San Bernardino or Paris? more families destroyed? more innocent lives wasted? more 30 seconds of silence in this Chamber?

Let's save some lives today. Say ''no'' to the purchase of weapons by those who would use violence and threats to destroy our way of life.

Mr. BISHOP of Utah. Mr. Chairman, I have some other speakers who are on their way, so I will reserve in the hopes that I can hear some other speeches that care about people who are about to lose their homes by the actions of this government, that we actually care about those people.

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

Ms. TSONGAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to address an issue that has been addressed in the course of our conversations.

The majority continues to claim that the Federal Government does not and has never had any legal claim to the land between the river's median and the south bank, but that claim is inaccurate.

This 116-mile stretch of the river originally came into Federal ownership under the Louisiana Purchase in 1803. Treaties between 1819 and 1838 established the south bank of the Red River as the southern border of the United States and the northern border of what is now the State of Texas. In 1867, the land north of the river became part of the Kiowa-Comanche-Apache Reservation, with the medial line of the river denoting the reservation's southern boundary.

All land between the medial line and the southern bank of the Red River was retained—not acquired—by the Federal Government as public land. The land between the medial line and the south bank has never been owned by anyone other than the Federal Government.

The Supreme Court decision in the 1920s never ceded ownership of the public land to either State but simply adopted a new methodology and terminology for determining where the southern bank of the Red River, still the border between Texas and Oklahoma, lies.

Although litigation in the 1980s, resulting from natural changes in the river's location, attempted to settle private landowners' acreage disputes, these agreements had no effect on Federal land ownership. Likewise, while the Red River Compact changed the boundary between the States by switching from applying the gradient line measurement to using the vegetation line, that compact explicitly did not transfer any title or status of land held in the public domain to Texas, Oklahoma, or any private landowner. Any claim that any litigation or agreements over the past 90-plus years have somehow negated Federal ownership of these 30,000 acres simply is not true.

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

Mr. BISHOP of Utah. Mr. Chairman, I yield, once again, such time as he may consume to the gentleman from Texas (Mr. THORNBERRY), the sponsor of this bill, to explain how this actually did take place and what the issue is here.

Mr. THORNBERRY. Mr. Chairman, I appreciate that statement by the gentlewoman from Massachusetts. I do not disagree with anything she said, and I think I said that a while ago, that there absolutely is a legitimate Federal claim from the middle of the river to the south bank. That has been the case ever since 1803. The gentlewoman is exactly right in laying that out.

The problem is that the Bureau of Land Management has said now the south bank is as much as a mile to the south of where it is because they refuse to follow the survey method that the Supreme Court mandated. They have done these spot surveys the chairman mentioned.

It is not a question about the middle of the river to the south bank. It is a question of where the south bank is. In some cases, it is a tremendous difference back, and that is where they confiscate the land. It is because their new interpretation of the south bank is far, far away from the river, as I say, as much as a mile. That is the issue. That is the reason the only way to solve this is to have a professional survey define the south bank using the criteria set by the Supreme Court, and then that decides it.

Will there continue to be Federal land between the south bank and the middle of the river? Absolutely. BLM has said they don't know what they are going to do with it because it is a narrow strip of sand. But the key is to define that boundary so we don't take away the livelihood and the homes of the people who have lived and had deeds on the land far beyond the south bank. That is what is at issue here.

Mr. Chairman, I thank the gentleman for yielding.

Ms. TSONGAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, just to address an issue that my colleague from Texas has brought up, the BLM is trying to resolve the very difference that he suggests and has instituted a survey and would like to continue that process in order to resolve the very issue that he is raising, but it is an issue that should be retained by the Federal Government through the BLM.

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

Mr. BISHOP of Utah. Mr. Chairman, when you can't do a survey in 6 years, maybe somebody should insist the Federal Government's agencies do it.

I reserve the balance of my time.

Ms. TSONGAS. Mr. Chairman, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, if I could inquire of the gentlewoman from Massachusetts how many more speeches she has. There is one person coming down, but I don't know if he will make it. I think, in light of the time, I am ready to close if she is ready to close.

□ 1545

Ms. TSONGAS. Mr. Chairman, I am ready to close and yield myself such time as I may consume.

I want to conclude by acknowledging that I sympathize with the property owners along the Red River. Providing them with certainty and assurance that their property rights are not threatened is a goal that we should all share, and we do.

Unfortunately, this bill will only complicate an already complicated and messy situation. As introduced, it will likely lead to litigation from tribes and tribal members who stand to lose both property and mineral interests.

Furthermore, this bill requires the Secretary of the Interior to disclaim all right, title, and interest in the affected areas and transfer survey authority to the State of Texas. It is unclear how the BLM will be able to work with property owners to clear titles after the United States has already conceded its authority over the land.

Additionally, transferring the Federal Government survey authority to Texas is not a workable solution. It is so implausible, in fact, that the bill has triggered a veto threat from the White House.

If there is really a problem that Congress can solve, providing Texas landowners with the certainty they desire, we should work together to come up with legislation that would earn the President's signature.

We should go back to the drawing board. Until that happens, I urge my colleagues to oppose this bill.

I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I yield myself such time as I may consume.

This is one of those situations where this is an issue that has been festering for 6 years now. If the Bureau of Land Management truly wanted to solve this issue, if they truly wanted to make amends, if they truly wanted to give certainty to these people, it could have happened by now. But up the food chain they have refused to do it.

That is why it is incumbent upon us to do the right thing. We are talking about people whose property, whose homes, their future, their livelihoods, are being threatened by a government bureaucracy that simply says they don't care. They would rather have control than solve a problem.

The bill before you actually sets out a way of doing the survey in the right way, the way the Supreme Court said it should be done, doing it the right way the first time and ensuring that everyone will be part of the table. It sets out a process to actually solve this problem in a minimum amount of time. This is the right thing to do. We should go forward with that.

I appreciate those who have spoken on this particular issue because there are people whose lives are being threatened right now because of the uncertainty about what their property rights are and where they will not be, and that is wrong. That is simply wrong.

What has happened to these people is wrong. If we allow it to go forward by our inability of trying to make decisions here, we are wrong, too. It is time to quit hurting people and do things that actually help them.

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

Mr. POE of Texas. Mr. Chair, first off, I would like to thank Congressman THORNBERRY for leading this effort in the House.

It is no surprise that the Bureau of Land Management under this Administration has become greedy.

But their blatant disregard of the law and private property rights is shameful.

One would think the federal government would be satisfied with the 653 million acres of land it currently controls and owns, which is over 27 percent of the total U.S. surface area.

A lot of which goes unused, but apparently that is not enough.

If anything the federal government should being selling land instead of trying to claim more.

The Bureau of Land Management's actions are a cloud on the title of Texas ranches.

Since the 1845 annexation of Texas into the United States, the federal government has owned very little to no property in Texas.

The Red River Private Property Protection Act, if signed into law would settle these absurd claims and clearly define the borders.

It is important that we support and protect Oklahoma and Texas landowners from this Administration's ridiculous attempt at another land grab.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources printed in the bill. The committee amendment in the nature of a substitute shall be considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2130

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 ''Red River Private Property Protection Act''.

SEC. 2. DISCLAIMER AND OUTDATED SURVEYS.

(a) IN GENERAL.—The Secretary disclaims any right, title, and interest to the land located south of the South Bank boundary line in the affected area.

(b) CLARIFICATION OF PRIOR SURVEYS.—Surveys conducted by the Bureau of Land Management before the date of the enactment of this Act shall have no force or effect in determining the South Bank boundary line.

SEC. 3. SURVEY OF SOUTH BANK BOUNDARY LINE.

(a) SURVEY REQUIRED.—To identify the South Bank boundary line in the affected area, the Secretary shall commission a survey. The survey shall—

(1) adhere to the gradient boundary survey method;

(2) span the entire length of the affected area;

(3) be conducted by Licensed State Land Surveyors chosen by the Texas General Land Office, in consultation with the Oklahoma Commissioners of the Land Office;

(4) be completed not later than 2 years after the date of the enactment of this Act; and

(5) not be submitted to the Bureau of Land Management for approval.

(b) APPROVAL OF THE SURVEY.—After the survey is completed, the Secretary shall submit the survey to be approved by the Texas General Land Office, in consultation with the Oklahoma Commissioners of the Land Office.

(c) SURVEYS OF INDIVIDUAL PARCELS.—

(1) IN GENERAL.—Parcels surveyed as required by this section shall be surveyed and approved on an individual basis by the Texas General Land Office, in consultation with the Oklahoma Commissioners of the Land Office.

(2) SURVEYS OF INDIVIDUAL PARCELS NOT SUBMITTED TO THE BUREAU OF LAND MANAGEMENT.—Surveys of individual parcels shall not be submitted to the Bureau of Land Management for approval.

(d) NOTICE.—

(1) NOTIFICATION TO THE SECRETARY.—Not later than 30 days after a survey for a parcel is approved by the Texas General Land Office under subsection (c), such office shall provide to the Secretary the following:

(A) Notice of the approval of such survey.

(B) A copy of such survey and field notes relating to such parcel.

(2) NOTIFICATION TO ADJACENT LANDOWNERS.—Not later than 30 days after the date on which the Secretary receives notification relating to a parcel under paragraph (1), the Secretary shall provide to landowners adjacent to such parcel the following:

(A) Notice of the approval of such survey.

(B) A copy of such survey and field notes relating to such parcel.

(C) Notice that the landowner may file an appeal under section 4.

(D) Notice that the landowner may apply for a patent under section 5.

(E) Any additional information considered appropriate by the Secretary.

SEC. 4. APPEAL.

Not later than 1 year after the date on which a landowner receives notification under section 3(d)(2), a landowner who claims to hold right, title, or interest in the affected area may appeal the determination of the survey to an administrative law judge of the Department of the Interior.

SEC. 5. RED RIVER SURFACE RIGHTS.

(a) NOTIFICATION OF APPLICATION PERIOD FOR PATENTS.—

(1) IN GENERAL.—On the date that is 18 months after the date on which the Secretary receives notification relating to a parcel under section 3(d)(1), the Secretary shall determine whether such parcel is subject to appeal.

(2) PARCEL NOT SUBJECT TO APPEAL.—Not later than 30 days after the date on which the Secretary determines a parcel is not subject to appeal, the Secretary shall—

(A) notify landowners adjacent to such parcel that the Secretary shall accept applications for patents for that parcel under subsection (b) for a period of 210 days; and

(B) begin accepting applications for patents for that parcel under subsection (b) for a period of 210 days.

(3) PARCEL SUBJECT TO APPEAL.—If the Secretary determines a parcel is subject to appeal, the Secretary shall, not less than once every 6 months, check the status of the appeals relating to such parcel, until the Secretary determines such parcel is not subject to appeal.

(b) PATENTS FOR LANDS IN THE AFFECTED AREA.—If the Secretary receives an application for a patent for a parcel of identified Federal lands during the period for applications for such parcel under subsection (a)(2)(B) and determines that the parcel has been held in good faith and in peaceful adverse possession by an applicant, or the ancestors or grantors of such applicant, for more than 20 years under claim (including through a State land grant or deed or color of title), the Secretary may issue a patent for the surface rights to such parcel to the applicant, on the payment of $1.25 per acre, if the patent includes the following conditions:

(1) All minerals contained in the parcel are reserved to the United States and subject to sale or disposal by the United States under applicable leasing and mineral land laws.

(2) Permittees, lessees, or grantees of the United States have the right to enter the parcel for the purpose of prospecting for and mining deposits.

(c) PENDING REQUESTS FOR PATENTS.—The Secretary shall not offer a parcel of identified Federal land for purchase under section 6 if a patent request for that parcel is pending under this section.

SEC. 6. RIGHT OF REFUSAL AND COMPETITIVE SALE.

(a) RIGHT OF REFUSAL.—

(1) OFFERS TO PURCHASE.—After the expiration of the period for applications under section 5(a)(2)(B), the Secretary shall offer for purchase for a period of 60 days for each right of refusal—

(A) the surface rights to the remaining identified Federal lands located north of the vegetation line of the South Bank to—

(i) the adjacent owner of land located in Oklahoma to the north with the first right of refusal;

(ii) if applicable, the adjacent owner of land located in Texas to the south with the second right of refusal;

(iii) if applicable, the adjacent owner of land located to the east with the third right of refusal; and

(iv) if applicable, the adjacent owner of land located to the west with the fourth right of refusal; and

(B) the surface rights to the remaining identified Federal lands located south of the vegetation line of the South Bank to—

(i) the adjacent owner of land located in Texas to the south with the first right of refusal;

(ii) if applicable, the adjacent owner of land located in Oklahoma to the north with the second right of refusal;

(iii) if applicable, the adjacent owner of land located to the east with the third right of refusal; and

(iv) if applicable, the adjacent owner of land located to the west with the fourth right of refusal.

(2) REMAINING IDENTIFIED FEDERAL LANDS DEFINED.—In this subsection, the term ''remaining identified Federal lands'' means any parcel of identified Federal lands—

(A) not subject to appeal under section 4;

(B) not determined by an administrative law judge of the Department of the Interior or a Federal court to be the property of an adjacent landowner; and

(C) not patented or subject to a pending request for a patent under section 5.

(b) DISPOSAL BY COMPETITIVE SALE.—If a parcel offered under subsection (a) is not purchased, the Secretary shall offer the parcel for disposal by competitive sale for not less than fair market value as determined by an appraisal conducted in accordance with nationally recognized appraisal standards, including the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(c) CONDITIONS OF SALE.—The sale of a parcel under this section shall be subject to—

(1) the condition that all minerals contained in the parcel are reserved to the United States and subject to sale or disposal by the United States under applicable leasing and mineral land laws;

(2) the condition that permittees, lessees, or grantees of the United States have the right to enter the parcel for the purpose of prospecting for and mining deposits; and

(3) valid existing State, tribal, and local rights.

(d) REPORT.—Not later than 5 years after the date on which the survey is approved, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a list of the parcels of identified Federal lands that have not been sold under subsection (b) and a description of the reasons such parcels were not sold.

SEC. 7. RESOURCE MANAGEMENT PLAN.

The Secretary may not treat a parcel of identified Federal lands as Federal land for the purposes of a resource management plan if the treatment of such parcel does not comply with the provisions of this Act.

SEC. 8. CONSTRUCTION.

(a) LANDS LOCATED NORTH OF THE SOUTH BANK BOUNDARY LINE.—Nothing in this Act shall be construed to modify the interest of Texas or Oklahoma or sovereignty rights of any federally recognized Indian tribe over lands located to the north of the South Bank boundary line as established by the survey.

(b) PATENTS UNDER THE COLOR OF TITLE ACT.—Nothing in this Act shall be construed to modify land patented under the Act of December 22, 1928 (Public Law 70–645; 45 Stat. 1069; 43 U.S.C. 1068; commonly known as the Color of Title Act), before the date of the enactment of this Act.

(c) RED RIVER BOUNDARY COMPACT.—Nothing in this Act shall be construed to modify the Red River Boundary Compact as enacted by the States of Texas and Oklahoma and consented to by the United States Congress by Public Law 106-288 (114 Stat. 919).

SEC. 9. DEFINITIONS.

In this Act:

(1) AFFECTED AREA.—The term ''affected area'' means lands along the approximately 116-mile stretch of the Red River from its confluence with the North Fork of the Red River on the west to the 98th meridian on the east between the States of Texas and Oklahoma.

(2) GRADIENT BOUNDARY SURVEY METHOD.—The term ''gradient boundary survey method'' means the measurement technique used to locate the South Bank boundary line under the methodology established in Oklahoma v. Texas, 261 U.S. 340 (1923) (recognizing that the boundary line between the States of Texas and Oklahoma along the Red River is subject to change due to erosion and accretion).

(3) IDENTIFIED FEDERAL LANDS.—The term ''identified Federal lands'' means the lands in the affected area from the South Bank boundary line north to the medial line of the Red River as identified pursuant to this Act.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(5) SOUTH BANK.—The term ''South Bank'' means the water-washed and relatively permanent elevation or acclivity, commonly called a cut bank, along the southerly or right side of the Red River which separates its bed from the adjacent upland, whether valley or hill, and usually serves to confine the waters within the bed and to preserve the course of the river (as specified in the fifth paragraph of Oklahoma v. Texas, 261 U.S. 340 (1923)).

(6) SOUTH BANK BOUNDARY LINE.—The term ''South Bank boundary line'' means the boundary between Texas and Oklahoma identified through the gradient boundary survey method (as specified in the sixth and seventh paragraphs of Oklahoma v. Texas, 261 U.S. 340 (1923)).

(7) SURVEY.—The term ''survey'' means the survey required by section 3(a).

(8) VEGETATION LINE.—The term ''vegetation line'' means the visually identifiable continuous line of vegetation that is adjacent to the portion of the riverbed kept practically bare of vegetation by the natural flow of the river and is continuous with the vegetation beyond the riverbed.

The CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in House Report 114–375. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. BISHOP OF UTAH

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 114–375.

Mr. BISHOP of Utah. Mr. Chairman, I have an amendment made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, line 12, insert ''and seek further judicial review'' after ''appeal''.

Page 5, line 18, strike ''Not'' and insert the following:

(a) APPEAL TO ADMINISTRATIVE LAW JUDGE.—Not

Page 5, after line 23, insert the following:

(b) FURTHER JUDICIAL REVIEW.—

(1) IN GENERAL.—A landowner who filed an appeal under subsection (a) and is adversely affected by the final decision may, not later than 120 days after the date of the final decision, file a civil action in the United States district court for the district——

(A) in which the person resides; or

(B) in which the affected area is located.

(2) STANDARD OF REVIEW.—The district court may review the case de novo and may enter a judgment enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part, the decision of the administrative law judge.

Page 6, line 8, insert ''or further judicial review'' after ''appeal''.

Page 6, line 9, insert ''OR JUDICIAL REVIEW'' after ''APPEAL''.

Page 6, line 11, insert ''or judicial review'' after ''appeal''.

Page 6, line 20, insert ''OR JUDICIAL REVIEW'' after ''APPEAL''.

Page 6, line 21, insert ''or further judicial review'' after ''appeal''.

Page 6, line 23, insert ''or judicial reviews'' after ''appeals''.

Page 6, line 25, insert ''or further judicial review'' after ''appeal''.

Page 9, line 14, insert ''or further judicial review'' after ''appeal''.

Page 11, after line 20, insert the following:

(d) TRIBAL RESERVATIONS.—Nothing in this Act shall be construed to create or reinstate a tribal reservation or any portion of a tribal reservation.

(e) TRIBAL MINERAL INTERESTS.—Nothing in this Act shall be construed to alter the valid rights of the Kiowa, Comanche, and Apache Nations to the mineral interest trust fund created pursuant to the Act of June 12, 1926.

Insert ''and each affected federally recognized Indian tribe'' after ''Oklahoma Commissioners of the Land Office'' each place it appears.

The CHAIR. Pursuant to House Resolution 556, the gentleman from Utah (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. BISHOP of Utah. Mr. Chairman, today I rise in strong support of a brilliantly written manager's amendment to H.R. 2130.

In short, this bill, introduced by my friend, the chairman of the Armed Services Committee, Mr. THORNBERRY of Texas, prevents the Federal Government from claiming thousands of acres of private land legally owned by American citizens and tribes along the 116-mile stretch of the Red River between Texas and Oklahoma.

My manager's amendment will do the following: It will ensure that nothing in this bill will create or reinstate a tribal reservation. It ensures that nothing in this bill alters the valid existing mineral rights of the Kiowa, Comanche, and Apache Nations. It allows affected federally recognized Indian tribes to be part of the survey process in addition to the States of Oklahoma and Texas. It allows landowners access to judicial review beyond the Bureau of Land Management's administrative appeals process.

This manager's amendment reflects concerns that have been brought to us by Chairman THORNBERRY, by Congressman COLE of Oklahoma, by Oklahoma Governor Fallin, by private landowners, and by the other stakeholders who have an interest in this particular area.

I strongly urge my colleagues to vote in favor of the manager's amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Utah (Mr. BISHOP).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. COLE

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 114–375.

Mr. COLE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, line 13, strike ''landowners'' and insert ''federally recognized Indian tribes with jurisdiction over lands''.

Page 7, lines 8 and 9, strike ''or deed or color of title''.

Page 7, line 11, strike ''$1.25'' and insert ''fair market value''.

Page 8, after line 7, insert the following (and redesignate the subsequent clauses accordingly):

(i) the federally recognized Indian tribes holding reservation or allotment land on June 5, 1906, with the first right of refusal;

Page 8, line 9, strike ''first'' and insert ''second''.

Page 8, line 13, strike ''second'' and insert ''third''.

Page 8, line 15, strike ''third'' and insert ''fourth''.

Page 8, line 18, strike ''fourth'' and insert ''fifth''

Page 8, after line 22, insert the following (and redesignate the subsequent clauses accordingly):

(i) the federally recognized Indian tribes holding reservation or allotment land on June 5, 1906, with the first right of refusal;

Page 8, line 24, strike ''first'' and insert ''second''.

Page 9, line 3, strike ''second'' and insert ''third''.

Page 9, line 5, strike ''third'' and insert ''fourth''.

Page 9, line 8, strike ''fourth'' and insert ''fifth''

Page 11, after line 20, insert the following:

(d) TRIBAL ALLOTMENTS.—Nothing in this Act shall be construed to alter the present median line of the Red River as it relates to the surface or mineral interests of tribal allottees north of the present median line.

The CHAIR. Pursuant to House Resolution 556, the gentleman from Oklahoma (Mr. COLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma.

Mr. COLE. Mr. Chairman, I would like to start by noting how much I respect the sincerity and good intentions of my friends from Texas and their desire to settle this issue of landownership along the Red River.

I want to particularly thank Chairman THORNBERRY and Chairman BISHOP, who have been extremely cooperative and helpful in trying to resolve some of these thorny issues.

I do, however, still have serious concerns about the unintended consequences that the suggested message for resolving this issue will most certainly have on Indian tribes in my district, specifically the Kiowa, Comanche, and Apache. All three tribes oppose the bill and support this amendment.

This bill gives Texas and Oklahoma the power to conduct a survey, the goal of which is to ascertain the exact location of the portion of the Red River currently owned by the Bureau of Land Management.

The BLM land would be sold off in a three-step process. The first step provides for adverse possessors to apply for a patent to the BLM land. The second is a sale based on a right-of-first-refusal structure. The third provides for any remaining BLM land to be sold via a competitive sale process. The goal is to remove the Federal control

that the BLM has over a 116-mile stretch of the river and, by the CBO's estimate, of roughly 30,000 acres.

My amendment seeks to accomplish the following:

Ensure that tribes receive fair notice of their right to appeal any survey conducted pursuant to this legislation.

Ensure taxpayers receive full compensation instead of $1.25 per acre, as proposed, for any Federal land. This would also discourage fraudulent patent applications to BLM land that would hinder the process of disposal.

Ensure tribes will be provided with rights of first refusal to purchase BLM land.

And, finally, explicitly ensure that a survey and/or subsequent purchase does not result in any diminishment or alteration of tribal surface or mineral interests.

Mr. Chairman, the first portion of this amendment is an easy fix. Providing tribal landowners with notice of their right to appeal a survey determination is a fundamental notion of due process. Tribes have been left out of such notice requirements in the bill, as currently drafted.

The second portion of my amendment will help minimize the likelihood the projected litigation will commence. Litigation does nothing but unduly delay the opportunity for tribes to buy back their land at a fair market price. The $1.25 an acre price the current bill proposes is not the best deal for taxpayers, and Congress should vote to get the best value for BLM land.

To avoid this result, my amendment raises the standard patent applicants must meet for their applications to be approved.

The amendment also alters the right of first refusal structure for landowners to purchase BLM land by competitive sale. Indian tribes that formerly held reservation land in this part of Oklahoma, like the Kiowa, Comanche, and Apache, now have the right of first refusal for any competitive sale of BLM land that takes place pursuant to this legislation.

Finally, my amendment would disallow the survey from moving the medial line of the river north to affect the surface or mineral interests of tribal allottees north of the river in Oklahoma.

I simply cannot support a bill that would negatively impact tribal landowners in Oklahoma whose interests in surface, oil, gas, minerals, and water are critical to economic stability and funding for tribal government programs.

Mr. Chairman, this bill would begin a process of give-and-take in redetermining landownership between Texans, Oklahomans, and Indian tribes. Congress should remain mindful of its trust responsibilities and tread carefully when it comes to what could very well be construed as a taking of the Constitution.

Those in support of the bill will likely argue that tribes stand to benefit from re-surveying the river, citing that allotments bordering the river will actually expand in certain areas. That is a big gamble to take.

The fact is that neither Texans, Oklahomans, nor tribal members have any indication of whether they stand to gain or lose as a result of the survey method to be used. As a result, they have everything to lose should this bill become law without the amendment.

I urge the support of the Cole amendment to H.R. 2130.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Utah is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Chairman, I have a great deal of respect for Congressman COLE and his efforts. I want to also offer that, as this bill continues to be processed, I will be more than happy to work on these and other issues, as we have in the past on certain issues that are in the manager's amendment.

But I have to oppose this particular amendment. It does certain things that are problematic.

First, the amendment alters the bill's rights of first refusal procedure to give precedence to some above others, whether or not they have a reasonable claim to the land or hold an adjacent allotment. That is the key point right there: is the claim and the allotment adjacent.

The bill, as is already written, already gives the right of first refusal to those landowners who are there as long as they own the adjacent land parcel. That should not be changed.

Secondly, the medial line is an important issue in allocating where the location of the river actually is. If you are going to solve the problem unequivocally to demonstrate the true ownership of the land, this has to be solved. Otherwise, the clouded title to private lands will continue on, as they have been by BLM's action so far.

The Supreme Court has made it very clear that the medial is supposed to change as the movements of the river change. BLM's recent survey ignored the movement of the river, which is causing the very issue that we are facing today.

This amendment would put it back into the failed process. This amendment then runs contrary to what the Supreme Court's decision said is the fair surveying practices that ought to have been done 6 years ago by the BLM in the first place.

Congressman THORNBERRY has worked extensively with Congressman COLE to address some of the concerns—many of the concerns—that are there. I would point out just a few that have been added.

We are preventing the alternation of sovereign right States under the Red River Boundary Compact. We are ensuring the State of Oklahoma and affected tribes are involved in picking surveyors and approving the survey.

We are preventing the creation or reinstatement of the tribal reservation. We are ensuring that the bill does not impact the valid rights of the affected tribes to the mineral interest fund created in 1926.

Overall, the bill, as written and amended with the manager's amendment, proposes a fair solution to the issue at hand, incorporates the ideas and views of those interested in a wide range of the stakeholders.

I urge my colleagues to vote against this amendment.

I reserve the balance of my time.

Mr. COLE. Mr. Chairman, I want to begin by acknowledging what my friend said. I appreciate Mr. THORNBERRY and him working with us. This is a long and complex issue.

I will just say, we don't see the 1923 Supreme Court decision is where it started. We think it goes back to an earlier period where the tribes did not ever agree to give up their reservation land. They want an opportunity to be able to repurchase what they think was taken from them, if it should become available on the market.

I thank my friends again for working with me and look forward to continuing that process.

I yield back the balance of my time.

□ 1600

Mr. BISHOP of Utah. Mr. Chairman, may I inquire as to how much time I actually have?

The CHAIR. The gentleman has 2½ minutes remaining.

Mr. BISHOP of Utah. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. I appreciate the chairman's yielding to me.

I also appreciate the considerable efforts that have gone on not just in the past few weeks and months but all the way back to the last Congress with Congressman COLE, with the Governor's Office of Oklahoma, and with the tribes directly to try to make sure that any concern was addressed.

Mr. Chairman, let me just say one overall point. Actually, the gentlewoman from Massachusetts made this really clear, which is that in going back to at least 1867 there is no tribal claim that goes south of the median line of the river. As a result, really, the only interests that could be threatened are that narrow strip of sand that the Federal Government does have a rightful claim on or its expansion beyond its rightful claim.

There should be no question of any tribal surface or mineral interest that is impinged by this legislation because they only ever went to the middle of the river. What we are talking about is the south bank of the river, which is what the BLM is now claiming.

I want to address the $1.25 issue because the bill requires that any land sold to an adjacent landowner or to anybody else be sold at current market value. The only exception is if, for a period of at least 20 years, you have

owned the land, if you have a deed to the land, if you have paid taxes on the land, or if the Federal Government has never made a claim on the land for at least 20 years. In that instance, then you can under color of title procedure purchase the land for $1.25 an acre if the Bureau of Land Management agrees. It is at their discretion.

The idea is, if this survey happens to find some acreage—and I am not sure it will—that somebody has owned, has a deed to, has paid taxes on, has lived on, or if nobody else has claimed the title to it, then they don't have to buy it twice because they already bought it once. That is the purpose of this. In every other case, you have to pay the full market value for any land.

The last point is that Congressman COLE is very interested in making sure that the tribes are fully participating and know this about the survey, et cetera. I agree. I think the manager's amendment that Chairman BISHOP has just offered ensures that the tribes participate in the survey from the beginning. Of course, they have the right to appeal just like any other landowner would.

Mr. Chairman, I think this is the answer to a problem that needs our intervention because it is wrong to leave these people hanging for another 6 or 10 years without a complete survey that answers the question.

Mr. BISHOP of Utah. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Oklahoma (Mr. COLE).

The question was taken; and the Chair announced that the noes appeared to have it.

RECORDED VOTE

Mr. COLE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 246, noes 183, not voting 4, as follows:

[Roll No. 684]

AYES—246

Adams
Amash
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Black
Blum
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Bridenstine
Brown (FL)
Brownley (CA)
Bucshon
Bustos
Butterfield
Calvert
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clay
Cleaver
Clyburn
Cohen
Cole
Collins (NY)
Comstock
Connolly
Conyers
Cooper
Costa
Costello (PA)
Courtney
Cramer
Cummings
Curbelo (FL)
Davis (CA)
DeFazio
DeGette
Delaney
DeLauro
DelBene
Dent
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Doyle, Michael F.
Duckworth
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Fitzpatrick
Fleischmann
Fortenberry
Foster
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Guinta
Gutiérrez
Hahn
Hanna
Harris
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Holding
Honda
Hoyer
Huelskamp
Huffman
Israel
Issa
Jackson Lee
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson, E. B.
Jolly
Jones
Kaptur
Katko
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kline
Kuster
Lance
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lucas
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Massie
Matsui
McCollum
McDermott
McGovern
McNerney
McSally
Meehan
Meeks
Meng
Messer
Mica
Miller (MI)
Moolenaar
Moore
Moulton
Mullin
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Noem
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Posey
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Rigell
Rogers (KY)
Rooney (FL)
Rouzer
Roybal-Allard
Ruiz
Ruppersberger
Rush
Russell
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schweikert
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Simpson
Sinema
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stivers
Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (MS)
Tiberi
Titus
Tonko
Torres
Tsongas
Turner
Upton
Van Hollen
Vargas
Veasey
Velázquez
Visclosky
Walberg
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Webster (FL)
Welch
Wilson (FL)
Yarmuth
Yoder
Yoho
Young (AK)
Young (IA)
Zinke

NOES—183

Abraham
Aderholt
Allen
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bishop (UT)
Blackburn
Bost
Boustany
Brady (TX)
Brat
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Burgess
Byrne
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clarke (NY)
Clawson (FL)
Coffman
Collins (GA)
Conaway
Cook
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Davis, Rodney
Denham
DeSantis
DesJarlais
Donovan
Duffy
Duncan (SC)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Hardy
Harper
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Hudson
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Johnson (GA)
Johnson (OH)
Jordan
Joyce
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Knight
Labrador
LaHood
LaMalfa
Lamborn
Latta
LoBiondo
Long
Loudermilk
Love
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
Meadows
Miller (FL)
Mooney (WV)
Mulvaney
Neugebauer
Newhouse
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rohrabacher
Rokita
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Salmon
Sanford
Scalise
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Smith (MO)
Smith (NE)
Smith (TX)
Stefanik
Stewart
Stutzman
Thompson (PA)
Thornberry
Tipton
Trott
Valadao
Vela
Wagner
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Young (IN)
Zeldin

NOT VOTING—4

Aguilar
Davis, Danny
Johnson, Sam
Sanchez, Loretta

□ 1640

Messrs. SHUSTER, MCCARTHY, PRICE of Georgia, BOST, Mses. ROS-LEHTINEN, FOXX, Messrs. LAMALFA, FLORES, MEADOWS, MILLER of Florida, GOSAR, COFFMAN, GRAVES of Louisiana, MARCHANT, CRAWFORD, FINCHER, MCHENRY, WALDEN, MULVANEY, WOODALL, GUTHRIE, DUFFY, YOUNG of Indiana, HECK of Nevada, Ms. CLARKE of New York, Messrs. LUETKEMEYER, DUNCAN of South Carolina, SALMON, Mrs. LUMMIS, Messrs. PERRY, SMITH of Nebraska, TROTT, SENSENBRENNER, WILSON of South Carolina, Ms. HERRERA BEUTLER, Messrs. CARTER of Georgia, RODNEY DAVIS of Illinois, SMITH of Missouri, Mrs. BLACKBURN, Messrs. BARTON, ROKITA, and ROSKAM changed their vote from ''aye'' to ''no.''

Mses. HAHN, SPEIER, Mr. CICILLINE, Ms. WASSERMAN SCHULTZ, Messrs. VARGAS, FATTAH, BUTTERFIELD, HINOJOSA, TURNER, Mrs. CAROLYN B. MALONEY of New York, Messrs. YODER, GUINTA, CURBELO of Florida, STIVERS, FORTENBERRY, DAVID SCOTT of Georgia, ENGEL, and KATKO changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIR (Mr. STEWART). The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOMACK) having assumed the chair, Mr. STEWART, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2130) to provide legal certainty to property owners along the Red River in Texas, and for other purposes, and, pursuant to House Resolution 556, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. THOMPSON of California. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. THOMPSON of California. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Thompson of California moves to recommit the bill H.R. 2130 to the Committee on Natural Resources with instructions to report the same back to the House forthwith, with the following amendment:

After section 8, add the following (and redesignate the subsequent section accordingly):

SEC. 9. GRANTING THE ATTORNEY GENERAL THE AUTHORITY TO DENY THE SALE, DELIVERY, OR TRANSFER OF A FIREARM OR THE ISSUANCE OF A FIREARMS OR EXPLOSIVES LICENSE OR PERMIT TO DANGEROUS TERRORISTS.

(a) STANDARD FOR EXERCISING ATTORNEY GENERAL DISCRETION REGARDING TRANSFERRING FIREARMS OR ISSUING FIREARMS PERMITS TO DANGEROUS TERRORISTS.—Chapter 44 of title 18, United States Code, is amended—

(1) by inserting the following new section after section 922:

"§ 922A. Attorney General's discretion to deny transfer of a firearm

''The Attorney General may deny the transfer of a firearm pursuant to section 922(t)(1)(B)(ii) if the Attorney General determines that the transferee is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support thereof, and the Attorney General has a reasonable belief that the prospective transferee may use a firearm in connection with terrorism.'';

(2) by inserting the following new section after section 922A:

"§ 922B. Attorney General's discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(t)(3)

''The Attorney General may determine that an applicant for a firearm permit which would qualify for an exemption under section 922(t)(3) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support thereof, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.''; and

(3) in section 921(a), by adding at the end the following:

''(36) The term 'terrorism' means 'international terrorism' as defined in section 2331(1), and 'domestic terrorism' as defined in section 2331(5).

''(37) The term 'material support' means 'material support or resources' within the meaning of section 2339A or 2339B.

''(38) The term 'responsible person' means an individual who has the power, directly or indirectly, to direct or cause the direction of the management and policies of the applicant or licensee pertaining to firearms.''.

(b) EFFECT OF ATTORNEY GENERAL DISCRETIONARY DENIAL THROUGH THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) ON FIREARMS PERMITS.—Section 922(t) of such title is amended—

(1) in paragraph (1)(B)(ii), by inserting ''or State law, or that the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A'' before the semicolon;

(2) in paragraph (2), by inserting after ''or State law'' the following: ''or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A'';

(3) in paragraph (3)(A)(i)—

(A) by striking ''and'' at the end of subclause (I); and

(B) by adding at the end the following:

''(III) was issued after a check of the system established pursuant to paragraph (1);'';

(4) in paragraph (3)(A)—

(A) by adding ''and'' at the end of clause (ii); and

(B) by adding after and below the end the following:

''(iii) the State issuing the permit agrees to deny the permit application if such other person is the subject of a determination by the Attorney General pursuant to section 922B;'';

(5) in paragraph (4), by inserting after ''or State law,'' the following: ''or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A,''; and

(6) in paragraph (5), by inserting after ''or State law,'' the following: ''or if the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A,''.

(c) UNLAWFUL SALE OR DISPOSITION OF FIREARM BASED ON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 922(d) of such title is amended—

(1) by striking ''or'' at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting ''; or''; and

(3) by inserting after paragraph (9) the following:

''(10) has been the subject of a determination by the Attorney General pursuant to section 922A, 922B, 923(d)(1)(H), or 923(e) of this title.''.

(d) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 922(g) of such title is amended—

(1) by striking ''or'' at the end of paragraph (8);

(2) by striking the comma at the end of paragraph (9) and inserting; ''; or''; and

(3) by inserting after paragraph (9) the following:

''(10) who has received actual notice of the Attorney General's determination made pursuant to section 922A, 922B, 923(d)(1)(H), or 923(e) of this title,''.

(e) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL FIREARMS LICENSES.—Section 923(d)(1) of such title is amended—

(1) by striking ''Any'' and inserting ''Except as provided in subparagraph (H), any'';

(2) in subparagraph (F)(iii), by striking ''and'' at the end;

(3) in subparagraph (G), by striking the period and inserting ''; and''; and

(4) by adding at the end the following:

''(H) The Attorney General may deny a license application if the Attorney General determines that the applicant (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support thereof, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.''.

(f) DISCRETIONARY REVOCATION OF FEDERAL FIREARMS LICENSES.—Section 923(e) of such title is amended—

(1) in the 1st sentence—

(A) by inserting after ''revoke'' the following: ''—(1)''; and

(B) by striking the period and inserting a semicolon;

(2) in the 2nd sentence—

(A) by striking ''The Attorney General may, after notice and opportunity for hearing, revoke'' and insert ''(2)''; and

(B) by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(3) any license issued under this section if the Attorney General determines that the holder of the license (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support thereof, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.''.

(g) ATTORNEY GENERAL'S ABILITY TO WITHHOLD INFORMATION IN FIREARMS LICENSE DENIAL AND REVOCATION SUIT.—Section 923(f) of such title is amended—

(1) in the 1st sentence of paragraph (1), by inserting '', except that if the denial or revocation is pursuant to subsection (d)(1)(H) or (e)(3), then any information on which the Attorney General relied for this determination may be withheld from the petitioner if the Attorney General determines that disclosure of the information would likely compromise national security'' before the period; and

(2) in paragraph (3), by inserting after the 3rd sentence the following: ''With respect to any information withheld from the aggrieved party under paragraph (1), the United States may submit, and the court may rely on, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.''.

(h) ATTORNEY GENERAL'S ABILITY TO WITHHOLD INFORMATION IN RELIEF FROM DISABILITIES LAWSUITS.—Section 925(c) of such title is amended by inserting after the 3rd sentence the following: ''If receipt of a firearm by the person would violate section 922(g)(10), any information which the Attorney General relied on for this determination may be withheld from the applicant if the Attorney General determines that disclosure of the information would likely compromise national security. In responding to the petition, the United States may submit, and the court may rely on, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.''.

(i) PENALTIES.—Section 924(k) of such title is amended—

(1) by striking ''or'' at the end of paragraph (2);

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

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

''(4) constitutes an act of terrorism (as defined in section 921(a)(36)), or material support thereof (as defined in section 921(a)(37)); or''.

(j) REMEDY FOR ERRONEOUS DENIAL OF FIREARM OR FIREARM PERMIT EXEMPTION.—Section 925A of such title is amended—

(1) in the section heading, by striking ''**Remedy for erroneous denial of firearm**'' and inserting ''**Remedies**'';

(2) by striking ''Any person denied a firearm pursuant to subsection (s) or (t) of section 922'' and inserting the following:

''(a) Except as provided in subsection (b), any person denied a firearm pursuant to section 922(t) or pursuant to a determination made under section 922B,''; and

(3) by adding after and below the end the following:

''(b) In any case in which the Attorney General has denied the transfer of a firearm to a prospective transferee pursuant to section 922A or has made a determination regarding a firearm permit applicant pursuant to section 922B, an action challenging the determination may be brought against the United States. The petition must be filed not later than 60 days after the petitioner has received actual notice of the Attorney General's determination made pursuant to section 922A or 922B. The court shall sustain the Attorney General's determination on a showing by the United States by a preponderance of evidence that the Attorney General's determination satisfied the requirements of section 922A or 922B. To make this showing, the United States may submit, and the court may rely on, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security. On request of the petitioner or the court's own motion, the court may review the full, undisclosed documents ex parte and in camera. The court shall determine whether the summaries or redacted versions, as the case may be, are fair and accurate representations of the underlying documents. The court shall not consider the full, undisclosed documents in deciding whether the Attorney General's determination satisfies the requirements of section 922A or 922B.''.

(k) PROVISION OF GROUNDS UNDERLYING INELIGIBILITY DETERMINATION BY THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.—Section 103 of the Brady Handgun Violence Prevention Act (Public Law 103–159) is amended—

(1) in subsection (f)—

(A) by inserting after ''is ineligible to receive a firearm,'' the following: ''or the Attorney General has made a determination regarding an applicant for a firearm permit pursuant to section 922B of title 18, United States Code''; and

(B) by inserting after ''the system shall provide such reasons to the individual,'' the following: ''except for any information the disclosure of which the Attorney General has determined would likely compromise national security''; and

(2) in subsection (g)—

(A) in the 1st sentence, by inserting after ''subsection (g) or (n) of section 922 of title 18, United States Code or State law'' the following: ''or if the Attorney General has made a determination pursuant to section 922A or 922B of such title,'';

(B) by inserting '', except any information the disclosure of which the Attorney General has determined would likely compromise national security'' before the period; and

(C) by adding at the end the following: ''Any petition for review of information withheld by the Attorney General under this subsection shall be made in accordance with section 925A of title 18, United States Code.''.

(l) UNLAWFUL DISTRIBUTION OF EXPLOSIVES BASED ON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 842(d) of such title is amended—

(1) by striking the period at the end of paragraph (9) and inserting ''; or''; and

(2) by adding at the end the following:

''(10) has received actual notice of the Attorney General's determination made pursuant to section 843(b)(8) or (d)(2) of this title.''.

(m) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 842(i) of such title is amended—

(1) by adding ''; or'' at the end of paragraph (7); and

(2) by inserting after paragraph (7) the following:

''(8) who has received actual notice of the Attorney General's determination made pursuant to section 843(b)(8) or (d)(2),''.

(n) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—Section 843(b) of such title is amended—

(1) by striking ''Upon'' and inserting the following: ''Except as provided in paragraph (8), on''; and

(2) by inserting after paragraph (7) the following:

''(8) The Attorney General may deny the issuance of a permit or license to an applicant if the Attorney General determines that the applicant or a responsible person or employee possessor thereof is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation of, in aid of, or related to terrorism, or providing material support thereof, and the Attorney General has a reasonable belief that the person may use explosives in connection with terrorism.''.

(o) ATTORNEY GENERAL DISCRETIONARY REVOCATION OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—Section 843(d) of such title is amended—

(1) by inserting ''(1)'' in the first sentence after ''if''; and

(2) by striking the period at the end of the first sentence and inserting the following: ''; or (2) the Attorney General determines that the licensee or holder (or any responsible person or employee possessor thereof) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support thereof, and that the Attorney General has a reasonable belief that the person may use explosives in connection with terrorism.''.

(p) ATTORNEY GENERAL'S ABILITY TO WITHHOLD INFORMATION IN EXPLOSIVES LICENSE AND PERMIT DENIAL AND REVOCATION SUITS.—Section 843(e) of such title is amended—

(1) in the 1st sentence of paragraph (1), by inserting ''except that if the denial or revocation is based on a determination under subsection (b)(8) or (d)(2), then any information which the Attorney General relied on for the determination may be withheld from the petitioner if the Attorney General determines that disclosure of the information would likely compromise national security'' before the period; and

(2) in paragraph (2), by adding at the end the following: ''In responding to any petition for review of a denial or revocation based on a determination under section 843(b)(8) or (d)(2), the United States may submit, and the court may rely on, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.''.

(q) ABILITY TO WITHHOLD INFORMATION IN COMMUNICATIONS TO EMPLOYERS.—Section 843(h)(2) of such title is amended—

(1) in subparagraph (A), by inserting ''or section 843(b)(1) (on grounds of terrorism) of this title,'' after ''section 842(i),''; and

(2) in subparagraph (B)—

(A) by inserting ''or section 843(b)(8)'' after ''section 842(i)''; and

(B) in clause (ii), by inserting '', except that any information that the Attorney General relied on for a determination pursuant to section 843(b)(8) may be withheld if the Attorney General concludes that disclosure of the information would likely compromise national security'' before the semicolon.

(r) CONFORMING AMENDMENT TO IMMIGRATION AND NATIONALITY ACT.—Section 101(a)(43)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(E)(ii)) is amended by striking ''or (5)'' and inserting ''(5), or (10)''.

Mr. THOMPSON of California (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

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

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, I reserve a point of order against the motion.

The SPEAKER pro tempore. A point of order is reserved.

The gentleman from California is recognized for 5 minutes.

Mr. THOMPSON of California. Mr. Speaker, this is the final amendment to the bill, which will not kill the bill nor send it back to committee. If adopted, the bill will immediately proceed to final passage, as amended.

My motion to recommit would incorporate H.R. 1076, a Republican bill titled the Denying Firearms and Explosives to Dangerous Terrorists Act of 2015, into the underlying bill.

□ 1645

The bill is straightforward. It says if you are on the FBI's terrorist watch list, then you don't get to walk into a gun store, pass a background check, and leave with a weapon of your choice. It is an outrageous loophole. And we know it allows dangerous people to easily get guns.

Since 2004, more than 2,000 suspected terrorists have legally purchased weapons in the United States. And more than 90 percent of all suspected terrorists who tried to purchase guns in the last 11 years walked away with the weapons they wanted. If there is one thing both sides of this House can agree on, it is keeping guns from terrorists.

I know my colleagues on the other side have expressed some concerns. So let's address them.

You are worried that there are names on the list that shouldn't be there. This is a legitimate concern. So let's scrub the list.

You are worried that it is difficult to get off the list if you are wrongly put on it. This bill has an appeals process.

You are concerned about denying people their Second Amendment rights. Well, I am a gun guy. I own guns. I support the Second Amendment. If this bill did anything to violate those rights, my name wouldn't be on it.

We are not talking about prohibiting law-abiding, non-dangerous people from getting guns. We are just talking about taking a pause.

I think we can all agree that it is better to err on the side of caution and let people get their names taken off the list, rather than just sell them a gun and hope they are not a terrorist.

So let's scrub the list and make it accurate. Let's make sure the appeals process is functional and efficient. And if someone is on the terrorist list and is denied from buying a gun, let's pump the brakes and make sure they are, in fact, not a terrorist before that sale is allowed to proceed.

Everyone on my side of the aisle stands ready to address your concerns. Will your side do the same? Will you address our concern about terrorists being able to have legal and easy access to guns?

We have a chance to take a simple, straightforward step to keep spouses, kids, and communities safe. We can take this vote today. I have filed a discharge petition on the bill. We just need a simple majority to sign it. You can do it right now.

If House Republicans agree that terrorists shouldn't be able to get guns, then walk down to the well, sign your name on the line, and let's have a vote.

It is your own party's bill. It was supported by George W. Bush's Department of Justice. All it does is prevent suspected terrorists from getting guns—in the exact same way we prevent criminals, domestic abusers, and the dangerously mentally ill from getting guns.

We will work with you to address your concerns. Do the same for us. Work with our side to keep guns from suspected terrorists.

This is an issue we can all come together on. 2,000 suspected terrorists buying guns is 2,000 too many. So let's stop it. Let's take a stand. Put your name down in writing and let's take a vote.

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

Mr. BISHOP of Utah. Mr. Speaker, I claim the time in opposition, and I continue to reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The gentleman is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Speaker, despite the fact that our colleagues, Mr. MCCLINTOCK and DON YOUNG, were put on this watch list—actually, for DON YOUNG maybe it fits.

POINT OF ORDER

Mr. BISHOP of Utah. I am going to insist on my point of order.

This motion to recommit involves subject matter that is different from the bill. The fundamental purpose of the motion is unrelated to the bill.

I insist on my point of order.

Mr. THOMPSON of California. Mr. Speaker, I would like to be heard on the point of order.

The SPEAKER pro tempore. The gentleman from California may be heard on the point of order.

Mr. THOMPSON of California. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The gentleman from California should understand that the Chair has not ruled on the point of order.

The Chair will now rule.

The gentleman from Utah makes a point of order that the instructions proposed in the motion to recommit offered by the gentleman from California involve a subject matter different from the bill.

Clause 7 of rule XVI, the germaneness rule, provides that no proposition on a subject different from that under consideration shall be admitted under color of amendment.

The bill addresses the boundary line between Texas and Oklahoma drawn by the Red River. Though the bill touches on a number of aspects of property management, it does so only with respect to a narrow geographic area.

The amendment proposed in the motion to recommit makes a variety of changes to title 18 of the United States Code relating to the sale, possession, licensing, and distribution of firearms and explosives. It has no bearing on the land addressed in the underlying bill.

The Chair finds that the amendment proposed in the motion to recommit goes beyond the subject matter of the underlying bill. It is, therefore, not germane. The point of order is sustained.

Mr. THOMPSON of California. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. BISHOP of Utah. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. THOMPSON of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to table will be followed by 5-minute votes on passage of the bill, if arising without further proceedings in recommittal, and agreeing to the Speaker's approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 246, nays 182, not voting 5, as follows:

[Roll No. 685]

YEAS—246

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davis, Rodney
DeFazio
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—182

Adams
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa

Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—5

Aguilar
Davis, Danny
Johnson, Sam
Nolan
Sanchez, Loretta

□ 1706

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

(By unanimous consent, Mr. McCARTHY was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. McCARTHY. Mr. Speaker, I want to remind Members that there will be votes in the House on Friday, which I expect to end by early afternoon.

Having said that, I want to advise the Members that votes are no longer expected in the House this weekend. However, Members should continue to keep their schedules flexible for possible votes in the House on Monday, and I will let Members know more details about that for next week as soon as possible.

Mr. HOYER. Will the gentleman yield?

Mr. McCARTHY. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding.

On Monday, would your expectation be that, if there were votes, no votes would occur prior to 6:30?

Mr. McCARTHY. Yes. There will be no votes before 6:30, and I will let the gentleman know prior to departing on Friday whether we are in on Monday.

PARLIAMENTARY INQUIRIES

Mr. McGOVERN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. McGOVERN. Mr. Speaker, some of us on the Rules Committee voted to bring up a bill that would prevent terrorists from buying guns, but Republicans on the committee blocked that attempt.

Democrats have tried to close this loophole by defeating the previous question, and Republicans have blocked those attempts.

Can the Speaker tell me how we can get an up-or-down vote on this bill that prevents terrorists from buying guns?

The SPEAKER pro tempore. The Chair will not entertain a parliamentary inquiry that does not relate, in a practical sense, to the present proceedings.

Ms. KELLY of Illinois. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state her parliamentary inquiry.

Ms. KELLY of Illinois. Mr. Speaker, am I correct that insisting on the point of order prevents the House from voting on the gentleman from California's motion to recommit?

The SPEAKER pro tempore. The gentlewoman has not stated a proper parliamentary inquiry.

Ms. McCOLLUM. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state her parliamentary inquiry.

Ms. McCOLLUM. Mr. Speaker, am I correct that the gentleman from California's motion to recommit would close the loophole that currently allows terrorists who are on the no-fly list to buy guns?

The SPEAKER pro tempore. The gentlewoman has not stated a proper parliamentary inquiry.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state her parliamentary inquiry.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, is it true that the Republicans have repeatedly blocked legislation that would explicitly prevent terrorists from buying guns?

The SPEAKER pro tempore. The gentlewoman will suspend.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, why can we not get an answer to this question?

The SPEAKER pro tempore. The gentlewoman has not stated a proper parliamentary inquiry.

The Chair is prepared to put the question on passage to a vote of the House.

The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

The SPEAKER pro tempore. Are there any Members wishing to seek a recorded vote or the yeas and nays?

Ms. TSONGAS. 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, this 15-minute vote on passage will be followed by a 5-minute vote on agreeing to the Speaker's approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 253, nays 177, not voting 3, as follows:

[Roll No. 686]

YEAS—253

Abraham
Aderholt
Allen
Amodei
Ashford
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Brown (FL)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Castro (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Doggett
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jackson Lee
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, E. B.
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Veasey
Vela
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—177

Adams
Amash
Bass
Beatty
Becerra
Bera

Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Goodlatte
Graham
Grayson
Griffith
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Herrera Beutler
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jeffries
Johnson (GA)
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Wilson (FL)
Yarmuth

NOT VOTING—3

Aguilar
Johnson, Sam
Sanchez, Loretta

□ 1731

Mr. WELCH changed his vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore (Mr. CURBELO of Florida). The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

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

STOP THE RECKLESS POLICIES OF PRESIDENT OBAMA

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

Mr. BABIN. Mr. Speaker, I urge my colleagues to join me in using the power of the purse to stop the reckless policies of President Obama that leave the citizens of the United States vulnerable. Americans overwhelmingly support this.

The FBI, DNI, and DHS have testified that they cannot fully screen the thousands of refugees that the President wants to bring in from Syria, Somalia, Iraq, and other regions with high rates of terrorism. Illegal immigrants from Syria, Libya, Somalia, and other hotbeds of terrorism continue to test the openness of our southern border. The loopholes in the screening of immigrants from hotbeds of terrorism are being exploited, and the administration opposes closing them.

This House has one chance, the end of the year appropriations bill, to end these dangerous policies.

This Member of Congress will vote against any bill rushed to the floor that fails to stop these reckless policies.

Let's put aside political correctness, criticism from foreign nationals that leave Americans vulnerable. This is our chance to stop future San Bernardinos, Parises, Chattanoogas, Garlands, and Ft. Hoods. The lives of these American citizens are worth it. Indeed, they cry out for it.

VICTIMS OF GUN VIOLENCE

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

Mr. PETERS. Mr. Speaker, Marysville, Washington, October 24, 2015:

Andrew Fryberg, 15 years old.
Zoe Galasso, 14.
Gia Soriano, 14.
Shaylee Chuckulnaskit, 14.

Charleston, South Carolina, June 17, 2015:

Susie Jackson, 87 years old.
Daniel Simmons, 74.
Ethel Lance, 70.
Myra Thompson, 59.
Cynthia Hurd, 54.
DePayne Middleton Doctor, 49.
Sharonda Coleman-Singleton, 45.
Clementa Pinckney, 41.
Tywanza Sanders, 26.

Navy Yard, Washington, D.C., September 16, 2013:

John Roger Johnson, 73 years old.
Kathleen Gaarde, 62.
Vishnu Pandit, 61.
Michael Arnold, 59.
Gerald Read, 58.
Martin Bodrog, 54.
Sylvia Frasier, 53.
Richard Michael Ridgell, 52.
Frank Kohler, 51.
Mary Frances DeLorenzo Knight, 51.

Mr. Speaker, my time has expired, but I will be back.

VENEZUELAN ELECTIONS

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

Mr. CURBELO of Florida. Mr. Speaker, this past Sunday, the people of Venezuela took to the polls and, in a loud, clear voice, deposed the Chavista ruling party from the National Assembly.

Polls leading up to the election indicated that a vast majority, 87 percent of Venezuelans, were dissatisfied with the direction that Maduro and his cronies were taking the country.

Maduro's policies have led Venezuela to having the hemisphere's highest inflation rate, causing critical shortages of food and medicine, as well as the collapse of the Venezuelan currency and rampant crime.

The newly elected coalition has pledged to make necessary reforms to get a handle on the economy. It has also promised to pass laws to release the political prisoners that have been unjustly arrested by the Maduro regime.

Sunday's elections were a watershed moment for the Venezuelan people, and it charts a new course for their destiny. However, there is still hard work that needs to be done to ensure a thriving, prosperous, and just Venezuela, at peace with itself and with its people.

I congratulate the Venezuelan people and the Venezuelan community in the United States on this momentous occasion.

FDA, DO YOUR JOB, BUT GET IT RIGHT

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

Mr. WELCH. Mr. Speaker, the Food and Drug Administration has an extremely important job to make certain that our food is safe, but it is often misguided and overreaches in some of its regulations.

The FDA is considering a standard that would severely impact artisan cheese producers. They have proposed a safety standard that seeks to limit the level of nontoxigenic E. coli found in raw milk cheeses.

The problem is there is absolutely no scientific connection between meeting that standard and improving food and safety. Yet, there is a very practical, burdensome impact on our artisan cheese makers.

It is why the ICMSF, the leading global food safety body, the European Union, and many U.S. food safety experts have argued that monitoring raw milk cheeses for nontoxigenic E. coli is absolutely unwarranted. In spite of that international consensus, the FDA is forging ahead, and it is going to do real damage to our artisan cheese makers.

Artisan cheese makers already have rigorous protocols in place to ensure safety. That is why I led a bipartisan, bicameral group of colleagues in sending a letter to FDA raising concerns with this standard: FDA, do your job, but get it right.

POVERTY AND ITS IMPACTS ON AMERICAN FAMILIES

The SPEAKER pro tempore (Mr. CURBELO of Florida). Under the Speaker's announced policy of January 6, 2015, the gentlewoman from California (Ms. LEE) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Ms. LEE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the subject of this Special Order.

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

There was no objection.

Ms. LEE. Mr. Speaker, first, I want to thank my friend and colleague from New Jersey, Congresswoman BONNIE WATSON COLEMAN, for her tireless work on so many issues, and for allowing us to use the Congressional Progressive Caucus' time tonight to organize this Special Order on poverty and its impacts on American families.

Also, I would like to recognize my friend and colleague from Missouri, and thank our cochair of the Congressional Black Caucus' Poverty and Economy Task Force, Congressman CLEAVER, for his leadership on poverty, opportunity, housing, and so many issues that he cares about and has been a champion about for so many years.

Also, to our colleague and our good friend and whip, Mr. HOYER, his unwavering commitment is very evident in making poverty a priority for this body.

Also, to Leader PELOSI, I want to thank her and recognize her for her commitment to the most vulnerable, and for reminding us constantly that 20 percent of America's children continue to live below the poverty line.

So this evening, I rise as the chair of the Democratic Whip's Task Force on Poverty, Income Inequality, and Opportunity, and cochair of our Congressional Black Caucus' Task Force on Poverty and the Economy to call on all of our colleagues, and our country, really, to refocus our efforts on programs and policies in funding that help lift Americans out of poverty, but also to remember that there is a safety net that has to be preserved until we can do just that: People want to work; people want opportunity.

I invite all of our colleagues to join us tonight in creating a national strategy to eradicate poverty once and for all.

Mr. Speaker, I am going to hold my remarks and yield to my friend and colleague from Ohio (Ms. FUDGE), former chair of the Congressional Black Caucus and member of the Education Committee and the Ag Committee. She has been, consistently, since she has been in Congress, and before she came to Congress, worked and spoke on behalf of the most vulnerable in our country.

Ms. FUDGE. Mr. Speaker, I thank the gentlewoman for yielding.

I just want to say that there is no one in this Congress who works harder and puts in more time trying to find a way to come back and eradicate poverty than BARBARA LEE. It is my pleasure and my privilege to work with you every day. I have learned so much from you, and I just want you to continue to do the people's work, and I appreciate it.

Mr. Speaker, I rise to address a topic that many of us know far too well, and that is poverty. I see its impact on the people of the 11th Congressional District every day.

My district has some of the Nation's most impoverished cities. The overall poverty rate is 28 percent. Out of the 435 Congressional districts in the United States, my district is one of the top 20 poorest districts in America.

Nearly 200,000 of my constituents live in poverty. I see and talk to poor people every day. Mothers and fathers without jobs, families with little to no access to healthy food or adequate housing, and children—yes, Mr. Speaker, children—who are in overcrowded classrooms with outdated textbooks.

Poverty is the source of our Nation's most persistent social and economic issues. It permeates our entire society and has victimized too many Americans for far too long.

We don't need another committee hearing on hunger or poverty to tell us what we already know. We know what the problems are and how to address them.

My colleagues and I have been proactive in finding solutions to eradicate poverty in this, the wealthiest country in the world. I have introduced bills supporting initiatives to feed children and families, fought to protect safety-net programs, and insisted Congress develop policies that create jobs that pay a living wage.

The majority in this House has not been a willing participant. Some Members believe that if you don't work, you are lazy. Others believe that poor people are looking for handouts.

Let me be clear, Mr. Speaker, none of that is true. The people I have spoken to are not looking for a handout. They simply need a hand up, a job to take care of their families and pay their bills. The dignity of work is what we all want.

□ 1745

We must put aside politics and pass policies that give everyone a fair chance at the American Dream. When we do not work together, our constituents suffer.

FDR said: ''The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little.''

We must act now.

Ms. LEE. I thank the gentlewoman for her very powerful statement and for, once again, her leadership.

I want to remind this body that she has been such an active advocate on behalf of those needing that safety net of SNAP and food stamp benefits and for making sure that people have the right to eat in this country regardless of how much money they have.

Again, I thank Congresswoman FUDGE.

Mr. Speaker, I yield to the gentlewoman from Connecticut (Ms. DELAURO), the ranking member on the Appropriation Committee's Labor, Health and Human Services, Education, and Related Agencies Subcommittee, on which I am honored to serve. Every day she is a champion on behalf of all of those who we are discussing tonight in terms of making sure they have an opportunity to live the American Dream.

Ms. DELAURO. I thank my colleague, Congresswoman LEE, for organizing this effort this evening. It isn't just this evening. Every day, 24 hours a day, in her heart of hearts, she knows what her mission is here. That is to make sure that there is a better life for our families and to make sure that there is a better life for our children. It is an honor to work with her on these issues.

Mr. Speaker, there is a saying that the strength of a nation starts with the strength of its families. The child tax credit was created in 1997 to help working families afford the expense of raising children. As we all know only too well, the cost of child-rearing goes up every single year.

According to the latest figures from the Department of Agriculture, the average two-parent, low-income household will spend more than $218,000 per child up to the age of 18. Middle-income families will spend even more. We in this body have an obligation to do what we can to help households cope with these mounting costs.

Today the child tax credit helps improve the lives of some 38 million families. According to the Center on Budget and Policy Priorities, in 2013, the child tax credit alone lifted 3.1 million people out of poverty, including 1.7 million children. The child tax credit, together with the earned income tax credit, lift more children out of poverty than any other Federal program.

Thanks to the 2009 expansion of the credit, a household with two children and one full-time minimum wage earner receives a total credit of about $1,812 per year. That is a real help to families who might otherwise struggle just to make ends meet. Unfortunately, each year, the value of that credit declines with inflation as the cost of raising a child increases each year.

In the last big tax deal, Congress made the estate tax cut both permanent and indexed to inflation. The beneficiaries of the estate tax are one-tenth of a percent of the people in this Nation. It strictly benefits the children of the wealthy. I don't want to deny them benefits, but I want us to consider the children in low-income families.

Congress should do the same for working families with the child tax credit. We should provide a cost-of-living increase as costs go up for raising children. By the end of this decade, the simple measure would save an estimated 750,000 children from falling back into poverty.

Another statistic, my colleague from California, is that there are about 7,450 estates in the United States that benefit from the estate tax. If we indexed—provided a cost of living—for the child tax credit, 19 million children could be lifted out of poverty. Where is our balance? Where is our sense of right and wrong?

The value of indexing our anti-poverty programs cannot be understated. Because Social Security benefits are indexed, the rate of seniors in poverty has been relatively stable, at close to 10 percent for the last four decades. Because SNAP benefits—food stamp benefits—were re-indexed in the 2008 farm bill, families saw the value of their benefits stabilize.

The biggest economic challenge facing our country today is that far too many hardworking people are still not earning enough to make ends meet. Middle class wages are stagnant or are in decline. We need to do whatever we can to support working people.

No family in our country should have to struggle to raise a child. By indexing the value of the child tax credit—providing the cost of living—and making the expansion permanent, we would help millions of parents afford these costs by giving them a permanent tax break, which helps families and does not lose its value over time.

This year, at this time, we should reaffirm our Nation's support for its hardworking families. We should provide them with the same benefit that we provided the children of the 1 percent when we made the estate tax exemption permanent and indexed it to inflation.

The fact of the matter is that the families that we are talking about—and these are not my words, but those of Economist Mark Zandi, who was the economist for JOHN MCCAIN.

When he was asked what would be most stimulative in our economy, he talked about food stamps because people spend that money. He talked about extending unemployment benefits because people spend that money right away and engage and drive our economy. He also talked about the refundable tax credits, like the earned income tax credit and the child tax credit, because people will spend that money and use it to drive our economy.

I want to say a thank you to my colleague from California. It is an important discussion. I thank the gentlewoman for organizing it and for always being there to make sure that those of us who serve here do not forget and that we keep our focus where it should be, on the sons and the daughters and the children of working families, of low-income families, and of middle class families.

Ms. LEE. I thank the gentlewoman from Connecticut for that very poignant statement and for her tremendous leadership each and every day.

Also, I want to thank the gentlewoman for laying out what the choices are in terms of our priorities and the fact that we know how to eliminate, really, poverty if we just have the will to. So I thank the gentlewoman for laying it out.

Mr. Speaker, I yield to my friend and colleague from New Jersey, Congresswoman WATSON COLEMAN, who each and every day is so consistent with her votes and her voice in terms of doing what is right for children, for the American people, for her constituency.

Once again, I thank her for giving us the time this evening to talk about poverty because that certainly is a priority of hers. With the Progressive Caucus, she has just hit the ground running and has really captured this moment to talk about the issues that the American people care about.

Mrs. WATSON COLEMAN. I thank the gentlewoman for yielding and for organizing, coordinating, this opportunity for this discussion. I thank the gentlewoman because she is the most vibrant and is the strongest voice for those who are the most vulnerable in our communities across this Nation.

Mr. Speaker, poverty isn't just a problem in America. It is a crisis. We are not doing enough about it.

In September, the Census Bureau released the newest data on the number of Americans living below the poverty line. The report further confirms what my colleagues and I have been trying to get the majority in this body to acknowledge, and that is that poverty may be one of the greatest challenges facing our Nation right now.

The median household income stayed the same. The poverty rate remained the same as well. Women and minorities did worse than the average. Overall, nearly 15 percent of American families—almost 47 million people—earn less than $24,000 a year.

The fact that terrifies me the most is that the way we calculate the poverty rate has several inherent flaws, and when you dive deeper into the numbers on this issue, you come up with a picture of an America that is deeply broken.

The poverty rate is just a snapshot of a single year. Last year, for example, 22 percent of all children lived in families that fell below the poverty line, something we should be embarrassed by in not devoting more resources to fixing.

But childhood lasts more than 1 year, and when you look at the span of childhood, you find that nearly 40 percent of our children have spent at least 1 year in poverty, double what we see in a single year. We have more children who are living in poverty than in most developed nations.

That alone should serve as a wake-up call to all of my colleagues on the other side of the aisle who so frequently invoke the need to protect our children's futures when they are debating bills here on the floor.

In case that is not enough, here is another indicator: The number of people who are living in high poverty areas—better known as slums—doubled between 2000 and 2013. That is a very big deal because living in an impoverished community fundamentally changes the futures of children.

Study after study has found that they are more likely to be poor later in life, less likely to achieve in school, less likely to find jobs, less likely to achieve the milestones that are necessary to change their trajectories, like graduating from high school and attending college, and they are more likely to end up in one of our penal institutions.

The biggest problem, Mr. Speaker, is that we are not doing enough to fix poverty. In fact, in some cases, we are making it worse. Take housing assistance programs, for example.

We leave it up to the States to dole out funds for low-income housing programs. These States then place the overwhelming majority of low-income developments in already low-income areas, depriving those families of quality schools, of access to jobs, and of a variety of social services that more affluent communities benefit from.

At home in New Jersey, I have fought hard against just such discrimination with legislation that required all communities to build affordable homes. We need the same kind of initiatives at the Federal level, laws that will ensure affordable housing exists beyond urban and lower income boundaries, that will give working families access to child care, that will lower the cost of college, and that will increase wages.

We also need to think about what it really means every time we deny a cost-of-living increase or refuse to give Federal workers the pay they deserve. Groceries still cost more every year. Rent still goes up. Bus fare gets higher. We are asking them to do more with less because we are unwilling to enact policies that actually work. That is flat out wrong.

Mr. Speaker, for many of the challenges facing our Nation, we have yet to find a clear solution. Poverty isn't one of those. With the willpower to act, we could eradicate poverty and build a stronger future for generations to come.

I thank the gentlewoman from California.

Ms. LEE. I thank the gentlewoman from New Jersey for her very eloquent statement, but also for laying out a pathway out of poverty.

It is comprehensive. We have to do this together in an integrated approach. Whether it is child care, whether it is housing, whether it is SNAP benefits, whether it is higher education, whether it is K–12, Congresswoman WATSON COLEMAN has laid out the intricacies of what we mean when we talk about pathways out of poverty.

I thank the gentlewoman very much for taking us to the next level in terms of how we need to really view our strategies.

Mr. Speaker, I now yield to the gentleman from Maryland (Mr. HOYER), our Democratic whip, who has really insisted that we, as a body, look at how we develop our pathways out of poverty within the context of our Task Force on Poverty, Income Inequality, and Opportunity, because it takes opportunity to help lift people out of poverty.

Again, I thank the gentleman from Maryland for making this a priority for this body and for continuing to beat the drum on behalf of those who have the least.

Mr. HOYER. I thank the gentlewoman for yielding.

No one more than Congresswoman BARBARA LEE in this House has been focused on how we lift those in poverty out of poverty and into the middle class.

□ 1800

Of course, as she so well says, it will be good for those in poverty, but it will also be good for all the rest of us. They will help build a better economy. They will help grow jobs, and they will help America be stronger.

Mr. Speaker, I am honored to join my friend, Chairwoman BARBARA LEE of the Democratic Whip's Task Force on Poverty, Income Inequality, and Opportunity, for this Special Order.

I also want to thank Chairman CLEAVER of the CBC's Poverty and Economy Task Force for the work that it has done in this area.

Mr. Speaker, poverty is bad for your health. Poverty is bad for your mental health. Poverty is bad for children. Poverty is bad for families.

More than 50 years after President Johnson declared unconditional War on Poverty, 46 million Americans are still struggling in poverty. That is not to say we haven't made some progress. There are programs we have adopted.

Frankly, Medicare is a tremendous poverty program. Our seniors are better off, and far less of them are in poverty because of Medicare. Medicaid is a critical program to make sure that those who cannot afford it are, nevertheless, given health care, which is important for all of us to have healthy citizens with whom we deal on a daily basis.

Ours, Mr. Speaker, may be the wealthiest nation on Earth, but we can best measure America's economic success not by how many are at the very top, but how few are stuck at the bottom of the economic ladder. By that measure, we have a long way to go to fulfill America's promise as a land of equal opportunity and of success.

Even in 2015, the lines between rich and poor trace the old divides of race and background, with 29 percent of Native Americans, 26 percent of African Americans, and 23 percent of Latinos living in poverty.

Poverty also strikes, of course, our rural communities. In fact, in many respects, there is more poverty in our rural communities than in our cities and urban communities. It is more visible in our cities because they are aggregated; although, we ought not to forget that literally—as I just mentioned about minorities—millions and millions of nonminorities struggle in poverty every day. Poverty strikes children at a higher rate, unfortunately, one in five children in America, as our leader says.

The task force we launched and which BARBARA LEE chairs has been working hard to raise awareness in Congress of these very real and very difficult challenges of poverty in America and to provoke policies that help alleviate suffering in the short term while working to eradicate poverty over the long term.

Speaker RYAN has raised poverty as an issue on which he is focused, and he has visited areas of poverty in our country. We could recognize poverty. We can visit those in poverty. But what it is important to do, Mr. Speaker, and what BARBARA LEE is leading us to do, is to adopt policies that almost eliminate, reduce, and empower those in poverty.

The number one rule on the War on Poverty, of course, ought to be first, do no harm. This means making sure that we refrain from disinvesting in the critical programs that serve the poor and help millions stave off hunger, homelessness, and disease. Mr. Speaker, we ought to have those criteria in mind when we consider the appropriations bills, tax bills, and other policies that affect our people.

Thankfully, the recent bipartisan budget deal prevented the return of sequestration's severe and painful automatic cuts, which would have disproportionately harmed the most vulnerable in our economy. Now Congress has a responsibility to follow that up by passing an omnibus and avert a shutdown.

However, not doing further harm is not enough. Congress has a responsibility first and foremost to help create jobs that put Americans back to work and enable them to rise out of poverty and, as Congressman COLEMAN WATSON indicated, to make sure that, when we ask people and give people the opportunity to work, we value that work and pay them a living wage.

We cannot enable people to rise out of poverty if it keeps lurching from one manufactured crisis—when I say ''it,'' our policies here in Congress on budgets, on debt, on investment, and on taxes—to the next. If we lurch from one crisis to another, we will not be able to succeed in enabling and empowering those currently in poverty. We need to work together to invest in education, workforce training, and innovation to make our workforce more competitive and open doors of opportunity for those looking to get hired.

We also, Mr. Speaker, need to expand assistance for housing and nutrition as well as access to health care, especially for children. Poverty need not be a cycle and should not be a cycle from generation to generation. That is debilitating certainly for them, but we ought to all recognize it is debilitating for us, our communities, and our country.

The promise of America has always been that this cycle can be broken. That is what we think about America. Even if you are born in circumstances that are tough, if you work hard and play by the rules, you can rise above it. We need to make sure that we give them that opportunity.

We need to take steps to make sure that hard work pays off, that those who have jobs can earn enough not only to get by, but to get ahead. This means making child care more affordable for working parents, enacting paid leave to care for sick loved ones, and raising the minimum wage.

The new Speaker, Mr. RYAN, has indicated he takes very seriously the issue of poverty, as I said. I hope we can work together to address that problem in a serious, responsible, and effective manner. Not to do so would be a grave disservice to the future of our country and its people.

One area he has suggested we might find agreement is in expanding the earned income tax credit to childless adults, which could lift an additional half a million Americans out of poverty. In addition to that, we ought to index the ITC, we ought to index the child tax credit, and we ought to index the opportunity tax credit so that we can empower and enable those who are working, those who have children that we want well-cared for and safe to be more productive citizens.

I thank, again, Chairwoman BARBARA LEE and all of the members on the Democratic Whip's Task Force on Poverty, Income Equality, and Opportunity and the CBC's Poverty and Economy Task Force, led by my good friend Representative CLEAVER, for all the work they are doing to wage this War on Poverty with the determination and purpose this challenge requires.

I thank the gentlewoman for her leadership.

Ms. LEE. I thank our whip for that very important statement.

A couple of things I would like to just comment on, Mr. HOYER, that you mentioned. In terms of ''first, do no harm,'' a couple of years ago—and this was with bipartisan support—in all of our appropriations bills, we put in language that said that we will do nothing in this legislation that would increase poverty. We did that on a bipartisan basis. Also, when Speaker RYAN was the chair of the Budget Committee, we talked about poverty and tried to determine a way to put into legislation—it was our job to develop a national strategy to eliminate poverty.

So what you are raising tonight I think is very important in terms of a window of opportunity for us to work

in a bipartisan way to begin to really do this in terms of reducing and eliminating poverty for the 46 million people who deserve to live the American Dream. I think that this task force and yourself, really, with Speaker RYAN should be able to do this on behalf of the American people.

I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I certainly hope she is correct, and I believe she is absolutely correct that we can work in a bipartisan fashion. There is nobody in this House who wants to see people in poverty. We may have different views of how to achieve the objective of empowering all of our people to seize the opportunity and to be paid a living wage and to support themselves and their family in a way we want them supported. We can work together—I agree with the gentlewoman—in a bipartisan fashion on that issue. I thank her for her leadership in achieving that objective.

Ms. LEE. I yield to the gentlewoman from southern California (Ms. ROYBAL-ALLARD), my colleague, friend, and an individual whom I have known for many, many years who has been consistent over the years on behalf of supporting pathways out of poverty, the most vulnerable, our immigrants, our immigrant women, our children. Congresswoman LUCILLE ROYBAL-ALLARD serves on the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, which Ranking Member ROSA DELAURO serves on also. She has done unbelievable work on this subcommittee, again, being as consistent as she has ever been since I served with her in the nineties in the California Legislature.

Ms. ROYBAL-ALLARD. Mr. Speaker, I would like to focus on child poverty. Before I do, I would like to commend my colleague, Congresswoman BARBARA LEE, for her long and steadfast commitment to addressing the crisis of child poverty in our Nation.

According to the 2015 National Center for Children in Poverty report, in the United States, more than 16 million children live in families with incomes below the Federal poverty level. A new study by the Urban Institute found that almost 40 percent of all American children live in poverty for at least 1 year before they reach the age of 18.

America's children, who represent 23 percent of the U.S. population, make up over 32 percent of those living in poverty. Sadly, my home State of California is an example of this human tragedy. Today, 2.5 million Californians live in deep poverty, and 33 percent of them are children whose family income is less than $12,000 a year. In my district alone, 37,000 children live in extreme poverty.

The harmful conditions associated with poverty include substandard housing, lack of nutrition, overcrowding, and exposure to violence, all of which can be toxic to a developing child's brain. Research tells us that, even when experienced for a short period of time, many of the negative effects of living in poverty stay with children for the rest of their lives. This includes higher rates of health and developmental problems, poor academic achievement, and lower rates of high school graduation.

In addition to the individual tragedy of child poverty, it ultimately impacts all of us, costing our country an estimated $500 billion a year in lost earnings, higher crime-related costs, and increased health expenditures.

Unfortunately, there is a deep void in awareness and government accountability for the devastating crisis of child poverty in our country.

□ 1815

To address this lack of awareness, this year Congresswoman BARBARA LEE and I offered an amendment to the Labor HHS appropriations bill to fund a comprehensive National Academies of Science nonpartisan analysis of child poverty in the U.S.

Such a study would enable Congress to better understand the root causes of child poverty in our Nation. It would provide invaluable information on how Congress and service providers can improve the effectiveness and outcomes of poverty-related programs and services.

Fortunately, our appropriations colleagues on both sides of the aisle agreed with us and unanimously supported our amendment. We are grateful that it was included in the final House version of the FY16 Labor Health and Human Services bill.

Our amendment is now part of a package of bills being conferenced with Senate appropriators. It is our sincere hope that our child poverty amendment will be included in the conferenced Labor, Health, and Human Services appropriations bill for FY16.

Mr. Speaker, it is unconscionable that, in the United States, the richest country in the world, child poverty is destroying the lives of millions of our Nation's children. We must address this tragedy now. I thank Congresswoman LEE for organizing this Special Order and for her relentless leadership in the call to action to end child poverty in this country.

Ms. LEE. I want to thank the gentlewoman from Los Angeles, California, for her very powerful statement, but also once again for her tremendous leadership on the Committee on Appropriations and in her district on so many issues, especially relating to children. It would never happen if it were not for Congresswoman LUCILLE ROYBAL-ALLARD on the subcommittee. Thank you so much.

Hopefully, our amendment will hold in the conference report. But, if it doesn't, it is certainly not because you haven't worked hard and have not been committed to reducing and eliminating childhood poverty. I am pretty confident that we are going to win this one. Thank you again for being here with us tonight and for your leadership.

Mr. Speaker, I would like to come down and put some charts up in the well and speak so that the statistics will be very visible before the public as it relates to the poverty rates in the United States.

First, let me just say, Mr. HOYER, our whip, talked about the 50th anniversary this year of President Johnson's War on Poverty. Now, this War on Poverty included such initiatives as Medicare, Medicaid, Head Start, the Higher Education Act, and the Department of Housing and Urban Development. There was a very important immigration bill—you name it—50 years ago.

This legislation, the War on Poverty, really has helped to reduce our poverty rates in the United States. Poverty has fallen from 26 percent in 1967 to 15 percent in 2015. Yet, we have a long way to go. It is not time to end this War on Poverty.

Actually, it is time to increase our efforts to make sure that the 47 million people living in poverty have access to all of these initiatives that were begun 50 years ago that really have lifted families out of poverty and have prevented families from moving into poverty. That is very important to remember about this 50th year anniversary.

The Supplemental Nutrition Assistance Program, for example, SNAP, that has kept nearly 5 million Americans, including 2.2 million children, out of poverty in 2014. That is why we do not want to see any more cuts to this program.

Social Security benefits kept 1.2 million children out of poverty in 2013. Medicaid kept nearly 3 million people out of poverty in 2014.

Programs beyond the War on Poverty, like the earned income tax credit and the child tax credit, which Congresswoman DELAURO and Whip HOYER spoke about, these two initiatives, these two policies and programs, have kept nearly 10 million Americans, including 5 million children, out of poverty in 2014 alone. These programs strengthen our economy, increase opportunity for families, and provide millions of Americans with pathways out of poverty.

We have tried to make sure that our Republican colleagues understand these facts and not gut these critical programs because they are extremely important. We do not need to continue to fund tax breaks and giveaways to corporations and the well-connected while so many people are still living below the poverty line.

Stealing aid to the poor and handing more to the rich is really shameful and utterly unacceptable. We need to come together to really begin to recognize that we have got to lift people out of poverty and create a level playing field so that everyone can have the opportunity to live the American Dream. Cuts to these programs not only cost

our government more money—the taxpayers, in the long run—but it is really morally wrong to cut these programs.

Now, as a former food stamp recipient myself and public assistance recipient, I know firsthand just how important these safety net programs are. I would not be here today if it were not for that lifeline, that bridge over troubled waters, that these types of programs extended to me when I was a single mother, on welfare, raising two amazing sons, trying to get my life together so that I could move on and take care of my family and live the American Dream.

Believe me, I know. No one wants to be on food stamps. No one. Everyone wants a good-paying job that allows them to provide for their family and contribute to society. They want to take care of their kids. There are bumps in the road, yes, and now the economy has turned around for many, but not for all.

That bridge over troubled waters is needed now more than ever. I hope that, in the negotiations in this omnibus bill, we are going to make sure we remember these people and not raid the programs that keep people out of poverty and provide a safety net. As Mr. HOYER said, let's do no harm in this bill and let's help people move into the middle class.

We must recommit ourselves to combating poverty and inequality once and for all. It really is a disgrace when you look at these charts, when you see the percentage of people living below the poverty line, and this is in the wealthiest and most powerful country in the world.

It is a challenge to all communities. Communities of color, of course, are disproportionately impacted and affected, but American Indians, Alaska Natives, African Americans, Latinos, Asian Americans, Asian Pacific Islanders, Whites living below the poverty line in Appalachia and rural America. There are people living in poverty all over the country.

I come from California. Close to 17 percent of the population of California, mind you, is living in poverty. That is almost 2 percentage points higher than the national average, and that is in California.

While many people believe that poverty only touches cities and urban communities, as our whip indicated, our rural communities continue to be plagued with persistent poverty while lacking many of the resources found in cities, such as public transit, food banks, and access to critical workforce training.

According to the United States Census Bureau, 85 percent of our Nation's persistent poverty counties, defined as 20 percent or more of a population living in poverty, are in rural America.

Mr. CLYBURN, our Democratic Assistant Leader, has laid out a formula for years—10, 20, 30—which would direct and target Federal resources to these counties and to these areas that would lift people out of poverty. We need to really understand where people are and make sure that our tax dollars go to those communities to lift people out of poverty.

More than one-third of rural Americans and one in four rural children live in poverty in 2015. These statistics are appalling. Poverty touches our population that really needs help the most, including our children and our seniors.

In 2015, more than 6 million seniors—now, that is 15 percent of all people over 65 years of age—are living in poverty. Even worse, while children make up just 23 percent of the population in the United States, they account for one-third of all Americans living in poverty. That is one in five kids. That is just plain wrong.

I would like to inquire, Mr. Speaker. How much time do I have remaining?

The SPEAKER pro tempore. The gentlewoman from California has 15 minutes remaining.

Ms. LEE. I would like to in just a minute yield to my colleague from Florida (Ms. GRAHAM), who would like to take the floor and talk about poverty in her own community. She has been such a tremendous voice on eliminating poverty and working to lift those who live below the poverty line out of poverty.

We know that families around the country living on the minimum wage have to make choices each and every day. She knows that. She is here to speak to that. I really appreciate her presence tonight on the floor.

I yield now to the gentlewoman from Florida (Ms. GRAHAM).

Ms. GRAHAM. Congresswoman LEE, I really appreciate you inviting me and allowing me the opportunity to speak tonight on this very important subject.

I am incredibly grateful for the work you are doing to highlight this issue and end poverty in America. Thank you on behalf of my district and all the districts across the country.

Twelve of the 14 counties I represent are rural counties that face many unique challenges, like access to social services, access to quality education, and access to health care. All of these issues are complicated by a cycle of poverty. This is especially prevalent in areas like Gadsden County, where more than 26 percent of the population live in poverty.

It is unacceptable for one in every four Americans to live in poverty in any part of our country. We must do more to help rural families break the cycle of poverty and move into the middle class.

One program that is successfully working to do this is the United States Department of Agriculture's StrikeForce Initiative for Rural Growth and Opportunity. Since its inception in 2010, StrikeForce teams have collaborated with more than 500 community partners and public entities across 20 States to bring targeted assistance to rural areas experiencing chronic poverty.

StrikeForce efforts have helped direct over $16 billion in investments to create jobs, build homes, feed kids, assist farmers, and conserve natural resources in the country's most economically challenged areas.

As the USDA considers expanding StrikeForce into more States, I urge them to bring this program to Florida, especially to north Florida and Gadsden County. Farmers in rural communities are the backbone of our State, and StrikeForce will help develop our economy, create jobs, and fight rural poverty.

Again, thank you, Congresswoman LEE, for bringing attention to this important issue. I look forward to working with you to end poverty across our country.

Ms. LEE. I want to thank the gentlewoman from Florida for that very important statement and for once again raising the issue of rural poverty and the StrikeForce and the fact that we know how to eliminate poverty.

We just need the political will to do that. I know your constituents are very proud of you, and you are waging a noble fight each and every day on their behalf. Thank you for being here this evening.

There are a couple more statistics which I would like to discuss for just a few minutes. That is the issue of raising the minimum wage. We know that raising the minimum wage is not only good for our hardworking families, but it also makes economic sense, too.

□ 1830

According to the Economic Policy Institute, raising the minimum wage to $12 an hour by 2020 would lift more than 35 million Americans out of poverty—that is just to $12 an hour. But in many parts of the country, even $12 is not sufficient. We are mounting campaigns around the country for $15 an hour. In some communities and States, you can barely get by on $15 an hour, but raising it to $12 is a step forward. Just raising the minimum wage is a step forward.

So many poor people are working. They are part of the working poor. They are working two jobs, and they still have to rely on SNAP benefits, Medicaid, and Section 8 housing.

People who work should not be poor, and so we have got to have a living wage. We have got to raise the minimum wage and get to a living wage so that everyone in our country can live the American Dream, as we continue to say, and so that opportunity can be provided for everyone.

Some people are working two jobs and barely can make it with children because their wages are stagnant and they are just too low to be able to survive in this American society. So raising the minimum wage to a living wage is a critical strategy. It is a critical policy that this body should embrace and pass.

I yield to my colleague from Georgia Congressman JOHNSON, who has been a

steady voice on so many issues since he has been here in Congress, especially on behalf of the most vulnerable in our society: the poor and the working poor. His voice and his work has certainly been a major contributor in terms of our task force growing to over 100 members. Thank you again for being a member of the task force and for what you do each and every day.

Mr. JOHNSON of Georgia. Mr. Speaker, it is my honor and my privilege to serve alongside you, Congresswoman, with all of the bigness of your heart and the care that you have for people, particularly those who are on their way up. You don't have anything against those who are already in place and doing well, but your heart is constantly on display toward those who are less fortunate. I am just privileged and honored to join you in that quest.

Today has been a great day. This morning, we celebrated the 150th anniversary of the passage of the 13th Amendment abolishing slavery in America. And to think back 150 years and look at the 100 years it took from that point to get to the point where we could pass a Voting Rights Act here in America, and then from that 50-year point up to today to be addressed by an African American President of the United States shows what kind of values we have in this country, what kind of opportunities we have in this country.

And so I am just filled with great tidings during this holiday season; however, I am not carried off by the winds of prosperity that may have come to some of us while to others the winds of prosperity have passed us by for various reasons, despite all of the progress that we have made as a people.

As it stands now, Congresswoman, it is not a Black or White thing; it is a people thing. We have more Caucasian Americans living in poverty than we have African Americans. So poverty is not a discriminator when it comes to national origin, when it comes to race, or when it comes to sex.

The fact is we have more women living in poverty and we have more children living in poverty. There is nothing to be joyful about that. We have more elderly people falling into poverty today.

My heart cries out for Caucasian Americans between the ages of 45 and 60 who, studies show, are meeting an early and untimely death at their own hands—suicide. Also, alcoholism and drug abuse are ravaging that particular demographic, as well as liver disease and other chronic ailments.

It all, I would posit, stems from the sense of hopelessness that pervades the people at this particular time. We see all of the prosperity. We see the prosperity of the few, the top 1 percent. You can look at the top 10 percent and see the concentration of wealth in this country. You see it, you watch the TV, and you aspire for all of the goods that are displayed to you on TV, but yet there is a sense of hopelessness about you being able to achieve that, despite the fact that you are working two and three jobs and still qualify for food stamps and other social services.

We are realizing that, despite the hard work and the effort, the playing field is not level and the game is skewed in favor of the few on top at the expense of the masses on the bottom, and so something is wrong with that picture. That is an imbalance that we need to correct. So that is why I am so happy to work on the Out of Poverty Caucus.

Some say, ''Why try? It can never be done''; but I am one of those who say that, if we don't try, it won't be done. If we try, it can make a difference.

I think that with the proper people in place to make the policy decisions that we make here in Congress, there is so much that we can do to relieve poverty in this country and to offer opportunity for people who only want to work hard and play by the rules. They long for the day to return when they can look at their children and their grandchildren and rest assured knowing that the opportunities for them will be at least, if not greater than, those that existed for themselves.

And so our job is to make things better on the ground for people. Our mission is to help those who need help. There are always going to be some people who need it, and there is nothing wrong with helping somebody who needs help. In fact, that is what living is all about: serving your fellow man. That is why I am here. I know that is why you are here, and I am just happy to serve with you.

I would add that it has been 51 years since 1964 when President Lyndon B. Johnson launched the War on Poverty, an ambitious set of initiatives to increase access to education, spur job growth, and improve nutrition and health to our poorest Americans. Fifty-one years later, it is estimated that up to 45 million Americans live in poverty. In the greatest Nation on Earth, there are 45 million starving children, impoverished seniors, and families that struggle every day to obtain the bare necessities to survive.

I know how it feels because, for 1 week, I tried to exist on the food stamp challenge with you, Congresswoman, and that was tough. I got off of it after, I think, about 5 days. To try to exist on what we give the average food stamp recipient is quite tough.

In Georgia, 25 percent of the people who are 50 or older and whose income level is less than $22,000 a year struggle with hunger. In my district, that is an important issue, because in DeKalb County, 10 percent of the people live below the poverty line, and the majority of those are children. In Rockdale County, it is 13 percent.

Ms. LEE. I thank the gentleman for his message of hope tonight and for reminding us of the fact that poverty does take its toll on the mental health and well-being of the human spirit.

I want to thank all of the Members who participated. I hope we can move in a bipartisan fashion to address some of the major, major issues that this body knows that it can address if it so chooses.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to offer remarks on poverty and income inequality in America in light of our recent budget discussions. In the world's most rich and powerful nation, more than 46 million Americans live in poverty. In Texas, 18 percent of residents live in poverty and 25 percent of children under 18 live in poverty. In Dallas, TX, the number of low-income people rose 41 percent between 2000 and 2012.

These numbers are staggering in a nation, state, and city with such wealth. Congress can and must do more to create opportunity for people who live in poverty. Passing a strong federal budget with anti-poverty programs, creating educational opportunities for students who come from low-income families, ensuring children and families have adequate food, advocating for a higher minimum wage, and keeping our federal health programs strong are just a few examples of the ways Congress can help lift these individuals and families out of poverty.

We know that these programs work. The Supplemental Nutrition Assistance Program (SNAP) kept almost 5 million Americans, including 2.2 million children, out of poverty last year. Medical kept almost 3 million people out of poverty last year and that number continues to increase as more states expand Medicaid. The Earned Income Tax Credit (EITC) and the Child Tax Credit (CTC) helped to lift 10 million Americans, including 5 million children, out of poverty last year.

Anti-poverty programs not only help families rise above and stay out of poverty, they keep families contributing to the economy on a daily basis. Rather than keeping low-income Dallasites, Texans, and Americans on a tightrope where they are one medical emergency, job loss, or large car expense away from dipping into poverty, we must bolster our resources. During the very year that we celebrated the 50th anniversary of several War on Poverty programs enacted by President Johnson, we must make it easier and not more difficult for working families in this country.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 381

Mr. JOHNSON of Georgia (during the Special Order of Ms. LEE). Mr. Speaker, I ask unanimous consent to remove myself from H.R. 381.

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

There was no objection.

FOREST MANAGEMENT AND WILDFIRES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the gentleman from Pennsylvania (Mr. THOMPSON) is recognized for 60 minutes as the designee of the majority leader.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, as chairman of the House

Subcommittee on Conservation and Forestry, I am pleased to open this Special Order to discuss forest management and wildfires.

Over the course of this year, many Western States, including Alaska, have gone through a catastrophic wildfire season, with more than 9 million acres burned to date. This is a continuation of an unsustainable trend where the average number of acres burned each year has doubled since the 1990s. To address this, government spending on wildfire suppression has also doubled; yet the total amount of spending on forestry activities has remained the same.

Because the cost of wildfire suppression efforts has continued to climb over the past 15 years, the U.S. Forest Service has repeatedly had to transfer money from its nonfire programs to firefighting efforts. In fact, this year alone, more than 50 percent of the Forest Service budget went toward wildfire suppression, taking funding away from programs and activities that promote forest health and reduction of underbrush, wood waste, and dead trees, which help these wildfires spread.

Fire transfers also undermine timber harvesting, which is critical for the health of the forests as well as our rural communities and counties.

In contrast to this 50 percent, only 20 years ago, the Forest Service was only spending as little as 13 percent, or one-sixth, of its budget on fire-related activities. However, this is not simply a question of allocating more money for fire suppression. The real solution to this problem is how we maintain our forests.

I am pleased to be joined tonight by bipartisan members of the Conservation and Forestry Subcommittee of the Agriculture Committee.

I am pleased to yield to the ranking member of that committee, MICHELLE LUJAN GRISHAM.

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. THOMPSON, I appreciate this Special Order on wildfires and forest management, and I really appreciate your leadership on the House Agriculture Committee as chairman of our Subcommittee on Conservation and Forestry.

Most recently, the subcommittee held a hearing on the 2015 wildfire season and long-term fire trends, a much-needed hearing recognizing the concerns and urgent needs of many of our Members who watched their districts and States burn to unprecedented levels this year.

What is abundantly clear from the testimony we heard, especially that of Forest Service Chief Tidwell, was how crippling the current wildfire budget system is to the agency and how, frankly, it prevents the Forest Service from carrying out its congressionally mandated mission.

The current process for funding wildfire suppression is inefficient and wastes taxpayer dollars. Once the Forest Service exhausts their wildfire suppression budget, the agency is then forced to transfer funds from nonfire programs, which are often needed to prevent fires, in order to support the immediate, emergency needs of fire suppression.

□ 1845

In the last fiscal year, FY15, the Forest Service spent $700 million more than what Congress initially appropriated.

Since 2004, the Forest Service has needed eight supplemental appropriations. This is now the norm, not the exception.

This year's wildfire season devastated much of the Western United States. The Forest Service spent $1.7 billion fighting these fires. More than 9 million acres were burned, thousands of homes and other infrastructures were lost, and 13 firefighters lost their lives in the line of duty.

While I am thankful New Mexico avoided any big fires this year, I know firsthand how devastating fires can be. For 3 years in a row, New Mexico endured the biggest fires the State has ever seen. The Whitewater-Baldy Complex, Las Conchas, and the Gila fires devastated our land, our resources and our communities.

These fires are natural disasters that require emergency response and recovery and should, frankly, be funded the same way as hurricanes, floods and tornados. Now, it is clear to me that Congress needs to urgently fix this funding problem before more communities are destroyed and lives are lost.

In addition to the ''fire borrowing'' issue, Congress also has to address the rising 10-year suppression cost average for wildfires. Rising wildfire costs means that less funding is going to nonfire Forest Service employees and programs each year. Because of this, the Forest Service now has fewer resources for recreation, research and development, and road maintenance.

There are also fewer resources to carry out activities and projects that many say we need more of, such as NEPA analysis, timber contracts, timber salvage, controlled burns, and other Forest Service management activities.

Lack of resources often means that these projects get delayed or canceled. And we aren't just talking about Forest Service projects; they are projects in each of our districts that are developed by our own constituents and partners within each of these communities.

Now, I understand that the broken wildfire budget and rising costs are only part of the problem. Wildfires are burning bigger and more intense than ever before.

Climate change is causing more drought, higher temperatures, bringing new diseases and pests to new areas, and changing the vegetation on the ground. Our forests are not the same forests that they were 50 years ago, or even 20 years ago.

Climate change is undoubtedly changing our forest dynamics, and we must make our forests more resilient.

Fixing the broken wildfire budgeting process is the most effective thing Congress can do to begin to address the devastating wildfires that are plaguing this country.

I also agree that we need more management work done on the ground, so let's work together to ensure that the Forest Service has sufficient resources to do their work.

I understand that there have been talks on both the House and Senate side about including a budget fix in the upcoming omnibus, but that a deal remains elusive because some parties are unwilling to address the budget caps in order for wildfires to get treated as exactly what they are, as natural disasters. This would treat wildfire natural disasters just like every other natural disaster in this country.

We out west have helped fund hurricanes, tornados and flooding in the Midwest and in the eastern parts of the country. We should be doing the same for our natural disasters out west.

I urge Speaker RYAN, and Chairman PRICE of the Budget Committee, to recognize this simple, yet important distinction.

House leadership, Mr. THOMPSON, and others, I know, we can sit down and we can come to an agreement to fix the broken budget process and address some of the management needs. I stand ready at any moment to have these conversations and find a path forward.

I thank the chairman very much.

Mr. THOMPSON of Pennsylvania. I thank the gentlewoman, who is a great ranking member on the subcommittee, for all of her work and for her comments and words this evening.

Mr. Speaker, having served on the subcommittee with the gentleman from Oregon (Mr. SCHRADER), he is a great advocate for forest products, for healthy forests, for economically healthy rural communities. We share that passion. I am just very thankful that he was able to, in a very busy schedule, make time this evening to be part of this Special Order.

I yield to the gentleman from Oregon (Mr. SCHRADER).

Mr. SCHRADER. I thank the chairman. I want to applaud you and the ranking member for the Conservation and Forestry Subcommittee for having this colloquy here tonight.

I think it is really important for folks to understand the severity of the issue that is before us here. As my western colleague pointed out a moment ago, these wildfires are alive and well, unfortunately, and absolutely devastating, devastating at a level that we had never seen or expected before.

These disasters, not just back east with Sandy and Katrina, but the wildfires that we see in New Mexico and in my home State of Oregon and neighboring State of Washington this summer, are absolutely catastrophic, and way above and beyond what we have seen in past decades.

The firefighting situation has become untenable. The height of ridiculousness

is to acknowledge the fact that firefighting costs have doubled over the last 15 years, on a regular basis, 8 out of 10 years, as was pointed out a moment ago, and not do anything about it.

The wildfires don't go away when we put our heads in the sand. They continue to devastate.

I would like to point out three, maybe four things I think are really important. We are talking about an omnibus bill here that everyone is arguing over. There are certain policy riders, I submit, that have nothing to do with the budget.

There is some discussion about a fire funding fix, though, to get after this budgetary disaster that we have, now every year. Why not budget up front for this so that the resources can be allocated immediately?

Secondly, not devastate the Forest Service budget, because if you take it out of the Forest Service budget, even temporarily, then the Forest Service can't do its land management work, which gets rid of the hazardous fuel, gets rid of the diseased trees, takes care of the pests to prevent the next wave of forest fires.

This is very simple, folks. This is very simple.

The funding fix also talks about working in a collaborative way to build the collaborative relationships that have eluded us so far for our forestry problems.

The fix talks about working collaboratively on the NEPA process with folks, make sure it is done correctly, but in a way that the Forest Service can manage and get it done quickly.

It talks about set-asides for small areas that could be categorically excluded where there is already collaborative work being done on the urban-rural interface and, actually, some areas to promote wildlife habitat.

I mean, this is the type of thing that actually gets at what both the environmental community and the forest community need to have.

One last big point I think that gets ignored a lot in this discussion is the economic loss that occurs as a result of these forest fires. We could have a lot more money for tax resources if we got after these fires early on.

Right now, I have timber communities in my State where over 50 percent of the land is Federal forest lands that go up in smoke, that they could otherwise be harvesting or reducing that fuel load by thinning, to promote jobs, economic development, and tax revenues.

I think a small investment in this budget to offset larger costs later on, and adequately fight these fires, to protect rural America, is critical.

Right now, rural America is not getting its fair share. There is a lot of talk about 9/11 and making sure our first responders get the health care that they need and deserve for stepping in in a disaster situation in New York City.

Where is the stepping in to help my firefighters out west? These men and women go into toxic situations, life-threatening situations, and they get no respect just because we are out west.

As the ranking member pointed out, and the chairman pointed out, these are devastating disasters, just as bad as tornados, just as bad as hurricanes. Where is the fairness to my western colleagues in getting their issue taken care of?

This devastates the communities. These rural communities are poor already. With these fires rampaging across the landscape, they get poorer quicker.

There is no Intel or Microsoft setting up in the middle of nowhere in the rural parts of my State and my district. They depend on natural resources, the good use of natural resources, resources that can be used for carbon sequestration by not having these fires.

I find it amazing that, in a budgetary discussion, we are trying to save money, not just in the short term, but in the long term, that we are having trouble getting this fire funding fix that is bipartisan. Even the White House is behind it.

We have an opportunity to get this done for a small amount of money that will be paid back over the next few years in spades. I think it is a shame that we can't get this thing done just instantaneous.

I hope the discussion tonight opens the eyes of some folks about the discrimination that is going on against rural America, particularly out west.

And I really, really, want to thank the ranking member and the chairman, who I have worked with closely over the years, a true friend, a friend of rural and forested America, for bringing this to our attention. Thank you very much.

Mr. THOMPSON of Pennsylvania. I thank the gentleman for lending your passion and your knowledge to this important debate tonight. And I share your hope, that we raise the level of awareness.

We are talking a lot about western forests, but I have to tell you, having an eastern forest, I represent the Fifth District of Pennsylvania; when these large wildfires occur out west, there is a large sucking sound of resources, both personnel and money, being taken out of our eastern forests.

These are monies that are used to make our forests healthy. These are monies that are used to do timber marketing, marketing of timber and timber sales so that we can generate revenue to our countries, our school districts. So these monies really are taken away from active management, and active management is the key in helping cut down on the amount of wildfires in our forest.

This involves mechanical thinning, hazardous fuel reduction projects and, of course, a sustainable amount of timber harvesting per the forced Allowable Sale Quantity, or ASQ.

Now these various activities are essential in order to help ensure that the forest doesn't become an overgrown tinderbox. Areas that aren't properly maintained not only become tinderbox, as a risk of wildfires, but also for invasive species outbreaks.

I don't know of anyone in Congress that has more expertise on this than our next speaker. He is a professional forester. He brings tremendous education and experience to Washington. We are real proud to have him as a part of our team working on this issue, really leading on this issue.

Our next speaker is actually the author of H.R. 2647, which has been passed by the House of Representatives, the Resilient Federal Forest Act of 2015, so I am honored to yield to the gentleman from Arkansas (Mr. WESTERMAN).

Mr. WESTERMAN. Mr. Speaker, I thank the gentleman from Pennsylvania, and also thank him for his leadership on this issue, a very important issue, and one that he has a good grasp of that I wish the rest of our Federal Government could get a good grasp of.

I also would like to thank the ranking member for her remarks, and the gentleman from Oregon, for his remarks.

We do have a national treasure in our forests. The U.S. Forest Service manages over 193 million acres of forests and grasslands from Maine to Alaska.

The Forest Service was formed by President Teddy Roosevelt and his friend, Gifford Pinchot, who was the first Chief of the Forest Service. These men were true conservationists and naturalists. They understood the science of the forest. They understood the value of the forest, and they understood its contribution to society, so they worked to conserve that for future generations.

Roosevelt and Pinchot hold a special place in my heart. I grew up by the forests that were established by Roosevelt, and I studied at the Yale School of Forestry that was founded by Pinchot.

Teddy Roosevelt once said about our natural resources, he said that our Nation behaves well if it treats its natural resources as assets, which it must turn over to the next generation, increased and not impaired in value.

Mr. Speaker, we are not behaving well as a Nation. We are decreasing and impairing the value of our forests.

□ 1900

Our forests are not just an asset; they are a treasure, a treasure that provides beauty, makes clean air, purifies our water, provides wildlife habitat, and a variety of recreational activities and opportunities. Our forests store carbon and provide many of the products that we live in, that we learn from, and that we use to survive every day.

Mr. Speaker, this is not a Republican failure, and it is not a Democratic failure. It is a congressional and an agency failure that we have the power to correct.

Wildfires continue to sweep across the country. They are burning hotter

and faster than in years past. More than 9 million acres of Federal land burned this year alone. Costs to fight fires and the number of fires burning grows every year.

As has been mentioned so many times before, the Forest Service's biggest expense is firefighting. The costs of it have ballooned over the years. It is not just the cost of fighting fires, as the gentleman from Oregon said, that is the cost. We are destroying a valuable asset: 9 million acres of Federal land and timber that goes up in smoke. These products could be used. They have value to them. We are not only spending the money to fight the fires; we are losing valuable assets every year.

This year, Mr. Speaker, Congress had to appropriate an extra $700 million to land management agencies to cover the cost of fire borrowing. The Forest Service is becoming a firefighting agency, unable to meet its mission of ''caring for the land and serving people.''

Fire borrowing is not the only problem, and I submit that it is actually not even the problem. It is the symptom of a problem. It is the result of our current management choice that each year is becoming less and less management. Unfortunately, we do not have the luxury of choosing not to manage.

Forests are dynamic, living organisms. They don't pay attention to what we say here in Washington, DC, or what we write in laws. The only thing forests know is to grow and fill their growing space and to absorb the sunlight. They fill the growing space, and they quit growing. Then they become weakened. They are subject to insect and disease attack. They die. We get debris on the forest floor. Lightning strikes, and the forest burns. If we choose not to manage the forests, then nature continues to manage. We don't have that luxury of saying that we are just not going to manage the forest.

Our land management policies have changed for the worse simply and mainly because we have not been able to manage. Red tape and lawsuits are harming our landscapes. Forests are overgrown, and they are unhealthy.

Healthy forests will lead to smaller fires that can be contained. A healthy forest puts less carbon in the atmosphere, and, in fact, it sequesters more carbon through new tree growth and reforestation. Simply by the biological growth curve, younger organisms grow faster so they are pulling more carbon out of the atmosphere. They are storing it in their trunks, in their leaves, and in their roots.

The good news is the House has been behaving well. The House produced and passed a good piece of legislation in H.R. 2647, the Resilient Federal Forests Act. Now, this isn't the end-all to fix the problems with our forests, but it is a great first step.

H.R. 2647 simultaneously ends fire borrowing in a fiscally responsible manner, but it also gives the Forest Service the tools it needs to create healthy forests. Healthy forests are a winning situation. Everybody wins with a healthy forest. Wildlife wins, and sports and outdoor recreation enthusiasts win. We all win with cleaner air, and we all win with cleaner water. Our rural communities win with an economic benefit. There is not a downside to having a healthy forest. It is good for America to have healthy forests.

Mr. Speaker, it is time for us to put the policy in place so that we can have healthy forests. It is time for the Senate to behave. It is time for the Senate to act on H.R. 2647 so we can end fire borrowing and manage our forests.

Mr. THOMPSON of Pennsylvania. I thank the gentleman. I thank you for your leadership and bringing your expertise to Washington. It is great to serve with you, and I appreciate all the leadership that you are showing, not just on this issue but so many different issues that are good not just for the folks of Arkansas, but for the entire Nation. So thank you so much for being part of this Special Order tonight.

Mr. Speaker, a healthy forest is so incredibly important because a healthy forest represents, also, wealthy communities. Our rural communities are so dependent on the active, proper management of our national forests.

These national forests didn't always exist. At one time, our predecessors—some going back 100 years or more—came to the table with the local communities, and they made a commitment that for the good of the Nation they would create national forests.

Now, let's be clear. National forests are not national parks. They are completely different. National forests are not managed by the Department of the Interior and the National Park Service. National forests are managed by the Department of Agriculture, because they were set aside and established so that our Nation would always have an abundant, ready supply of timber. Timber was one of the initial industries that we had. It was so important to the past of our country, but important to the future of our country as well.

As Mr. WESTERMAN really articulated well, when you have a healthy forest, you have carbon sinks and you have filters. A lot of our watersheds originate in our national forests, so it is good for clean water if they are properly managed. It is good for clean air, and it is good for the economy.

Mr. Speaker, from time to time, I spend some time as a lay pastor and I will fill the pulpit. When I am talking to the churches, I talk about how a healthy church is like a healthy forest. If I go into a church and I see that everyone sitting in the pews has my hairline, a little bit of salt on the side here with gray hair, that is not a healthy church. It is just kind of one generation. Well, forests are the same way. If you want a healthy church, you need multiple generations in the pews. If you want a healthy forest, you need multiple generations of forest because it is good for the wildlife, it is good for the birds, and it is good for the mammals, because they need different types of forests at different points in their maturity in order to support that wildlife.

Mr. Speaker, one of the things that leads to putting pressure on certain species is, when we stop harvesting trees, we stop active management, because we know that almost every species, at different times in their life, need that kind of open area. They need time in young forest growth right through to more mature forest growth. Without that, these species can't be supported.

So there are all kinds of reasons, let alone the economic health of our rural communities. That was a promise that was made by our predecessors when they took this land out of the private sector and put it into the public sector. It was done with a promise that they would always do active management in such a way to generate the revenue to be able to backfill for those property taxes that would have been lost.

We have really failed at that as a nation. Our rural communities in and around our national forests are so challenged. Don't get me wrong. I think we have great people that are working for the Forest Service. I spend a lot of time with them. They are dedicated professionals.

I think the Chief of the Forest Service, Tom Tidwell, is an outstanding individual, has strong character. I like the Chief because his first job in the Forest Service was when he was going to college and he worked summers as a firefighter. I am an old firefighter. He has done all the jobs. He knows what it is to manage an active forest.

We have a lot of pressures, though, that the bureaucracy has placed on him. We have a lot of external pressures with special interest groups who claim they are trying to save the forests. But the end result of their actions where they limit, they sue, and they prevent forest plans from being implemented and prevent timber management from occurring, they are actually killing the forests.

Forests are living entities. If they are not actively managed, they will get sick and they will die. When they do, they become emitters of carbon. When a forest is healthy, it actually absorbs carbon. It is a carbon sink, as I said before.

Mr. Speaker, let me talk about some of the statistics that show that much of our national forest system is unhealthy. In fact, the Forest Service has identified up to one-quarter of nearly 200 million acres of national forest land as a wildfire risk. We have seen a dramatic reduction, Mr. Speaker, of the harvest from our national forests from nearly 13 billion board feet in the 1980s to roughly 3 million board feet in past years.

Let me put that into perspective and share some statistics on that. Let's go

back to 1995. In 1995, Mr. Speaker, one-sixth of the Forest Service budget was used for wildfire management and mitigation. It was reasonable. At that point, when we were using one-sixth of the Forest Service budget, we were harvesting in 1995 3.8 billion board feet.

Let's fast-forward to 2015. Now, the numbers I am going to share with you are from August of 2015. I readily admit I don't have the past couple months in this, but at this point, the Forest Service is spending 50 percent of its budget on fighting wildfires—50 percent.

Think about 50 percent of your household, 50 percent of your family's budget, your business, or a local school. To take 50 percent of your budget just for this type of crisis management doesn't work. It just doesn't work.

At the same time, Mr. Speaker, we have only projected to harvest, at that point, 2.4 billion board feet. It is a big part of the lack of active management. We need to provide the Forest Service tools to be able to help them do their jobs. The high-water mark was back in 1987 when we had 12.7 billion board feet harvested. That is a variance from this year of 10.3 billion board feet.

We are constantly talking about the economic crisis that we are in here, and we are. We have got a debt that has been out of control. I am very proud to be a part of a Republican-led Congress that, for a number of years, on the discretionary side, we have actually reduced our spending, and we are starting to get our arms wrapped around mandatory spending. So we are doing our job.

But there is a need for more resources, and we recognize that. There is a need for more revenue. We are literally burning that revenue up in our national forests each and every year, dramatically. How much revenue? I would have to say that, if you take, every year, 10.3 billion board feet, if that is the amount that we could get our annual harvesting to, you have to ask yourself: How much more healthy would the forest be?

If the forest is healthy, Mr. Speaker, so many fewer wildfires would occur at just an incredible cost, including the loss of lives. We have lost a tremendous number of American heroes, our firefighters from both the U.S. Forest Service but also volunteer firefighters like myself. Perhaps some professional firefighters have lost their lives because of the incident. It is just the crisis that we have in wildfires.

If we would increase our harvesting, we would increase the health of the forest, and we could reduce wildfires and that risk. We would also increase revenue. I am not prepared to tell you what the average value of a board foot in timber harvest off our national forests is. I know that varies greatly.

Mr. Speaker, I happen to represent the Allegheny National Forest. I am proud to say that it is actually the most profitable national forest in the country. It is kind of puny compared to my colleagues out west. We are about 513,000 acres, but we have got the world's best hardwood cherry. Our hardwoods are what increase the value. I know that is a wide variance on what the value of 1 board foot in 2015 of timber harvested in our national forests is. But whatever that number is, multiply it by $10.3 billion, and that is a lot of revenue that is owned by the taxpayers of this country—given the fact it is their national forest—that we could be bringing in.

Then the prosperity, Mr. Speaker. If we could unleash and get timber in closer to that sustainable rate, what that would do for our school districts, our kids, our families, and the jobs that would be stimulated in the forest products industry. It would just have an amazing impact, Mr. Speaker.

Now, as we examine these issues, Mr. Speaker, it becomes easier to see how everything is corrected. Trees which should have been harvested years ago have been allowed to become fuel for forest fires, leading to the rise in the acreage burned that we have seen in recent years.

There are many prospective solutions to this problem, including the Agricultural Act of 2014, also known as the farm bill. I am very proud that all the Members were involved with the farm bill. It was a great bipartisan bill that we did. It includes provisions to include improved forest management. So we have taken action. We have enacted into law some tools for the Forest Service.

There is just more that we need to do, Mr. Speaker. Those tools include an expedited process in the planning for projects and the reauthorization programs, such as the stewardship contracting and the Good Neighbor Authority. These all improve forest health, timber sales, and restoration.

Now, the House passed the Resilient Federal Forests Act of 2015, which Mr. WESTERMAN very appropriately talked about, in July.

□ 1915

The goal of this legislation was to provide the Forest Service with direction and the tools to address the challenges of litigation. I have to tell you, Mr. Speaker, we have forest plans that are about active timber management, but we have these outside groups that sue the government because the government reimburses their costs, even when they settle out of court.

That is not why the Equal Access to Justice Act was originally written; not for some group that is not a direct stakeholder in terms of having property that is in the forest or adjoined to the forest. But it is litigation, it is funding, no doubt about it, it is the process, it is basic timber harvesting, and essential active management. I will come back to some of those in just a bit. I want to share some outcomes from the most recent hearing that we had with the Conservation and Forestry Subcommittee.

I am proud to cosponsor this important piece of legislation. I believe that it should become law. It will have a major impact on reducing catastrophic wildfires across the Nation.

The district that I represent, Pennsylvania's Fifth Congressional District, is the home of the Allegheny National Forest, the only national forest in the Commonwealth. It encompasses more than 513,000 acres across four counties, and for generations, it has formed the economic bedrock of small communities in that region.

In some ways, the Allegheny is very different from our western forests—I have mentioned some of those—but it has many similar challenges, including a lack of timbering, reduced county budgets, and outbreaks of invasive species.

Reforming the way we deal with wildfires and forestry management will have a positive effect in forests and in rural communities, not just in the Allegheny National Forest in Pennsylvania, but, quite frankly, across the Nation.

I look forward to hearing more from my colleagues, and taking opportunities in the future to host more of these Special Orders, in looking at ways so that we can confront the very real challenges in national forest regions.

I wanted to share some of the outcomes from our most recent hearing that we had on this issue back on October 8. We had some great speakers come in, witnesses, that provided testimony from all over the country. I will just share with you, Mr. Speaker, some of the things that would be helpful, things that we need to consider. I am going to start in the category of increasing the efficiency and the effectiveness of forest management that we have, starting with giving an opportunity for State primacy.

This was an idea that came out from a rancher in Washington State. The States tend to have less bureaucracy, they have less of a target on their back by these outside groups that are suing. So the State's success at increasing active timber management and a higher level of forest health. But State primacy is something that was an idea that came out that needs to, at least, have further consideration.

Expanding what we call categorical exemption from NEPA analysis. That doesn't mean that we are not looking at the environmental impacts. That couldn't be further from the truth. For where it makes sense, what we need to do is provide a categorical exemption from a full-blown NEPA analysis, but we need to do that more on a landscape perspective, so a landscape management. We are talking large scale, 100,000 acres or more, being able to more efficiently, being able to more effectively, manage the forest.

We have provided some categorical exemption opportunities within the farm bill to the Forest Service for regular maintenance activities, where they had to spend a tremendous

amount of resources just to clear a power line or to do trail maintenance, or replant after a forest fire, wildfire. Quite frankly, their sister agencies: the Bureau of Land Management and the Corps of Engineers, they didn't have to do that. So this is just kind of common sense.

We need to protect our active management funds. We can't be dipping into the funds that we use to manage the forest. That is what happened. That is what I referred to as that large sucking sound. It is not just resources. My forest supervisor, who does a great job, she was detailed. She went out west for a period of time. She wasn't on our forest doing her job because of the need for her expertise in the west during one of those wildfires this past year in the west. We need to protect our active management funds.

There are some things that came out: a recommendation for larger air tankers to be able to deal with the size and the scale of the wildfires that are out there. We need to, obviously, reduce this litigation. Out of 311 projects this past year, 16 wound up in the courts. That is a significant number. Quite frankly, it is not necessary. Unfortunately, it has become a fundraising scheme for the most part. It is not contributing towards forest health. It, actually, is deteriorating our forest health. We have an increase in invasive species. We are burning up our forest at a record level.

When you burn forest, you ruin that water filter, you impact water quality, you impact as a carbon sink. So we need to reduce the litigation and take steps to be able to do that.

We do need personnel, there is no doubt about it. We have 49 percent fewer foresters than just in 2010. It is our professional foresters, the silviculturists, who are out—of knowing how to mark the timber, of knowing when to harvest the timber when it is at peak value. That is an asset owned by the American people. We shouldn't be waiting until that tree blows over, burns down, or is eaten by some type of bug, invasive specie, until we harvest it. We should harvest it really at its peak value. That is demonstrating a fiduciary responsibility for the American people with this asset.

And then certainly we need more collaborative work. Again, H.R. 2647 would achieve that.

So that is more efficient, more effective forest management.

Let me look briefly at response. We do need to fund this appropriately. I am a supporter of a concept that would look at larger fires, more widespread. I don't know how we gauge that—by acreage or dollar value lost or dollars needed. Those really are natural disasters. They are as every bit a natural disaster as an earthquake, a hurricane, or a tornado. Those larger fires should be dealt with as natural disasters.

And then other fires on a smaller scale, underneath whatever that threshold is set, then let's do that through regular order with the Forest Service budget with what we appropriate. There is a definite difference. That would be a recommendation. That was something that came out of a discussion.

And then safe harbor for mutual aid. One rancher from Washington talked about a Forest Service where there was a—I don't know if it was a State or a private individual with a bulldozer—a CAT came up to the Forest Service line. Two situations. One time they asked the Forest Service person, who was working under the direction of somebody in the bureaucracy. They welcomed him in, and they saved a tremendous spread of that fire. And then another time where the Forest Service personnel said: No, we have to fill out the permits first. Well, you have got the wildlife burning, but we have got to fill out the permits, and we have got to do the paperwork. I am not judging that Forest Service employee because they were probably doing whatever they were told to do, and there was more catastrophic loss there. So some type of safe harbor that allows better use of mutual aid.

I want to yield to a friend of mine because it kind of speaks to the efficiency and the effectiveness on the Equal Access to Justice Act. This is the law that we kind of talked about that really has encouraged radical environmental groups to file lawsuits and stop forest plans from occurring.

I yield to the gentleman from Georgia (Mr. COLLINS) to speak on the topic.

Mr. COLLINS of Georgia. Look, we are here, and I am glad to hear what has come out of the Conservation and Forestry Subcommittee. I just wanted to talk about that because you mentioned the losses in transparency on that open book. It does that. It has been something that has passed through this House. We just passed it again last week. It really just shines the light on this access issue and the Federal government—what we end up paying sometimes for these groups to sue and what our departments are paying out.

What you are talking about is a healthy management of our forests, but it is also a healthy management of our resources. We are setting forth what we need to do as priorities in Congress. As someone from northeast Georgia, with a lot of forestry land—Chattahoochee National Forest—this is something we can work together on. We are glad to be a part of that.

The support that you have done and the leadership that you have given is incredible, and we want to continue to thank you for that and be a part of it. That is just part of our transparency issue we have with the Federal Government, and also these lawsuits that have been coming out, and we can do that together.

I appreciate the gentleman for yielding. I want to commend him for the work that he is doing and the work of our forestries around the country.

Mr. THOMPSON of Pennsylvania. I appreciate the gentleman's perspective on that.

The Equal Access to Justice Act was a righteous piece of legislation when it was passed. But it was passed to be able to protect those who are kind of landowners, who were the big brother—the National Forest, or the Federal Government, was impinging on your private property rights.

We all know that most individuals don't have a whole lot of money to be able to defend themselves. Unfortunately, the Federal Government has the pockets of every taxpayer. It was never meant to be hijacked by the way it has been. I appreciate the leadership of the gentlewoman from Wyoming (Mrs. LUMMIS), who has been a great leader, championing kind of just returning to the original intent of the Equal Access to Justice Act. I look forward to working with the gentleman on that.

Mr. COLLINS of Georgia. Open book access is just a great thing, and I appreciate it.

Mr. THOMPSON of Pennsylvania. I appreciate that.

Mr. Speaker, I have one last category I want to cover here, and that is how we increase the markets, because you have to have a place to sell timber that is harvested. There are a number of things that we can do.

Just quickly, we need to expand our trade. That is why I am so pleased with the Trans-Pacific Partnership. The trade ambassador and his chief negotiators actually have eliminated basically all of the tariffs that really hindered our ability to export whether it was raw timber or boards or pellets. It was just very difficult in the past. This trade proposal, members of the subcommittee and members of the full Agriculture Committee worked very closely with the trade ambassador to make sure that that was one of our priorities that was achieved, and it looks like it has been achieved. I think that is going to increase markets. We need to do that with all of our trade agreements.

We need to expand the use of timber products within the green building standards, LEED standards. It is an original renewable, but it was excluded from those. It makes no sense whatsoever.

We need to develop the lamination technology that has taken timber, and being able to use that really for skyscraper type construction very successfully. The research is done by our U.S. Forest Services, as well as our land grant universities, such as my alma mater of Penn State. There is great research being done, actually supported through the farm bill in terms of forest services, forest products.

We need to encourage and develop the woody biomass of biofuels, taking that timber, that fiber, to use it for chemicals, to use it for fuel.

We need to prevent the loss of market infrastructure that results in no

beds or low beds for timber sales. In some parts of our country, our sawmills have been decimated. As small businesses, we need to help people with small businesses keep that foothold that we have and regain it.

Those are just a few of the things—all not my ideas. Those all came out of our hearing with the October 8 subcommittee that we had on wildfires.

I very much appreciate the bipartisan participation tonight by my colleagues on this very important issue. I think we have done some really good things with the farm bill to help our forest products industry. Again, this truly is about the health of the forest. It is about revenue for the country, but it is about the prosperity of rural America.

Mr. Speaker, I appreciate the opportunity to have this Special Order.

I yield back the balance of my time.

SONGWRITER EQUITY ACT

The SPEAKER pro tempore (Mr. KELLY of Mississippi). Under the Speaker's announced policy of January 6, 2015, the Chair recognizes the gentleman from Georgia (Mr. COLLINS) for 30 minutes.

Mr. COLLINS of Georgia. Mr. Speaker, it is good to be back on the floor of the House. I am thrilled tonight to be surrounded with my friends and colleagues, and to be part on championing a call that is close to my heart, and should be for every Member of Congress. Because we are dealing with songs and songwriters and the special place that they have in American life, and really in the world.

The amazing thing is how the songs that come from the hearts of many from Nashville, where I have friends tonight, Rob and Lance and Lee Thomas, and the rest, they are watching others across the country are songwriters, who are very interested in what goes on here. Because, amazingly enough, here in Washington, DC, as the tentacles spread out, you come to find out that, even in songwriting, Washington has its grip on it.

□ 1930

I just want to point out for those who may be watching—now, this is a quote. This doesn't come from me. It comes from Kevin Kadish. You may know Kevin. If you like to listen to a little bit of music, he happened to have a little, small hit with Meghan Trainor, ''All About That Base,'' and Miley Cyrus' ''Two More Lonely People.'' He made a comment. He said that no one is trying to put Pandora or Spotify out of business. We just want a fair market value for our blood, sweat, and tears.

This is something that, for me, is very special because, over the next 30 minutes, you are going to hear about a million and a half songwriters, publishers, and composers across the Nation and how the current music licensing regime is causing them to be paid well below market value.

Now, as a conservative, one thing I believe is that the government has a role—it has a limited constitutional role—especially when it comes to the ultimate of the small businesses: the entrepreneurs. Those are some of our songwriters and composers. The Federal Government should not have its thumb on the scale, and that is what we are seeing tonight. So you are going to hear about that as we go along. The government's heavy hand in this industry needs to go.

We have got another issue here of the Songwriter Equity Act. We have got some folks I want to have talk tonight; but I want to introduce this, and they are all cosponsors of this act. It is H.R. 1283.

When I start talking about this tonight, for those watching, there are three ways songwriters get paid. I am going to make it very simple. There are three ways they get paid: Two of which the government has its thumb on and—guess what?—one of which they don't. Does anybody want to take a guess? Raise your hand. Not my colleagues, you know this. Will anyone raise his hand really quickly? Which way is the fairest way? It is when they are able to negotiate on their own. That is the sync license.

So, with the Songwriter Equity Act, it removes the antiquated evidentiary standard; it adopts a fair rate standard for reproduction, or mechanical licenses. Why? To ensure that songwriters, composers, and publishers are appropriately compensated for the use of their intellectual property.

Before I get ready to turn it over to some of my friends who are here with me tonight and who are part of cosponsoring this, the issue before us is: We all can point back to that time. It is a song on the radio. This is the time of year, this holiday season. Or it may be a long drive in the summer. Or it may be sitting outside, but there is that song and that special someone. That song comes on, and you hear it, and the performer is performing it wonderfully. It may have been the performer, or it may have been something else. But a lot of times, there is someone who is sitting in a room or is sitting somewhere, and what comes out of their hand and onto a piece of paper has come out of their heart and their mind and their mouth. It has affected our hearts and our minds, and it has affected us even to this day.

You can think about those songs. That is what makes songwriters special. That is what makes this cause something that we need to fight for.

You have heard them on the radio. Our radio stations have played these songs. For a State trooper's kid, who grew up in northeast Georgia, to listen to the radio, that was my escape. Between that and books, I traveled the world and always longed to see it, and those songwriters took me there. This is why we are fighting today. It is because we believe that what these artists have is intellectual property. What comes out of the their minds, what comes out and is expressed on paper and is then translated many times through artists' singing across the world, is worth protecting. It is intellectual property. It is as much intellectual property as is this property of my phone in my hand, and we have got to understand that.

Tonight, I have some friends with me. We will have a lot of time to talk about this. I want to start off up north a little bit. My friend from North Dakota, KEVIN CRAMER, is here. We have talked about this issue, and I am glad he has joined me here tonight.

One of the things that we talked about, Kevin, as you came on the floor, you said, You know, it is just about fairness. I think that is a great way to put it. It is just about fairness. So I am happy to yield to the gentleman to talk about this.

Mr. CRAMER. I thank the gentleman, my friend from Georgia, and others who have carried the ball on this issue for some time.

A special thanks to our friend from Tennessee, MARSHA BLACKBURN. I serve on the same committee with her, and I have learned a great deal about this and other things from Representative BLACKBURN.

Mr. Speaker, I was reminded of a quote by the songwriting and song performing phenom Taylor Swift, who said: I think songwriting is the ultimate form of being able to make anything that happens in your life productive.

Certainly, with whatever happens in your life, whether it is sad or glorious or joyful or heavy, you can write a song. It could be productive, but that doesn't mean it is profitable. If something is not profitable, the productivity of it will certainly wane over time, and we will be robbed of that very important piece of the music value chain: Where the product begins, which is in the heart and mind of the songwriter.

One of the things I love so much about this job—and I am happy to admit it to my friends in the Chamber tonight—is all of the things that you are forced to learn that you never thought were important before you learned about them. It is kind of amazing. Here we are, 435 colleagues, representing, roughly, 700,000 people. In my case, I represent the entire State of North Dakota. We think about things like agriculture and coal and oil. We think about things like highway bills, but we don't necessarily think a lot about songwriting. We think a lot about markets. We think a lot about fairness. We think a lot about regulation.

I was a regulator for nearly 10 years before becoming a Member of Congress. I regulated monopoly industries, and I was a rate regulator. When I was a rate regulator, setting the rates for electricity rates or natural gas, I had a lot of tools at my disposal, not the least of which was all of the evidence that the

record could be filled with. In some cases, it was piles of evidence and lots of testimony. Everything was on the record. It is how you make good decisions. In the case where regulation was required and free markets weren't as free as they would be in other products, you tried to apply as a regulator the evidence to a circumstance that best reflected the market.

Tonight, we are talking about something—and I appreciate Representative COLLINS' illustration of the government's thumb on the scale—where there has been a gross inequity, a gross injustice. It is where technology has certainly flourished, where innovation has flourished to the point at which opportunity to distribute and to enjoy music is unlike at any other time; but the songwriters have been left out of the innovation piece of it. They have been really biased against them.

As I have studied this issue as it has been brought to my attention, I have looked at it, and I have thought, This just isn't fair. This just isn't fair. Frankly, the ultimate conclusion of this kind of antiquated regulatory policy would lead to a very important loss because people wouldn't be able to do this, not unless you think that Georgia and Tennessee are the only places there are songwriters. I was surprised to find out there were several hundred of them in my little State of North Dakota. It is amazing.

One thing that all of us can agree on is that small business is the heart of our economy and that there is no smaller business than the single genius that writes music, right? That is the smallest of small businesses. We ought to get the government, to the degree we can, out of the way; but to the degree it requires regulation—and we understand it does require regulation as we are talking about copyright and as we are talking about broadcasting and as we are talking about things that are under the legitimate jurisdiction of the Federal Government's—we ought to at least be fair in how we do it, and we ought to be modern in how we carry it out.

In addition to my friends, Representative COLLINS, Representative BLACKBURN, and others who have taught me so much about this important issue, I also want to thank a new friend who approached me at a concert that I attended just because I love him so much and love his music. I have loved it for decades. This is, I think, an important lesson of advocacy and an importance lesson of stick-to-itiveness. I had the opportunity to meet B.J. Thomas, who was a hero of mine while I was growing up. Do you know what he did with the time that we had together? He advocated not on his own behalf but on behalf of his friends, who provided the fuel for his success. He did so with a heavy heart based on the fact that his friends weren't treated as fairly and as equitably as he has been as a performer.

It touched me deeply that this man, who had nothing, really, to gain by this advocacy, except, I suppose, the affection of his friends, cared enough to tell this lone Congressman from the little State of North Dakota about this really important issue. I am grateful he brought to it my attention.

I am grateful for your leadership on it, and I am grateful to be here tonight to help shed some light on it and, hopefully, move the ball forward a little bit further.

Mr. COLLINS of Georgia. Representative CRAMER, that is such a great story.

For those of us with many problems and dysfunction—you hear that up here all the time—to actually understand that we still believe this is the greatest country in the world and that Washington, D.C., and this Capitol, still represent a shining beacon that goes throughout the world and stands for freedom, hope, and opportunity, the story that you just told about B.J. Thomas, an artist who has profited off of songwriting, and his taking time to talk to his Representative, that is what makes this country great.

That is exactly what we are talking about here, letting things be known that we may not have known and seeing them in amazing places.

You talked about your never knowing that your State of North Dakota is where you might meet a songwriter. As my friends are down here tonight, I just want to share one thing that came to my attention right as we were walking on the floor. You never know where songwriting comes from. Tonight, we have a special honor because, just outside these doors, protecting us here on Capitol Hill, is one of our aspiring songwriters—Capitol Hill Police Officer Kevin Reumont. I hope I pronounced that right. He is protecting Congress, and he also writes the soundtrack of our lives. Can you imagine a better way to think about that even in this building?

Mr. CRAMER. I just have to say, since you brought it up, there is nothing that makes me much more emotional than a really good song; but the men and women who protect us in this Chamber make me as emotional as anything. I am grateful. It is a great story.

Mr. COLLINS of Georgia. Thank you tonight for being a part of it.

It moves along. We mentioned the great State of Tennessee, with Mrs. BLACKBURN and others who have been a part of this; but my friend just across the border in Chattanooga, Mr. FLEISCHMANN, is here tonight, and he has a lot to share about Tennessee and Georgia and all across the country.

We are just glad to have you here tonight to be a part of promoting as just was said, the ultimate entrepreneur, the person who is there, writing the song, the small business. So I am happy to yield to the gentleman from Tennessee to talk about that.

Mr. FLEISCHMANN. I thank my colleague, Mr. COLLINS from the great State of Georgia—our sister State right to the south of us.

Mr. Speaker, I represent the great State of Tennessee, as the gentleman alluded to—the great city of Chattanooga and the ''Chattanooga Choo Choo,'' a great song.

Mr. COLLINS of Georgia. There we go.

Mr. FLEISCHMANN. I came to Congress, and some very creative people came to see me. We get a lot of visits up here in Congress. Folks from all over the country come to see us. I got a knock at the door one day, and there were some songwriters. They were very talented men and women. What do they do? They write and perform songs. I was just so impressed. These are creative entrepreneurs, and some of the stories are outstanding.

One gentleman came to see me, and he said: One day years ago, a long time ago, I wrote a song and went in and saw the great Johnny Cash. He liked my song, and he played my song. It went well, and that was his claim to fame.

Another gentleman came in, and he mentioned a song. He said: I wrote that and played it for a fellow by the name of Frank Sinatra.

Now, I remember those two great performers, but these were the folks who wrote the songs. This songwriter actually got to go and hear that recorded. Sinatra invited him, and it became a classic.

I was surprised to learn, as my colleague from Georgia alluded to, of the Songwriter Equity Act, but there is some fundamental unfairness involved in the process, and I wanted to talk about that.

Before I came to this great House, I practiced law for about 24 years in the city of Chattanooga. I loved practicing law, but when I was not practicing law, every once in a while, the judge wanted to go fishing, and he would let me preside as special judge. I really liked presiding over cases. As a matter of fact, I probably presided over several hundred cases over my legal career. I still keep a law license. But, as a judge, what did I hear? I heard evidence many times, and I want to refer to something that is very important in this whole debate.

Right now, the way that the rates are set—and I want everyone who is watching this to understand this—fundamentally, the evidence cannot be considered by the judge in setting the rates for these performers.

What I mean by that specifically is that these judges are not allowed by Federal law to consider sound recording royalty rates as relevant benchmarks when setting performance royalty rates for songwriters and composers. It is analogous to a judge who is hearing a case and saying: Well, I am not going to let you decide this, and that is not a good thing. These men and women come up every year. They play their songs, and they work very hard, and they want their share of the American Dream.

Nashville is a great city. It is our capital city in the great State of Tennessee, and I love all of our State. I

represent the Third District in east Tennessee: Chattanooga and Oak Ridge. Yet, when I travel to Nashville and when I see these men and women coming there, and there are literally hundreds of thousands of songwriters, what do they want? They want that one special song, or hopefully more, to click, for somebody to perform that.

□ 1945

And when they do, they ought to be rewarded. We ought to be incentivizing this because these are creative people, these are entrepreneurs.

So it is my privilege to join the distinguished gentleman from Georgia who has this Songwriter Equity Act with, I believe, all of my colleagues from Tennessee. I want the American people to take a look at this.

I urge Congress to take a look at this. This shouldn't be an issue about Republican or Democrat. This is an issue about giving these songwriters a fair shake.

Mr. COLLINS of Georgia. Mr. Speaker, Representative FLEISCHMANN just made a great point. I don't hear a song that comes out on a platform—and I think that one of the things we forget here is that this is not a discussion of how we get music, per se, and how innovators have decided that—you know, through wonderful things—Pandora Spotify, Apple Music, traditional radio, and the Internet—there are so many platforms, and those are wonderful. What we don't want to forget is the very system that has allowed them to begin is something that is taking away from the heart of the very songwriter issue.

One of the reasons that we were talking about this is that music is the most regulated sector. Seventy-five percent of a songwriter's income is regulated, some of which go back, the mechanical right, to 1909. They are still governed by player pianos. That is something that has got to change, and I think this is where we are at.

What Representative FLEISCHMANN brings is such a wonderful experience in what he has heard, and I appreciate him being a part of this. This highlights, again, that specialness.

Whatever song may come out on a platform, I don't hear it come out saying it is Republican, Democrat, Independent, Libertarian, or whatever. It just comes out as a song that comes from the heart and mind of someone that touches the soul of others, and I think that is a wonderful thing to be a part of.

Sometimes you make friends and you come together, and the great State of Georgia and the Big Apple come together. I was just recently there. It is amazing how you find commonality in music and how you find commonality in songs and songwriters.

I am just very honored to have as my lead sponsor on the Songwriter Equity Act Representative HAKEEM JEFFRIES from New York. We share some background, but we also share a love of music.

HAKEEM, I think—as we talk about this, there is a passion that shows this is not a regional issue and it is not a genre issue. It is a fairness issue. I think that is something we can come around and reach across the aisle and say let's look and work at how we best can do this.

Mr. Speaker, I am so glad to have Representative JEFFRIES as a part of this. He is a wonderful spokesman to be a part of fairness and what he does for his district, especially with the songwriting community in New York, with Atlanta, with LA, with Nashville, and all over. This has been something that has brought us all together.

I yield to the gentleman from New York (Mr. JEFFRIES).

Mr. JEFFRIES. Mr. Speaker, I thank my good friend, the distinguished gentleman from Georgia, for convening us here today on this incredibly important issue on the House floor and, of course, for his extraordinary leadership on behalf of the songwriters in America.

Over the years, I have gotten to know some very good country lawyers. I have also gotten to know some very good country preachers. My good friend from Georgia is the best of both worlds. We appreciate the tremendous skill set that he has brought to bear here in the United States Congress. We are members, of course, of the class of 2012. It has been wonderful to work closely with you in your capacity as the lead sponsor of this very important piece of legislation.

Article I, section 8, clause 8, of the United States Constitution gives Congress, both the House and the Senate, the power to create a robust intellectual property system, in the words of our Founders, in order ''to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.''

The Founders of this great country understood that it was important to create a robust intellectual property system in order to allow creators and innovators to be able to benefit from the fruits of their labor.

Songwriters, of course, are at the heart of the music ecosystem, a music ecosystem that produces a variety of different forms of music.

We know that there is country. There is pop. There is rock and roll. There is blues. There is bluegrass. There is jazz. There is Motown. There is hip-hop. There is R&B, which we tend to be partial to in the Eighth Congressional District.

What all of them have in common is that someone had to create this music. At the heart of that creation, at the heart of the ecosystem, of course, is the songwriter.

Now, if the songwriter were to disappear or to be diminished in number, then the whole system of music creation collapses. In many ways, that is what the Songwriter Equity Act is all about because of the inherent fundamental unfairness in the current system by which songwriters are compensated.

Congressman COLLINS and I have been able to work closely with a variety of different stakeholders from throughout the Nation. Certainly, Nashville, Atlanta, and New York have wonderful songwriting communities.

The chairman of ASCAP, Paul Williams, who has been a tremendous advocate, often has said before the Judiciary Committee and in other contexts that songwriters may be the most heavily regulated small-business people in America.

Unfortunately, that heavy regulation, as is often the case, is not benefiting them. In fact, in many ways, it is suffocating the songwriting community. It is not working to their benefit. It is not consistent with the DNA of our Constitution as it relates to intellectual property, which is to enable creators to benefit from the fruits of their labor.

That is why the Songwriter Equity Act is such an important piece of legislation in order to allow those songwriters, who are spread out in all 435 congressional districts in every great State in the Union, to be able to participate fairly in the music ecosystem that is so central to the genres that we all know and love throughout our land.

Music, of course, is universal in nature. It crosses all boundaries of race and religion, socioeconomics, region, cultural boundaries in this incredibly diverse Nation of more than 320 million people. That is why it has been so wonderful to participate in this journey as it relates to trying to do the right thing for the songwriters in this country.

As has been pointed out by my colleague from Georgia and the other participants here, there are really two fundamental things that the Songwriter Equity Act attempts to correct.

First, it is important to make sure that the rate courts, who often decide the compensation for songwriters in certain contexts, have an opportunity to consider all of the evidence so that they can arrive at an informed decision as to what makes the most sense.

It is just illogical to believe that a rate court that is walled off from certain forms of evidence, such as the compensation received by recording artists, can arrive at a fair and equitable decision.

In fact, what we have seen is that, over time, because this wall has existed, the compensation for recording artists has increased significantly. The compensation for songwriters has remained at an artificially low level. That is one of the things that we are trying to correct. Let all of the evidence be considered by the courts that are determining these rates.

Lastly, the Songwriter Equity Act is designed to bring some notion of market fairness to the compensation of songwriters who create the music that

we love. Right now, we have got artificially imposed regulatory rates on these songwriters in a manner that is not fair, that is not just, not consistent with a market-based approach that has made the United States so prosperous for so many other folks.

That is why songwriters rightfully can say that this overregulation is not working for us. We would just like to be able to get the fair market value of our creations. That is what the Songwriter Equity Act is designed to do.

So I am looking forward to working closely with my good friend from Georgia. He has been a tremendous leader in this regard. I am hopeful that we will be able to soon advance this legislation before the Judiciary Committee.

It has tremendous bipartisan support from Republicans and Democrats, Progressives and Conservatives. Let's advance this legislation out of Judiciary and onto the House floor and eventually get it to a place where it can be signed into law by the President.

Thank you for your extraordinary leadership.

Mr. COLLINS of Georgia. Mr. Speaker, I thank Mr. JEFFRIES. I think one thing you and I both would point out in this is this is not one against another. It is not playing off. It is just being fair for all involved.

You have artists who enjoy a very good living based on songs that were written by others. In this process and this ecosystem, we are not minding the platform. We are just saying to be fair in the use of it.

We want to see every opportunity for every songwriter to be a part, but also be equally compensated, fairly compensated, not more, not less, just fairly compensated.

I think that is the one thing I want to make sure that our songwriters and composers out there understand, that they are all in this together. They have advocated and continue to advocate, but know that we all come together. We are the beneficiaries of their genius. I think that is the thing. I appreciate you so much.

Tonight, as we are coming sort of to an end, many people have asked me: DOUG, how did you get involved in this? How did a kid from north Georgia get involved with songwriters?

Well, the amazing thing is Georgia has almost 50,000 songwriters registered with many—BMI is one of the groups that is registered. ASCAP's Paul Williams is a dear friend.

Of course, he has a real connection to Georgia, for all the folks who are watching, Smokey and the Bandit. Paul has connections to so many things in songwriting. This is a multimillion-dollar business, and these are all small entrepreneurs.

I wanted to highlight that, for me, it came personal. It comes from listening to my mother-in-law and her husband as they sing and they just go back to the old Shape note singing books of the churches in northeast Georgia.

It goes to when my beautiful bride, Lisa, and I first started dating. One of the first things we did was went to a hootenanny, and this is where everybody just brought music. They brought their instruments, they brought everything, and they just began to sing. It came from the heart.

In my office, I keep a file full—and I actually have some framed—of just words put to paper. Songs are simply expressions of the heart that are yielded from the mind through the heart that come out of the mouth that touch the souls of others.

Then there is my dad and my mom. My dad went to school with a young man who went on to become known as Whispering Bill Anderson. He started his songwriting in my district, the Ninth District, living in Commerce, Georgia, at the time, at WWJC. The radio station is still there.

My understanding of the story from Bill was he was on top of the building and he wrote this song, ''City Lights,'' which was performed by Ray Price. He has transcended the decades because one of his last songs was ''Whiskey Lullaby'' that was performed by Brad Paisley and Alison Krauss.

You see, this is about stories. Neo is one of our Georgia folks. Streaming companies are making a lot of money off of an outdated system in which they are able to pay songwriters less than the fair market value for the right to use their work. This is Neo.

It is time for Congress to stand with songwriters, #standwithsongwriters. I know there are many out there watching, on Twitter, Facebook. There are a lot of places where we can get this message out. This is simply about fairness.

As I come to a close tonight, I am reminded even today of when I was in Iraq just a few years ago. There were songs that I would hear as I was driving around and I was meeting with some servicemembers out on the gate post. We would talk about a lot of things: family, love, life, problems.

It would always come around and something would be on the radio and a song would come across. To this day, if a certain song is played—it could be ''Chicken Fried'' by the Zac Brown Band—I can still believe that I am still in Iraq. I still go back to those times and I see those young men and young women who are protecting us and are protecting us all over the world.

You see, that is what the songwriter does. The songwriter takes the moment, crystallizes it, forms it, just as they would any product that they make that comes out of their mind, flowing straight from the heart, out of the mouth, onto a pad, through their hand, and touches lives around the world.

It is time for Congress to look. It is time for Congress to understand that this is about small business and small entrepreneurs. It is time for Congress to stand with songwriters.

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

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TERROR WATCH LIST ISSUES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. Mr. Speaker, I always appreciate my friend from Georgia's thoughts and observations.

Mr. Speaker, it is really intriguing that our friends across the aisle have been joining with the President in demanding that we in Congress give this administration, with its abuses and unaccountability of the IRS, using it as a political weapon to help win an election, that used the ATF to sell weapons, 2,000 or so, to get them in the hands of criminals, and then tried to use that violence that came from the weapons they forced into the hands of people that shouldn't have had them as a reason to try to take away Second Amendment rights of law-abiding Americans.

This administration is one of the most arbitrary and capricious administrations in history. Executive orders have been used for things that, from the top to the bottom of this administration, they have said they could not use executive orders for, including forms of amnesty. I think, over 20 times, the President himself said he did not have authority to just grant amnesty, and yet he turned around and did it anyway.

This administration, with that kind of history over the last 7 years, of being so arbitrary and in some cases being very intentional in going after enemies, far beyond anything Nixon might have ever dreamed he might be able to do, the thought of giving this administration the power to just make a list of all the people that you don't want to ever fly or have a gun, just make a list, we don't know exactly how you are making this list. There is no due process in creating the no-fly list. There is no due process in getting oneself off the no-fly list once the name is on the no-fly list.

Katie Pavlich with townhall.com, talking of the President's speech, said:

''President Obama called on Congress to pass legislation stripping anyone, including American citizens, on the terrorism no-fly list of the ability to purchase a firearm in the United States. Sounds pretty reasonable, right? Nobody wants terrorists to have easy access to guns, and it certainly sounds bad when the argument is made that those currently on the terror watch list have the ability to do so. But here's the problem: The terror no-fly list is a mangled, bureaucratic mess of over 700,000 names. Yes, there are names on the list that are connected to terrorism, but nearly half of those names belong to people who have zero links'' to terrorism.

Further down she said:

''That list, which contained 47,000 names at the end of George W. Bush's

presidency, has grown to nearly 700,000 people on President Obama's watch. The fact that they are names, not identities, has led to misidentifications and confusion, ensnaring many innocent people. But surely those names are there for good reason, right?

''Not really. According to the technology website TechDirt.com, 40 percent of those on the FBI's watch list—280,000 people—are considered to have no affiliation with recognized terrorist groups. All it takes is for the government to declare it has 'reasonable suspicion' that someone could be a terrorist. There is no hard evidence required, and the standard is notoriously vague and elastic.

''So who ends up on the list who shouldn't and why? Take for example Weekly Standard Senior Writer and Fox News Contributor Steve Hayes, who was put on the no-fly list after a cruise.

''Stephen Hayes, a senior writer at The Weekly Standard . . . was informed Tuesday that he had been placed on the Department of Homeland Security's Terrorist Watchlist.

''Hayes, who spoke to POLITICO by phone on Tuesday, suspects that the decision stems from U.S. concerns over Syria. Hayes and his wife recently booked a one-way trip to Istanbul for a cruise, and returned to the U.S., a few weeks later, via Athens.''

But the trouble is, nobody can say for sure why they are on the list, why they are not on the list, why they should not be on the list, the article says, but travel to certain regions isn't the only way you can get put on the list without due process.

''The Intercept published a 166-page document outlining the government's guidelines for placing people on an expansive network of terror watch lists.''

I just can't help but say, Mr. Speaker, it is hard to fathom that, once the wonderful American people think about what the President is proposing, they are going to realize you can't trust this administration with your health care, you can't trust this administration to keep their promises that if you like your health insurance policy you can keep it, because those promises from this administration weren't true. The promise: If you like your doctor, you can keep your doctor wasn't true. It turns out people in the administration knew all along that it wasn't true, yet they promised people those things anyway.

So there are issues of trust. We know, even when we are not talking about issues of intentional misrepresentation but just mismanagement and terrible policies, look at the rules of engagement of our military. Under President Bush, there were just over 500 precious American lives that were lost in the war in Afghanistan over 7¼ years' time. Though the war had wound down, we were told by the President, basically, one, things were contained in Afghanistan.

Nonetheless, during this wound-down war of the last less than 7 years, this President's rules of engagement have contributed, not intentionally, but the mismanagement has helped create an environment for our military members, men and women, where we have lost three to four times more lives under Commander Obama than were lost under Commander Bush, and more time that Commander Bush was over the operation.

This is not the administration you want to trust to say: You just make out a list, even though the standards are vague; we don't know how somebody gets on; it is kind of up to you, judgment call on your part; and there is not a clear way to get off.

I read an article where somebody had been trying for 8 years to get off of that list. Nonetheless, you just go ahead, Obama administration, bureaucrats in cubicles, people like Lois Lerner that hate conservatives, you just make out your list of people you don't want to ever be able to defend themselves or their homes or their loved ones with a weapon. You make out the list, and we will keep them from flying, and we won't let them have a gun.

That would be a disaster, because when most Americans realized what the President was asking for, just carte blanche to put anybody he wanted to on the list and they could never get a gun, the American people are fair. The majority pull for an underdog, and they are not going to pull for an overly abusive, bureaucratic, Kafkaesque administration to take out its revenge on someone it doesn't like and prevent them from being able to defend themselves and their loved ones.

Of course, The New York Times, never an organization to let hypocrisy get in the way of being hypocritical, this article from Breitbart by AWR Hawkins points out:

''On April 18, 2014, The New York Times published a scathing editorial on the no-fly list, describing it as 'a violation of basic rights,' and a list unsuitable for a 'democratic society premised on due process.'

''Moreover, The New York Times addressed the imprecision of the list by explaining that a 2007 audit showed that half the names on the list 'were wrongly included.' Adding insult to injury, there were '71,000 names' on the list in 2007, which means 35,500 people were facing a denial of their constitutional rights for being on a list due to oversight or some similar mistake.''

That seems to be pretty clear. The New York Times got it right in 2014, got it wrong now. But it is interesting. I reflect on what my friend, former Member of Congress Barney Frank told me one day when we were on the same side of an issue. He shrugged and said: Well, even a broken clock is right twice a day. I know my friend Barney Frank could prove that.

There was an article entitled, ''FBI Investigates If Terror Group Arranged California Killers' Marriage.'' It is by Marisa Schultz and Yaron Steinbuch, dated December 9, 2015. It pointed out:

''The FBI is investigating whether the online courtship of the future San Bernardino mass murderers was a match made in hell by a terror group—to set in motion the radicalized duo's evil plan, Director James Comey said on Wednesday.

''Comey told a Senate Judiciary Committee that investigators do not yet know if a group like ISIS hatched the love-and-hate match between jihadists Syed Rizwan Farook and Tashfeen Malik.''

Further down it says:

''The top G-man also said that Farook, 28, and Malik, 29, were radicalized at least 2 years ago and planned their evil martyrdom scheme long before they were engaged and before she applied for her visa.

''The couple—who lived in a two-bedroom townhouse with their 6-month-old daughter and Farook's mother—killed 14 people and wounded 21 during a holiday party December 2 at the Inland Regional Center in San Bernardino. They were killed about 4 hours later in a shootout with police . . . 'Our investigation to date shows that they were radicalized before they started courting or dating each other online, and as early as the end of 2013, were talking to each other about jihad and martyrdom before they became engaged and married and were living in the U.S.'. . . A U.S. Government source familiar with the shooting probe said Farook may have been plotting an attack in the U.S. as early as 2011.''

That is hard to believe, Mr. Speaker, because this administration was doing all these things, reaching out, not helping Christians who were being persecuted in greater numbers than ever in the history of the world. No, not reaching out to specifically help Christians and Jews, who were the primary targets of these radical Islamists, these people who perpetrate hate crimes that this administration won't even call hate crimes. This is the administration that, every time it seems that they reach out overseas or even, for heaven's sake, with our NASA space program, the President is directing that we have got to protect Muslims above all other things.

□ 2015

This is the same administration who appointed an Attorney General who, after this mass murder spree in San Bernardino, came out—while others like local police and other good, clear-thinking people are saying, ''If you see something, say something,'' after knowing that neighbors saw suspicious activity by what they knew to be Muslims, apparently, in the garage, but they were afraid of saying something because it was politically incorrect, and now, Mr. Speaker, it has been made clear by the Attorney General that, if you are a neighbor in a position like those of Farook and Malik and you see something you think is suspicious that someone with an Islamic background is doing and you call that in,

our Attorney General just may, according to what she said, decide not to go after the Islamist terrorists, but to come after you for being a bigot and for showing bias or prejudice.

I can't imagine a more ridiculous thing to say after radical jihadists kill Christians and Jews. Yes, apparently, there was at least one Muslim shot, but the killing occurred because of the hate for Christians and Jews and the desire to create terror in the hearts of infidels. So no Muslims were actually targeted by these radical Islamists. They were collateral damage. They should never have been shot.

Anybody that had anything to do with the shooting of a Muslim, Christian, Jew, atheist, Buddhist, or anything else, should be brought not just to justice. But when it is an act of war like this, they ought to be taken out.

The Attorney General, on the other hand, in the immediate aftermath of this bloody massacre—tragic—at a Christmas party—threatens American citizens that, if you become—in effect, what she is saying—not the words, but, in effect, she is saying, if you become suspicious of people who are acting in the same way that you have seen on television or in the news, acting as radical Islamists, and you report that, we will come after you because you are showing bigotry and prejudice.

So, on the one hand, if you see something, say something, but if it is about a Muslim, then there is a good chance we will come after you, not the Islamists.

There is a report from CNN's Zachary Cohen: ''Amnesty report: ISIS armed with U.S. weapons.'' This is dated today.

''A new report from a prominent human rights group has found that ISIS has built a substantial arsenal, including U.S.-made weapons obtained from the Iraqi army and Syrian opposition groups.

''Amnesty International's 44-page report, released late Monday, found that much of ISIS' equipment and munitions comes from stockpiles captured from the U.S.-allied Iraqi military and Syrian rebels.''

Further down:

''After analyzing thousands of videos and images taken in Iraq and Syria, Amnesty determined that a large proportion of ISIS' current military arsenal is made up of 'weapons and equipment looted, captured or illicitly traded from poorly secured Iraqi military stocks.'''

We saw over and over, Mr. Speaker, that this administration had this ridiculous idea—way too late after there were vetted moderate Syrian rebels that we could have helped—to get involved.

Over and over they sent heavy equipment, heavy weapons, to these so-called vetted moderate Syrian rebels who said they feel a lot closer to those members of ISIS than they do the United States. And, lo and behold, those heavy weapons that are being used to kill the courageous Kurds that are fighting them are United States military weapons.

To this administration's credit—I have got to give it to them—there was a period of about 4 or 5 months where, because the weapons they kept sending to the Syrians kept ending up in ISIS' hands, they decided to hold up shipping them more weapons because we just were equipping ISIS. But for some ridiculous, unknown reason—it has to be ridiculous—this administration began sending weapons back again. As far as I know, they are still doing so.

I also think it is important to note that this administration has pointed to George W. Bush originally saying that this was not Islamic, and this administration has blamed the Bush administration—normally, it is quite unfairly—for every problem that has arisen.

In fact, I believe it was in Iowa where someone told me that they understood that the President wanted to have the San Andreas Fault renamed for President George W. Bush so that it would be known as Bush's fault.

That is what this administration has done. Yet, they try to blame him for them saying that ISIS—which wasn't around when President Bush was President. It was only created when this President created a vacuum in the Middle East—that these people who claim to be Islamic are not Islamic.

I keep going back to the fact that one of the most internationally recognized experts on Islam, Islamic law, Islamic studies, and on the Koran, got his degrees, including a Ph.D., I read, from the University of Baghdad in Islamic studies. His name is al-Baghdadi. He is the head of ISIS. As head of ISIS, he claims that ISIS is indeed Islam.

The President doesn't have any degrees in Islamic studies, although he did apparently study Islam quite clearly as a young child in Indonesia. Nonetheless, I think al-Baghdadi's credentials on what is Islam and what is not are superior to those of anybody in the White House.

Caroline Glick, a writer for the Jerusalem Post, makes a great point in one of her articles from November 24, 2015. She says:

''An attempt is being made to assert that there is no pluralism in Islam. It is either entirely good or entirely evil.''

She is making a great point about pluralism because, as she says, ''This absolutist position is counterproductive for two reasons. First, it gets you nowhere good in the war against radical Islam. The fact is that Islam, per se, is none of the United States President's business. His business is to defeat those who attack the U.S. and to stand with America's allies against their common foes.

''Radical Islam may be a small component of Islam or a large one, but it certainly is a component of Islam. Its adherents believe they are good Muslims and they base their actions on their Islamic beliefs.

''American politicians, warfighters, and policymakers need to identify that form of Islam, study it, and base their strategies for fighting the radical Islamic forces on its teachings.''

That is why my friends like Muslims Massoud and Dostam and others who fought and initially defeated the Taliban within about 5 months in Afghanistan—courageous—don't want radical Islamists governing Afghanistan.

In Egypt, a very fine, courageous man, President el-Sisi, stood up to imams and pointed out that you must take back Islam and denounce the radical Islamists that are destroying our religion. They recognize this is Islamic. They are claiming to be Islamic. And we have got to clean up our own religion.

Judicial Watch released information today: ''ODNI Confirms Terrorists Tried to Enter U.S. As Syrian Refugees.'' They point out that, ''FBI Assistant Director Michael Steinbach has also conceded that the U.S. Government has no system to properly screen Syrian refugees. 'The concern in Syria is that we don't have systems in place on the ground to collect information to vet. That would be the concern, is we would be vetting—databases don't hold the information on those individuals. You're talking about a country that is a failed state, that is, does not have any infrastructure, so to speak. So all of the data sets—the police, the intel services—that normally you would go to seek information don't exist.'' That is very important.

Now I know that some people are trying to say that Donald Trump—and I did not endorse him. I endorsed TED CRUZ for President—but they are trying to vilify Trump because he perhaps overstated it, but he has made clear that we need to pause until we figure out our policy.

Yet, Huma Abedin, wife of Anthony Weiner, our former colleague here, denounced Trump. She says Trump wants to literally write racism into our law books, his homophobia doesn't reflect our Nation's values, it goes far enough to damage our country's reputation, and could even threaten our national security.

Mr. Speaker, I pointed out yesterday the information that we obtained after letters were sent to departments and just mentioning a couple of facts about her family. And then we find out that she has these direct ties to Abdullah Omar Naseef, who had ties to Osama bin Laden, and really serious issues not just through her mother, who started the Muslim Sisterhood, but her late father, deceased for many years now, but who is a prominent member of the Muslim Brotherhood and a brother who had ties—but she had ties herself—to Naseef and others.

When you find out the contacts and close personal ties she herself had, you wonder how in the world a person like this could be attached to, at the time,

First Lady Hillary Clinton in the Clinton years in the Clinton White House. How could that happen?

Of course, over the years, she has become ingratiated to Hillary Clinton. She has been her closest confidante. Not much of anything happens, as we found from the emails, without Huma Abedin Weiner being in the middle of it. Wow.

I just want to point out something else that has come out in recent years. I will just read this. I don't espouse that Wikipedia is all that reliable, but here is what they say about Abdul Rahman al-Amoudi: He is an American former Muslim activist known for founding the American Muslim Council. He was born in Eritrea, raised in Yemen, emigrated to the U.S. He formed the Council, whose aim was to inform and influence both Republicans and Democrats.

In 1998, al-Amoudi was involved with the selection of Muslim chaplains for the U.S. military, and acted as a consultant to the Pentagon for over a decade.

□ 2030

During this time, al-Amoudi served as an Islamic adviser to President Bill Clinton and a fundraiser for both the Republican and Democratic parties.

More recently, al-Amoudi worked with leading conservatives such as Grover Norquist, president of Americans for Tax Reform.

Al-Amoudi became a U.S. citizen in 1996. Al-Amoudi and other Muslim leaders met with the then-presidential candidate George W. Bush in Austin in July 2000, offering to support his bid for the White House in exchange for Bush's commitment to repeal antiterrorist laws. He even spoke at a service for the victims of 9/11.

He is now doing 23 years in prison for supporting terrorism. He was helping the Clinton administration find people for different jobs. I am trying to find out, Mr. Speaker, could he have had anything to do, before he went to prison, with placing Huma Abedin as an intern with Hillary Clinton. Mr. Speaker, I can't get an answer.

I yield back the balance of my time.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON WAYS AND MEANS

Mr. BRADY of Texas. Mr. Speaker, I would like to submit the following Tax Complexity Analysis statement on the conference report to H.R. 644:

Section 4022(b) of the Internal Revenue Service Restructuring and Reform Act of 1998 (the 'IRS Reform Act') requires the staff of the Joint Committee on Taxation (in consultation with the Internal Revenue Service and the Treasury Department) to provide a tax complexity analysis. The complexity analysis is required for all legislation reported by the Senate Committee on Finance, the House Committee on Ways and Means, or any committee of conference if the legislation includes a provision that directly or indirectly amends the Internal Revenue Code and has widespread applicability to individuals or small businesses.

Pursuant to clause 11 of rule XXII of the Rules of the House of Representatives, the staff of the Joint Committee on Taxation has determined that a complexity analysis is not required under section 4022(b) of the IRS Reform Act because the bill contains no provisions that amend the Code and that have 'widespread applicability' to individuals or small businesses, within the meaning of the rule.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1719. An act to provide for the establishment and maintenance of a National Family Caregiving Strategy, and for other purposes; to the Committee on Education and the Workforce.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 614. An act to provide access to and use of information by Federal agencies in order to reduce improper payments, and for other purposes.

S. 1177. An act to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

S. 1461. An act to provide for the extension of the enforcement instruction on supervision requirements for outpatient therapeutic services in critical access and small rural hospitals through 2015.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 31 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, December 10, 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:

3732. A letter from the Director, Issuance Staff, Office of Policy and Program Development, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's Major final rule — Mandatory Inspection of Fish of the Order Siluriformes and Products Derived From Such Fish [Docket No.: FSIS-2008-0031] (RIN: 0583-AD36) received December 8, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Agriculture.

3733. A letter from the Secretary, Department of Commerce, transmitting a report prepared by the Department of Commerce's Bureau of Industry and Security on the national emergency declared by Executive Order 13222 of August 17, 2001 and continued through August 7, 2015, to deal with the threat the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, pursuant to 50 U.S.C. 1641(c); Public Law 94-412, Sec. 401(c); (90 Stat. 1257) and 50 U.S.C. 1703(c); Public Law 95-223, Sec. 204(c); (91 Stat. 1627); to the Committee on Foreign Affairs.

3734. A letter from the Director, Defense Security Cooperation Agency, transmitting a notice of Proposed Issuance of Letter of Offer and Acceptance to the Government of Japan, Transmittal No. 15-62, pursuant to Sec. 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3735. A letter from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting the Department's interim final rule — Amendment to the Export Administration Regulations to Add XBS Epoxy System to the List of 0Y521 Series; Technical Amendment to Update Other 0Y521 Items [Docket No.: 150825777-5777-01] (RIN: 0694-AG70) received December 7, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Foreign Affairs.

3736. A letter from the Director, Congressional Affairs, Federal Election Commission, transmitting the Commission's Semiannual Report to Congress for the period from April 1, 2015, through September 30, 2015, pursuant to µ5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); Public Law 95-452, Sec. 5(b); (92 Stat. 1103); to the Committee on Oversight and Government Reform.

3737. A letter from the Chairman, National Mediation Board, transmitting the Board's Annual Performance and Accountability Report 2015, pursuant to 31 U.S.C. 3515(a); Public Law 101-576, Sec. 303(a); (104 Stat. 2849); to the Committee on Oversight and Government Reform.

3738. A letter from the Chief, Regulations and Standards Branch, Bureau of Safety and Environmental Enforcement, Department of the Interior, transmitting the Department's final rule — Oil and Gas and Sulphur Operations in the Outer Continental Shelf — Decommissioning Costs [Docket ID: BSEE-2015-0012; 15XE1700DX EEEE500000 EX1SF0000.DAQ000] (RIN: 1014-AA24) received December 4, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

3739. A letter from the United States Trade Representative, Executive Office of the President, transmitting a letter regarding the pending accession to the World Trade Organization of the Republic of Liberia and the Islamic Republic of Afghanistan, pursuant to Sec. 122 of the Uruguay Round Agreements Act; 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. BRADY of Texas: Committee of Conference. Conference report on H.R. 644. A bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory (Rept. 114–376). Ordered to be printed.

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. CUMMINGS:

H.R. 4194. A bill to require the Attorney General to make competitive grants to State, tribal, and local governments to establish and maintain witness protection and assistance programs; to the Committee on the Judiciary.

By Mr. JONES (for himself, Mr. MASSIE, and Mr. YOHO):

H.R. 4195. A bill to repeal the authorizations for office space, office expenses, franking and printing privileges, and staff for former Speakers of the House of Representatives; to the Committee on House Administration.

By Mr. NOLAN:

H.R. 4196. A bill to amend the Tariff Act of 1930 to improve enforcement of the trade laws of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. POE of Texas (for himself, Mr. FARENTHOLD, Mr. BABIN, Mr. WEBER of Texas, Mr. BARTON, Mr. OLSON, Mr. SESSIONS, Mr. ROGERS of Alabama, Mr. SALMON, Mr. LOUDERMILK, Mr. ZINKE, Mr. ABRAHAM, Mr. SMITH of Texas, Mr. BRIDENSTINE, Mr. NEUGEBAUER, Mr. PITTENGER, Mr. JONES, Mr. GOWDY, Mr. KING of Iowa, Mr. BLUM, Mr. BURGESS, Mr. COLLINS of Georgia, Mr. DUNCAN of South Carolina, Mr. CULBERSON, Mr. JODY B. HICE of Georgia, Mr. POSEY, Mr. HARRIS, Mr. CONAWAY, Mr. PALMER, Mr. CARTER of Texas, and Mr. FLORES):

H.R. 4197. A bill to amend the Immigration and Nationality Act to permit the Governor of a State to reject the resettlement of a refugee in that State unless there is adequate assurance that the alien does not present a security risk and for other purposes; to the Committee on the Judiciary.

By Mr. BRAT:

H.R. 4198. A bill to amend the Small Business Act to clarify the responsibilities of Commercial Market Representatives, and for other purposes; to the Committee on Small Business.

By Mr. DUFFY:

H.R. 4199. A bill to provide the government of Puerto Rico the choice to restructure its municipal debt in conjunction with enhanced financial oversight, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GIBSON (for himself, Mr. NUGENT, Mr. WALZ, and Mr. O'ROURKE):

H.R. 4200. A bill to amend title 10, United States Code, to provide a period for the relocation of spouses and dependents of certain members of the Armed Forces undergoing a permanent change of station in order to ease and facilitate the relocation of military families, and for other purposes; to the Committee on Armed Services.

By Mr. HASTINGS (for himself, Ms. LEE, Mr. GRIJALVA, Mr. FATTAH, Mr. BLUMENAUER, Mr. DEUTCH, Mr. JOHNSON of Georgia, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 4201. A bill to amend titles XVI, XVIII, XIX, and XXI of the Social Security Act to remove limitations on Medicaid, Medicare, SSI, and CHIP benefits for persons in custody pending disposition of charges; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KATKO (for himself and Mr. HANNA):

H.R. 4202. A bill to authorize the Secretary of the Interior to conduct a special resource study of Fort Ontario in the State of New York; to the Committee on Natural Resources.

By Mr. LIPINSKI:

H.R. 4203. A bill to amend title 49, United States Code, to prohibit certain fees related to aircraft lavatories, to require refunding baggage fees if baggage is delayed, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MACARTHUR (for himself, Miss RICE of New York, Mr. LANCE, Mr. PALLONE, Mr. FRELINGHUYSEN, Ms. DELAURO, Mr. LEVIN, Mr. PAYNE, Ms. MCCOLLUM, and Mr. PASCRELL):

H.R. 4204. A bill to posthumously award a Congressional gold medal to Alice Paul, in recognition of her role in the women's suffrage movement and in advancing equal rights for women; to the Committee on Financial Services.

By Mr. MCCAUL:

H.R. 4205. A bill to permit producers of ''Choose and Cut'' Christmas trees to opt out of the Christmas tree promotion, research, and information order; to the Committee on Agriculture.

By Mr. SARBANES (for himself, Mrs. ELLMERS of North Carolina, and Mr. MCNERNEY):

H.R. 4206. A bill to provide for a technology demonstration program related to the modernization of the electric grid; to the Committee on Energy and Commerce, and in addition to the Committee on Science, Space, and Technology, 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. SCHAKOWSKY (for herself, Mr. DOGGETT, Ms. LEE, Mr. POCAN, Ms. DELAURO, Mr. MCDERMOTT, Mr. WELCH, and Mr. CUMMINGS):

H.R. 4207. A bill to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to determine, on behalf of Medicare beneficiaries, covered part D drug prices for certain covered part D drugs, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Kentucky:

H.J. Res. 75. A joint resolution making further continuing appropriations for fiscal year 2016, and for other purposes; to the Committee on Appropriations.

By Mr. TROTT:

H. Res. 559. A resolution disapproving of Executive Order 13688, (regarding Federal support for local law enforcement equipment acquisition) issued by President Obama on January 16, 2015; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

158. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 144, urging the President and the Congress to support the National Breast Cancer Coalition's goal of knowing how to end breast cancer by 2020; to the Committee on Energy and Commerce.

159. Also, a memorial of the General Assembly of the State of New Jersey, relative to Senate Concurrent Resolution No. 132, requesting the Congress of the United States call a convention of the States to propose amendments to the Constitution of the United States; to the Committee on the Judiciary.

160. Also, a memorial of the Legislature of the State of Alabama, relative to House Joint Resolution No. 112, requesting the Congress of the United States call a convention of the States to propose amendments to the Constitution of the United States; to the Committee on the Judiciary.

161. Also, a memorial of the Legislature of the State of Michigan, relative to Senate Resolution No.: 105, encouraging the President, the Congress, and the Office of Management and Budget to support plans to upgrade the Soo Locks at Sault Ste. Marie, Michigan, and approve the Army Corps of Engineers' reprogramming request to fund an Economic Reevaluation Report for replacing the Davis and Sabin locks; to the Committee on Transportation and Infrastructure.

162. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 154, encouraging the President, the Congress, and the Office of Management and Budget to support plans to upgrade the Soo Locks at Sault Ste. Marie, Michigan, and approve the Army Corps of Engineers' reprogramming request to fund an Economic Reevaluation Report for replacing the Davis and Sabin locks; to the Committee on Transportation and Infrastructure.

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. CUMMINGS:

H.R. 4194.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1

By Mr. JONES:

H.R. 4195.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 5, and Article I, Section 8

By Mr. NOLAN:

H.R. 4196.

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. 4197.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 Clause 18

By Mr. BRAT:

H.R. 4198.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 gives Congress power to raise revenue for spending on the general welfare. Pursuant to Article 1, Section 8, Clause 18, it is necessary and proper that Congress provides guidelines for the manner in which public funds are spent.

By Mr. DUFFY:

H.R. 4199.

Congress has the power to enact this legislation pursuant to the following:

Article IV, section 3, clause 2 and Article I, section 8, clause 4.

By Mr. GIBSON:

H.R. 4200.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8.

By Mr. HASTINGS:

H.R. 4201.

Congress has the power to enact this legislation pursuant to the following:

U.S. Const. art. I § 8

By Mr. KATKO:

H.R. 4202.

Congress has the power to enact this legislation pursuant to the following:

Clause 2 of Section 3 of Article IV of the 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; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or any particular State.

By Mr. LIPINSKI:

H.R. 4203.

Congress has the power to enact this legislation pursuant to the following:

article I, section 8, clause 3 of the US Constitution

By Mr. MACARTHUR:

H.R. 4204.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. MCCAUL:

H.R. 4205.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 and Clause 3

By Mr. SARBANES:

H.R. 4206.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Paragraph 1

By Ms. SCHAKOWSKY:

H.R. 4207.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8: The Congress shall have the power to lay and collect taxes, duties; imposts, and exercises, to pay the debts and provide for the commen defense and general welfare of the United States.

By Mr. ROGERS of Kentucky:

H.J. Res. 75.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: ''No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . . .'' In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: ''The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States . . . .'' Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 379: Mr. CRAMER, Mr. TAKANO, Mr. KINZINGER of Illinois, and Mr. MICHAEL F. DOYLE of Pennsylvania.

H.R. 592: Mr. RICHMOND and Mr. LYNCH.

H.R. 649: Ms. MCCOLLUM.

H.R. 662: Mr. JOHNSON of Georgia.

H.R. 769: Mr. JONES.

H.R. 771: Mr. TIPTON and Mr. RIBBLE.

H.R. 775: Mr. SMITH of Texas, Mr. DOLD, and Mr. NEAL.

H.R. 842: Mrs. TORRES.

H.R. 863: Mr. BISHOP of Michigan.

H.R. 990: Mrs. LOWEY.

H.R. 1005: Mr. KIND.

H.R. 1039: Ms. LEE.

H.R. 1076: Mr. MOULTON, Mr. DELANEY, Mr. TED LIEU of California, Ms. KUSTER, Mr. BLUMENAUER, Mr. HINOJOSA, Mr. FOSTER, and Mrs. KIRKPATRICK.

H.R. 1116: Mr. MURPHY of Pennsylvania, Mrs. MIMI WALTERS of California, Mr. BARLETTA, and Mr. MEEHAN.

H.R. 1218: Mr. DEUTCH, Mr. WESTERMAN, and Mr. RICHMOND.

H.R. 1220: Miss RICE of New York.

H.R. 1282: Ms. MICHELLE LUJAN GRISHAM of New Mexico and Mrs. DAVIS of California.

H.R. 1292: Mr. ZELDIN.

H.R. 1303: Mr. WELCH.

H.R. 1304: Mr. WELCH.

H.R. 1427: Ms. JACKSON LEE and Mr. HUNTER.

H.R. 1568: Mr. KILMER.

H.R. 1594: Ms. KAPTUR, Mr. O'ROURKE, and Mr. JOYCE.

H.R. 1598: Mr. LOBIONDO.

H.R. 1602: Ms. EDWARDS.

H.R. 1625: Miss RICE of New York.

H.R. 1654: Mr. DONOVAN.

H.R. 1686: Mr. SMITH of Texas, Ms. NORTON, Ms. MATSUI, Mrs. NAPOLITANO, and Mr. BUCHANAN.

H.R. 1688: Mrs. BROOKS of Indiana.

H.R. 1728: Mr. KATKO and Mr. DELANEY.

H.R. 1751: Mrs. DAVIS of California and Ms. SPEIER.

H.R. 1761: Ms. MCCOLLUM.

H.R. 1769: Mr. LOEBSACK, Mr. SERRANO, and Mr. DONOVAN.

H.R. 1786: Mr. DENHAM.

H.R. 2087: Mr. DESAULNIER and Ms. DELAURO.

H.R. 2095: Mr. CARTWRIGHT.

H.R. 2101: Mr. NADLER.

H.R. 2102: Ms. LOFGREN, Mr. ASHFORD, Mr. LOWENTHAL, Mr. KILMER, Mr. HARPER, Mr. ROSS, and Mr. BUCHANAN.

H.R. 2114: Mrs. LOWEY.

H.R. 2142: Mr. PETERS and Mr. SHUSTER.

H.R. 2150: Ms. TITUS.

H.R. 2193: Ms. EDWARDS.

H.R. 2209: Mr. ROUZER.

H.R. 2283: Mr. BRENDAN F. BOYLE of Pennsylvania.

H.R. 2302: Mr. CAPUANO and Mrs. WATSON COLEMAN.

H.R. 2382: Mr. KATKO.

H.R. 2400: Mr. CULBERSON, Mr. SIMPSON, and Mr. ROONEY of Florida.

H.R. 2405: Mr. RANGEL.

H.R. 2411: Mr. HONDA, Mr. COURTNEY, Mr. POLIS, Ms. CLARK of Massachusetts, Mr. POCAN, Mr. SABLAN, Mr. MURPHY of Florida, Mr. GRAYSON, Ms. PINGREE, Mr. VAN HOLLEN, Mr. BEYER, Mr. HUFFMAN, Mr. GUTIÉRREZ, Mrs. WATSON COLEMAN, and Mr. CARSON of Indiana.

H.R. 2530: Ms. MCCOLLUM.

H.R. 2540: Mr. GIBSON.

H.R. 2646: Mr. ROSS and Mr. RIBBLE.

H.R. 2680: Ms. TITUS, Mr. CUMMINGS, Ms. WASSERMAN SCHULTZ, and Mr. SERRANO.

H.R. 2713: Mr. DELANEY.

H.R. 2715: Mr. DANNY K. DAVIS of Illinois.

H.R. 2716: Mr. PALAZZO.

H.R. 2759: Mrs. NAPOLITANO, Mr. CARTWRIGHT, and Mr. NOLAN.

H.R. 2805: Mrs. MIMI WALTERS of California.

H.R. 2858: Mr. CURBELO of Florida.

H.R. 2894: Mrs. NAPOLITANO.

H.R. 2896: Mr. FORTENBERRY.

H.R. 2903: Mr. LOEBSACK, Ms. FUDGE, Mr. GIBBS, and Mr. HILL.

H.R. 2911: Mr. DELANEY and Mr. HOLDING.

H.R. 3002: Mr. CULBERSON.

H.R. 3029: Ms. MCCOLLUM.

H.R. 3061: Mr. COHEN and Ms. MCCOLLUM.

H.R. 3069: Ms. TITUS and Ms. VELÁZQUEZ.

H.R. 3080: Mr. CRAMER.

H.R. 3084: Mr. STIVERS.

H.R. 3130: Mrs. KIRKPATRICK.

H.R. 3222: Mrs. BLACK.

H.R. 3261: Mr. COHEN.

H.R. 3323: Mr. DAVID SCOTT of Georgia and Mr. CARTWRIGHT.

H.R. 3326: Mr. MEEHAN and Mr. JORDAN.

H.R. 3366: Ms. TITUS.

H.R. 3381: Mrs. KIRKPATRICK, Mr. BOST, Mr. BRADY of Pennsylvania, Mr. PAULSEN, and Mr. KIND.

H.R. 3399: Ms. ESHOO.

H.R. 3411: Mr. ENGEL, Mr. MCGOVERN, Mr. RUSH, and Mr. COHEN.

H.R. 3516: Mr. BARTON and Mr. GOHMERT.

H.R. 3520: Mr. SMITH of New Jersey and Mr. SIRES.

H.R. 3565: Ms. MATSUI.

H.R. 3569: Mrs. LOWEY.

H.R. 3640: Ms. MCCOLLUM.

H.R. 3643: Mr. BERA.

H.R. 3652: Ms. MCCOLLUM.

H.R. 3658: Ms. MCCOLLUM.

H.R. 3680: Mr. HULTGREN.

H.R. 3691: Mr. HASTINGS and Ms. MCCOLLUM.

H.R. 3696: Mrs. NAPOLITANO.

H.R. 3706: Mr. QUIGLEY.

H.R. 3712: Ms. MCCOLLUM and Mr. ASHFORD.

H.R. 3785: Mr. DEUTCH and Mr. MCDERMOTT.

H.R. 3793: Mr. LEWIS, Mr. MCDERMOTT, and Ms. MCCOLLUM.

H.R. 3808: Mr. ASHFORD and Mr. SHERMAN.

H.R. 3841: Ms. MCCOLLUM.

H.R. 3852: Ms. NORTON.

H.R. 3892: Ms. GRANGER, Mr. JORDAN, Mr. STIVERS, and Mr. ROHRABACHER.

H.R. 3929: Mr. ROUZER and Mr. PALAZZO.

H.R. 3940: Mr. ROGERS of Alabama.

H.R. 4006: Mr. RICE of South Carolina.

H.R. 4016: Mr. RANGEL.

H.R. 4018: Mr. HECK of Nevada.

H.R. 4069: Mr. HUFFMAN, Mr. ENGEL, Ms. TSONGAS, and Mr. KEATING.

H.R. 4117: Ms. JACKSON LEE.

H.R. 4132: Mr. HARDY.

H.R. 4135: Mr. DESAULNIER and Mr. HINOJOSA.

H.R. 4143: Mr. MILLER of Florida.

H.R. 4144: Mr. DEFAZIO, Mr. TAKANO, Mr. GUTIÉRREZ, Mr. POCAN, Mrs. WATSON COLEMAN, Mr. SERRANO, and Mr. NOLAN.

H.R. 4152: Mr. ROE of Tennessee and Mr. BURGESS.

H.R. 4161: Mr. COLLINS of Georgia.

H.R. 4171: Mr. MEEKS.

H.R. 4181: Mr. SMITH of Nebraska, Mr. RODNEY DAVIS of Illinois, and Mr. GUTHRIE.

H.R. 4185: Mr. SMITH of Missouri, Mr. MILLER of Florida, Mr. ROGERS of Alabama, Mr. JOYCE, and Mr. LANGEVIN.

H.R. 4186: Mr. LANCE.

H.J. Res. 22: Ms. EDDIE BERNICE JOHNSON of Texas and Mrs. LAWRENCE.

H. Con. Res. 75: Mr. KING of New York, Ms. MCCOLLUM, Mr. LUETKEMEYER, and Mr. DONOVAN.

H. Res. 14: Mr. HONDA and Mr. HASTINGS.

H. Res. 32: Mr. ROYCE.

H. Res. 54: Mr. SMITH of Washington.

H. Res. 207: Mr. ISRAEL and Mr. STEWART.

H. Res. 230: Ms. MATSUI and Ms. MCCOLLUM.

H. Res. 248: Mr. THORNBERRY.

H. Res. 265: Mr. KINZINGER of Illinois.

H. Res. 289: Mr. KEATING and Mrs. LOWEY.

H. Res. 467: Mr. QUIGLEY, Mr. AGUILAR, Mr. CARSON of Indiana, Mr. HIMES, Mr. JEFFRIES, and Mr. HINOJOSA.

H. Res. 506: Ms. VELÁZQUEZ.

H. Res. 520: Ms. LEE.

H. Res. 534: Mrs. LOWEY.

H. Res. 536: Mr. GRAYSON, Mr. SMITH of New Jersey, and Mr. PASCRELL.

H. Res. 540: Mr. CARTWRIGHT.

H. Res. 549: Mrs. LOWEY, Mr. WELCH, and Mr. PAYNE.

H. Res. 558: Mr. HIMES.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. BRADY OF TEXAS

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, it shall not be in order to consider in the House of Representative a conference report to accompany a bill or joint resolution unless the joint explanatory statement includes a list of congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits. No provision in the conference report accompanying H.R. 644 includes an earmark, limited tax benefit, or limited tariff benefit under clause 9(e), 9(f), or 9(g) of rule XXI.

OFFERED BY MR. ROGERS OF KENTUCKY

H.J. Res. 75, a resolution making further continuing appropriations for fiscal year 2016, and for other purposes, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions, as follows:

H.R. 381: Mr. JOHNSON of Georgia.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, FIRST SESSION

Vol. 161 WASHINGTON, WEDNESDAY, DECEMBER 9, 2015 No. 178

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.

Eternal God, the Earth belongs to You and everything in it. Thank You for continuing to bless our lives. Give our lawmakers absolute trust in Your faithfulness and power. May the unfolding of Your loving providence in our history inspire them to persevere. Lord, fill them with Your Spirit, guiding their words and helping them to avoid risky rhetoric. Tune their hearts to the frequency of Your inner voice, making them responsible stewards of freedom.

Lord, thank You for blessing the United States of America throughout our history. Continue to unite us in the common cause of justice, righteousness, and truth.

We pray in Your strong 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.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. COTTON). Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

EVERY STUDENT SUCCEEDS BILL

Mr. MCCONNELL. Mr. President, some questioned whether Washington could ever agree on a replacement for No Child Left Behind. They needn't question any longer. Just consider today's headline from the Associated Press: ''Outdated education law up for major makeover in the Senate.''

This morning we expect that a new Senate that is back to work will send the Every Student Succeeds Act to the President for his signature. This forward-looking replacement for a broken law would open new opportunities for our kids and put education back in the hands of those who understand their needs best: parents, teachers, States, and school boards.

This bipartisan legislation would strengthen charter schools. This bipartisan legislation would prevent distant bureaucrats from imposing common core. This bipartisan legislation would substitute one-size-fits-all Federal mandates for greater State and local flexibility. In short, it is conservative reform designed to help students succeed, instead of helping Washington grow. It is a significant achievement for our country.

I thank everyone who helped make this moment possible. At the top of the list are two Senators. There is Senator ALEXANDER, a former Education Secretary from Tennessee, a Republican; and there is Senator MURRAY, a former preschool teacher from Washington State, a Democrat. They worked very hard. They worked across the aisle, and they worked in good faith.

Their success in this effort is our country's gain. It is a win for parents, and it is a win for dedicated teachers. Most importantly, it is a win for children because these young Americans deserve the enhanced opportunities the bill would provide.

There is something else we know about Senator ALEXANDER and Senator MURRAY about their accomplishment. It is a testament to what a new and more open approach can bring to the legislative process. It gives Senators of both parties more of a say. It gives Senators of both parties more of a stake. So Senators are more likely to be interested in working together and seeing good ideas through to completion. That is just what we have seen here.

Senator MURRAY said: ''I am very proud of the bipartisan work we have done on the Senate floor—debating amendments, taking votes, and making this good bill even better.''

Senator ALEXANDER said: ''The bill is just one more example that Congress is back to work.''

I couldn't agree more. Finding a serious replacement for No Child Left Behind eluded Washington for years. Today it will become another bipartisan achievement for our country.

I urge every colleague to join me in voting to send this forward-looking, conservative reform to the President's desk. Let's help every student by passing a bill NPR calls a ''sea change in the federal approach'' and the Wall Street Journal hails as ''the largest devolution of federal control to the states in a quarter-century.''

BIPARTISAN ACHIEVEMENTS

Mr. MCCONNELL. Mr. President, the new Congress and the new Senate this year have had a habit this year of turning third rails into bipartisan achievements. You might say we did so on highways and transportation last week. You might say we are doing so on schools and education this week.

We have also overcome significant obstacles to pass important legislation that would protect America's privacy online through the sharing of cyber threat information that would help fight against unfair trade barriers, that would help our military modernize and prepare for future threats, and that would bring hope to victims of deplorable crimes who suffer in the shadows.

But when it comes to the truest of third rails in American politics, some boil that down to just two phrases:

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Medicare and Social Security. We all know that positive action will be needed if we care about saving these programs for future generations. Republicans and Democrats are both aware of this inescapable fact. Yet too many politicians have been conditioned to believe that bringing one comma of positive reform to either law is political suicide.

Well, bipartisan majorities in the new Congress voted to change a lot more than just commas in both laws this year. We took bipartisan action on Medicare, reforming a broken payment system that has threatened seniors' care. We took bipartisan action on Social Security's disability component, enacting the most significant reform in a generation. As a result of these bipartisan reforms, we put a permanent end to Congress' annual doc fix drama. We brought reform to a program for disabled Americans that was scheduled to go broke next year. And we broke through on a bipartisan basis—an important psychological barrier that has held back broader positive action for the American people.

The scale of what this new Congress was able to achieve on these issues is noteworthy, but it is important for another reason. It clears a path for future wins for our constituents. That is good news for our country today, it is good news for future generations tomorrow, and it is another example of a Congress that is back to work for the American people and back on their side.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

EVERY STUDENT SUCCEEDS BILL AND FILIBUSTERS

Mr. REID. Mr. President, today we are taking a long, overdue step in moving beyond the Bush No Child Left Behind law.

The Every Student Succeeds Act will reduce the focus on testing while still ensuring that all students are making progress. This reauthorization of the Elementary and Secondary Education Act also includes new investments for early childhood education—a priority for Democrats.

The senior Senator from Washington, Mrs. MURRAY, and the chairman of the HELP Committee, Senator ALEXANDER, did good work in getting this bill passed. But while we pat ourselves on the back for passing this legislation, we shouldn't forget that we could have done this a long time ago. It was not long after the bill passed that we knew it was full of flaws, and we tried valiantly to change it for a number of years.

Why didn't we change it? Because there were Republican filibusters. We couldn't bring the bill to the floor. In fact, nearly every major bipartisan bill we passed this year could have become law in years past if Republicans had not blocked them, obstructed them, and filibustered them.

What are we talking about? We are talking about the bill we are going to vote on at 10:45 a.m., the Elementary and Secondary Education Act, and the so-called doc fix. My friend referred to that, the SGR. For years, because of something the Bush administration had done to fix it on paper to make the budget look good, we could not get past that. It was terrible for Medicare patients and very bad for Medicare physicians. We tried to change it not once, not twice, not three times, but numerous times. Every time we couldn't do it because of Republican obstructionism.

We passed the Terrorism Risk Insurance Act. Why didn't we do it earlier? Because the Republicans filibustered it, blocked it, and obstructed it.

The Department of Homeland Security funding that nearly shut down the government—we tried to do it earlier. We couldn't because of obstruction by Republicans.

The Suicide Prevention for American Veterans Act, also called the Clay Hunt Suicide Prevention for American Veterans Act—why didn't we do that earlier? Because they wouldn't let us. They filibustered it, they blocked it.

For the Shaheen-Portman energy efficiency bill it was the same thing; the USA FREEDOM Act, the same thing. As to cyber security legislation, my friend comes and boasts about all the good things done, and it includes cyber security. It takes a lot of gall to come here and boast about that. It was filibustered time and again by the Republicans.

My friend also talks about how great the Senate is operating. When he signed up for this job, he said that, as Republicans, they would take all bills through the committee of jurisdiction—absolute falsehood. They have not done that.

What am I talking about? Well, S. 534, the Immigration Rule of Law Act of 2015, went directly to the floor. DHS, Department of Homeland Security appropriations, directly bypassed the committee. For the Keystone Pipeline it was the same thing; Iran nuclear agreement, same thing; vehicle for the Trade Act, same thing; Trade Preferences Extension Act, same thing. H.R. 644, Trade Facilitation and Trade Enforcement Act, same thing, went directly to the floor and skipped the committee. Patriot Act extension, same thing—it skipped the committee. Highway bill, same thing—it skipped the committee. Defund Planned Parenthood skipped the committee and came right here. The vehicle for the Iran bill skipped the committee and came directly to the floor. The pain-capable bill, same thing—it skipped the committee and came here. And there are many other instances.

The bills I have talked about, with some exception, were good bills in the last Congress, and they were good bills this Congress. The only difference between then and now is that Republicans no longer blocked them.

I am not amused. I know that some may think this is amusing, but it is not. It is too serious. When my Republican colleagues take victory laps on legislation they filibustered last Congress, that is not a laughing matter. I say to my Republican friends: You get no credit for passing legislation now that Republicans blocked then. It doesn't work that way. We have not obstructed; we have been constructive. If Republicans are intent on claiming credit for moving forward bills they have blocked in the past, I hope they will change course this coming year and finally start to do something for the middle class.

Where have we done anything for the middle class during the first year of this Congress? I don't see a place. We are halfway through the 114th Congress, and I have seen little hope that they are planning on doing anything in the next few months. Let's see what happens next year.

This Congress so far has been a failure for middle-class Americans. We can change that next year. We can do something about the minimum wage that has been filibustered numerous times by the Republicans. Increasing the minimum wage is good for American workers, businesses, and the economy. Under Senator MURRAY's proposal, 38 million Americans stand to benefit from an increase in the minimum wage. In Nevada, almost 400,000 workers will get a raise. That is almost one-third of our State's workforce.

Next year we can finally address unfair wage disparity that takes money out of American women's paychecks. On average, women make about 77 cents for every dollar their male colleague makes for doing the same work. For women of color, the disparity is even worse. African-American women make 64 cents for every dollar their male colleagues make for doing the same work. Latino women make 53 cents for every dollar doing the same work that a man does. That is really unconscionable. I encourage the Republican leader to take up Senator MIKULSKI's Paycheck Fairness Act, which would help close the wage-gap disparity for American women.

Next year we could pass legislation to ease the burden of student loans, which are so costly. Americans now owe more than $1 trillion in student loan debt. Student loans are the second largest source of personal debt in the United States—even more than credit cards or auto loans. I hope Republicans will work with us to do something about this next year. Americans with student loans need the help.

These are just a few of the important matters I urge Republicans to undertake in the coming year. There are many things we can do to help the middle class. So instead of telling us how the Senate is working, why not work with Democrats? Instead of telling us how productive this year has been in

spite of all the empirical data that proves otherwise, why not make this coming year productive for America's working families? If we do that, then we can honestly tell the American people that the Senate is working again—not obstructing—because they would be working with us. We have worked with Republicans to pass legislation outlined by the Republican leader and previously filibustered by them.

STUDENT SUCCESS ACT—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the conference report to accompany S. 1177, which the clerk will report.

The senior assistant legislative clerk read as follows:

Conference report to accompany S. 1177, a bill to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

The PRESIDING OFFICER. Under the previous order, the time until 10:45 a.m. is equally divided between the two leaders or their designees.

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, the American people have a lot on their minds this week about things happening in our world and in our country, but today we turn our attention to something at home. The Senate and Congress—and I believe the President—by the end of the week will have a Christmas present for 50 million children and 3.4 million teachers in 100,000 public schools across this country, something they have been eagerly awaiting. Today the Senate should pass by a large margin our bill to fix No Child Left Behind.

A lot has been said about how the bill repeals the common core mandate, how it reverses a trend toward a national school board that has gone on through the last two Presidential administrations, and how it is the biggest step toward local control in a quarter of a century for public schools. That is all true.

The legislation specifically prohibits the U.S. Secretary of Education from specifying in any State that it must have the common core standards or any other academic standards—not just this Secretary but future Secretaries. It gets rid of the waivers the U.S. Department of Education has been using to act, in effect, as a national school board, causing Governors to have to come to Washington and play ''Mother May I'' if they want to evaluate teachers or fix low-performing schools or set their own academic standards. And it is true that it moves a great many decisions at home. It is the single biggest step toward local control of schools in 25 years.

This morning, as we come to a vote, which we will do at 10:45, I would like to emphasize something else. I believe the passage of this legislation—and if it is signed later this week, as I believe it will be, by President Obama—will unleash a flood of innovation and excellence in student achievement across America, community by community and State by State. Why do I say that? Look at where the innovation has come from before. My own State, Tennessee, was the first State to pay teachers more for teaching well, creating a master teacher program in the 1980s. Florida came right behind. That didn't come from Washington, DC. The Democratic-Farmer-Labor Party in Minnesota created what we now call charter schools in the early 1990s. That didn't come from Washington. The Governors themselves met with President George H.W. Bush in 1989 to establish national education goals—not directed from Washington but with Governors working together, with the President involved in leading the way and providing the bully pulpit support. Then the Governors since that time have been setting higher standards, devising tests to see how well students were doing to reach those standards, creating their own State accountability systems, and finding more ways to evaluate teachers fairly.

My own State has done pretty well without Washington's supervision. Starting with the master teacher program in the 1980s, then-Governor McWherter, in his time in the 1990s, helped Tennessee pioneer relating student achievement to teacher performance. Then Governor Bredesen, a Democratic Governor, realized that our standards were very low—we were kidding ourselves—so he, working with other Governors, pushed them higher. Our current Governor Bill Haslam has taken it even further, and our children are leading the country in student achievement gains. So the States themselves have been the source of innovation and excellence over the last 30 years.

We have learned something else in the last 10 or 15 years: Too much Washington involvement causes a backlash. You can't have a civil conversation about common core in Tennessee or many other States. It is the No. 1 issue in Republican primaries, even in general elections, mainly because Washington got involved with it. Now Washington is out of it, and it is up to Tennessee and Washington and every State to decide for themselves what their academic standards ought to be. The same is true with teacher evaluation.

I was in a 1½-year brawl with the National Education Association in 1983 and 1984 as Governor, when we paid teachers more for teaching well. It carried by one vote in our State senate. So when I came to Washington a few years ago, people said: Well, Senator ALEXANDER is going to want every State to do that. They were absolutely wrong about that. The last thing we should do is tell States they must evaluate teachers and how to evaluate teachers. It is hard enough to do without somebody looking over your shoulder. Too much Washington involvement has actually made it harder—harder to have higher standards and harder to evaluate teachers. I believe we are changing that this week.

I had dinner with a Democratic Senator last night who plans to vote for the bill. He said he would have given me 5-to-1 odds at the beginning of the year that we wouldn't be able to pass this bill. Why are we at the point where we are likely to get votes in the mid-eighties today in favor of the bill? No. 1, because we worked on it in a bipartisan way. And I have given credit many times to Senator MURRAY from the State of Washington for suggesting how we do that. I see Senator MIKULSKI from Maryland on the floor. She has been a force for that as well. Our committee worked in a bipartisan way, and so did the House of Representatives as we worked through the conference.

The President and his staff members and Secretary Duncan have been professional and straightforward in dealing with us all year long, and I am grateful for that. We knew from the beginning, when we said to the President: Mr. President, we know we can't change the law; we can't fix No Child Left Behind unless we have your signature. We know that. He dealt with us in a straightforward way.

Then we found a consensus. Once we found that consensus, it made a very difficult problem a lot easier. The consensus is this: We keep the important measurements of student achievement so that parents, teachers, and schools will know how schools, teachers, and parents are doing. There are 17 tests designed by the States, administered from the 3rd grade through the 12th grade, about 2 hours per test. That is not very many tests. Keep those, report the results, disaggregate the results, and then leave to classroom teachers, school boards, and States the decisions about what to do about the tests. That should result in better and fewer tests. That consensus underpins the success we have had.

Six years ago, in December, we had a big disagreement in this Chamber. We passed the Affordable Care Act, with all the Democrats voting yes and all the Republicans voting no. The next day, the Republicans went out and started trying to repeal it, and we haven't stopped. That is what happens with that kind of debate. This is a different kind of debate.

If the President signs this bill, as I believe he will, the next day, people aren't going to be trying to repeal it. Governors, school board members, and teachers are going to be able to implement it, and they will go to work doing it. They will be deciding what tests to give, what schools to fix and how to fix them, what the higher academic standards ought to be, and what kind of tests should be there. It will be their decision. They will be free to do it from the day the President signs this bill. It lasts only for 4 years until it is supposed to be reauthorized, but my guess is that this bill and the policies within

it will set the standard for policy in elementary and secondary education from the Federal level for the next two decades.

It is a compromise, but it is a very well-crafted piece of work. It is good. It is good policy.

There are some things that are undone. Senator MURRAY has her list of things that couldn't get in the bill, and I have mine. I was glad to see us make more progress on charter schools. I have watched that go from the time I was Education Secretary in the early 1990s, when I wrote a letter to every school superintendent asking them to try at least one of those Minnesota start-from-scratch schools. I watched it go from there to today where over 5 percent of our children in public schools go to charter schools. That is a lot of kids—almost 3 million children—going to schools where teachers have more freedom and parents have more choices.

What we haven't made as much progress on is giving low-income parents more choices of schools for their children so they have the same kind of opportunity that financially better off parents do. My Scholarship for Kids proposal got only 45 votes here. I thought it was a very good idea that would give States the option—not a mandate—to turn all their Federal education dollars into scholarships for low-income children. That would be $2,100 for each of those children, and it would follow them to the school their parents chose under the State's rules, not Washington's rules. That is not a part of this bill, but we can fight about that and discuss that another day, and I intend to try to do that.

Today I think we celebrate the fact that we have come to a very good conclusion. We are sending to the President a bill I hope he will be comfortable with. While it does repeal the common core mandate and it does reverse the trend to a national school board and it is the biggest step toward local control in 25 years, what excites me about the bill is I believe it will unleash a flood of innovation and excellence in elementary and secondary education that will be a wonderful Christmas present for 50 million children in 100,000 public schools being taught by 3.4 million teachers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise in support of the Every Child Succeeds Act. Today will be a great day for the Senate because we will actually pass a bill that is a result of a bipartisan effort led by two very able and dedicated leaders, Chairman ALEXANDER and Ranking Member PATTY MURRAY. They have done an outstanding job in guiding the committee and encouraging open debate with extensive hearings, consultation with Members, and committee markups that were long, hard, and sometimes quite feisty to say the least. That is the way the Congress ought to be, and I thank them.

I think their dedication showed that in the Senate—we acknowledge the work of Chairman KLINE and Ranking Member SCOTT in the House, but here, we were led by two educators: Senator ALEXANDER, the former president of a university and former Secretary of Education and Senator MURRAY, a teacher herself, who has taught us many lessons in our caucus on how to do the right job in the right way.

Today we come with the rewrite of a bill that started 50 years ago, when Lyndon Johnson wanted to have a war on poverty and passed the Elementary and Secondary Education Act. It was the first time the Federal Government was going to be involved in education and wanted to be sure there were Federal resources to help lift children out of poverty.

Many us agree with what the great former Secretary of State Condoleezza Rice said, that education is the civil rights issue of this generation because education is what opens doors today and opens doors tomorrow. The legislation we pass today will make sure that we correct the problems of the past and do the right thing in the future.

When I knew that the committee was going to be serious about the doing the bill, I crisscrossed Maryland consulting with parents, teachers, and administrators of our school system to get the best ideas. The first thing I asked was, what are we doing right, what are we doing wrong, what do you want us to do more of, and when do you want us to get the heck out of the way?

They said to me: Senator Barb, the problem in Washington is that you have a one-size-fits-all mentality. Washington wants to take the same rules that apply in New York City and apply them to Ocean City, MD. You cannot have a one-size-fits-all for every school district in the United States of America.

The second thing they said is, yes, you need accountability; yes, you do need metrics. But what we have come up with is overtesting that still does not result in high performance.

I worked on a bipartisan basis with the leadership to do what we could to get rid of the excesses of one-size-fits-all, all decisions that are made in Washington, and the fact that we shouldn't be racing to the test, we should be racing to the top.

My first rule in working on this legislation was to do no harm. I was deeply disturbed that there was an effort to change the formula—the formula that meant what Federal funds do come in the area of title I. We worked very hard to make sure the formula was fair and equitable, along with the rules of the game now and the groundwork for the rules of the game for the future.

What that meant was that initially Maryland would have lost $40 million and Baltimore City and Baltimore County would have each lost $6 million. In Prince George's County, which is experiencing a new wave of immigrant children, we would have lost $7 million. We were able to make sure the formula works the way it should.

We also made sure our teachers have the support they need. Our teachers have been overregulated. They have had demands placed on them to solve problems that are not theirs when a child comes to the classroom. Their job is to teach the child, but they can't solve every problem the child has. Many of our children come to school with significant and severe health problems. Some have peanut allergies. Some have asthma. Some are challenged by autism. The school system needs help with supportive services.

I am so proud of the effort I led to make sure we have opportunities for school nurses to be in those schools; to make sure Federal funds can be used for the coordination of the services that will be needed to provide and oversee the health needs of our children, such as vision screening, hearing screening, and important mental health services—this is what we need to be able to do; also, to make sure that while we maintain testing in reading and math, we make sure we get rid of the overtesting and the race to the test.

The Every Student Succeeds Act is good for all of Maryland's students. There are 874,000 boys and girls in school today. Some are from at-risk populations. What we do here is get them ready for school. We make investments in preschool education, which is so important. We have afterschool programming because children don't learn only during the school day but through structured afterschool programming. Children continue to learn all day while they are in a safe and secure environment. We empower families, we empower teachers, and we empower the local level.

I think this is a very good job in what has been done here. What we hope to be able to do is to make sure our children are ready for the 21st century. I believe this bill is a downpayment on our children's future and therefore on our Nation's future. When we spend money on education, the benefit not only accrues to the child, it accrues to our society. Every time a child can read, every time a child can participate in the demands and the knowledge of what the 21st century requires, we are going to be in a better place.

I congratulate Senator ALEXANDER and Senator MURRAY on a great job.

I urge adoption of the conference report.

I yield the floor.

Mr. CARDIN. Mr. President, today I wish to celebrate a truly bipartisan, bicameral accomplishment. For the first time in 14 years, Congress is on the precipice of reauthorizing the Elementary and Secondary Education Act, ESEA. First enacted 50 years ago as a part of the civil rights era, this legislation sought to ensure all children, regardless of ZIP code, were able to obtain a high-quality education. The latest reauthorization of ESEA was signed

into law in 2001 as the No Child Left Behind, NCLB, Act. Due for reauthorization since 2007, an entire generation of students have matriculated through our Nation's public school system under this Federal education policy while reforms have been desperately needed. I am proud of the compromises that Senate HELP Committee Chairman ALEXANDER and Ranking Member MURRAY were able to craft together starting back in January and for the tireless work of their staffs to get us to this point we are at today.

Ensuring access to a high-quality education is one of the most important duties of Federal, State, and local governments. While Congress enacted the NCLB Act with the best of intentions and a comforting name, in reality the red tape and overreliance on the Federal assessments it codified have left far too many children behind since its passage. In the years leading up to today, I have heard from parents concerned about the pressure their children feel when taking certain assessments, I have been disheartened to hear educators in my State say that they are falling out of love with teaching with consistently changing mandates and the unpredictability of high stakes testing, and I have met with education leaders who are trying to make the best of an untenable situation. All of those involved in education—from students, parents, educators, school support personnel, education leaders, volunteers, and organizations which hold our schools accountable to ensure every child obtains a high-quality education—deserve to move on from the failed NCLB Act.

I have often heard from educators in my State who stress that a child is more than a single or collective set of test scores. I am pleased the Every Child Achieves Act, ECAA, will replace the Federal, one-size-fits-all ''adequate yearly progress'' accountability system and allow States to design their own accountability systems to identify, monitor, and assist schools. Rather than relying on a collective set of test scores to determine student performance, accountability systems will be able to take into consideration student growth over the course of a school year. States will be able to consider multiple measures of student learning, including access to academic resources, school climate and safety, access to support personnel, and other measures which can allow for differentiation in student performance. All of this will be done while ensuring that students are held to the high yet achievable standard of being college- and career-ready upon completion of high school.

I am proud that the ECAA recognizes that, to support a successful student, schools should support the whole child, both physically and mentally. The approved bill includes a provision I coauthored with Senator ROY BLUNT that will allow schools in low-income areas to use Federal resources under title I to provide school-based mental health programs. School-based mental health programs have been proven to increase educational outcomes, decrease absences, and improve student assessments. The ECAA also makes an effort to ensure students in our Nation have a deeper understanding of how our government functions, and I would like to thank Senators CHUCK GRASSLEY and SHELDON WHITEHOUSE for working with me to modify the american history and civics title of ECAA to accomplish this goal. Our provision allows evidence-based civic and government education programs that emphasize the history and principles of the U.S. Constitution, including the Bill of Rights, to receive Federal funding for expansion and dissemination for voluntary use. For too long, a singular focus on assessments pushed out other important subjects like these which ensure a student receives a well-rounded education.

My home State of Maryland has made a commitment to funding education adequately over the past decade that has allowed Maryland to be a consistent national leader in student performance and student outcomes. Each day, our State's nearly 875,000 students make their way to the classrooms of more than 60,000 educators and thousands more support personnel and education leaders in nearly 1,446 Maryland schools. I appreciate the service of educators not only from the perspective of a lawmaker, father, and grandfather, but also as a husband of a teacher. I appreciate my colleague Senator BARBARA MIKULSKI, for standing with me to prevent a proposal from Senator RICHARD BURR from being included in the final conference report which would have harmed Maryland's hardest to serve low-income students. Senator BURR's proposal would have reduced Maryland's share of title I-A funding for educating low-income children by $40 million per year, punishing States like Maryland that have made the decision to make proper investments in funding education for our children. Thanks to the work of Senator MIKULSKI and a strong coalition of members from similar States, the final conference report does not include this provision.

The legislative process is about comprise. In many respects, this bill is a vast improvement over the No Child Left Behind Act, and the hard work of HELP Committee Chairman ALEXANDER, Ranking Member MURRAY, House Education and the Workforce Chairman JOHN KLINE, and Ranking Member BOBBY SCOTT have led us to this point. However, work remains to address a current lack of protections to make our schools safer places for lesbian, gay, bisexual, and transgender, LGBT, students. In addition, Congress must not repeat the same mistakes we learned from under the NCLB Act by underfunding our Nation's public schools. I stand ready to work with Members from both parties to ensure that all Americans can obtain a high-quality education.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, Duncan Taylor is the parent of a second grader in Highline public schools in my home State of Washington. Like so many parents in my State, he got a letter in the mail saying his son's school was failing.

Last year, Washington State lost its waiver from No Child Left Behind's requirements. Not only did that mean most of the schools in the State are now labeled as failing, it meant Washington State lost flexibility over how to spend some of its Federal funding.

As an active member of the PTA, Duncan volunteers in the classroom. So he knew that the label of ''failing'' did not reflect the kind of education his son was getting, but as an education advocate, he also knew that losing out on that funding—in effect punishing schools that serve students from all kinds of backgrounds—was not going to help. Like so many parents and teachers across the Nation, Duncan has been following our work to reauthorize the Nation's elementary and secondary education bill. We cannot let them down.

I thank Chairman ALEXANDER for working with me since February on a bipartisan path to get us to this point today. This process started when Chairman ALEXANDER and I agreed that No Child Left Behind is badly broken and needed to be fixed. He has been a great partner, and I am thrilled we have reached this point together.

I also thank all of our colleagues on the HELP Committee for their work and dedication in moving this bill forward. In particular, I thank my committee Democrats for their tireless work on behalf of families, schools, and communities in their States. This is a stronger bill thanks to their commitment and effort.

I thank the two leaders, Senator MCCONNELL and Senator REID. In particular, I thank Senator REID for his guidance and support.

We would not be where we are without Chairman KLINE and Ranking Member SCOTT in the House. While Chairman KLINE and I do not see eye to eye on everything, he has been a great partner on this bill, and I look forward to getting more done with him before he retires next year. Ranking Member BOBBY SCOTT has been a partner in getting this deal done. Without him and the passion he brings around dropout factories and creating a real accountability system for our schools so all children can succeed, we would not have been able to get this bill to a place where Democrats and the President could support it.

There have been many late nights and weekends for our staff this year. I want to take a moment now to recognize their extraordinary efforts and service. On Senator ALEXANDER's staff, I want to particularly acknowledge and thank his staff director, David Cleary,

as well as Peter Oppenheim and Lindsay Fryer, his education and K–12 policy leads, who worked closely with our staff over many months. I also want to acknowledge and thank Jordan Hynes, Bill Knudson, Lindsey Seidman, Hillary Knudsen, Bobby McMillin, and Jim Jeffries, who all did great work on this important bill.

In the House, I was proud to work with Chairman JOHN KLINE, and I recognize and thank his staff director, Juliane Sullivan, as well as Amy Jones, Brad Thomas, Mandy Schaumburg, Leslie Tatum, Kathlyn Ehl, Matthew Frame, Sheariah Yousefi, Krisann Pearce, and Brian Newell.

I was glad to work with my friend, Ranking Member BOBBY SCOTT, and I truly appreciate all of his hard work and dedication to this bill. I want to recognize and thank his staff director, Denise Forte, along with Jacque Chevalier, Helen Pajcic, Alex Payne, Christian Haines, Kiara Pesante, Brian Kennedy, and Rayna Reid.

In addition, I thank our committed floor staff, who provide outstanding guidance to us every day. In particular, I thank Gary Myrick, Tim Mitchell, Tricia Engle, and Daniel Tinsley.

Finally, I cannot say enough about my own incredible staff, who have put their time and talents into this bill from the word ''go.'' In particular, I want to thank my staff director, Evan Schatz, and my public education policy director, Sarah Bolton, for their extraordinary efforts on this legislation.

I want to acknowledge the long and hard work of Amanda Beaumont, Allie Kimmel, Leanne Hotek, Jake Cornett, Aissa Canchola, Sarah Rosenberg, Aurora Steinle, Leslie Clithero, Eli Zupnick, Helen Hare, Mary Robbins, Jeff Crooks, John Righter, Beth Stein, Beth Burke, Sarah Cupp, Melanie Rainer, Stacy Rich, Emma Rodriguez, and my chief of staff, Mike Spahn. I noticed all of your long, hard work on the unwavering commitment.

As a former teacher, I want to thank you for standing up for the best interests of our students, our educators, and our communities in Washington State and across the country. We would not be where we are today without all of your efforts. Thank you.

Every Senator here has heard from teachers, parents, and students in their home State about how No Child Left Behind is badly broken. For one thing, the law overemphasized testing, and oftentimes those tests are redundant or unnecessary. It issued one-size-fits-all mandates but then failed to give States the resources to meet those standards. I have seen firsthand how this law is not working in my home State of Washington.

Thankfully, we were able to work in a bipartisan way on a solution. Together, we passed our bill through the HELP Committee with strong bipartisan support. We passed our bill here on the Senate floor with strong bipartisan support. We got approval from our bicameral conference committee with strong bipartisan support. Last week the House passed this final legislation with strong bipartisan support. Today I hope our colleagues here will approve this final bill with the same bipartisan spirit that has guided our progress so far.

The Every Student Succeeds Act will reduce reliance on high-stakes testing. It will invest in improving and expanding access to early learning programs so more kids start kindergarten ready to learn. It will help ensure that all students have access to a quality education regardless of where they live, how they learn, or how much money their parents make.

With today's vote, I am looking forward to going back home and telling teachers and principals that we are on their side. I am looking forward to showing the American people that Congress can actually work when both sides work together.

I am looking forward to making sure this bill is implemented in a way that works for Washington State students, parents, teachers, and communities, but first we have to clear this last legislative hurdle before we can send it to the President's desk. I urge my colleagues to vote yes to pass the Every Student Succeeds Act. Vote yes to fix No Child Left Behind. Vote yes to prove Congress can break through gridlock, work together, and get results. Vote yes to pass this bill for students, parents, teachers, and communities across the country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

ORDER OF PROCEDURE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that following the vote on the adoption of the conference report, the Senate be in a period of morning business until 6 o'clock p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, yesterday I extended my appreciation to Senator MURRAY's staff and to mine—some she noted yesterday. Some of them have been working on this bill for 5 years. I am deeply grateful to them. I have deep appreciation for their hard work, their ingenuity, and their skill in helping us come to this result. Without their hard work and tireless effort, we wouldn't have been able to reach the successful conclusion on the passage of this important bipartisan, bicameral bill.

On Senator MURRAY's exceptional staff, I would like to thank Evan Schatz, Sarah Bolton, Amanda Beaumont, John Righter, Jake Cornett, Leanne Hotek, Allie Kimmel, and Aissa Canchola.

On my hardworking and dedicated staff, I would like to thank David Cleary, Peter Oppenheim, Lindsay Fryer, Bill Knudsen, Jordan Hynes, Hillary Knudson, Jake Baker, Lindsey Seidman, Allison Martin, Bobby McMillin, Jim Jeffries, Liz Wolgemuth, Margaret Atkinson, and Taylor Haulsee.

I would like to thank some of my former staff who participated in this multiyear effort, but have moved on to other endeavors, including Marty West, Diane Tran, Matthew Stern, Patrick Murray, and Haley Hudler.

On Chairman KLINE's staff, I would like to thank Juliane Sullivan, Amy Jones, Brad Thomas, Mandy Schaumburg, Leslie Tatum, Kathlyn Ehl, and Sheriah Yousefi.

On Congressman SCOTT's staff, I would like to thank Denise Forte, Brian Kennedy, Jacque Chevalier, Helen Pajcic, Christian Haines, Kevin McDermott, Alex Payne, Kiara Pesante, Arika Trim, Rayna Reid, Michael Taylor, Austin Barbera, and Veronique Pluviose.

I would like to thank the hard-working staff of our Senate HELP Committee members and conferees, who played important roles in reaching this agreement, including Steve Townsend with Senator ENZI, Chris Toppings with Senator BURR, Brett Layson with Senator ISAKSON, Natalie Burkhalter with Senator PAUL, Katie Brown with Senator COLLINS, Karen McCarthy with Senator MURKOWSKI, Cade Clurman and Natalia Odebralski with Senator KIRK, Will Holloway with Senator SCOTT, Katie Neal with Senator HATCH, Josh Yurek with Senator ROBERTS, Pam Davidson with Senator CASSIDY, Brent Palmer with Senator MIKULSKI, David Cohen with Senator SANDERS, Jared Solomon with Senator CASEY, Gohar Sedighi with Senator FRANKEN, Juliana Hermann with Senator BENNET, Brenna Barber with Senator WHITEHOUSE, Brian Moulton with Senator BALDWIN, Mike DiNapoli with Senator BALDWIN, Eamonn Collins with Senator MURPHY, and Josh Delaney with Senator WARREN.

Much of the hard-working staff from the White House and Department of Education also provided great help in getting this conference agreement completed.

From the White House, I would like to thank Chief of Staff Denis McDonough, Domestic Policy Adviser Cecilia Muñoz, James Kvaal, Roberto Rodriguez, Kate Mevis, Don Sisson, and Mario Cardona.

From the U.S. Department of Education, I would like to thank Secretary Arne Duncan, Emma Vadehra, and Lloyd Horwich for their technical assistance.

The Senate legislative counsel staff work long hours on the many drafts of this bill and the amendments we considered on the floor in July, so I would like to especially thank Amy Gaynor, Kristin Romero, and Margaret Bomba.

We always rely on the experts at the Congressional Research Service to give us good information in a timely manner, so I extend my thanks to Becky Skinner, Jeff Kuenzi, Jody Feder, and Gail McCallion.

On Senator MCCONNELL's staff, I would like to thank Sharon Soderstrom, Don Stewart, Jen Kuskowski, Katelyn Conner, Erica Suares, John Abegg, Neil Chatergee, and Johnathan Burks.

On the Senate floor staff, I would like to thank Laura Dove, Robert Duncan, Chris Tuck, Mary Elizabeth Taylor, Megan Mercer, Tony Hanagan, Mike Smith, and Chloe Barz.

On Senator CORNYN's staff, I would like to thank Monica Popp, Emily Kirlin, and John Chapuis.

From the Republican Policy Committee, I would like to thank Dana Barbieri.

Finally, I would like to thank some in the education community for their persistent help with this bill, including Mary Kusler with the National Education Association, Tor Cowan with the American Federation of Teachers, Chris Minnich, Peter Zamora Carissa Moffat Miller, and Jessah Walker with the Council of Chief State School Officers, Stephen Parker and David Quam with the National Governors Association, and Noelle Ellerson and Sasha Pudelski with the School Superintendents Association.

Mr. President, as I said earlier—and I am speaking mainly to my colleagues on the Republican side now—Senator MURRAY's preference for a large early childhood program is not in the bill. My preference for a large program to give parents more choices of schools is not in the bill. We are not voting on that today.

Today we are voting on one of two things: the status quo or the change. You are either voting yes to repeal the common core mandate or no to keep it. You are either voting yes to get rid of the waivers through which the U.S. Department of Education has been operating as a national school board for 80,000 schools in 42 States or a vote no is saying: I like the national school board. Your voting yes means the largest step toward local control of schools in 25 years or no means you are voting against the largest step toward local control in 25 years. A vote yes means you like the fact that this bill should produce less testing; no means you like the testing the way it is. Those are the choices. We are past the time when each of us has a chance to offer an amendment. We all offered our amendments. I have offered mine. Some of mine got 45 votes, and I needed 60 votes, so they are not in the bill, but the choice today is a choice to unleash a flood of excellence in student achievement across this country the way it should be—State by State, community by community, classroom by classroom.

I urge my colleagues to vote yes.

I yield back any time we have remaining.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on the adoption of the conference report.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from Florida (Mr. RUBIO).

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted ''nay.''

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

The PRESIDING OFFICER (Mr. SULLIVAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 12, as follows:

[Rollcall Vote No. 334 Leg.]

YEAS—85

Alexander	Fischer	Murkowski
Ayotte	Franken	Murphy
Baldwin	Gardner	Murray
Barrasso	Gillibrand	Nelson
Bennet	Graham	Perdue
Blumenthal	Grassley	Peters
Booker	Hatch	Portman
Boozman	Heinrich	Reed
Boxer	Heitkamp	Reid
Brown	Heller	Roberts
Burr	Hirono	Rounds
Cantwell	Hoeven	Schatz
Capito	Inhofe	Schumer
Cardin	Isakson	Sessions
Carper	Johnson	Shaheen
Casey	Kaine	Stabenow
Cassidy	King	Sullivan
Coats	Kirk	Tester
Cochran	Klobuchar	Thune
Collins	Lankford	Tillis
Coons	Leahy	Toomey
Corker	Manchin	Udall
Cornyn	Markey	Warner
Cotton	McCain	Warren
Donnelly	McCaskill	Whitehouse
Durbin	McConnell	Wicker
Enzi	Menendez	Wyden
Ernst	Merkley	
Feinstein	Mikulski	

NAYS—12

Blunt	Lee	Sasse
Crapo	Moran	Scott
Daines	Paul	Shelby
Flake	Risch	Vitter

NOT VOTING—3

Cruz	Rubio	Sanders

The conference report was agreed to.

VOTE EXPLANATION

• Mr. RUBIO. Mr. President, today the Senate voted on the adoption of the conference report to accompany S. 1177, the Every Child Achieves Act. The conference report is commonly referred to as the Every Student Succeeds Act. While the Every Student Succeeds Act takes important steps in restoring some control over education decisions back to the States, it does not go far enough. Unfortunately, the bill does not grant States autonomy in all education decisionmaking, expands the Federal Government's role in pre-K, and fails to include important measures that broaden school choice. Due to these shortcomings, I am unable to lend my support to this bill.•

MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Tennessee.

EVERY STUDENT SUCCEEDS BILL

Mr. ALEXANDER. Mr. President, today the U.S. Senate, by a vote of 85 to 12, has sent a Christmas present to 50 million children across this country. First, it has to go down Pennsylvania Avenue to the White House, where we hope President Obama will wrap a big red bow around it, sign it, and send it to the children and the 3.4 million teachers who are looking forward to it.

This is a bill that is so important that the Nation's Governors gave it their first full endorsement of any piece of legislation in 20 years. It has the full support of the Chief State School Officers, it has the full support of the school administrators, and it has the support of the American Federation of Teachers and the National Education Association.

This is very good policy, and the reason it is, is it is bipartisan, it is a consensus, and instead of arguing about it after the President signs it—which I hope he will—classroom teachers, school board members, Governors, community by community, State by State can go to work implementing it, and making their plans to make their own decisions about what kind of tests to give, how many to give, what the standards should be, how to fix failing schools, how to reward outstanding teachers. We have created an environment that I believe will unleash a flood of excellence in student achievement, State by State and community by community.

I thank the Members of the Senate. I especially thank the, members of the Health Education, Labor, and Pensions Committee who have worked so well together—all 22 of them. I especially thank Senator PATTY MURRAY of Washington for her leadership and her effectiveness in helping to get such a remarkable event.

To take an issue this complex and difficult and have a vote of 85 to 12 proves that when the Senate puts its mind to it, it can do some very good work. We have done that today.

ORDER FOR RECESS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate recess today from 1 p.m. to 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Washington.

EVERY STUDENT SUCCEEDS BILL

Mrs. MURRAY. Mr. President, let me echo the words of our chairman and thank him, our staff and everyone who has worked on this and everyone who has supported this in a bipartisan way to send it now to the President to be signed into law.

It is a great step forward. As the chairman, Senator ALEXANDER, just said, the work must now begin in our schools, in our communities, and in our

States to find ways to make sure all of our students achieve. We have put them on that, we expect them to live up to that, and that is the promise of this bill.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

UNANIMOUS CONSENT REQUEST—S. 1774

Mr. SCHUMER. Mr. President, I am going to ask for a unanimous consent request but speak for a couple of minutes, engaging in some discussion with my dear friend, the senior Senator from the State of Utah.

First, I thank him for coming to the floor today on this issue. I am heartened that he has expressed interest in working with us to get something done to help our fellow citizens in Puerto Rico. I also thank my friends, the Senators from Connecticut, New Jersey, Oregon, Washington, Illinois, and my colleague from New York who is here for their steadfast support for helping Puerto Rico in this time of crisis.

I rise deeply troubled by the dire economic, financial, and health care situation in Puerto Rico. The island is facing a financial crisis, a health care system on life support, and the situation grows more dire each month.

Puerto Rico is $73 billion in debt already and large bond payments will continue to become due next month and in the months to come. Sadly, as Puerto Rico's economy and health care system has floundered, residents have started to flee their homeland. As the economic situation worsens, the population shift from the island to the mainland will continue until the only ones left are those who don't have the resources to move. At that point we are going to have a humanitarian crisis on our hands, if there isn't one already.

There are 3.5 million people, Puerto Ricans, living on the island today and another 5.2 million living in the United States, including over 1 million in my State of New York. We have a basic American responsibility to aid all American citizens in times of crisis, no matter where they live. Beyond that basic imperative, if we fail to offer Puerto Rico assistance now, the problem will not be contained to the island.

We need to be concerned with these issues, not only because Puerto Ricans are part of the American family and deserve the quality of life we all expect but also because our failure to act now could result in a Puerto Rican financial crisis that becomes a drag on our entire economy. I want to underscore this point. Congress must intervene before the crisis deepens and widens. We have the tools to fix this problem. They are sitting in the toolbox. The problem is Puerto Rico isn't allowed to use them.

Similar to chapter 9 protections offered under the Bankruptcy Code, every State in the United States can access chapter 9 protections for municipal and public corporate debt, but Puerto Rico, because it is a territory, cannot. Providing Puerto Rico the ability to restructure its debt is absolutely necessary if Puerto Rico is going to get out from this financial crisis.

Senator BLUMENTHAL and I have introduced legislation along with many of my other colleagues who will join us today that will put Puerto Rico on an equal footing when it comes to chapter 9. At the very least we should pass it right away. There are other proposals as well. We could widen bankruptcy protections. There are health and economic issues as well and we have to look at those.

I stress to my colleagues on the other side of the aisle that giving Puerto Rico the restructuring authority in our bill isn't a bailout and will not require any additional spending. It will not cost the taxpayers one plug nickel, but it will do a whole lot of good to our friends in Puerto Rico.

On the health care front, I have introduced a bill with many of my same colleagues to address several aspects of the health care crisis, issues such as Medicaid funding and fairness, appropriate reimbursement rates, and equitable physician payments. Disparities in how the Medicare and Medicaid Programs treat Puerto Rico and our other territories are significant and need to be addressed.

In conclusion, I am going to be the first to admit that neither of these bills is a silver bullet to solve all of Puerto Rico's problems, nor are they the only potential solutions. We are more than willing to work with the chairman of the Finance Committee, a good friend who I know cares about the Puerto Rican issue, to find other solutions and craft bipartisan legislation so long as it provides help to Puerto Rico, but the clock is ticking. We are running out of time. Congress must act now to address these issues that are stifling Puerto Rico's economy and way of life. We must give them the tools they need to solve these problems.

Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 1774 and the Senate proceed to its immediate consideration, the bill be read a third time and passed, and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Utah.

Mr. HATCH. Mr. President, reserving the right to object, I want to say first that I appreciate what my colleague is trying to do with regard to Puerto Rico. I think it is fair to say that we all share his concerns, and I don't know of anyone in this Chamber who is indifferent to the issues facing our fellow American citizens in Puerto Rico. I agree with the senior Senator from New York that Congress should act to address these problems and we need to act very quickly. However, a number of Senators, myself included, have some concerns about the specific policy in the bill he has brought up today on the floor. Setting aside those concerns, there are a number of questions about whether this approach would effectively address Puerto Rico's problems.

I want to work with my colleagues and especially my colleague from New York to find a path forward on this issue. Once again, there is bipartisan agreement that something needs to be done. I have been working closely with the ranking member of the Senate Finance Committee on this issue. He has been a great help. I have also been in some pretty involved discussions with the chairs of the Judiciary and Energy and Natural Resources Committees, which also have jurisdiction in this matter, as we have been working to draft a legislative proposal to address a number of these concerns. In fact, we are planning to introduce our bill later today.

I am sure I will have more to say on that piece of particular legislation in the coming days. For now I will say I would be happy to engage the senior Senator from New York on this matter as well and would hope that he would be willing to do the same with me. Going forward, I hope we can work together to make sure we have all the information we need about the situation in Puerto Rico in order to craft informed policies and effective solutions and do so in short order, in the interest of helping the people of Puerto Rico.

As of right now, I think we need additional deliberation on this matter rather than simply deeming any piece of legislation to be the correct approach. For these reasons I must object to the good Senator's request at this time, but once again I will commit to working with him and others to address these important issues.

I do object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New York.

Mr. SCHUMER. Mr. President, just briefly. I thank my colleague from Utah for his remarks. I want to work with him, as I know Senator WYDEN, Senator GILLIBRAND, Senator MENENDEZ, and so many others on the floor want to get this done. We have to work together quickly and I appreciate him acknowledging that.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I want to express my strong disappointment that we are unable to do this legislation now. There is a grave sense of urgency for the people living in Puerto Rico, so I share the goals of my colleagues to get this done sooner than later. This has to be moved forward. No American parent or child should have to face economic stress simply because of where they live. Congress has the responsibility to actually help these families. The economic situation in Puerto

Rico is a serious problem that we can only begin to solve with meaningful legislation.

This bill is the fiscally responsible way to help the people of Puerto Rico. It is the fiscally responsible way to alleviate the dire economic situation in Puerto Rico. Let's be very clear. This is not a bailout. It is a means for our fellow Americans in Puerto Rico to get themselves out of serious economic distress. Congress must come together to pass this bill. The situation in Puerto Rico is desperate and these families need our help. There is no other way to see it. We have to help them.

I urge my colleagues to reconsider this objection. Congress must help the people of Puerto Rico.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I will be very brief.

I ask unanimous consent that Senator MENENDEZ speak after me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I very much appreciate Chairman HATCH's willingness to work with all of us—Senator SCHUMER, Senator GILLIBRAND, Senator MENENDEZ, and myself—the many Senators who care deeply about this issue.

My view is that the situation in Puerto Rico will get far, far worse, particularly with inaction. That is why it is so important for this body to come together, Democrats and Republicans, and move quickly.

As Chairman HATCH has noted, we have been working on this in the Finance Committee. We are appreciative of Chairman HATCH's willingness to listen to colleagues on both sides of the aisle, and I think it is fair to say we have made some tangible progress.

Recently, the talks have bogged down, in particular because of efforts to change national programs that have nothing to do with Puerto Rico. I wish to emphasize what has been the challenge in recent days. We are trying to deal with the very real and significant questions facing Puerto Rico. Some have said in order to do that, you would have to make substantial changes in national programs.

One of the reasons I wanted to speak briefly on the floor this morning is I believe that any legislation to assist Puerto Rico needs to be focused on the territory and not get into unrelated provisions. In addition, any legislation to assist Puerto Rico ought to include some type of debt restructuring authority. Unfortunately, I think things have moved past the point where any sort of austerity in Puerto Rico can allow them to climb out of debt without causing a humanitarian crisis. That is why some type of debt restructuring is so important.

Wrapping up, I also wish to point out that debt restructuring and debt restructuring authority does not add a penny to the Federal deficit. In my discussions with Chairman HATCH—and we are very appreciative of our relationship and discussions we have had—that has been very important to him. So I do want to point out that debt restructuring authority does not add one penny to the Federal deficit.

This issue is too important to get lost in yet another partisan fight. I am going to work closely with our many colleagues, the two Senators from New York, Senator MENENDEZ, who knows an enormous amount about this issue, and the chairman because, as I touched on in my statement, things will get much, much worse and sooner than people think, in my view, if Congress fails to act.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I have a lot of respect for Chairman HATCH. I am privileged to sit with him and the ranking member on the Senate Finance Committee. He does try to work in ways that are bipartisan, so I appreciate his willingness to acknowledge that this is a problem. But I am disappointed that this rather modest measure to help Puerto Rico address its challenges in an orderly and legal way seems to be in a vortex in which we can't get it out.

There are four things I think we need to be clear about. Every single municipality in the United States already has access to chapter 9. Puerto Rico had access to it until 1984, when a provision was stuck into a larger bill with no explanation or debate. Restoring chapter 9 to the island doesn't cost the U.S. Treasury a single penny, nor will it raise the deficit. Perhaps most importantly, all other measures both the mainland and the island can take are virtually meaningless without this restructuring authority.

I appreciate the chairman's remarks about being open to negotiate, but we have been negotiating this issue for several months now. We have heard from stakeholders representing every interest on the island. We have had three congressional hearings. And while there may be some differences on the exact prescription, virtually everyone agrees that some restructuring authority must be part of the cure.

Again, this is something we can do right now. This is something that doesn't cost anything or need an offset, and it is something tangible that will give—and I want to focus on this—the 3.5 million American citizens who live in Puerto Rico a fighting chance.

This is not about some foreign country. The citizens of Puerto Rico are citizens of the United States. If all 3.5 million came to the mainland, they would have the rights and privileges as any other U.S. citizen. They would be fully eligible for any benefit that any citizen of the United States has.

Sometimes we look at the people of Puerto Rico—and I have had Members in the past when I served in the House of Representatives who have asked me: Do I need a passport to go to Puerto Rico? Pretty amazing. This is not some foreign country, this is the United States of America. They are U.S. citizens. They deserve to be treated as U.S. citizens.

The people of Puerto Rico have fought in virtually every war the United States has ultimately had. If you go to the Vietnam Veterans Memorial with me, you will see a disproportionate number of names from the island of Puerto Rico who served in that war or the 65th Infantry Regiment Division in the Korean War, which was an all-Puerto Rican division and the most highly decorated in the history of U.S. military actions, and on and on. It is shameful that we treat 3.5 million U.S. citizens this way.

This crisis didn't develop overnight, nor will it be fixed in a day, but the present Governor, Governor Padilla, and the Government of Puerto Rico have done everything they can to right the ship of insolvency. Governor Alejandro Padilla didn't create this crisis, which has gone on through various administrations in Puerto Rico, but he has made the tough choices. He has closed schools and hospitals. He has laid off police and firefighters. He has raised taxes on businesses and individuals. They have gone beyond what a sovereign nation such as Greece, for example, would ever have imagined doing, but they have run out of options. All the cuts and tax hikes will not make a dent in this crisis without the breathing room that restructuring authority provides.

This problem isn't going to go away, but I do say that as Congress fiddles, Puerto Rico burns. It would be outrageous if the Congress goes home for a holiday and leaves a brewing catastrophe for the 3.5 million citizens of Puerto Rico who have fought for and died for this country.

So I hope these negotiations, which, as the distinguished ranking member has said, should be focused on the issue of Puerto Rico and the 3.5 million U.S. citizens who live there, who wear the uniform of the United States, who have fought for it proudly and who have died for it, ultimately are not linked to something that has nothing to do with those 3.5 million U.S. citizens.

Puerto Rico isn't asking us to pull them out of this hole; they are just asking us to give them the tools with which they can help themselves. For over a century, we have had an inextricable bond with the island of Puerto Rico and its people, and we should not turn our backs on their great commitment to our country.

I am going to come to the floor again and again, and I am going to remind my fellow Americans of Puerto Rican descent in Pennsylvania, in Ohio, in Florida, in New York, in New Jersey, and elsewhere around this country about their need to raise their voices on behalf of their fellow citizens. This is pretty outrageous to me.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am proud to follow my colleague from New Jersey, my other esteemed colleagues, and the ranking member on the Finance Committee—Senator WYDEN—and Senator SCHUMER simply to make a few very starkly apparent points about the situation in Puerto Rico. It affects not only the 3.5 million citizens in Puerto Rico—and they are American citizens of the United States—but also the financial markets, the bondholders, and citizens who depend on the viability of our financial system across the country and potentially around the globe.

There is a reason for bankruptcy laws. They try to make the best of a bad situation. Bankruptcy is never pleasant or welcome. The reason for the bankruptcy laws is to create an orderly, structured process for avoiding the chaotic and costly race to the courtroom and then endless litigation. It simply consumes scarce resources. That is what will happen if bankruptcy protection is not provided in some way to the municipal entities, governmental function, and others in Puerto Rico.

By a quirk of history, Puerto Rico is not covered by chapter 9. That quirk of history could be extraordinarily costly, not only in dollars and cents but in the humanitarian catastrophe that threatens the people of Puerto Rico in depriving them of essential services, energy, medical care, and all kinds of very necessary governmental functions that may be impossible if there is no orderly resolution to its financial situation.

We can debate how Puerto Rico arrived at this place. We should learn from history so we don't repeat it, but right now this crisis demands action, and that action has to come now.

Many of us remember when New York City faced similar financial straits and the headlines in some of the tabloids. One said ''Ford to City: Drop Dead.'' It was a reference to President Ford and his lack of action when New York City was in dire fiscal trouble.

The Nation would not let New York City drop dead. It should not let Puerto Rico drop dead financially. It should not send a message to Puerto Rico: Drop dead.

For this Chamber to say ''drop dead'' to Puerto Rico is absolutely intolerable and unacceptable, just as it would be if we were to say ''drop dead'' to the people of Alaska, represented so ably by the Presiding Officer, in a similar situation or to the people of Oregon, Connecticut, or any of our States or municipal entities. We know we came to the aid of Detroit, Stockton, and other municipalities when they needed it. That message, ''Drop dead, Puerto Rico,'' is antithetical to the democracy we represent here.

Puerto Rico can and must reform itself, but no amount of long-term reform will address the short-term reality that Puerto Rico cannot pay its current debts when due. That is the definition of ''insolvency''—the inability to pay debts as they come due. The denial of chapter 9 will not create more money that makes Puerto Rico solvent and enables it to pay those debts. The only question is whether this reality results in a chaotic and costly default, with nobody winning except the legions of creditors' attorneys who will spend years and countless billable hours fighting each other litigating through the State or Commonwealth courts, through Federal courts, through courts of appeals, and maybe to the U.S. Supreme Court, over years, maybe over decades. The alternative is an orderly restructure, which serves the public interests as well as the interests of our fellow Americans in Puerto Rico. It is an orderly, deliberate, rational process that only Congress can provide.

The actions in the long term that are necessary in the interest of economic justice, as well as fairness and the welfare of our fellow citizens in Puerto Rico, include addressing issues relating to Medicare, the earned-income tax credit, and other obligations that we have recognized for the citizens of the country who live in the 50 States. The financial gymnastics have enabled Puerto Rico so far to avoid the chaos, and enabled Puerto Rico to avoid going over a cliff that, in effect, is irremediable. But we need to be very blunt and real. Those financial gymnastics cannot be sustained or continued indefinitely. The financial somersaults and headstands must end. The prospect of a humanitarian catastrophe within a U.S. territory is very real and immediate. Congress can act to prevent it. It can choose not to do so. But the responsibility is ours if there is no action.

I urge the Members of this body, our colleagues, to give Puerto Rico—our citizens and fellow Americans there—the respect they deserve and approve the bill that we have offered.

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. BLUNT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SASSE). Without objection, it is so ordered.

MENTAL HEALTH

Mr. BLUNT. Mr. President, I wish to talk for a few minutes today about mental health. It is a topic that gets a lot of attention every time somebody does something that we don't think makes sense, when people do harm to others in ways that we don't seem to be able to rationalize in any other way but to say that we are almost 100-percent sure that this is a person who has a significant mental health problem.

Before I go any further with that idea, I wish to say that if you have a mental health problem, you are much more likely to be the victim of a crime than you are to be the perpetrator of a crime. But when we see things happen in schools—whether it is an elementary school such as Sandy Hook or a community college—and when we see things happen on a military base such as Fort Hood or in the last week at a holiday party, there is no way to explain those things except to say that something has gone dramatically wrong in somebody's life. But it does bring us to a topic that seems to be brought only by the worst of circumstances.

Fifty-two years ago President Kennedy signed the last bill he signed into law, which was the Community Mental Health Act. On the 50th anniversary, the last day of October 2013, Senator STABENOW and I came to the floor to talk about that. When you look at the Community Mental Health Act, there were lots of great goals to be set for the country. Almost none of those goals have been achieved. The goals of closing facilities that people were concerned about, which they thought didn't meet the mental health needs in the best possible way, were often achieved, but replacing those facilities with other places to go to and get care didn't happen. In fact, surprisingly, the worst partner in behavioral health is the government.

We have mandated that some of these issues be taken care of by private insurance in what we would consider mental health equity or mental health parity, but seldom have we mandated that the Federal Government step up and treat behavioral health issues in the same way. While we have done that, we have largely turned to the law enforcement community in the country and emergency rooms and said that is our mental health program. The truth is we never said that. We just allowed that to happen.

The biggest program for dealing with a behavioral health issue is the local police and the emergency room—neither of which is the best place to do this or the right place to do this. Sometimes that is the only option, and it is understandable when it is the only option. But it doesn't have to be the only option so much of the time.

The National Institutes of Health says that one out of four adult Americans has a diagnosable and almost always treatable behavioral health issue. This is not something that we don't have any relationship with. By the way, they don't say that one out of four adult Americans has a diagnosis and is undergoing treatment. They say that one out of four adult Americans has a diagnosable behavioral health issue and it is almost always treatable. In a hearing we had a year or so ago, they went on to say that about one out of nine adult Americans has a behavioral health issue that impacts the way they live every day, many times in a dramatic way.

We need to do something about this. The Congress took a big step to do

something about it over a year ago when we passed the Excellence in Mental Health Act. What did the Excellence in Mental Health Act do? The Excellence in Mental Health Act set up an eight-State pilot where in those eight States the facilities that met the requirements that the act specifies—community health centers, federally qualified health centers, community mental health centers that have the right kind of staff and have that staff available 24 hours a day, 7 days a week, and meet other criteria—in those centers and in those eight States, behavioral health would be treated like all other health.

What I think we will find out that happens in those eight States is that there is no increase in cost. There are a few studies that would lead me to believe that. They are going on around the country right now. Nobody will argue that if you treat behavioral health like all other health, the overall societal cost is going to more than pay for whatever you invest in treating that mental health issue. But I think what we are likely to find out, and what studies are beginning to prove, is that even with the health care space itself, if you treat behavioral health like all other health, your overall health spending doesn't increase. It decreases because the other issues are so much easier to deal with. If you are taking your medicine, if you are feeling better about yourself, if you are eating better, if you are sleeping better, if you are seeing the doctor, suddenly the cost that was being spent on your diabetes or the cost that was being spent to deal with hypertension gets so much more manageable that your overall cost goes down.

What we think will happen is that the eight States that move in this direction will never go back even though it is a 2-year pilot. We think all the facts are going to show that it should be a permanent commitment. In fact, what happened was that we didn't have just 8 States apply or 10 States apply or even the 20 States that the Senator from Michigan and I were told would be the maximum if we made this mandatory for the whole country from day one. We might have as many as 20 States that would be willing to participate, but 24 States applied to come up with the framework to hope to be one of the 8 States. Those 24 States have all been given a little planning money. They will have a few more months to come up with a plan that says: Here is what we would like to try to prove—that if you treat behavioral health like all other health, good things happen, and it is the right thing to do.

The more I talk about that and the more others talk about that, the more I think we all wonder why would we even think we have to prove this. But these pilot States are going to prove that. I am beginning to wonder why we don't figure out how to make all 24 States pilot States. A very small commitment leads to a very big result. What we would find out is that doing the right thing produces the right kind of results. If half the States in the country not only went on this 2-year pilot program but find out that this is really what you need to do, half the States in the country would permanently be on a program that for the first time begins to achieve the goals of the Community Mental Health Act.

There are great discussions going on in both the House and Senate about how the Senate bill can focus on expanding some of the grant programs that will encourage people to become behavioral health professionals. The House legislation talks about how we can get families more involved so they are able to keep up with the family member who has a behavioral health challenge. However, none of those things actually matter very much if they don't have anywhere to go. We can have all the mental health professionals we can imagine we would want to have, but if there is no access point for mental health treatment, it doesn't do any good to have all those mental health professionals.

What the Excellence in Mental Health Act does and will do is create an access point where everybody can go. Based largely on the community federally qualified health center model, those expenses will be submitted to the person's insurance company or they may have some other capacity to pay. Some individuals will have a copayment for every visit, which is part of that system. They can use whatever government program they might apply for, and then the difference will be made up when they submit their legitimate expense, and those payments will be carefully audited.

The goal of the federally qualified center is year after year to get the money back that they have invested in treatment so that it then becomes an access point for those people.

I wish to point out that the access point is what really matters here and is the underpinning for everything else. There is no reason to have a big debate about how they share somebody's record with the people who are closest to them if they don't have anywhere to go and get that analysis. There is no reason to think about how many mental health professionals we could use in the country if there is no facility for people to go to so they can meet their mental health professional.

This is a real opportunity for us. Congress has agreed to do this. I will be searching—and I hope my colleagues will join me in ways to search—to see what we can do to not only have an 8-State pilot program but to see if we can expand it and have a 24-State pilot program, assuming that all 24 of those States come back with a credible plan on how we can meet the goals of not just the Excellence in Mental Health Act but, frankly, the goals the country set for itself 50 years ago on the last day of October in 1963.

We are still woefully short of meeting the potential we need to meet in order to bring people fully into society based on what happens if you treat their behavioral health issue the same way you would treat every other single health problem they may have. There is no reason not to do that. We have the capacity and ability to do that. We have the program Congress has agreed to, and suddenly the number of States that are taking this seriously exceeded everybody's estimation of States that would want to be a part of this program.

I think one could argue that 50-plus years later, we may have finally come to a moment when everybody is willing to talk about this issue and do something about it. We shouldn't miss this moment. It is never too late to do the right thing. We are not doing the right thing now. Treating behavioral health like all other health issues and fully utilizing the skills and potential of mental health caregivers by giving them just a little more assistance than they currently have will enable those suffering from a behavioral health issue to become a full part of a functioning society.

I am proud that my State has always been forward-leaning on these issues, whether it is Mental Health First Aid or trying to involve different kinds of care that work. I hope my State will be one of the pilot States. Frankly, I would like to see every State do this that wants to do this and can put together a planning grant that shows they have made the local investment that is necessary so they, too, can be a part of the program that is moving forward to improve behavioral health issues.

We still have one or two opportunities this year. We have the rest of this Congress if we don't get it done this year, but let's not miss this moment to improve mental health issues. We are already 50 years behind. Let's not get any further behind when there is a chance to do the right thing for the right reasons at the time we have to do it in.

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. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUESTS—NOMINATIONS

Mr. BROWN. Mr. President, I rise again today to support Adam Szubin's nomination to serve as Under Secretary for Terrorism and Financial Crimes at the Treasury Department, as well as to support several other nominees whose nominations have been pending before the Senate banking committee for many months—some for almost a full year—with no vote.

All of these nominees have had hearings. They have all completed a thorough committee vetting process and

they are ready to be approved. Yet the Senate banking committee is the only committee in the Senate that has not yet held a single vote on any administration nominee in this Congress—not one vote on any of the more than a dozen nominees this Congress.

There are 13 nominees pending before the committee. Here we are in the final month of the year, and Republicans still have not held a vote on any of them.

This inaction stands in stark contrast to this committee's record on nominees over the past 15 years. When we look at this chart, we see for the 107th, 108th, 109th, 110th, 111th, 112th, 113th, 114th—eight Congresses, 15 years—this Congress is only half completed—Republican Presidents during much of this time and Democratic Presidents during much of this time; a Republican majority in the banking committee during some of this time and a Democratic majority in the banking committee during some of this time. Yet when we look at these numbers, we see lots referred to committee, but when we look at the number of approved by committee for this Congress: zero. The number confirmed by the Senate coming out of banking for these nominations: zero. The number returned to the President: zero. The number withdrawn: zero.

In other words, time after time, year after year, President after President, Senate majority after Senate majority, we have seen the Senate banking committee actually do its work, until the 114th Congress, 2015: nothing in terms of approval. In this Congress, the committee has failed to carry out its duty to consider and act upon the President's nominees.

Let me start with Mr. Szubin, who is currently serving in his critical position in an acting capacity. Despite having bipartisan support—the Presiding Officer I know is also on the banking committee—his nomination has languished for 200 days because of Republican obstruction.

This is a critical national security post that must be filled permanently. Mr. Szubin heads what is in effect Treasury's economic war room, managing U.S. efforts to combat terrorist financing and fight financial crimes. He can do his job better if he is not acting but if he is in fact the confirmed nominee of the President of the United States. He is helping to lead the charge to choke off ISIL's funding sources. We are introducing legislation today, in part, answering the threat of ISIL and the threat of terrorism and, in part, by coming up with new ways to choke off funding for the terrorists. Nobody is in a better position in our government—nobody—than Mr. Szubin, and I want him confirmed so he can do his job better. It would prevent developing additional capacity to strike war targets around the world. He is working to hold Iran—regardless of how one voted on the Iran nuclear deal, he is going to hold Iran to its commitments under the nuclear deal and lead a campaign against the full range of Iran's other destructive activities.

Mr. Szubin has served in senior positions first in the Bush administration and now in the Obama administration. I don't know if he is a Democrat or Republican. I don't really care. He is an acknowledged expert in economic sanctions and counterterrorist financing. There is no question—no question—that he is qualified for this position. Over the last 15 years he has distinguished himself as an aggressive enforcer of our Nation's sanctions laws against Russia, against Iran, against North Korea, and against money launderers, against terrorists, and against narcotraffickers. Given all the concerns surrounding terrorist financing—legitimate concerns that Senator SHELBY has and that I have and probably all other 98 Members of the Senate have—one would think a nomination would be a priority. In the past, it has been.

Szubin's mentor, Bush Under Secretary Stuart Levey, was confirmed by the Senate just 3 weeks after his nomination came to the banking committee. The Senate took just 2½ months to consider Mr. Szubin's immediate predecessor.

Mr. Szubin has support across the political spectrum. Even many groups opposed to the Iran nuclear deal support his nomination. The banking committee chairman, Senator SHELBY, my friend who is in the Chamber, described Mr. Szubin as ''eminently qualified.'' He deserves the strong backing of the Senate. Without it, his ability to operate here and abroad is less than it should be.

So I ask unanimous consent that the Senate proceed to executive session and the banking committee be discharged from further consideration of PN371, the nomination of Adam J. Szubin to be Under Secretary for Terrorism and Financial Crimes; that the Senate proceed to its consideration and vote without intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard from the Senator from Alabama.

Mr. BROWN. Mr. President, I am frustrated that my colleagues have chosen to continue to object without giving a reason why we are not going to vote on this nomination; not talking about Mr. Szubin's lack of qualifications—because that just wouldn't be true—and not ultimately helping us deal with terrorism around the world in this critical national security nomination.

Let me turn to another key Treasury official who has been nominated to serve in a dual economic security and national security role, Adewale Adeyemo, to be Assistant Secretary of the Treasury for International Markets and Development. The person in this role is responsible for key national security issues and recommendations made in the CFIUS process, which assesses the major national security implications of large investments in the United States made by foreign firms.

Like Mr. Szubin, Mr. Adeyemo has been waiting for months for the banking committee to act on his nomination.

I ask unanimous consent that the Senate proceed to executive session and the banking committee be discharged from further consideration of PN86, the nomination of Adewale Adeyemo to be Assistant Secretary for International Markets and Development; that the Senate proceed to its consideration and vote without intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. I object.

The PRESIDING OFFICER. Objection is heard from the Senator from Alabama.

Mr. BROWN. Mr. President, I am further frustrated because of a lack of information as to why we are not confirming this nominee. We have had hearings and they have been vetted. There is no opposition to qualifications. There is no dispute over how important these positions are.

Let me turn to a nomination for another key economic security position in the administration: Patricia Loui-Schmicker to serve on the Board of Directors of the Export-Import Bank.

The Export-Import Bank has been around since the days of Roosevelt. There were efforts by tea party Republicans to put the Export-Import Bank out of business. They did, for a period of time, even though for 75 years it has been reauthorized, kept in existence, helped our country, made a difference in creating jobs, helping big companies such as Boeing and GE and others, and helping all kinds of small companies. Many of the companies they have helped people haven't even heard of, that are in Ohio and that are part of the economic supply chain, the supply chain for these companies.

This week I was with a group of people who do this kind of work in Ohio. They were just flabbergasted that because of intransigence on the part of

tea party Republicans, we can't get them—we didn't authorize it for months and months, and now, when we finally did and it can operate, the Ex-Im Bank can't operate because the Senate banking committee will not do its job.

So I ask unanimous consent that the Senate proceed to executive session and the banking committee be discharged from further consideration of PN288, the nomination of Patricia Loui-Schmicker to be a member of the Board of Directors for the Ex-Im Bank of the United States; that the Senate proceed to its consideration and vote without intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. I object.

The PRESIDING OFFICER. Objection is heard from the Senator from Alabama.

Mr. BROWN. Mr. President, the objections from my Senate colleague, my friend Senator SHELBY, costs us American jobs. When you shut down the Export-Import Bank, it means that workers get laid off, it means that companies can't expand, it means companies can't do what they want.

So the first objection means our country is less safe, the second objection causes us all kinds of problems with making sure our companies and national security is what it should be, and this third objection costs us American jobs. None of these do I understand.

Mr. President, I want to turn to another Treasury Department nominee. Amias Gerety has been nominated to be Assistant Secretary for Financial Institutions, Department of the Treasury. Mr. Gerety has played an important role since the beginning of the current administration, helping our country recover from the worst financial crisis since the Great Depression. He deserves the full backing of the banking committee.

I ask unanimous consent that the Senate proceed to executive session and the banking committee be discharged from further consideration of PN208, the nomination of Amias Moore Gerety to be Treasury's Assistant Secretary for Financial Institutions; that the Senate proceed to its consideration and vote without intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. I object.

The PRESIDING OFFICER. Objection is heard from the Senator from Alabama.

Mr. BROWN. Mr. President, I will move on to another nomination.

This nomination is for the Federal Transit Administration. This distinguished nominee, Therese McMillan, has been awaiting confirmation since January of this year. She joined FTA as the Administrator in 2009. She has been Acting Administrator for a year and a half.

Apparently the Republican majority doesn't want anybody in the Obama administration because the President they don't much like has nominated these people. It is pretty hard to understand.

Mr. President, I ask unanimous consent that the Senate proceed to executive session and the banking committee be discharged from further consideration of PN41, the nomination of Therese McMillan to be Administrator of the Federal Transit Administration; that the Senate proceed to its consideration and vote without intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the Record; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. I object.

The PRESIDING OFFICER. Objection is heard from the Senator from Alabama.

Mr. BROWN. Mr. President, a nominee to be inspector general of the FDIC, Jay Lerner, has been awaiting confirmation since January of this year.

We know the Republican majority doesn't much like Obama nominees, even though President Obama is one of, I believe, two Democrats in the last 150 years who has actually—correct me if I am wrong—won at least 51 percent of the country's votes twice. Since the Civil War, the only other was Franklin Roosevelt, who won more than half of the popular vote four times in the country. I know some of my colleagues don't seem to want to recognize that he is the President of the United States and, as we have always done in this country, the President gets to nominate people. If they are qualified, they should be confirmed. Even if there is disagreement on their qualifications, they should be voted on and voted down. We are even asking you to do that if that is what you choose to do. But, particularly since they don't much like the people the President puts on the FDIC, maybe we need an inspector general who can find out if they are doing things wrong. That is the whole point of the inspector general—to root out corruption and other problems, such as incompetence, in an agency. That is what Jay Lerner would do as the inspector general of the FDIC.

Mr. President, I ask unanimous consent that the Senate proceed to executive session and the banking committee be discharged from further consideration of PN65, the nomination of Jay Neal Lerner to be inspector general of the FDIC; that the Senate proceed to its consideration and vote without intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. I object.

The PRESIDING OFFICER. Objection is heard from the Senator from Alabama.

Mr. BROWN. Mr. President, I guess that is the conclusion of my efforts today. Senator SHELBY can return to the Republican luncheon if he would like or debate me a little bit on this, but I don't get this—first of all, in terms of our national security, the importance of Adam Szubin; in terms of honesty in government, the importance of Jay Lerner; in terms of creation of jobs, the nominee to the Export-Import Bank.

I will not belabor this process anymore. I will not raise nominees anymore for reasons of time. I think I have made my point, but especially for critical national and economic security, the nominees on this list should move forward.

I don't understand this. I haven't seen anything quite like this in the Congress of the United States. I continue to press this case. I am willing to talk one-on-one with Senator SHELBY on this. He has been open to that in the past. I hope my colleagues will join me in bipartisan approval of these national and economic security nominees who will matter for the continued greatness of our great country.

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. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PARIS CLIMATE CHANGE CONFERENCE

Mr. BARRASSO. Mr. President, this week the United Nations climate change conference is continuing in Paris. I understand over the weekend a number of Democrats went to Paris to watch a part of the discussion.

I have been talking to folks back home in Wyoming about this climate conference and what the Democrats are proposing, and I will tell you, the people in Wyoming are not happy. They are not happy about President Obama's plan to destroy American energy jobs and also to destroy the communities that depend on these jobs.

They are not happy about the President's plan to give away billions of U.S. taxpayer dollars to other countries. They are not happy about the President's plan to ignore the will of the American people and to sign an expensive, destructive treaty on climate change in Paris. That is what they think the President is planning to do, and I believe they are exactly right.

Last Friday, the Foreign Relations subcommittee that I chair released a new report called ''Senate Outlook on United States International Strategy on Climate Change in Paris 2015,'' a new report on President Obama's plan to bypass Congress and transfer American taxpayer funds overseas. This report shows how President Obama is supporting an effort to bypass Congress and to sign a climate deal that gives money to developing nations.

The subcommittee report found four things.

First, the report says that the President is making false promises to other countries about his ability to meet his own greenhouse gas reduction targets. President Obama has promised to cut back American energy production dramatically. The administration is pushing powerplant regulations that will destroy jobs and make electricity more expensive and less reliable. Bipartisan majorities in Congress, in the House and in the Senate, have rejected these regulations. President Obama wants to use this international agreement to force new regulations on the American people.

This administration has been doing all that it can to cripple American energy producers all across the country. It has piled new regulations on coal producers. It is blocking exports of American crude oil and liquefied natural gas. It set emission standards that are designed to put powerplants out of business, and that is the second thing that the report found—that the President's unrealistic targets and timetables for reducing targeted emissions are threatening jobs and threatening communities all across America.

The third main point in this report is that the President is forcing American taxpayers to pay for it—to pay for our past economic successes through his contributions to the so-called Green Climate Fund. I did a townhall event the other day in Wyoming and asked what they thought about the President's plan of using their taxpayer dollars in this way, and 94 percent of the people in the townhall said they opposed President Obama's plan to send their hard-earned taxpayer dollars to the United Nations climate slush fund.

President Obama doesn't care. He says he wants the money anyway. He knows American emissions have actually been declining over the last decade. He knows we are not the biggest source of carbon dioxide in the world. Far more emissions are coming from developing countries. We see it in China; we see it in India. Those countries say that if they are going to cut their emissions, if they are going to be part of President Obama's plan, somebody else is going to have to pay up. They expect developed countries such as the United States to foot the bill.

How much money do they want? What are we talking about? So far, developing countries have said they want—the number is astonishing—at least $5.4 trillion—not million, not billion, but trillion. That is what 73 developing countries are demanding over the next 15 years. It doesn't even count another 90 developing countries that haven't made their demands public yet. The reality is a great deal of this money is going to end up lining the pockets of government officials in these developing countries. The American people know it. They see through it, even though the Obama administration will not admit it.

That brings up the fourth thing that this report found. Our subcommittee found that the President plans to reach a climate change deal that ignores the American people and cuts them out of the process entirely. The American public doesn't want these policies. Congress has passed laws to change these policies. The Obama administration just goes on and on and makes the rules that it wants anyway. This administration refuses to have accountability to the American people.

What are we talking about with regard to the money? It is interesting because just today, this morning from Paris, there is a report from the New York Times: ''U.S. Proposes Raising Spending on Climate-Change Adaptation.''

Here is the byline from France:

> In an effort to help smooth the passage of a sweeping new climate accord here this week, Secretary of State John Kerry announced on Wednesday a proposal to double its grant-based public finance for climate-change adaptation. . . . Mr. Kerry's announcement came as the momentum toward a deal appeared to have hit a momentary snag.

Why? Well, reading further: ''The issue of money has been a crucial sticking point in the talks, as developing countries demand that richer countries open up their wallets. . . . ''

So John Kerry is there to open up the wallet of the American taxpayers—because it is not his money—doubling what he is offering, to try to buy a solution that he wants to accomplish even though it is directly in opposition to the American public. This administration, President Obama and Secretary Kerry, are out of touch with the American people, who reject this expensive and destructive energy and climate policy.

The Obama administration is also out of touch with the rest of the world. The Obama administration says that some parts of the agreement reached in Paris will be legally binding and other parts will not because, obviously, we are the Congress. We are the elected representatives of the American people, and we have a say. So the President is saying that parts of the agreement are binding and parts are not. China says the whole thing is binding. The European Union says the entire thing is binding. Who is right? President Obama or the rest of the world?

The Obama administration says it is going to give billions of our taxpayer dollars to these countries, including to a lot of countries that don't like us very much. That doesn't seem to matter to the President. The developing countries say they want trillions. John Kerry is in Paris today, doubling the amount of money, doubling to try to buy support for something the American people don't support.

It is interesting because, if you think back just a couple of months, President Obama was frantic—desperate—to get a deal with Iran over its nuclear programs because of his legacy. He signed a terrible deal—by all accounts, a terrible deal.

Now he is doing it again. He is once again frantic, once again desperate, to get a climate deal in Paris. Why? Because of his so-called legacy. He is planning once again to sign a terrible deal, and he has his Secretary of State, John Kerry, there giving the speeches and making promises that the American public will have to pay for if they get their way.

Iran says it will play the Obama administration's game on emissions and reduce its carbon emissions as the President wants, but before it does, it expects the Obama administration to lift all of the remaining sanctions from the Iranian deal. It wants the United States and other countries to give them $840 billion over the next 15 years. That is what is at stake, and those are the things the President continues to give away as he surrenders our energy security, our energy reliability, our energy jobs—a surrender by the President. He is desperate for approval by the other countries when he should be focusing on the United States. He seems to want to promise any policy, pledge any amount of money to get it, but the American people oppose sending their money to a United Nations climate slush fund. As their elected representatives, Congress must not allow the President to continue to try to buy popularity for himself using American taxpayer dollars.

Congress must not allow the President to use this meeting in Paris to advance his own legacy at the expense of

the American people and the American economy.

Thank you, Mr. President.

RECESS

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 1 p.m., recessed until 2:01 p.m. and reassembled when called to order by the Presiding Officer (Mr. SCOTT).

The PRESIDING OFFICER. The Senator from Maryland.

UKRAINE

Mr. CARDIN. Mr. President, today is International Anti-Corruption Day. As the United States works to support good governance and anti-corruption efforts around the world, I wish to highlight one country, Ukraine, where these efforts are vital to the future viability of that state. The U.S. Congress has stood by the people of Ukraine since the Maidan demonstrations in November of 2013.

The Senate Foreign Relations Committee passed two landmark pieces of legislation that are now law. This sent a clear signal to Kiev, Moscow, and the capitals of Europe that the United States stands squarely for the development, democratic aspirations, sovereignty, and territorial integrity of Ukraine and its people.

However, Ukraine's political leadership must also continue to hold up its end of the bargain. Ukraine is a country that has been plagued for many years by weak democratic institutions and rampant corruption. This internal threat of corrupt institutions poses the greatest long-term threat to Ukraine's future.

Ukraine's reformers have made some progress. Last year Ukraine ratified an association agreement with the EU, which includes extensive commitments to governance reforms. The Parliament adopted a broad package of anti-corruption laws and established a set of institutions to fight corruption. The government made changes to the tax and budget codes and is starting to clean up its banking system. The government has also made reforms of the energy sector a top priority, adopting legislation to harmonize its natural gas markets with the EU's and raising tariffs to incentivize more efficient energy usage.

Importantly, on Monday, November 30, a new special anti-corruption prosecutor was appointed with the backing of the civil society, which is a big step forward in the fight against corruption.

Despite progress on these fronts, much work remains, and the political commitment to combat corruption among Ukraine's leaders is uneven. I acknowledge the pressure faced by the government. We all want to support Ukraine's positive path, but the Ukrainian people need more concrete anti-corruption results—not just legislation, not just commissions, as important as these are, but actual results.

For example, there remain thousands of allegedly corrupt officials in the judicial branch, where judges and prosecutors are susceptible to bribes. While corruption in Ukraine's legal system cannot be resolved overnight, I urge Ukrainian officials to take measures that would remove these most egregious violators from the judicial branch and prosecutorial ranks and to retrain those who are not corrupt to build the next generation of jurists.

The Government of Ukraine has taken positive steps in this regard, including the establishment of a constitutional commission tasked with recalibrating the checks and balances between the judiciary and the rest of the government. In September, the commission submitted new draft amendments to the Constitution on the justice system. However, concerns remain regarding the independence and integrity of the judicial institutions, including the newly established institution, the High Council of Justice, or HCJ, which has been called the ''gatekeeper to the court system.''

It is critical that the civil society and watchdog organizations are empowered to continue their work of holding the HCJ and elected officials accountable to ensure that any weakness in the checks and balances of the judicial system are not exploited for personal gain.

I am also concerned about the process for vetting the current pool of judges. The Government of Ukraine is developing standards for judicial reappointment, which will be conducted by the HCJ. This process will test the political will of both the Government of Ukraine and the HCJ itself. Unfortunately, initial results are not positive. As of June of this year, the HCJ had received 2,200 complaints of judicial misconduct. Of this number, only 47 judges were disciplined and none were dismissed.

Ukrainian citizens expect a clean government that abides by the rule of law. In July, I wrote to President Poroshenko, urging him to make anti-corruption reforms a priority by considering the appointment of a special anti-corruption prosecutor and special anti-corruption courts. While the government recently selected a special anti-corruption prosecutor with the backing of the civil society, the government must now ensure that this office remains free from state influence and interference to fulfill its mandate to root out corruption within Ukraine.

I commend President Poroshenko for listening to the demands of civil society and amending the composition of the selection committee to include two candidates backed by civil society, which led to the selection of Nazar Kholodnytskiy. This was a step in the right direction. However, the National Anti-Corruption Bureau of Ukraine itself is still woefully understaffed, which impacts its ability to fulfill its mandate to prosecute corrupt acts. I call on the Government of Ukraine to ensure that the National Anti-Corruption Bureau of Ukraine is fully staffed and prosecuting cases without delay.

Polls show that most Ukrainians confront petty corruption in their daily lives, and our focus on corruption at the national level should not diminish the importance of programming that addresses corruption at the municipal and local levels. The Government of Ukraine must invest in training and education to identify and root out petty corruption in higher education, health care, and law enforcement. A clear commitment to attacking corruption in health care, education, and law enforcement within a measurable framework will pay dividends for citizens across the country and will help to restore faith in Ukraine's democratic institutions.

The United States is prepared to make a long-term commitment to Ukraine and, along with our European partners, we can provide support to Ukraine's efforts to tackle corruption within the judiciary, the civil service, and law enforcement while preparing these institutions to attract and retain talented individuals who are committed to eradicating graft and entitlement.

I firmly believe that Ukraine could be a case study for how a country with the political will can work with the international community to root out pervasive corruption, but that political will must manifest itself concretely and soon. When you look at public opinion polls in Ukraine, fighting corruption is the Ukrainian people's No. 1 demand. On this International Anti-Corruption Day, I look forward to supporting Ukraine's leaders if they are willing and committed to answering this demand.

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. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized for such time as I might consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

BURUNDI

Mr. INHOFE. Mr. President, I am here today to speak a bit about Burundi—something the Presiding Officer is familiar with.

I had occasion to be in Burundi at their request some 16 years ago. At that time, the President's name was Buyoya. He is not there anymore; they have changed Presidents. There is something going on there on which I

think the State Department has dropped the ball one more time in not interpreting, not understanding what the people of a country want: their self-determination.

Despite its history of outside interference, civil wars, and social unrest, Burundi has emerged as a largely cohesive society, overcoming the ethnic divisions that plagued it in the 20th century, back at the time when I was first there.

On April 3, I led a congressional delegation of six Members to Burundi, where we visited with President Nkurunziza. President Nkurunziza is in the middle of his second elected term in office. We talked to members of the Parliament, had really intimate relations with the members of the Parliament. We actually prayed together. We met together, and we got to know them quite well.

We saw continued growth as a democracy and signs of movement toward a diversified economy under the leadership of President Nkurunziza. He announced on April 25 that he would run for President again and was met by increased protests and criticism from the international community, primarily led by us. Our State Department, the United Nations, and a few other countries seem to think they know more about an independent nation than they know. So they were criticizing him for running for office again.

Here is the problem: A provision in their Constitution says that no one can run for the Presidency of Burundi more than two times. The problem is that he was not elected the first time; he was appointed by Parliament. So essentially, yes, he was elected once, but he hadn't been elected again until this recent election. But, again, why would we even want to get involved in it?

On May 4, Burundi's Constitutional Court ruled that President Nkurunziza's first term did not count because he was picked by Parliament rather than elected by the people. That was followed by a failed coup, which took place right after that.

Leading up to the Presidential elections, the Peace and Security Council of the African Union urged ''all Burundian stakeholders to respect the decision of the Constitutional Court, when delivered.'' So now we have the African Union, we have the courts, and we have the people in an election talking about the fact that, yes, he is qualified to run a third time—all except our government, which wants to impose its desires on another country.

On May 29, six of us were in Burundi. We voiced our support for the decision of Burundi's Constitutional Court and called on the international community to support the court's ruling.

President Nkurunziza won his reelection for President on July 21; he got 69 percent of the vote. Instead of working with Burundi and its people, the international community has been denouncing the election and stepped up pressure on the newly elected government via sanctions and withdrawal of support. The United States suspended military training in July.

That is one of the things we do around the world that are really working now—a train-and-equip program, going to the country and working with them, helping to train those individuals. Of course, when that happens, we have the allegiance of those countries. If we don't do it, we can be sure that China or somebody else is going to do it. It is something that works. We withdrew that training. We are creating vacuums that are going to be filled by people who might be prone toward terrorism.

We suspended the military training. We announced that Burundi will no longer benefit from the trade preferences under the African Growth and Opportunity Act beginning in 2016 and sanctioned four individuals who have contributed to the turmoil, including threats to peace, security actions that undermine democratic institutions, and human rights abuses.

I am concerned that the responses by the United States and the international community will do more harm than good in terms of finding a resolution to the current political crisis. Young people are going to be denied jobs. They are not going to have the economic opportunities to participate.

According to a New York Times article written on December 5, the violence seems to have shifted from what appeared to be government-sponsored to rebel-sponsored. ''There have been more assassination attempts, more grenades tossed at government property and more random shootings . . . all thought to be the handiwork of the opposition.''

Yesterday, December 8, nearly 100 Burundian protesters who opposed President Nkurunziza during the months of violence in Bujumbura were released from prison.

We have to continue to support and stand with the people of Burundi and their growth as a democratic nation. The United States and international community should support and encourage a political resolution, not drive division and further unrest.

While the violence and the loss of life that has occurred in Burundi can't be condoned, the situation could have been much worse if it were not for the actions taken by President Nkurunziza, the opposition forces, and the people of Burundi.

I have been working to bring all parties together to resolve their differences and was encouraged by comments made at Burundi's National Prayer Breakfast by President Nkurunziza and the representatives of different political parties about looking forward and not looking back. There was tremendous applause.

These countries on the continent of Africa meet in small groups on a regular basis, in the Spirit of Jesus, actually, and they have the National Prayer Breakfast now. Except for the outside interference, peace has been settling in and people are living with the decision they made—of course, 69 percent of them having voted for this President.

I echo Uganda's President Museveni's—whom we are very close to—confidence that a lasting solution to the conflict in Burundi will be found. I encourage all sides to meet together in Kampala or have a meeting there as soon as possible to begin resolving political differences. I consider President Museveni a friend. I believe he is the leader who can facilitate efforts to find a lasting solution to the political situation in Burundi. The way forward begins first with putting the elections behind us and acknowledging that Pierre Nkurunziza is the President of Burundi; second, an immediate agreement by all sides to work together to end the violence and to provide the time needed to resolve differences in Kampala, and this also includes the international community, which I charge to take positive actions to help enhance peace versus merely demanding it through punishment; and finally, beginning all-inclusive meetings in Kampala under the leadership of President Museveni from Uganda.

I understand the fears that Burundi may regress toward ethnic violence, but I do not agree that it is a likely outcome of the current situation. We are going have to work on Burundi and not isolate it and its people. Only by working together to maintain stability and calm can we avoid widespread bloodshed, and the harshest critics are predicting that will come true.

I know there are some good people there, but I have intimate relations with the leadership in many of the countries. I see what we are doing that is wrong. I remember that the same group of people—the United Nations, the State Department, and France—got involved in Cote d'Ivoire when President Gbagbo had won a legitimate election. It was rigged by someone who wasn't even from Cote d'Ivoire.

I have been making several critical speeches on our involvement. It seems like we seem to want to impose our ideas on other countries when it is not to their best interest. I want everyone to be aware that this is a problem that is real.

PARIS CLIMATE CHANGE CONFERENCE

Mr. INHOFE. Mr. President, I just found out that supposedly the big party that is taking place in Paris—it is interesting. For those people who are not familiar with this issue, the United Nations puts on a big party every year. This is the 21st year that they have done this. It goes back to the Kyoto treaty and to the fact that through the United Nations they have been trying to develop some type of a thing where global warming is coming and it is going to be the end of the world.

I remember way back when I was chairing a subcommittee that had jurisdiction over this type of an area, back when this first started. We might remember when Al Gore came back, and they had developed this thing called the Kyoto treaty. They signed it on behalf of the United States, but they never submitted it to be confirmed by the Senate. Obviously, that is something that has to happen. They now are going to go in there to do a climate agreement. It was a real shocker on November 11 when the Secretary of State John Kerry made a public statement that the United States would not be a part of anything that is binding on the United States. The President of France didn't know that. He went into shock. He said that the Secretary must have been confused. They had to reconcile themselves at that time. That was 2 weeks before people arrived for the big party in Paris. They decided that we will put together something where we can have an understanding of what we want to do in the future—nothing binding.

The reason I am mentioning this now is that this afternoon there is supposed to be a plan that is going to be unveiled that is going to reflect what they want everybody to do with this. I want to keep one thing in mind. The last event I went to was in Copenhagen. They are designed to try to get 192 countries to agree that the world is coming to an end and that we are going to have to do something about cap and trade to stop the global warming. This has been going on for a long time. There are significant problems that remain. The negotiators can't agree on whether it is binding or what part of the agreement might be binding and still comply with our laws and constitutional restrictions. They can't agree on financing.

This morning, in order to entice the developing countries, Secretary Kerry, on behalf of the President, announced that the United States would contribute another $800 million a year to help developing countries adapt to the effects of climate change. Let's keep in mind that this is in addition to the $3 billion that the President expects Congress to appropriate to this cause.

Yesterday, in Paris, EPA Administrator Gina McCarthy again misrepresented to the international community the EPA's authority and confidence in the U.S. commitments. The highlight of her remarks was her claim that ''the Clean Power Plan will stick and is here to stay.'' When attending international delegates asked questions about their legal vulnerability and the possibility of the future administration changing anything that is adopted by this administration, she reportedly walked around the question and many in the audience were upset that she wouldn't answer the question. The reason she wouldn't is because there is no answer to it.

I chair the committee called the Environment and Public Works Committee. We have the jurisdiction over these things. When the President came out with the Clean Power Plan, we said: All right, you are saying that you are committing the United States to a 28-percent reduction in CO_2 emissions by 2025. How are you going to get there?

They wouldn't say. No one to this day has talked about how they are going to do it. He said: Let's have a hearing.

We are the committee of jurisdiction. I don't recall any time when a bureaucracy that is in a committee's jurisdiction refused to testify, but they did refuse to testify. I think we all know why. We know there is no way of coming up with that type of a commitment. If you have all these costs and what it is going to cost us, does it address climate change? The Clean Power Plan will have no impact on the environment. It would reduce CO_2 emissions by less than 0.2 percent. It would reduce the rise of global temperature by less than one one-hundredth of a degree Fahrenheit, and it would reduce the sea level rise by the thickness of two sheets of paper. In fact, the EPA has testified before the environment committee that the Clean Power Plan is more about sending a signal that we are serious about addressing climate change than it is about clearing up pollution. The Justice Department requested that the DC Circuit Court of Appeals not rule on the Clean Power Plan, the principal domestic policy which supports our commitments to the climate conference, until after the conference concludes.

What they did was they went to the courts, knowing that the courts were going to be acting on this power plan and probably acting against it, and they didn't want that to happen before the party in France. I think it is the biggest signal to the international community that the administration lacks the confidence in their own rules.

Administrator McCarthy also claimed that the next administration cannot simply undo the Clean Power Plan because of the extensive comment period supporting the rule. The international community is not fooled by this either. Congress disagrees. Not only can Congress withhold funding from any element of an agreement that the administration refuses to send to Congress for approval, but the Congress has explicitly rejected the Clean Power Plan in the bipartisan Congressional Review Act, saying that we do not agree with this and we want to do away with this Clean Power Plan before it is finalized.

That should be the signal to the people who are at the party in Paris. I think that a lot of them do understand that. Even President Obama is now conceding that specific targets each country is setting to reduce greenhouse gas emissions may not have the force of treaties. He is hoping that 5 years or some type of periodic reviews of those countries would be in the form of a binding commitment. But even if that is the case, that would merely be a review. Although the European Union and 107 developing countries are hoping for a legally binding long-term deal with review mechanisms and billions of dollars, any truly binding agreement must be sent to the Senate for approval.

Back when they first went down on the Kyoto treaty, we had the Byrd-Hagel rule. The Byrd-Hagel rule says that we are not going to ratify any treaty if it either is bad on our economy or it doesn't apply to countries such as China. So they have to do the same thing that we are doing. That passed 95 to 0. That was way back at the turn of the century.

Everyone knows that he can't unilaterally do these things, even though he tries. In 1992, when the Senate approved President H.W. Bush's agreement to have the United States participate in the conference of parties—that is the one that is going on right now, the 21st one—the process, any emissions, targets or requirements were going to have to be approved by the Senate. This is the President who was in charge at that time, George H.W. Bush. That was the agreement in 1992, and that agreement hasn't changed. Legally binding agreements must go before the Senate for consideration, and there is no way around it.

This is the message I conveyed when I attended the COP convention in 2009 in Copenhagen, and nothing has changed since that time. Nothing is happening over there now. They are having a good time. I am sure there are lots to drink and lots to eat, but that party will be over.

Let me share one experience I had. I have been very active in Africa for a number of years. There is an officeholder in the tiny country in West Africa of Benin. I saw him at the convention that was in Copenhagen.

I said: What are you doing here? You don't believe all this stuff.

He said: No, but they are passing out hundreds of billions of dollars, and we want to get some of ours. Besides that, this is the biggest party of the year.

Enjoy your party over there. Nothing is going to happen. Nothing binding is going to take place on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

EVERY STUDENT SUCCEEDS BILL

Mr. MURPHY. Mr. President, I come to the floor today to congratulate my colleagues on passage of the repeal and replacement of No Child Left Behind, the Every Child Succeeds Act. In particular, I want to thank Chairman ALEXANDER and Ranking Member MURRAY. It is really an example of how things can work in the Senate when we put our minds to trying to get to good policy instead of simply trying to get to good politics. There is a lot of politics surrounding early childhood education and elementary education.

There is a lot of hyperbole out there about the role the Federal Government should play in local education—issues such as the common core. Yet we were able to set aside all of those potentially inflammatory and toxic politics and get to a bill that despite those challenges has broad consensus from Republicans and Democrats. It ends up in a place that is really going to support a lot of teachers, students, parents and administrators out there.

When you look at that vote tally, it is impressive. It is a piece of legislation that has been able to unite progressive Democrats and conservative Republicans. In many ways it is a credit in this Chamber to debate that Senator ALEXANDER and Senator MURRAY set us upon. They were determined to get to a product that both parties could support. When you start with the idea that we can achieve a bipartisan solution, rather than your starting point being having a debate in order to maximize political impact and political division, it is miraculous what we get. We can all be blamed for falling into that trap far too often.

Mr. President, like you, my entire life has been spent in and around public education. I went to Connecticut's public schools. My mother was a public school teacher. My wife is a former public school teacher. I have two beautiful boys—one of whom is in the public school system as well. As it is for many of us, this conversation is deeply personal. It is also deeply personal for me as someone who is going to raise two boys in a country whose greatness depends more than ever on the quality of our public schools. The reality is that when my great-grandfather got off of a boat and showed up in New Britain, CT, he was guaranteed to get a good job in one of the ball bearing factories there, regardless of his education. He could get a good wage, a pension, and a decent health care benefit without a lot of skills that he couldn't learn on the job inside that factory.

Of course, our economy has radically changed since those days. We are lucky that we have declining unemployment. We are lucky we continue to grow jobs, as we have over the course of the last several years. They are totally different kinds of jobs than were available to my forefathers, immigrants who came to this country from places such as Ireland and Poland and worked in those factories. We now have jobs that require highly skilled professionals. We are competitive globally, not because of the price of our workforce but because of the productivity, competence, and educational level of our workforce. We are more dependent now than ever on the quality and capacity of our workforce, which is, of course, dictated by the quality and capacity of our educational system. So getting an education policy right is not just about serving kids; it is about serving our economy.

The fact is, we have been doing a disservice to students and teachers all across America since the passage of No Child Left Behind. This is a law that by and large was a disaster for us in Connecticut. I am somebody who believes that a strong Federal Government can play a beneficial role in people's lives, whether it is smoothing out the rough edges of the financial system, building roads and bridges, or protecting America from attacks, but the Federal Government has not done a good job in guaranteeing universal, quality education. Why? Because bureaucrats in Washington ultimately have a hard time intersecting with the provision of a service which has largely been administered at a local level. The prescriptive rules that were inherent in No Child Left Behind haven't matched the realities of how Connecticut assesses schools and student performance or how we think it is best to turn schools around.

No Child Left Behind did at least have one redeeming quality. The legislation required an assessment of every single student no matter where they lived, what their background was, or what their learning ability was. The law did shed light on some unjustifiable, unconscionable disparities that existed in this country, and it put pressure on school districts and States to address those disparities. The law brought attention to the fact that there were disparities, such as the fact that the graduation rate for African Americans in this country is 16 points lower than that of their white peers. The results showed disparities with Latino fourth graders. Only 25 percent of them are meeting expectations for their grade level in math, which is half the rate of their white peers.

The law also shed light on the practices within school districts, such as school discipline. If you are an African American and commit the exact same offense in this country inside of a school, you are twice as likely to get suspended or expelled as your white peer.

No Child Left Behind forced us to understand, recognize, and address those disparities. The challenge with this repeal and rewrite was to hand control back to States and local districts without removing the imperative to identify those disparities and cure them.

I voted against the version of this bill that was originally passed by the U.S. Senate, and I did so because I labored under the belief, as a member of the HELP Committee, that it is not worth passing a national education law if it isn't also a civil rights law. I wasn't convinced that we had that balance in the bill that initially came before the Senate. I am grateful to Chairman ALEXANDER, Ranking Member MURRAY, Representatives KLINE, SCOTT, and others who managed to get that balance right in the conference committee.

Today we were able to pass a bill that is both a proper return of authority to the States and a preservation of civil rights protections that are going to guarantee the perpetuity of the small, positive legacies of No Child Left Behind.

What we have in the bill is a recognition that school systems should identify the 5 percent of schools that are the lowest performing schools and have specific plans to attack those schools and turn them around. Those interventions will be decided at the local and State level rather than at the Federal level.

There is a requirement in this bill to identify what we call dropout factories—schools in which a disproportionate number of students show up freshman year but don't graduate. Similarly, States have to have a plan to turn those schools around, dictated by decisions that are made at the local level.

Lastly, this bill contains a provision that requires us to continue to track the performance of certain subsets of students, whether they are minority students, disabled students, poor students, or non-English speaking students. Again, it requires those vulnerable populations that may not be hitting the goals that are set by the State or school district to have interventions to try to do better. All of the accountability will occur locally, but the mandate is to pay attention to those lower performing schools or those populations that sometimes get the short end of the stick within a school system or State educational system and ensure that they get special attention.

I think this is the right balance. This is a bill that rightfully returns power to States and school districts but retains civil rights protections that have been the foundation of our Federal education policy since the 1950s and 1960s.

I am also happy that there were a number of other civil rights wins in this bill. States have to note on their report cards indicators of school climate and safety. They have to disclose rates of suspension and expulsion, school-based arrests, and referrals to law enforcement so we can get a better handle on whether minority students are being treated fairly when it comes school discipline policies.

States have to submit plans on how they will reduce the use of discipline practices that threaten student safety, including seclusion and restraint. Increasingly, school districts are relying on the restraint of kids by binding their hands and feet or the seclusion of children by locking them in padded rooms as a means of discipline. In almost all cases, those means of discipline make the underlying behavior worse, not better. They disproportionately affect disabled kids and children with autism whose school districts unfortunately don't understand their students' issues as well as they should. This legislation will require States to submit plans as to how they will reduce the use of seclusion and restraint.

Finally, this bill retains the requirement that every kid, regardless of learning ability, should be expected to

meet the same standard. This bill still allows for 1 percent of students to take an alternate assessment, but it requires the majority of special education students, or students with learning disabilities, to be tested against their nondisabled peers. They will have to compete against their nondisabled peers in the workforce, so they should be measured against their nondisabled peers while they are in the school system. Those are all important wins as well.

In the end, as someone who was educated in the public school system and spent his lifetime around teachers, I know that No Child Left Behind not only sucked the effectiveness out of schools, but it also sucked the joy out of learning and teaching because so much of it was driven toward that test which became the only measurement of what a good school is.

I am a parent who is deeply involved in looking at schools and deciding which one is right for my kid. While I pay attention to the test scores that come out of that school, that is not the beginning and end of my analysis. I take careful pains to meet with the administrators, talk to other parents, look at their curriculum, and look at other measurements, such as attendance and graduation rates, in order to build a full picture of what a good school is.

Now States will be able to devise systems of measuring schools that mirror the way almost every responsible parent measures schools—in a comprehensive, robust way that doesn't just look at that test. Perhaps more importantly, as we try to grow a healthy economy that recognizes the strengths we have and the quality of our workforce under this new law, the Every Child Succeeds Act, we will be able to create a new generation that will have great innovators, great leaders, great mold breakers, and not just great test takers.

Congratulations to Senator ALEXANDER and Senator MURRAY, and many others, like Senator BOOKER and Senator WARREN, who worked closely with me on the accountability provisions.

This is a really important day for teachers, students, and parents all across the country. It is also a pretty good day for us when we get to come together and do something very important in a bipartisan pay way.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TOOMEY). Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent to speak in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

BIPARTISAN SPORTSMEN'S ACT

Ms. MURKOWSKI. Mr. President, I have come to the floor to speak about a measure that has moved through the Energy and Natural Resources Committee. This legislation is a pretty significant bipartisan accomplishment and I would like to share our progress with my colleagues.

On November 19, our committee reported S. 556. We refer to it as the Sportsmen's Act. This is a measure I have been working on, and we were able to report it out by voice vote. This is a bill that would benefit millions of sportsmen and sportswomen all across our country. It includes some key items within our jurisdiction that are part of a broader Sportsmen's package. That portion is being worked on by another committee. I have been working on our iteration of this bill with Senator HEINRICH of New Mexico, and I truly appreciate his leadership, his support, and his guidance on this measure.

As many Members in this Chamber are aware, the broader Sportsmen's bill has had a long history of bipartisan support in the Senate, but year after year it has failed to advance for a host of different reasons. It has been the victim of political brinkmanship in what for years was a Chamber that wasn't working, but I think this year is different. I outlined some of the successes yesterday when I came to speak on the floor and I think we are getting back to regular order. The committees are working hard—certainly the Energy and Natural Resources Committee is working hard—and we are working to advance legislation to go to the floor, whether it is this Sportsmen's bill or whether it is our Energy Policy Modernization Act that we reported out of the committee on an 18-to-4 margin back in July.

Our Sportsmen's Act is the latest example of a bipartisan bill that encompasses both good policy and good process. I think both of those are key. Staff from both sides of our committee—and the Sportsmen's Caucus, which is led by Senator RISCH and Senator MANCHIN, worked diligently with outside stakeholders to improve and refine the bill. So I want to briefly summarize some of the contents found within the Sportsmen's Act.

First, we included a congressional declaration of national policy to require all Federal agencies and departments to facilitate the expansion and the enhancement of hunting, fishing, and recreational shooting on Federal lands. This is our clear goal. It is a pretty clear and explicit direction for the executive branch.

The next component within the bill—and this is the heart of the bill—is a provision we are referring to as ''open unless closed.'' Through these, we are setting a new national standard, and that standard is that our Federal lands will be open unless they are closed. They are going to be open unless they are closed, not closed due to bureaucratic inertia. What we are trying to do is pretty simple. We are trying to allow all Americans to be able to access and enjoy their public lands. Under our bill, if Federal lands are going to be closed even temporarily, agencies will have to notify the public and provide opportunities for meaningful public comment. The agencies, whether they are the BLM or the Forest Service, will need to justify any proposed closures and address issues that have been raised by the public.

Our bill will also prevent temporary closures from becoming permanent by limiting any of these designations to just 180 days. Currently the BLM can close lands for 2 years and does not guarantee the opportunity for any public comment. BLM has acknowledged to us that they regularly implement what they call temporary closures while they prepare the paperwork to make them permanent. My Sportsmen's Act will allow BLM and the Forest Service to renew temporary closures, but they can only do it up to three times. Each and every time they do so, we are going to require them to engage in a public comment and notification process. What this ''open unless closed'' policy does is it reverses the practice of public lands being closed until opened or closed altogether. As a result of it, our sportsmen and sportswomen will have increased access to our public lands, they will have a real voice in decisions regarding any temporary closure, and they will also receive justifications for any temporary closures that are deemed necessary. So we are providing a more fulsome public process but also a more genuine opportunity for access to our public lands.

My Sportsmen's bill also addresses concerns raised about the unnecessary difficulty of securing permission for commercial filming on our public lands. Among other steps in the bill, we require the publication of a single joint land use fee schedule within 180 days, but we also say there are small crews that shouldn't have to go through this big rigmarole and pay this big fee. So small film crews of three or fewer people will be exempt from having to pay a fee.

I have heard a lot of stories about the horrors some of our outfitters or guides have experienced while they were trying to film some kind of promo-type material on a trip. Agencies are making them jump through hoops by telling them that they need a separate permit and have to pay additional fees. It gets to the point where you can't take a video or a picture on our public lands. That is just wrong. These folks already have a permit to be out there, and filming may be incidental to that.

In this bill we ensure that small crews and businesses can film on public lands without having to pay to do it. That seems pretty reasonable and fair to me. We also protect First Amendment rights by preventing content from becoming a factor in issuing permits, and we protect free speech by clarifying that journalism is not commercial activity.

Some might say: What is this issue all about? Think about it. If you have an agency that doesn't want to have filming or pictures in a certain part of a wilderness area or certain part of public land because a different story might be told that doesn't fit with the agency's view, that is not right. This bill will ensure that we are not going to regulate content in terms of whether or not a permit is issued.

I will give a specific example of why this is needed. Back in 2014, a producer for Oregon Public Broadcasting wanted to film a piece in the Willamette National Forest to commemorate the 50th anniversary of the Wilderness Act. To ensure that the piece had the ''primary purpose of dissemination of information about the use and enjoyment of wilderness,'' officials from the Forest Service asked to review the script. They wanted to look at the script before issuing a permit. That was not right. I believe giving Federal officials veto power over content can have a very chilling effect on journalism.

The final title of the Sportsmen's Act—this is a new title we came up with in committee—provides for reforms in the Land and Water Conservation Fund—LWCF. The reforms in the bill do not go as far as I would like to see them go, but they do reflect what our committee could agree on.

We also agreed to reauthorize the Historic Preservation Fund and to create a fund to address the maintenance backlog at the National Park Service. This is the same language we included in the broad, bipartisan Energy bill back in July—the same language now incorporated as part of the sportsmen's bill.

As I said before, my own proposal to reauthorize LWCF would look different from what our committee reported. When LWCF was created decades ago, monies were to be allocated each year so that Federal agencies would receive no less than 40 percent. States were to receive 60 percent. But what has happened in the ensuing years is that now nearly 85 percent of LWCF dollars have gone to Federal land acquisition, and we are not seeing the original congressional intent being met. Again, keep in mind that when LWCF was first created, it was going to be so that Federal agencies would get about 40 percent and States would get about 60 percent. We have now turned that on its head.

What our LWCF title does is recognize that States are leaders on recreation and conservation. Our reforms are trying to restore balance to the State-Federal split by ensuring that at least 40 percent of LWCF dollars are allocated to States for the State-based programs, including the traditional stateside program. This is an improvement, in my mind, but doesn't go far enough to restore the original congressional intent.

The title also recognizes the importance of accessing existing Federal lands and sets aside the greater of 1.5 percent or $10 million per year to improve access for sportsmen. This is an important provision for our sports men and women.

Like many western Members, I remain concerned about Federal acquisition. In Alaska, close to 63 percent of our lands are already controlled by the Federal Government. To begin to address the issue, the LWCF title also emphasizes conservation easements. This will keep lands in private ownership as working lands and will require agencies to take into account certain considerations when acquiring lands, including whether the acquisition would result in management efficiencies and cost savings.

To prioritize the backlog of deferred maintenance needs, this title establishes a National Park Service Maintenance and Revitalization Conservation Fund. This fund will help shift our focus to a more appropriate place, which is taking care of the lands we already have rather than an endless acquisition of new acreage.

Our country is fortunate to have an abundance of lands that are designated for recreation, conservation, and preservation. It is time we reached a consensus on how to care for and how to manage them. I believe we can do that best by allocating more than 40 percent of the LWCF to State-based programs.

People on the ground, who see what is happening day in and day out, provide the greatest insight into management, and we should recognize that. We should pair increased funding for State-based programs with increased authority for States to manage public lands. And we should consider giving Governors a say on Federal land acquisitions. After all, these are their States we are talking about—and opportunities for all sorts of activities on their land—are often affected by these decisions.

The LWCF reforms in the sportsmen's bill are a step in the right direction. I believe they provide a greater framework for further discussion. If we work hard and work together, we can agree on additional reforms to make LWCF even more effective in the years to come.

Those of us on the Energy and Natural Resources Committee have now completed our work on the Sportsmen's Act, and that brings us to the next step, which will be taken by our friends on the Environment and Public Works Committee. They are now considering a separate bill, S. 659, with provisions that are jurisdictional to them. I think it is fair to say that EPW's portion of the sportsmen's bill is also quite vital.

As I wrap up, there is one provision I would like to call attention to briefly, and that is the reauthorization of the North American Wetlands Conservation Act. The NAWCA program helps conserve waterfowl, fish, and wildlife through partnerships involving governments, nonprofits, and community groups. In Alaska, we are not in any danger of running out of wetlands and this program has funded a lot of good wetlands projects in my State. For example, on the Kenai Peninsula, partners in the private sector provided $1.6 million to match and exceed an $800,000 grant provided through NAWCA. Those funds were then used to implement habitat protection for over 300 acres of land along the Kenai River.

I think it is important that we reauthorize this program and provide funding to it so we can see important work like this continue, particularly in States that have fewer wetlands and thus have greater need for conservation.

NAWCA is just one of the provisions the EPW Committee can and hopefully will report in the future. Once their work is complete, all who support America's sportsmen and sportswomen and all of us here in the Senate who are sports men and women ourselves, should look forward to considering the full Sportsmen's Act here on the floor next year.

I am pleased that we are on a better track for this legislation in the 114th Congress. I again thank the many Members who have worked with us to get S. 556 to where it is today. As a result of this good work, millions of hunters, fishermen, recreational shooters, and other outdoor enthusiasts will soon have greater access and greater opportunities on our public lands and Federal lands, and I think that is something we should all be proud to support.

Mr. President, I see that my colleague from New Jersey is here. I think my time has expired. I do have a further statement about a truly mighty Alaskan leader who has been known throughout the education community in the State of Alaska who passed just yesterday at the age of 100. The death of Sidney Huntington in Galena, AK, is news that has brought great sadness to us all.

In deference to my colleague from New Jersey and in recognizing his time, I would like to come back to the floor later this afternoon and provide tribute to a great man who provided so much in terms of leadership and direction to so many, whether they be Alaskan Native children in the small, remote, rural communities or in our urban centers. It is fair to say that as of yesterday, we have lost a great Alaskan, and our hearts go out to him and his family. I look forward to coming back to the floor later to provide greater tribute to the great Sidney Huntington.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

ZADROGA BILL FUNDING

Mr. MENENDEZ. Mr. President, as we are all awaiting those who are negotiating a multibillion-dollar omnibus package and tax extender package, I wanted to come to the floor at this time of the year, as we approach the

holidays, and say that it would be unconscionable that we would go home to celebrate with our families without doing everything we can to make sure we send a clear and unambiguous message to our first responders—in the name of Jim Zadroga from New Jersey, for whom the 9/11 bill, the Zadroga bill, is named, and all those who responded on that fateful day—that we will never forget what they did for our fellow citizens, for this Nation on September 11, the day that changed the world.

We shouldn't have had to wait this long for the law to expire. At the same time, we are being told that we can't pass the legislation because we have to offset it. Yet we are talking about passing an $800 billion tax package, much of which goes to large corporations. I haven't heard any of my colleagues speak about the need to pay for this nearly trillion-dollar package which will deprive the Federal Treasury of anywhere between $800 billion and $1 trillion. Only the men and women who put their lives on the line on September 11 and the days that followed are waiting for Congress to act because we supposedly have to pay for the way in which we take care of their health care or the way in which we take care of the families, for those who lose a loved one as a result of the toxins and other circumstances that have led to their illnesses, that have led to their deaths. And unfortunately, we have seen a rising number of those individuals who responded on that fateful day who have died, including one very recently.

I don't understand how the rules don't apply to large corporations that will reap billions of dollars, but somehow those rules are asserted when we are trying to take care of the men and women who responded on that fateful day of September 11. I don't understand how there is any moral equivalency between them. There is none, and no one can claim there is any.

None of us can leave Washington for the holidays without passing this bill.

I would remind my colleagues of the immortal words of Charles Dickens in ''A Christmas Carol'':

> I have always thought of Christmas time, when it has come round as a good time: a kind, forgiving, charitable, pleasant time: the only time I know of, in the long calendar of the year, when men and women seem by one consent to open their shut-up hearts freely, and to think of people below them as if they really were fellow-passengers to the grave, and not another race of creatures bound on their journeys.

We should keep those words in mind as we approach the holidays. Beyond that, this isn't about the holiday spirit, it is about obligation. We should accept our profound, collective responsibility—not charity but responsibility—to act on this legislation. If we do not, and if we continue to insist on pay-for provisions when we don't insist on the same provisions that would provide benefits to America's largest corporations to the tune of hundreds of billions of dollars, we should be ashamed of ourselves.

I don't know which one of my colleagues can go to a September 11 commemoration and look those first responders in the eye. I don't know how you do that. The reauthorization bill I have cosponsored is necessary to provide the security and reassurances to those first responders that these critical programs will last longer than just what the next couple of months' funding will provide. It also permanently lists the statute of limitations on the Victim Compensation Fund to provide for those first responders and their families who need access beyond next year and, very importantly, it exempts these key programs from the budget sequestration cuts. The sequestration, which I voted against, imposes arbitrary and capricious cuts to funding that will continue to provide care and support for those September 11 heroes who sacrificed everything to help those in need on that tragic day.

The fact is, Congress must act. I don't think we should wait for a public outcry before we ensure that these heroes receive the care and support they deserve. I don't think we should wait for a future tragedy to observe what we should have done. The brave men and women who rushed into the towers to save others did not wait or hesitate to respond. They did not think about themselves. They did not think about the risk. They valiantly responded, and we—we—should not hesitate or wait to respond to their needs. To do so would be absolutely shameful.

With that, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING DR. SIDNEY CHARLES HUNTINGTON

Ms. MURKOWSKI. I wish to take a few minutes this afternoon to pay tribute to an amazing Alaskan, a man who lived a life that many would say was remarkable. Yet I think in his humble words he would respond that he just lived his life and did the best he could.

Dr. Sidney Charles Huntington was truly a great Alaskan. He died yesterday at the age of 100 years old in Galena, AK, which is on the Yukon River.

Sidney Huntington was a respected Athabascan elder. He was a culture bearer. He was a role model—definitely a role model. He was a mentor to so many, not only in his village but in his region and in his State. He was a prolific storyteller. He was a philosopher. He had words of wisdom. He was a reservoir of traditional knowledge. He was an outdoorsman who knew, understood, loved, and feared the land. He was a businessman. He was truly a public servant, especially when it came to education and conservation, and he was a warrior in the fight against youth suicide. These are just some of the words by which we remember one of our State's most treasured, cultural icons.

Sidney Huntington was known to his family and his friends as Grandpa Sid, and probably, for many good reasons, he had a lot of grandkids. There were the personal stories, and I think as we reflect on the 100 years of this great Alaskan, we will begin to share these many stories and tributes. He was certainly a savvy poker player. That is going to come out. He was a very generous man.

We were talking about him earlier today in my office. He was one of those guys who would truly give the shirt off his back. Sidney once encountered a young Native student who he thought had left the village and gone off to school, and the young man said: I couldn't go because I need to stay home and earn some money. Sidney literally took out his wallet, gave him eight hundred-dollar bills, and he told him to get to school. That was vintage Sidney. School was important. School had to be a priority, and Sidney wasn't going to let the fact that this young man thought he needed to stay home and make money stop him from going to school. He literally took out his wallet and solved the problem.

Sidney Huntington was one tough Alaskan. He was a man of very impeccable standards. He told it like it was. He would hold back not one iota.

I was in Galena after they had experienced some terrible flooding several years back, and the community had come together to talk about the FEMA response, how that was working with the State. You had the Federal Agency reps, you had the State people, and everybody was trying to figure out how to get through a difficult situation. Sidney Huntington—not sitting in the back of the room but sitting right up front at that table—said: By gosh, we have to get to work. No mincing words about it; he told it like it truly was. He was hardy. He was determined. He was very resilient. He was the real deal.

I was very privileged to know Sidney, and I was honored to be called his friend. That is quite an honor because you didn't choose Sidney to be your friend. Sidney chose you. He had identified me as somebody who could not only be helpful but that he could relate to, that we could have conversation back and forth.

It wasn't too many years ago that I flew into Galena. Galena is a very small village on the Yukon River, as I mentioned. You fly into the little airport there. I went to the very small terminal, and there was Sidney sitting on a chair right outside the little airport terminal.

I asked him: Where are you going, Sidney? I am sorry you are not going to be here while I am visiting Galena.

And he said: No, no, no. I am here because I have some talking to do with

you. Where are we on some of these education things? He was talking to me about No Child Left Behind. So Sidney was like: I am not going to miss her coming to Galena and perhaps not getting a chance to talk to her. He wasn't leaving. He was parked there to visit.

If Sidney Huntington chose to call you a friend, you didn't take it for granted, and you accepted that gift with great humility. I think about the relationships, the friendships I have made over the years. I can say nothing can make me, a third-generation Alaskan, feel more like an Alaskan than knowing I had earned the respect of Sidney Huntington.

Eric Mack, a journalist who worked in Galena, tells the story of how Sidney managed to survive when his snow machine fell through the ice. He was coming back from a trip. He had been out tending his trap line, and it was cold. It was about 30 degrees below zero. It was night. It was dark. He was on his snow machine. His snow machine went through a hole in the ice into a shallow section of the Yukon, and he was a long way from home. He dragged that snow machine out of the water, out of the icy water by himself. He made a fire from the gasoline and some frozen wood he had, and he kept himself from freezing to death. Think about how you do all of that. That is one tough Alaskan there.

Sidney Huntington was born in Huslia, which is on the Koyukuk River. He was born in 1915 to a Scots-Irish father who arrived from New York in 1897 to participate in the Gold Rush. His mother was Athabascan Indian. Sidney's mother died when Sidney was about 5 years old, and for about 2 weeks it left Sidney and two younger siblings to survive in the wilderness. Think about that.

This is all laid out in an exceptional book that Sidney wrote called ''Shadows on the Koyukuk.'' The details in the opening chapters are about the situation when he, as the oldest of three children, at 5 years old, was in a cabin in the middle of the wilderness with his mother and his mother died. At 5, he was the only one to care for his two siblings. This was the beginning of, again, a remarkable life for a remarkable man.

His father lived off the land as a trapper and a trader, and so the stories that are shared through Sidney's book, again, are just remarkable about what was happening in Alaska in the early 1900s. Sidney and his siblings first were sent to the Anvik Mission for schooling, and then he later attended the BIA school at Eklutna. He basically got the equivalent of a third-grade education. That was it. That was it for his formal schooling—third grade.

You need to keep that in mind as I talk about the rest of Sidney's story and his life. When he was 12 years old he returned to help his father work the trap line and learn the subsistence lifestyle, so he was out in the middle of Alaska. He was out in the wilderness. He was not in school. By the age of 16 he was earning a living hunting and trapping and at age 22 he went to work in a gold mine. In 1963 Sidney moved to Galena to work for the Air Force as a carpenter, and then in the 1970s he went into the fish-processing business. So he had been everything. He had been a gold miner, he had been a carpenter, he had been in fish processing, he had been a hunter and a trapper and a subsistence guy. He was truly living a traditional life in rural Alaska, sustaining himself and his family through a mixture of subsistence and participation in the cash economy. Many around the State share this life story, but that was just one dimension of Sidney.

This man, who had the equivalent of a third-grade education, served two decades on the Alaska boards of fish and game. In 1993 he published the best-selling biography I just mentioned entitled ''Shadows on the Koyukuk.'' In fact, this book he wrote is so good, is so compelling, it is the book I take around to the high schools when I go to visit students. I never leave a school visit without leaving something there, and I leave a book for their library. The book I have chosen to leave with students all over the State is ''Shadows on the Koyukuk'' because of the amazing accomplishments of this amazing Alaskan.

The University of Alaska Fairbanks in 1989 awarded Sidney an honorary doctorate in public service. Here again is an extraordinarily accomplished man, a man with a third-grade education, focused on public service, education, helping his community, his State, and publishing a best-selling biography.

Through the University of Alaska system, Sidney participated in oral history interviews that will be examined by historians and students for decades to home.

He was truly the stuff of which legends are made. Alaska holds a lot of legends. It is a big State with tall stories. But Sidney, once again, was the real deal. His life was a profile of courage and inspiration. It has not only been chronicled in books and interviews—it was even played out in theater in a stage play called ''The Winter Bear.''

''The Winter Bear'' tells the fictional story of a young Native man who contemplated suicide. In this play, this young Native man is sentenced to cut wood for Sidney Huntington. Making a pact with Sidney to live, he goes on to construct a traditional bear spear under Sidney's guidance. That spear is used to bring down this marauding bear. But Sidney is injured in the incident, and the young man, who is very insular and very afraid of public speaking, must now speak for Sidney before thousands of people at the Alaska Federation of Natives convention. At this point, the young man finds himself and his voice, recognizes the value of his life, and emerges as a leader.

While this play, ''The Winter Bear,'' may be fictional, Sidney Huntington's experience with suicide is absolutely not. In real life, Sidney lost children to suicide. He grieved for them every day and shared his loss with schoolchildren who visited his cabin. As we visited in quiet conversations, he shared with me the loss and grief that he felt, as not only his children but others in his community and his region have suffered because of suicide.

Sidney was a champion for young people. He believed in the future of our young people, urging that they choose life, that they get a good education, and that they take pride in their proud heritage.

Sidney Huntington was the patriarch of a large and extended family. I know so very many of them, and they are all very accomplished in their own right. He is survived by his wife, Angela. They were married 72 years; that is a pretty good marriage there. He has some 30 children, both biological and adopted, and many, many grandchildren. On May 10 of this year, they gathered in Galena to celebrate the centennial of Sidney's birth, and they all wore T-shirts that bore some of Sidney's words of wisdom: Make life worth living; work hard; keep up a good spirit; have a good attitude toward others—this will take you a long way in life. These are words to live by and words to remember an Alaskan who was truly larger than life and as large as the great State that he called home.

I was privileged by the gift of the friendship of Sidney Huntington. Alaska is privileged by the gift of his legacy. This man is a true hero of our homeland. He is now gone, but his life of inspiration will long, long be remembered. I am grateful for the opportunity to again pay tribute to a great Alaskan and to extend my condolences and that of the U.S. Senate to his family, his many extended relatives, and those of us throughout the State who cherish a great Alaskan leader.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

EVERY STUDENT SUCCEEDS BILL

Mr. CORNYN. Mr. President, earlier today the U.S. Senate added to its list of accomplishments this year by passing important education reform. The Democratic leader, our friend from Nevada, has called this Senate ''unproductive,'' but the Washington Post took a look at what he had to say and gave him three Pinocchios for that one.

When we look at the accomplishments of this year, they are bipartisan, to be sure—as they must be. That is the nature of this institution. Even the minority can, and frequently does, stop us from doing things the majority would like to do. But what has been remarkable is where we have been able to find consensus and work together. Certainly, the education bill—the Every Student Succeeds Act—is an example of that, as is the leadership not only of Majority Leader MCCONNELL, who

scheduled the vote on this legislation, but also Chairman ALEXANDER of the Health, Education, Labor, and Pensions Committee and Ranking Member MURRAY.

Senator MURRAY has also been very important in working with us on important anti-human trafficking legislation that passed the Senate 99 to 0. She worked with us on the President's request for us to pass trade promotion authority that only 13 Democrats voted for. This is an important piece of economic legislation.

Then, in recent days, we passed the first multiyear highway bill. That was due to the partnership of Senator INHOFE, chairman of an important committee, Chairman HATCH, chairman of the Finance Committee, and Senator BOXER on the Democratic side basically trying to take on her own leadership that didn't want us to pass a multiyear highway bill, at least at first, because they wanted to use the pay-fors in that bill to spend on other things.

My point is that leadership is important not only at the Presidential level; it is important here at the level of Congress in terms of setting the agenda. But the hard work of legislation is actually trying to find areas of common ground and consensus so we can actually get things done.

There are some times that stopping what the majority wants to get done is the right thing to do—when the legislation is misguided, when it is the wrong kind of policy. But we found places where we can work together in order to deliver results for the American people, and the Every Student Succeeds Act is an example of that. It replaced a law which was sorely in need of reform, and it stopped Washington from imposing common core mandates on our classrooms. It will ensure that power is devolved from Washington back to the local communities, to parents and teachers, where that power should exist.

In the words of Chairman ALEXANDER, it has eliminated the Department of Education as a national school board. Our country is simply too big and too diverse, and the needs of our students in local communities are so different that the power to innovate, the power to set the standard, and then to find the most creative and innovative way to achieve those standards I believe is best determined at the local level and not here in Washington, DC. This legislation does just that.

I use as an example Laredo, TX, where I went to a ninth grade science class. Due to the proximity of the Eagle Ford Shale in South Texas, they were teaching ninth graders the fundamentals of petroleum geology as a way to teach their science courses. So the students could see the future of a job in the oil and gas sector because of the proximity of the Eagle Ford Shale and the prosperity that has brought and a direct connection between the otherwise abstract lessons of science that they might be learning in class. Washington, DC, is not going to be able to come up with that kind of creative solution or way of making science relevant to students in Laredo, TX. So I use that as an example of why this legislation is so important to leave to the States and local school districts, parents, and teachers the ability to determine the curriculum and accountability measures they want to adopt.

I am proud we have come together in true bipartisan fashion to strengthen the hands of parents, teachers, and local communities and to provide real education reform for our children.

PRESIDENTIAL STRATEGY TO DEFEAT ISIS

Mr. CORNYN. Mr. President, I want to talk about the speech the President gave on the Islamic State, or ISIS. He spoke about this to the Nation last Sunday night. I read all the newsclips after having listened to what the President had to say, and I think the universal reaction was that the President did not come up with anything new. Basically, the message was that we are going to stay the course.

Of course, this is the same President who called ISIS ''contained.'' I don't know of any other person—any other person with any knowledge of the subject matter—who would share the view the President expressed, that ISIS was somehow contained. Indeed, we have learned that the threat of ISIS is threefold: We have the battle raging in the country, what started out as a civil war in Syria. Now the borders between Iraq and Syria have essentially been erased, and ISIS is controlling large portions of those two countries. It is also about the foreign fighters who come from Europe and other places within the region and even from the United States. There have been examples of people who come from the United States over to the fight in Syria and Iraq in order to help ISIS. Then, as we sadly learned again, just as we learned in Paris recently, we have seen in San Bernardino, CA, the radicalization of people already in our country, using things such as social media and the Internet.

It is troubling that the President did not choose to tell us what new strategy he was going to use in order to actually make sure we were able to accomplish his own stated objective of degrading and destroying ISIS. Instead, we heard that he had no interest in changing course. As I said a moment ago, this has dangerous and dramatic consequences right here at home too. In light of the terrorist attacks in San Bernardino—one that killed 14 people and wounded more than 20—you would think that the President would reconsider whether the course we are on needs a midcourse correction.

We saw that, for example, in Iraq. President Bush saw the war in Iraq going poorly, despite our best efforts—and then took a huge chance, upon advice of General Petraeus and other military leaders, to conduct a surge. It was a big risk, but it paid off.

President Obama, on the other hand, does not seem to want to learn from his experience or his mistakes. This ''wait and see'' approach has served only to strengthen the stranglehold ISIS has on the Middle East, and it has enabled the recruitment of thousands of jihadists from all over the world.

What we really need from the President is to listen to his military and national security leadership and to formulate a comprehensive strategy against ISIS and bring additional military means against them. The President likes to say this is a choice between what we are doing now and American boots on the ground. That is a false choice. That is not the choice. Those aren't all the options available to the President. But we need to bring means against ISIS that would inflict sizable losses, shatter their false narrative about their actually prevailing and making advances in their effort to reestablish or establish a Caliphate in the Middle East, and stop them from spreading their hateful ideology and their violence—not only in Syria, Iraq, and in that region, but around the world.

In short, what we need is a dramatically different approach. This concern for our current trajectory in the fight against ISIS is not shared only by folks on this side of the aisle. A number of our colleagues across the aisle agree that the President's strategy isn't working, but some of their solutions are pretty puzzling. Just this week, the Democratic leader and some of the other senior leaders across the aisle said that the solution is for the President to appoint another czar—a czar that can eliminate ISIS.

We don't need another appointed bureaucrat. We need a Commander in Chief who is willing to recognize the reality on the ground, one who will step up and lead, and one who will lay out for Congress and the American people a strategy that has a reasonable chance of success.

Because of the President's refusal to change course and develop a serious and aggressive strategy to eradicate ISIS, several of my colleagues and I have sent a letter to the President with some hopefully constructive suggestions. We have urged him to take commonsense measures that are designed to accomplish his own stated goal of degrading and ultimately destroying ISIS.

It is evident that any way forward must inflict significant territorial losses to ISIS. Right now we are engaged in bombing missions, which are necessary but not sufficient to actually hold any territory. That takes people on the ground. It takes military advisers. It takes the United States' leadership—not our U.S. military on the ground—but it takes somebody there to reclaim territory that Americans fought to secure just a few short years

ago, such as in Ramadi, Fallujah, and Mosul.

I said before that I think the President made a terrible mistake when he precipitously pulled the plug on the American presence in Iraq, because what happened is we simply squandered the lives and the treasure lost in securing cities such as Ramadi, Fallujah, and Mosul. It breaks my heart to think about the Gold Star Mothers and other people who lost family members in those fights only to see now that territory squandered. Think about our veterans who perhaps lost a limb from an IED, a roadside bomb. It is really a terrible thing. Now the President does have a chance to try to change his strategy in order to reclaim the territory from Iraq and, again, to undercut this false narrative of ISIS invincibility.

First, in this letter that we wrote to the President we suggested that the United States should embed military advisers alongside of the Iraqi Security Forces, the Kurdish Peshmerga, and Sunni tribal forces to strengthen their hand on the battlefield. These are some of the people who can be the boots on the ground and not American soldiers and service men and women. This could include additional U.S. troops to serve as joint terminal attack controllers—or JTACs—who can help ensure that our airstrikes against ISIS are much more accurate, timely, more lethal, and avoid collateral damage to innocent civilians.

We know the United States has the most powerful military in the world—equipped with the most advanced aircraft and the best trained pilots to fly them. But in order to leverage the advantage in the air, we need to work more closely with those on the ground. Again, this isn't going to happen without American leadership. By deploying additional close air support platforms—including Apache attack helicopters—for use in coordination with embedded JTACs, we can bring real support to those who find themselves in close contact with ISIS.

Again, the President likes to say ''no American boots on the ground'' but the fact is there are about 3,500 or so U.S. service men and women in Iraq, and the President recently announced he was going to deploy a contingent of special operators to help do exactly what I described here. But he has not yet come up with a strategy that will actually help them accomplish their goal.

The President also needs to understand the real need for a thorough review of the current approval process for coalition airstrikes. By making this review process less unwieldy, we can remove barriers that inhibit our pilots from striking strategically significant ISIS targets and doing it in a timely manner. On the battlefield, seconds matter. Our pilots who are engaging ISIS and putting their lives on the line should be allowed a shorter strike-approval timeline.

Finally, the letter my colleagues and I sent to the President asks him to establish safe zones inside Syria to protect the Syrian refugees. I have had the occasion to travel to some of the refugee camps in Turkey and Jordan, for example. Ever since the Syrian civil war occurred a couple of years ago, there have been massive dislocation of people from Syria into adjoining countries, further destabilizing those countries and, obviously, being a huge burden upon them. But what we need is a no-fly and no-drive zone so Syrians can stay in Syria rather than having to flee to adjacent countries or Europe or now come to the United States, for example. It would help safeguard innocent men, women, and children who are getting caught up in the crossfire.

We can do this. We have done it before in Northern Iraq. It takes a plan, and it takes American leadership. We can help take a lot of pressure off of Europe and surrounding countries in the Middle East, as well as our own country, by people who understandably are fleeing the devastation and the danger in their own country. Of course, the President and the United States can't do it alone. That is why we also encourage the President to leverage our partnerships in the region and hopefully find ways to mobilize NATO, or the North Atlantic Treaty Organization, in the planning and implementation process. NATO is very much engaged in Afghanistan, for example, and there is no reason why NATO, with American leadership, can't make a big contribution to what is happening in Syria and Iraq.

I hope President Obama reads our letter, and I hope he seriously considers how the United States can move forward with our partners in a much needed direction to accomplish the goal that he himself stated of degrading and destroying ISIS. Unfortunately, the current plan is not ever going to succeed. Just bombing, as I said earlier—airstrikes—is not sufficient.

Unfortunately, the recent attack in San Bernardino reveals that the extremist ideology of ISIS is not contained in the Middle East, as I mentioned earlier—the radicalization of people already here in the United States. We saw that, for example, in 2009 with MAJ Nidal Hasan at Ft. Hood, TX. We saw it earlier this year in Garland, TX. Unfortunately, we saw that in San Bernardino last week.

By the way, this is another item on the President's and on our to-do list. The FBI Director this morning testified that before the attacks in Garland, TX, where two people traveled from Phoenix in full body armor and with automatic weapons and tried to attack an exhibit in Garland, TX, one of the attackers sent 109 encrypted messages overseas to a terrorist contact there. But because they are encrypted, even with a court order, the FBI has not been able to see the contents of those messages. The FBI Director and the Deputy Attorney General have said this is a big problem for the United States because many technology companies are marketing their ability to encrypt their messaging and, thus, keep it out of the eyes—away from the eyes—of law enforcement, even with a court order.

Again, recently we voted to eliminate the bulk data collection at the National Security Agency. To remind everybody, this was about taking a known terrorist's phone number overseas and comparing that against call records here in the United States that don't reveal content but do reveal the domestic phone number so that the law enforcement authorities can go to a court and ask the court to allow them to look into the content of that communication. But, of course, this was misrepresented by some who claimed the privacy interests trumped national security interests.

Certainly, we have to find the right balance between privacy and security. But this encryption technology, which, again, is being marketed by certain companies in order to increase their market share, is being used by terrorist organizations. In fact, the FBI Director said this has now become part of the terrorist tradecraft—that is the way he put it—to use these encrypted devices.

My point is that whether it is the fight in Syria and Iraq or whether it is the foreign fighters traveling from the United States or Europe to Iraq and Syria and returning to the United States or whether it is radicalization of people already in place here in our own country, this is a war we cannot afford to lose. In a way, it seems like we are not using all of the resources available to us to fight a war against the terrorist threat when clearly they are using every resource they have available to fight a war against the United States and our freedom.

I hope the President will reconsider his course of action dealing with ISIS. I am sorry to say that unless the President does, I think we are going to see other attacks—not just in Europe, not just people dying unnecessarily in Syria and Iraq, but further attacks here in the homeland.

The President has some very talented military advisers. General Dunford and General Milley, the Army Chief of Staff, and others can provide him a strategy that actually will have a better chance of succeeding if he will listen and if he will reconsider. I know that sometimes when people like me have criticized the President for having no effective strategy, people have said: What is your strategy? Well, it is not our responsibility. It is the Commander in Chief's responsibility to come up with a strategy. But taking that challenge on, my colleagues and I have sent this letter where we list some options for the President that I hope he will consider.

We need a more focused, a more effective, a more robust strategy—one

that is undergirded with a political framework that can sustain a lasting rejection of the bankrupt ideology pedaled by ISIS. We don't have time to stick to a plan that has proven not to work.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GARDNER). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. TOOMEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NUCLEAR AGREEMENT WITH IRAN

Mr. TOOMEY. Mr. President, I wish to address an issue that has kind of been pushed into the background by virtue of a series of events that has, quite understandably, captured all of our attention. The atrocities committed by ISIS has justified a focus of attention on how we can make America more secure from this very frightening and dangerous threat, but we shouldn't lose sight of an ongoing threat that is simultaneously developing, and I am referring to the Iran nuclear deal and the very disturbing developments that have occurred just in the short period of time since the JCPOA, the agreement between the Western powers, including the United States, and Iran, was announced.

This is a deal that in its own right is very disturbing. I found it impossible to defend. Since then, it has gotten worse, and in my view additional developments clearly indicate that we don't really have an agreement here, and the President should not be lifting sanctions in a few weeks. My fear is that is exactly what the President intends do. Let me walk through several of the items that have occurred recently that are particularly disturbing.

Item No. 1, almost immediately after the deal was announced, the Iranian leadership insisted they would essentially rewrite some very important parts of the deal. Specifically, they demanded that the sanctions had to be permanently lifted rather than suspended indefinitely. The JCPOA language says the United States will ''cease the application of sanctions.'' The administration has been very clear. They told us that means the sanctions are suspended, but the framework remains in place in case they need to be reapplied. They have predicated the entire viability of this agreement on the ability to reimpose sanctions, so it is essential that they in fact be available to reapply. The Iranians have said: No, absolutely not. That is not what the agreement says. It says these sanctions are to be lifted and permanently removed and they cannot be restored for any reason under any circumstance.

Well, which is it? The Iranians have clearly indicated that they have a very different understanding than our administration does, and this matters because whether sanctions can be reimposed in the event of a violation is absolutely central to the enforcement of this agreement, and that is according to the administration.

Item No. 2, shortly after the deal was announced, a couple of our colleagues—a House Member and a Senator—discovered the existence of two secret side deals. While on a trip to Europe, they discovered that these agreements were negotiated between the IAEA, the International Atomic Energy Agency, charged with much of the enforcement of this agreement, and the government in Tehran. It went to the heart of the past nuclear weapons activity that the Iranian Government was involved in. The administration didn't tell us about these side agreements or give us these side agreements, but it turns out they exist.

The nuclear review act stated very clearly that the President was obligated to give us all related documentation—all of it. The actual language is ''any additional materials related thereto, including annexes, appendices, codicils, side agreements, implementing materials, documents, and guidance.''

I think it is abundantly clear that the legislation actually in fact says, and intended to say, that anything in any way related to this agreement had to be handed over to Congress. It never happened. We never got it. To this day, we haven't gotten it. In fact, no Member of Congress has seen these agreements—these two documents. It is not just that no Member of Congress has seen them, nobody in the administration has seen them because the administration thought it was OK to just trust some other entity to negotiate a very central enforcement provision of this agreement without ever being able to even see it. It is unbelievable. No. 1, the President is in violation of the law if he lifts these sanctions because the law clearly states that process can't begin until we have gotten all the documents, and we still haven't, and a very important aspect of this agreement is something that the administration has never seen.

Item No. 3, October 3, just a few weeks ago, Iran launched a new long-range, precision-guided ballistic missile. Even the Obama administration acknowledges that this is a violation of U.N. Security Council Resolution 1929, which prohibits any ballistic missile activities on the part of Iran. Let me briefly quote from that resolution. It is a resolution that, by the way, supports the JCPOA. It is an integral part of the nuclear deal with Iran. It states that Iran is ''not to undertake any activity related to ballistic missiles designed to be capable of delivering nuclear weapons, including launches using such ballistic missile technology, until the date eight years after the JCPOA.'' The intermediate-range ballistic missiles that the Iranians launched could absolutely hold nuclear weapons. They have a 1,000-mile range and could reach Israel.

A few weeks after that, on November 21, Iran launched a second ballistic missile. In spite of everybody pointing out that they were in violation of the JCPOA with the first launch, they demonstrated just how concerned they were about that by a second launch. It was a slightly different system, quicker setup time, more mobility, more maneuverable, and still capable of delivering nuclear weapons. Why does this matter? Well, it matters because it demonstrates that Iran has every intention to continue to improve its ability to deliver nuclear weapons great distances, with great precision. It demonstrates the continued intent of Iran to develop the capability to threaten and attack Israel and U.S. allies.

It is a fact that with this technology in place, if and when they violate this agreement and develop nuclear weapons—or even if they just wait until it is over and develop nuclear weapons, which the agreement permits—they will be immediately prepared to launch these weapons great distances. Maybe most fundamentally, Iran is in open violation of the JCPOA. They obviously have contempt for this agreement. How can we trust them when they are blatantly and flagrantly violating central parts of it?

Item No. 4, October 29, Iran sends weapons to the Assad regime on Russian cargo planes, violating another U.S. Security Council Resolution, as was part of a bigger deal. It included, in the negotiation of the deal, that Commander Soleimani travel to Russia, which is in violation of the U.S. Security Council Resolutions because a travel ban had been imposed personally on him. That didn't matter. He went to Russia and negotiated an agreement that included weapons for Assad, in violation of another U.N. Security Council resolution, and Russian delivery of the SA–300 Air Defense System for Iran.

Why is this important? Well, it is yet another flagrant violation of international law and U.N. Security Council resolutions but also because the delivery of these surface-to-air missiles diminishes the ability and credibility of a military strike against Iran, which we have been told is always the ultimate backstop. You would think that maybe the administration would have some concern about this.

Item No. 5, October 29, Iran arrests an American and convicts another American. The Iranian regime arrested the Iranian-American businessman Siamak Namazi and convicted Washington Post reporter Jason Rezaian in a show trial. This American reporter has now been held for over 500 days. Meanwhile, of course, the Iranian hardliners continue to hold their anti-American rallies, burn American flags, and shout ''Death to America.''

Why does all of this matter? After all, this was not contemplated by the

JCPOA directly. It matters because it reveals the ongoing open hostility of the Iranian leadership to the United States. In response, of course, America has taken no steps and no action, but it is fundamentally clear that this deal has not changed the mindset or attitude of the regime toward America, and now it appears that Iran is holding some additional chips, if you will, in the form of American hostages and that should be pretty disturbing.

Item No. 6, December 2, just a few days ago, the IAEA report came out on the previous military dimensions of Iran's weapons program. What did they conclude? They concluded that up until and through at least 2009, Iran was, in fact, working on a nuclear weapons capability. That is from the IAEA's report. That is not my opinion. That is their conclusion. They confirmed, among other things, that the Iranians were working on neutron triggers for detonation purposes, miniaturization efforts for warheads so they could be put on ballistic missiles, and specific designs for fitting them on weapons.

In addition to confirming the nuclear weapons activity of the Iranian regime, the IAEA report highlighted that the Iranians were not fully cooperating as they were trying to determine the extent of the past military dimensions. Again, according to the IAEA, the Iranians consistently tried to mislead investigators.

At the Parchin site, where much of the research and weaponization process was underway, the Iranians were heavily sanitizing the site. In recent months, they were trying to destroy the evidence prior to the IAEA investigation and determination, and the Iranians did not provide all of the information that was requested of them. This is all from the IAEA.

Why does all of this matter? First and foremost, it is absolutely indisputable proof positive that Iran has been lying through this entire process. They have always said they have no nuclear weapons program and that all of their nuclear research has always been exclusively for peaceful purposes. It has been a lie. It was always a lie. It was a lie through the entire negotiations. If they are willing to lie about this, what else are they lying about? Since they were not willing to fully cooperate, how much do we really know about exactly how far along their weapons process was? And if and when we discover future weapons developments, we might not know whether that was prior to the agreement or post-agreement. It just creates a great deal of dangerous ambiguity.

Finally—and this to me is maybe the most shocking—on November 24, the State Department acknowledged that the Government of Iran had never ratified and had not signed the JCPOA. They haven't signed the agreement. The administration acknowledges this. In a letter to a Member of Congress, Congressman MIKE POMPEO, on November 19, 2015, the State Department said, among other things, the ''JCPOA is not a treaty or an executive agreement, and is not a signed document. The JCPOA reflects political commitments. . . . ''

The President had previously called it a negotiated diplomatic agreement and attached great weight to it. The President said:

> The agreement now reached between the international community and Iran builds on this tradition of strong principled diplomacy. After two years of negotiations, we have achieved a detailed arrangement that permanently prohibits Iran from obtaining nuclear weapons.

Except that it doesn't and Iran hasn't signed it. The President even compared it to the START treaty and the nonproliferation treaty. It is very different. The fact is, the State Department letter openly admits that this agreement, if you can call it that, is not legally binding on Iran, and the Iranians have refused to sign it. Instead, it is supposed to depend on extensive verification, and we have talked about the problems with that, and the ability to snap back sanctions, which, likewise, have been dramatically undermined at best.

Then let's look at what the Iranians have done. President Ruhani pushed the Iranian legislature specifically not to adopt the JCPOA. They have ignored it. They have not voted on it. They have not ratified it. They have not affirmed it. So, in addition to not signing it, they have not had an eradication vote to approve it. In fact, they voted on some other framework. Ayatollah Khamenei has suspended further negotiations with the United States, so they have not signed the agreement, they have not voted on the agreement, and they have announced that they have no intentions of discussing any more with us the substance of it.

It looks pretty clear to me that the Iranians are creating the ability to completely deny any obligation on their part to honor the terms of the agreement. It looks pretty obvious to me that that is what is going on here. Yet we are just a few weeks away from what this agreement, which hasn't really been agreed to, calls the ''implementation day.'' That is the day on which the sanctions will be lifted.

By all accounts, it appears as though the administration intends to go ahead and lift the sanctions. Principally among them is the release of many tens of billions—maybe $100 billion—to Iran, despite the fact that the Iranians have demanded that these sanctions be permanently lifted, despite the discovery of these secret agreements, despite at least two ballistic missile launches in direct violation of the agreement, despite the violations of the arms embargoes, despite the arrest of Americans, despite the confirmation that we all now know that Iran has been lying throughout this entire process about the past weaponization, and despite the fact that they refuse to sign or pass this agreement. Despite all that, we apparently are just a few weeks away from lifting the sanctions, releasing upwards of $100 billion to the Iranians, and, of course, at that moment, losing virtually all leverage over Iran and their pursuit of nuclear weapons.

I think it is time the President of the United States realizes and acknowledges that there is no agreement here. There is not a deal. Any reason one would think of at this point that Iran is going to honor this agreement that is not really an agreement I think is extremely naive at best.

I hope that in the very short time that remains, we are able to persuade the administration to reconsider their apparent intent to lift these sanctions and reward this regime with a staggering amount of money with which they will do, in my view, very likely great harm.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, I ask unanimous consent for an additional 10 minutes to the 10 minutes I have been allotted.

The PRESIDING OFFICER. Without objection, it is so ordered.

EVERY STUDENT SUCCEEDS BILL

Mr. BENNET. Mr. President, I am sorry the Senator from Colorado has the misfortune of presiding over the Senate when I am giving a speech, but it is nice to see him.

I wanted to come to the floor today to mostly say thank you but also to make some observations on a day where I am actually proud of the Senate. I am proud of the work we have been able to do to reauthorize the Elementary and Secondary School Act with a vote in the Senate of 85 yes votes. This came after a vote in the House of Representatives that was 359 yes votes. And this comes after a time when just months ago it seemed as though we were paralyzed on this bill and unable to get a vote in the House and in the Senate. In fact, the House passed a very partisan bill that didn't get one Democratic vote. And when the Democrats were in charge, we passed bills that didn't get Republican votes, and then we couldn't even get them to the floor. Now we find ourselves just a few months later with a huge bipartisan result.

I want to start by commending LAMAR ALEXANDER, the Senator from Tennessee, the chairman of the Health, Education, Labor, and Pensions Committee, for his extraordinary leadership, as well as PATTY MURRAY, the ranking member of the committee, for her leadership. They ran this committee and they ran this process in a way that ought to set the standard for the rest of the committees in the Senate. They followed regular order. They started with a bipartisan product. They asked every single member of the committee whether we had ideas to try to

improve the legislation. They moved it out of committee unanimously—unanimously. This is a committee that has on it the junior Senator from Kentucky and the junior Senator from Vermont, just to pick two examples, and they got a unanimous vote. Then we brought it to the floor, we had amendments, an open process, passed it off the floor, the House passed their version of the bill, and we had an actual conference committee. Can my colleagues imagine that? I think it is the second one or maybe the third; there was one fake one and then two real ones since I have been here in the last 7 years. I have actually had the good fortune to be on two of them, including this one. So we produced a product and got it to the floor, and now it is going to the President's desk.

I say to the pages who are here today that we are 8 years away in the reauthorization of No Child Left Behind. The bill expired, in effect, 8 years ago, and we have taken 8 years to get this work done, which, if you were grading us in terms of getting our homework done in time—if the teachers at the Page School had the opportunity to scold us for being 8 years late with our homework, they probably would. But I am going to celebrate because I am glad this day has finally come. For teachers and for principals and for students and for families all across the country, this change is going to come as a great relief.

Some people ask: Why should the Federal Government have any role in education at all? I think it is a fair question because of what we spend on K–12 education, only 9 percent of it is Federal. The rest of it is all State and local. The reason why the Federal Government is involved is because of the civil rights impulse that says kids ought to have a great education no matter what ZIP Code they are born into. That is what we tell ourselves. If you are lucky enough to be born to wealthy parents or unlucky enough to be born to poor parents, when it comes to education, you ought to be able to get a good education.

The Federal Government is meant to help ameliorate the differences that exist in too many places all across the country. That was the idea when we got involved in this in the 1960s. Then we fast-forward to No Child Left Behind, the idea that George Bush had and Ted Kennedy had and the others who worked on that bill, including Margaret Spellings and others, had. The idea was that our kids are not succeeding all across the country and they are not remotely having the same opportunities, and we ought to expose that to the country.

Notwithstanding all of the things about No Child Left Behind that I can't stand, the one thing I will be forever grateful for was the requirement that districts across the country annually assess kids and disaggregate the data so people can see how kids are doing by ethnic group and by their level of poverty or affluence and that we expose that to the country and stop hiding from what are terrible results for many kids living in the United States.

Over the period of time that No Child Left Behind has been in place, we have been unable to hide from the results we have seen. What are those results? It is very clear now that we have studied it that if you are a kid born into poverty, you arrive in kindergarten having heard 30 million fewer words than a more affluent peer. Ask any kindergarten teacher in America whether that is going to affect the outcomes in kindergarten, and she will tell us.

We now know that there are whole communities in America, across cities and across rural areas, where there is not a single school that anybody in this body would be willing to send their kid or their grandkid to—not one. And those of us who are proponents of school choice, as I am, need to recognize that there are huge parts of geography in the United States where there is no choice. The choice is illusory. You have one lousy school to choose from and another lousy school to choose from.

Then what we have discovered is that we have made it harder and harder for people to be able to afford college. As other countries around the world are understanding more than ever, we need something north of a high school diploma to compete.

When George Bush, the son—and I say to the Presiding Officer that this is a temporal observation, not a partisan observation—when George Bush the son became President, we led the world in the production of college graduates. Today we are something like 16th. My question is, Do we want to be 32nd or do we want to do something different to give people greater opportunity?

As I have said on this floor before, where this all ends is in a situation where if you are a kid born into poverty in America, your chances of getting a college degree is equivalent to roughly 9 in 100. They are not roughly 9 in 100; they are 9 in 100. That means that if these Senate chairs and these desks—there are 100 in this Chamber—were inhabited by poor kids instead of by Senators, there would be those 3 seats, then those 3 seats, and then 3 of those seats in that row that would be inhabited by college graduates, and the entire rest of this Chamber would not be. I think that if we faced those odds for our own kids in this body—if Senators faced those kinds of odds for their own kids—we would quit the Senate and we would go home and we would try to fix whatever we could fix to ensure that our children didn't have a 9-in-100 chance but maybe had a 90-in-100 chance of being able to make a decision about whether they wanted to go to college.

I think one of the reasons why we find ourselves with those kinds of results for our kids—not just around education but around health care and around many other issues—is that too often we are treating America's children like they are someone else's children, not like they are our own children. And if we treated them like they were our own children, I think it would focus our mind.

I think that not just on education but on all kinds of issues, we would stop figuring out how to get through the week, stop trying to figure out how to keep the lights on for 1 more week or 1 more month or do a temporary tax deal that we could call a yearlong deal and it is actually a 2-week tax deal at the end of the year, and we would actually start doing what the American people want us to do, which is invest in the next generation—investment in the next generation in terms of infrastructure, in terms of immigration policies, in terms of energy; approaching the next generation by saying we have a theory about how we are going to right the fiscal problems this country faces. And we would be doing a lot—State, local, and Federal Government—to ensure that we had an education system that was much more aligned to the outcomes we want for our kids than the system we have.

Having said all of that, I am so glad we have made the decision that we have made to pass this bill today because if we had a rally tomorrow on the steps of the Capitol to keep No Child Left Behind the same, literally no one would show up, which maybe explains why we have been able to get this bipartisan result in the end.

I think the other thing that explains it is the fact that the No Child Left Behind bill, when it was passed, represented perhaps the biggest and greatest Federal incursion on State and local governments that we have seen in modern American history. Part of what we are doing here by changing the way this bill works is retreating, which I think is appropriate and what we should do.

When I was superintendent of the Denver public schools, I used to wonder all the time why people in Washington were so mean to our kids and to our teachers. What I realize being here is that they are not mean; it is just that they have absolutely no idea what is going on in our schools and our classrooms.

I think it is perfectly reasonable for the Federal Government to say: We expect you to do better. We expect you to close these achievement gaps. We have a national interest in knowing that kids are moving forward no matter where they are born, just as I think we have a national interest in understanding where the next 1.5 million teachers are going to come from to replace the teachers we have lost. But when I was a superintendent, the last thing I wanted was anybody in Washington telling me how to do the work or telling my teachers and principals how to do the work. That is not the province of anybody in Washington, DC, and there was too much of that with No Child Left Behind.

I want to talk a little bit about a few aspects of the bill today that I think are important. I am not going to talk about everything because there is an awful lot that changed. The first thing that is important to me was thinking about how we spend money when it comes to schools and understanding better how those resources are used.

I mentioned earlier that the whole reason the Federal Government is involved in education is because of a civil rights impulse. It might surprise the Presiding Officer to know that we are only one of three countries in the OECD that spend more money on affluent kids than we do on kids in poverty as a country. Part of that has to do with the way we fund education through property taxes, but part of it is compounded by the way the Federal Government has required reporting from school districts and States, going back to the 1960s, where we said to States and school districts: You need to report not an actual teacher's salary but an average teacher's salary, and that is what we are going to require you to do. For reasons that I am not going to belabor here today, that became something called the comparable loophole and meant that it was unclear where the resources were going, including the title I resources which are meant for kids living in poverty.

I wanted to close the comparability loophole as part of this legislation. We got a vote in the committee, but it didn't make it into the bill. But we have made a change in reporting, which is that we are now requiring districts and States to report on actual teachers' salaries, not average teachers' salaries, and what that is going to mean is much more transparency about where money is going in our school districts.

It is pretty easy to think about it this way. If you imagine an average salary for a school district, if you are in a high-poverty school, it tends to be that younger teachers, newer teachers are in that school. Those newer teachers are paid not at the average salaries but an actual salary down here. If you go to a more affluent school, teachers tend to be more experienced and paid more, and they are paid up here. So in the wealthier schools, the school is billed as though it is paying lower average salaries even though it is paying higher salaries. The poor schools are being billed as if they are paying higher salaries, but they are paying lower salaries. That is a travesty. That is a massive subsidy going from poor kids to wealthier kids in this country because of the requirements of the Federal Government going back to the 1960s. We have to change that reporting, and I believe in the next incarnation of this legislation we will finally change the budgeting itself.

We also focused on teacher leadership as part of this bill and teachers in general. They are the most important thing when it comes to a quality education. We know that the most important thing a kid who is living in poverty can get is 3 years of tremendous instruction. If they do, we can close the achievement gap. We know we can.

There is a lot of attention paid to this question of how we get rid of low-performing teachers, and having been a superintendent, I am all for it. But the most important question or fact we need to observe is that we are losing 50 percent of our teachers from the profession in the first 5 years. What is it we can do to keep teachers longer than that? We can't keep them for 30 years anymore. It is not going to happen. We imagine that is going to happen. We have exactly the same system that was designed when we had a labor market that discriminated against women and said: You have two choices—one is being a teacher and one is being a nurse. So come teach Julius Caesar every year for 30 years of your life in the Denver public schools.

Those days are over. They are over. Our compensation system and the way we train people and the way we inspire people to teach needs to change to match the labor market we have today. We could not solve that problem in this bill. That problem is not going to be solved here, but we did create more flexibility when we rewrote title II, which has been essentially a slush fund of lousy professional development, and we focused our funding on opportunities for teachers to serve as mentors and academic coaches. Eagle, Durango, and Adams 12 in our State are leading the way in these innovative practices.

We create support for teacher residency programs inspired by the Denver and Adams State teacher residency programs so that we are not saying we are going to have to rely on higher education programs that are not going to prepare our teachers to do the work we need them to do. Instead, we are going to train them in classes with master teachers so they can perfect the craft of teaching. They can bring their content-matter expertise, and they can learn how to teach in the place that matters, which is in school.

We have resources to train great principals because there is nothing more frustrating for teachers than somebody in their building who doesn't know how to lead.

We have funding to help modernize the teacher profession for preparation, recruitment and hiring, replacement and retention, compensation, and professional development.

I am often asked what is the one thing that will change outcomes in our schools. What I tell people is that there is not one thing, it is everything. There is almost nothing about the incentives and disincentives in our K–12 system that are aligned to the outcomes we want for kids—almost nothing. What we say is: On all of these different dimensions, school districts, feel free to innovate and feel free to use some Federal resources on the most important thing you can do, which is making sure you have a great workforce in your building.

We have funding to create differentiated compensation systems and increased school leader autonomy to support the reshaping of instructional time, planning time, and professional development. We are not going to hire teachers in Washington. We shouldn't hire teachers in Washington, but as I said earlier, we do have a vital national interest in knowing we have a pipeline of the very best people who are coming to teach our kids.

I did not mean this to sound political or sound like a politician or sound a little bit like that, but, believe me, there is nobody in this room who has a job that is harder than being a teacher. There is nobody in this building who has a job that is harder than being a teacher in a high-poverty school—nobody. Nobody. That is the hardest job you can have. We train people in ways that don't prepare them for the work, we give them leadership that doesn't support them in the work they are trying to do, and we pay them a crummy wage that no one in their college class would subject themselves to. No wonder that fewer than one-third of eligible voters under the age of 30 would recommend teaching as a job to a friend.

Until we change that, until we have a system that says that teaching is a great and noble profession, that it is something we can do as a way to give back to the community, a way to build the future of this country, and 70 percent of American voters are saying ''I would recommend that to a friend,'' we know we are not on the right track. This bill doesn't solve the problem, but it points the way to flexibility that I think is vitally important—flexibility around teachers and also innovation to try new things, funding for schools and districts to innovate. St. Vrain instituted a STEM academy that ought to be replicated all over. Northwest BOCES is modernizing professional development and support for rural educators. We have some very important parts of this bill related to rural schools, and Denver Public Schools has developed a unique English learners program. These are the kinds of things that can be replicated with the innovation dollars that are in this bill.

Very important to me, the bill supports the replication and expansion of high-quality charter schools, which we have seen have great success in Denver.

I mentioned support for rural schools and districts. We have support for rural districts that I heard from that said: Michael, it is all well and good that Denver is able to get that grant money, but we don't have a grant writer to be able to do it.

This will give them assistance to be able to write those grants, and it will allow rural communities for the first time—like the community the Presiding Officer is from—to be able to come together, as they want to do, and apply jointly for funds from the Federal Government.

On accountability, very importantly, we kept the requirement for annual

testing in this bill. I hate testing as much as anybody else. Believe me, the Bennet girls who are students in the Denver public schools hate testing more than anybody else. But it is critically important that until we can figure out another measure, the only way we can measure growth of kids is through that annual test. I commend Chairman ALEXANDER for keeping that option alive in his opening bill, and we kept it in the end.

It still requires that we break down data so we can see how kids of color are doing compared to their peers and how low-income kids are doing compared to wealthier kids. It requires that States address the bottom 5 percent of schools and requires States to deal with the stubborn cases of high-performing schools where there are kids in subgroups—kids of color and in particular special needs kids—who aren't succeeding and aren't performing.

It also relents in important respects and says that decisions about how to change schools don't belong in the Federal Government, don't belong with the Department of Education, but they belong at home. I agree with that completely.

I want to close, and I say to the Presiding Officer, forgive me for asking for a few more additional moments. I want to thank all the Coloradoans who helped us write this bill. I thank the Colorado Association of School Executives, the Colorado Association of School Boards, the Colorado Department of Education, the Colorado Board of Cooperative Educational Services, the Colorado Education Association, the American Federation of Teachers in Colorado, the dozens of teachers who took time to speak with us, numerous school districts and superintendents who provided us feedback and ideas, civil rights groups across the State, including the NAACP, the Urban League, and Padres & Jovenes Unidos, the Colorado Impact Aid advocates, Colorado's Children Campaign, Colorado Succeeds, the Charter School League, Rural Schools Alliance, Colorado PTA, Clayton Early Learning, the Merage Foundation, the Colorado Education Initiative, and many more.

This is a great day in the Senate. It is proof that we can overcome our differences and come together and actually solve problems. But it is only the start of what we have to do. It is the next generation of Americans that is going to have the opportunity we have. In this global economy, this shrinking economy, in some ways this savage economy, it is going to be harder and harder to get by without an education. It is going to be harder to get by with something north of a high school diploma, harder to get by with something less than a college education. It is hard to get by if you don't have access to midcareer education so you can change your profession. But we have taken a step forward in this bill.

I look forward to the day when I can come to the floor based on the results that we see to demonstrate that the ZIP Code you are born into doesn't determine the education you get; when we are actually funding what we say we are funding in order to close the achievement gap; when we see that kids 0 to 5 actually have access to those 30 million words that their more affluent peers have; when we can say that every kid in America is going to a school that any Senator in this place would be proud to send their kids; when we can say to anybody in America who has worked hard through their K–12 education and been admitted to the best college they could get into that ''You can go there and not bankrupt yourself or your family.'' Then we can come to the floor and say we are not treating children like they are someone else's children; we are treating America's children like they are America's children. And I think we can get there working together.

I will close by again saying thank you to my colleagues on the HELP Committee. Thank you to Senator ALEXANDER and Senator MURRAY and their counterparts in the House of Representatives. Thank you for all of your good work.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. LEE). The Senator from Nevada.

Mr. HELLER. Mr. President, I ask unanimous consent to enter into a colloquy with my colleague, the Senator from New Mexico.

The PRESIDING OFFICER. Without objection, it is so ordered.

MIDDLE CLASS HEALTH BENEFITS TAX REPEAL ACT

Mr. HELLER. Mr. President, together we rise to share our concerns about the devastating impact of the Cadillac tax enacted as part of ObamaCare. As the Presiding Officer knows, I know, and those around the country know, the Cadillac tax is a 40-percent excise tax set to take effect in 2018 on employer-sponsored health insurance plans.

My colleagues from across the country have heard the same concerns that I have. As both my friend from New Mexico and I have heard, this 40-percent tax will increase costs, significantly reduce benefits, or result in employers getting rid of their employer-sponsored health care coverage all together.

This is precisely why Senator HEINRICH and I have offered the Middle Class Health Benefits Tax Repeal Act of 2015, the only bipartisan piece of legislation that would fully repeal this onerous tax. Our bill has 22 bipartisan cosponsors. We all agree that this tax should be fully repealed because we know it will have a negative effect on hard-working, tax-paying Americans. This was clearly demonstrated last week when the Senate overwhelmingly supported and adopt our amendment to fully repeal the Cadillac tax by a vote of 90 to 10.

Organized labor, the chamber of commerce, local and State governments, small businesses, seniors, and, together, 90 percent of the Senate—we put forth a solution to fix a problem affecting many Americans and their families. It is very rare these days to see this much agreement in Washington. Members on both sides of the aisle—Senator HEINRICH and I—came together, listened to what our constituents had to say, and sent a mandate to the President to repeal this tax. Today we will discuss why fully repealing the 40-percent excise tax is so important for middle-class families. Whether it is through our legislation, which is S. 2045, the Middle Class Health Benefits Tax Repeal Act of 2015, or through other must-pass legislation, we hope to address this by the end of the year. Senator HEINRICH and I will do everything we can within our power to repeal this tax.

I thank the Senator from New Mexico for his leadership in making real progress in fully repealing the Cadillac tax a reality, as we are here to speak about today. With our vote last week, the Senate sent a clear message that we can, and we should, fully repeal this tax. It takes both sides of the aisle listening to the American people.

With that, I ask Senator HEINRICH what he has heard from his constituents that makes full repeal of the Cadillac tax so important.

Mr. HEINRICH. Mr. President, I start by thanking my colleague, Senator HELLER of Nevada, for his partnership and his leadership in pushing this issue forward and doing so effectively. I think the amendment we saw last week speaks to just how bipartisan this has become and how important it is. These days, there truly aren't many things around this place where we get a 90-to-10 vote.

This tax, which will go into effect in 2018, was meant to help pay for other parts of the Affordable Care Act by charging a 40-percent tax on the highest cost, employer-based health plans. It was supposed to target only overly generous health plans—the ''Cadillacs on the health care highways,'' so to speak. In practice, however, the tax has become more of a ''Ford Focus tax.'' It will impact middle-income families who, for reasons that are largely outside their control, have health plans that already or soon will reach their policy limits.

The tax will force many employers to pay steep taxes on their employees' health plans and flexible spending accounts. It will possibly eliminate some employer-provided health care plans altogether.

The Cadillac tax has already limited options for New Mexicans to curb costs and keep plans affordable. Let me give an example. I recently heard from Jamie Wagoner, the benefits and compensation manager for the city of Farmington, NM. Under her leadership, the city began implementing wellness programs to slow the increase in health

spending—exactly what we all wanted. Unfortunately, the city recently learned that its wellness programs would ultimately be factored in as a benefit subject to the Cadillac tax.

It doesn't make sense that benefits designed to promote health and wellness, and ultimately drive down costs, actually end up triggering this new tax. This creates an inverted incentive for employers to avoid preventive benefits, such as wellness programs, that we all know are central to keeping our health care costs under control.

There are better ways to pay for the good things in the Affordable Care Act. Doing away with this onerous tax on employees' health coverage before it goes into effect will protect important benefits for workers and ensure that businesses and families get a fair deal.

I have always opposed this tax on the middle class, and I worked to strip it from the ACA when I was a freshman legislator in the House of Representatives. In New Mexico, small business owners, labor unions, counties, rural electric co-ops, municipalities—you name it—all oppose the tax. When was the last time we had a piece of legislation that united all of those constituencies?

That is why Senator HELLER and I introduced the Middle Class Health Benefits Tax Repeal Act of 2015 to fully repeal this tax. This bipartisan effort also has companion legislation in the House of Representatives—legislation that has 178 cosponsors from both sides of the aisle. There was a vote on an amendment that Senator HELLER offered to include a full repeal of the Cadillac tax in the budget reconciliation bill, and the amendment was adopted 90 to 10, as my colleague pointed out.

The landmark reforms in the ACA have given thousands of my constituents access to affordable, quality health care for the first time in their lives. But even the strongest supporters of this law know it is not perfect, and there are some parts of it that we absolutely need to fix. This is one of them.

Republicans and Democrats need to put aside the partisan politics, put aside the grandstanding, and remember why Congress passed the ACA in the first place—to expand access to quality health care for all Americans. We need to work together to produce pragmatic policy that helps us achieve that goal.

So I ask my colleague from Nevada specifically how this Cadillac tax, as it is called, would impact his residents and constituents in the State of Nevada.

Mr. HELLER. Mr. President, I thank the Senator from New Mexico for the question. It is a simple answer. That answer is 1.3 million people—1.3 million Nevadans are affected by this Cadillac tax. There are 1.3 million workers who have employer-sponsored health insurance plans, and they will all get hit by this Cadillac tax.

Let me tell you what I am talking about. In this case, we are talking about public employees across the State. We are talking about service industry workers, those who work in Las Vegas on the Strip. They will be impacted by this legislation. We are talking small business owners across the State of Nevada. They all know they are going to get hit by this 40-percent excise tax. Not to be left out, of course, are the retirees, the seniors in the State of Nevada that will also be affected by this particular tax.

We are talking about three things: reducing benefits, increasing premiums, and also higher deductibles. Let me repeat the three things that this excise tax does: It reduces benefits, increases premiums, and raises deductibles. These are three things that none of us want to see, not in this Chamber. All these lead to more money being taken out of the pockets of taxpayers and hard-working families.

For those who supported this law, this tax was intended to go after high-cost plans provided to the very wealthiest Americans. Clearly, we see in this colloquy back and forth that is not the case. This is going to hurt every middle-class, hard-working, taxpaying American.

We know this tax is hard hitting, and it will affect the middle class. For that purpose, the Senator from New Mexico and I have brought this legislation to this floor. Again, we will repeat, it was a 90-to-10 vote—something we don't see very often in this Chamber. I believe that kind of a vote is a message for every American.

I said on the floor recently when we were having this debate that nobody in America supports this; nobody in America supports a 40-percent excise tax on their health care benefits. Nobody does. There may be a few here in Washington, DC, but when you get outside of Washington, DC, nobody supports it. That is why we are having this discussion today, so we can inform not only Nevadans, not only New Mexicans but our colleagues here in this Chamber how important and how onerous this is.

Having said that, maybe we can get more information on what the Cadillac tax really does, and we will hear the answer to that question from Senator HEINRICH.

Mr. HEINRICH. I thank my colleague.

Mr. President, the whole policy objective of the Cadillac tax was supposed to cap excessive spending as a way to reduce health care spending and to generate revenue for other parts of the ACA. Obviously, the popular name of the tax implies that it is only going to hit a few individuals with gold-plated health insurance plans. When this was proposed and included in the ACA, people cited Goldman Sachs' executive health benefits plans as sort of the poster child for the Cadillac plan. Obviously, they chose very wisely in the way that they branded this. But this tax targets many plans that aren't gold plated; they are barely bronze plated. It solidly taxes middle-class workers.

Proponents of the Cadillac tax are operating under the clearly flawed premise that plans with overly generous benefits are the primary drivers of increased health insurance programs, and we know today that is not the case. The data doesn't back it up.

According to a 2014 report, the richness of plan benefits accounts only for about 6 percent of the overall increases in a plan's premium growth. The costs of employer health plans are actually driven by factors that are largely out of the control of the actual beneficiary—things like the group's size, the health status of the firm's employees, or the age band for those employees. Geography alone accounts for 69.3 percent of a plan's premium growth, which obviously would be completely unaffected.

It is clear that the Cadillac tax will hurt millions of workers, their families, retirees—all with health plans of modest value. This includes low- and moderate-income families, people on fixed incomes because they are retirees, public sector employees, small businesses, the self-employed, including three-quarters of a million New Mexicans. Let me put that in perspective: There are only 2 million of us.

I ask Senator HELLER, my colleague from the Silver State: What are employers in the State of Nevada expecting will happen when the Cadillac tax goes into effect if we aren't able to pass this legislation?

Mr. HELLER. Mr. President, to answer the question of the Senator from New Mexico: As he just mentioned, three-quarters of a million New Mexicans will be affected by this legislation. As I said earlier, 1.3 million Nevadans will be affected. I think we have 3 million, so roughly half of Nevadans are going to be affected by this excise tax—a 40-percent excise tax.

Fortunately, through Senator HEINRICH's hard work and our efforts here on this floor, again, I repeat, we passed this legislation 90 to 10. I think it bears heavily on the hard work my friend from New Mexico did to get this in front of this Chamber.

As we can imagine, if 1.3 million Nevadans are affected by this, you will hear from all of them. You do. You hear from all of them. I have heard from large companies, I have heard from small businesses, and I have heard from health care employees such as hospitals and the American Cancer Society. Organized labor in Nevada has contacted my office, as have senior citizens throughout my State. They are all saying the same thing. They are saying: The Cadillac tax needs to be fully repealed or our employees will experience massive changes to their health care. I think that bears repeating. The Cadillac tax needs to be fully repealed or our employees will experience massive changes to their health care.

Large employers who negotiate multiyear contracts are seeing this tax come up quickly for 2018. Yes, this tax goes into effect in the year 2018. As my friend from New Mexico and I know, they are negotiating these contracts today. For 2018, they are negotiating contracts for large companies, labor organizations, and even public employees—today for 2018. That is why it is so important at this moment. They are planning and negotiating with employers now for how this tax will impact their employees' benefits within the next 2 years.

I was talking with D. Taylor from the Culinary Union, a prominent organized labor group in my home State of Nevada, as well as in New York City and California. D. told me that if Congress doesn't repeal the Cadillac tax, culinary employees will see massive changes to their health care plans.

In a letter he sent me in September, urging Republicans and Democrats to work together on this issue—which we are—he called the 40-percent excise tax a ''dark cloud . . . that has already started to impact negotiations and shift costs to [their] members.'' That is what it is doing to the Culinary Union in Nevada. It is a dark cloud, according to D. Taylor, and it is already impacting negotiations, shifting costs over to the employers.

To make matters worse, the chief financial officer of a waste recycling company, Action Environmental, recently told the Wall Street Journal that his company would consider getting rid of its employee coverage altogether because of ObamaCare's Cadillac tax.

Mr. SASSE. Mr. President, will the Senator yield for a question at some point?

Mr. HELLER. Certainly.

Mr. SASSE. It doesn't need to be now.

Mr. HELLER. Let me finish this.

He said: ''I'd be lying if I said we haven't had that discussion.'' Again, this goes back to the chief financial officer of a waste and recycling company.

Delta Airlines expects ObamaCare will cost it $100 million per year. Imagine that, one company—Delta Airlines—and the ACA will cost them $100 million per year. One reason for new costs is the 40-percent excise tax on Delta's employee health benefits.

As if Americans don't have enough trouble as it is with issues with airlines these days, just add a 40-percent excise tax. Some have identified the Cadillac tax as a tax that just hits unions or a tax that just hits wealthy Americans, but the Cadillac tax is a tax on the middle class. I think we know that. I think we understand that. That is why we saw the vote we did last week. It is a tax on small businesses, it is a tax on the middle class, and it is a tax on retirees.

With that, I know we have a question from my friend from Nebraska. I wish to give him an opportunity to raise that question.

Mr. SASSE. Thank you, sir, and the Senator from New Mexico. Thank you for letting me get in.

I know we don't have a lot of genuine open debates around here, so I want to be honest. This is a little bit awkward to delicately step onto the floor.

I was listening to the debate. I wasn't planning to speak, but I thought I would ask the question. I think the pay-fors in ObamaCare are problematic across the board. I am not a particular defender of any of these pay-fors, but I would ask sincerely, Why would you two be interested in prioritizing changing the tax deductibility or the limits for people who already have tax-protected insurance, but we are not talking about any sort of tax break for the small business people who have none?

The simple fact is we have the particular problems we have in America in health care because of wage and price controls at the end of World War II, where if an employee could get an extra dollar of wages, they would clearly be taxed, but if they got an extra dollar of benefits through their large employer group, that would be tax-free. That is limitless, but that tax benefit only applies to people who are in large groups. If you are in a small business, you don't get any deductibility.

I am not disagreeing with the specific policy you are advocating, but I would ask why would we prioritize this policy when there is no conversation happening on the floor for all the small business men and women in America, the farmers and ranchers who get absolutely zero tax protection? I am trying to understand the prioritization.

Mr. HEINRICH. I want to first welcome our colleague from Nebraska to this conversation. I am sure he has heard a lot about this from his constituents as well. I think the reason the timing of this is so critical is because we see the impacts of this coming at the moment. We still have enough time to do something about it, but we are already seeing the impacts on people who are negotiating contracts now, the impacts of business plans for this.

I think the Senator from Nebraska raises a valid question in that we have a certain incentive built into the current system by virtue of having large health care plans, employer-based plans not be taxed. I actually think it points a way to a more reasonable and elegant way to potentially pay for things in the ACA that some of us value, but that doesn't mean we shouldn't also have that conversation about individual plans and small business and farm and ranch plans because obviously those are people who have a very hard time attaching themselves to these large pools.

Mr. SASSE. I thank the Senator. I think we all know we need to do genuine health care reform sometime soon in the future because the reality is, the No. 1 driver of uninsurance in America is not preexisting medical conditions, although we all should empathize with the 4 million of the 320 million of us in America who have uninsurable preexisting medical conditions, but we are dealing with something on the order of 70 to 80 million Americans in a given calendar year who pass through a period of uninsurance, and the vast majority of them are uninsured because of our insurance pooling arrangements that are still an artifact of the 1940s and 1950s, where people had one job for decades at a time.

When I was a college president, until a year ago coming to join you all here, and I would shake kids' hands at graduation when they walked across the stage, they were not going to just change jobs, they were going to change industries three times in their first decade postcollege. The No. 1 driver of uninsurance in America is job change. These kinds of policies that we are debating on the floor today make it harder to create portable health insurance plans that go with people across job and geographic change, which is actually what is driving the uninsurance in America.

I thank the Senator for allowing me to sneak in for a minute. I am a rookie learning my way around here, but I was on the floor listening to your debate. Thank you for the opportunity.

Mr. HELLER. Mr. President, I thank the Senator from Nebraska for his input. He is right. There is a broader discussion that has to be had. The Senator from New Mexico and myself are trying to hit on an issue that we feel is vitally important going forward as this new excise tax hits the American people in 2018.

To the Senator from Nebraska, I have no doubt that there is a much broader discussion that needs to be discussed on health care. In fact, this discussion the Senator from New Mexico and I are having isn't on the Affordable Care Act at this point. We are not discussing the Affordable Care Act. We are talking about a principle within it—a tax increase that we believe is onerous and important today. What you are saying is important. Don't get me wrong. It ought to be discussed. We have to find a venue to have that discussion. Thank you very much for your involvement.

I want to ask the Senator from New Mexico how this 40-percent excise tax would affect workers in New Mexico.

Mr. HEINRICH. According to one source, the Kaiser Family Foundation, one in four employers that offer health care benefits will be affected by the Cadillac tax in 2018 if their plans remain unchanged. Despite the fact that the tax doesn't go into effect until then, many employers have already begun scaling back their coverage to avoid that. Despite the fact that the tax itself is set to go into effect in 2018, we are already seeing the impacts to small businesses, to economies now.

As employers consider ways to lower the costs of their health care plans, many are shifting costs to their employees. Increased deductibles, copays,

out-of-pocket maximums, higher copayments and deductibles leave many, especially low- and middle-income workers, underinsured, who are exactly the folks who were not supposed to be touched by the Cadillac tax. These are definitely people in my State who are not driving Cadillacs. I can assure you of that.

According to a study by the American College of Emergency Physicians, higher out-of-pocket costs result in delayed medical care as many forgo essential care when they get sick and become less likely to fill their prescriptions or stick to their doctors' treatment plans, and those with higher out-of-pocket costs are also more likely to seek medical treatment in emergency rooms—the most expensive way to get health care treatment. This is precisely what we were trying to avoid with the advent of the Affordable Care Act.

I want to ask my colleague from Nevada, in particular, you mentioned a number of different constituencies whom you have heard from about this tax—people such as the culinary workers. Are they upper class, Cadillac-driving constituents or are they middle-class folks who are just trying to put food on the table and maybe send their kids to college someday? Who is going to be impacted by this?

Mr. HELLER. I thank the Senator from New Mexico. I want to go to the same report. I think it clarifies his point and the question he just asked me.

Again, as he mentioned, 1.3 million Nevadans are going to be affected by this 40-percent excise tax. Three-quarters of a million New Mexicans are going to be affected by this excise tax. So I have hard time believing that most of them are wealthy enough to have to pay and for their employers to have to pay this kind of tax.

Let's go back to the Kaiser Family Foundation—a report that you quoted from. I have a number of statistics. I think it will better clarify. There is a quote in here that I want to emphasize that answers the point and the question you brought out. According to the Kaiser Family Foundation, employees who have job-based insurance have witnessed their out-of-pocket expenses climb from $900 in 2010 to $1,300 in 2015. That is an average. That is on average a 50-percent increase in their health care costs in the last 5 years. Employees working for small businesses now have deductibles over $1,800 on average. Kaiser also noted that the deductibles have risen nearly seven times faster than workers' earnings since 2010.

If you are the average middle-class family, with an average income, can you imagine your deductibles rising seven times faster than your earnings have since 2010? Here is the quote from Kaiser's president, Drew Altman, that really answers your question:

> It's quite a revolution. When deductibles are rising seven times faster than wages . . . it means that people can't pay their rent . . . they can't buy their gasoline. They can't eat.

If that doesn't answer the question of who is getting affected by this—they are individuals who go month to month, week to week, day to day on their wages. When you have deductibles rising seven times faster than your earnings, you get to a point, as Mr. Altman said, that you can't pay your rent, you can't pay your gas, and you can't afford to eat.

As deductibles rise, another way employers are planning on avoiding a massive new tax is by eliminating their popular health savings accounts—HSAs—and FSAs. Over 33 million Americans who have FSAs and 13.5 million Americans who are using HSAs may see these accounts vanish in the coming years as companies scramble to avoid this 40-percent excise tax. HSAs and FSAs are used for things such as hospital and maternity services. HSAs and FSAs are used for things such as childcare and dental care, physical therapy, and access to mental health services. Access to these lifesaving services could all be gone for tens of millions of Americans if the Cadillac tax is not fully repealed. Deductibles are rising, premiums are rising, and services are being cut.

Today we have talked a lot about how employers are making major changes to their workers' health care in order to avoid this tax. If employers—whether it is a union or private company—are changing their employees' health care benefits to avoid the Cadillac tax, this tax is not going to generate the kind of revenue the Congressional Budget Office originally anticipated.

To that question directly, I ask Senator HEINRICH, are CBO's cost assumptions accurate?

Mr. HEINRICH. I thank the Senator for the question because I think this is incredibly important. The CBO estimated that the ACA would generate $93 billion over 10 years with this tax, but when you drill down on that, only one-quarter of that—about $23 billion—actually comes from excise tax receipts themselves. The remaining three-quarters comes from revenue that would be theoretically generated from increases in taxable wages that some economists expected would be coupled with reductions in health care benefits. In other words, all the money you are saving, you are going to pass on to the employees in the form of a raise. We simply know that is not what happens in the real world. In fact, employer surveys over the past few years have conclusively pointed to one unifying fact, that at best employers will not raise wages for their workers to compensate for downgrading of employee health insurance benefits.

In fact, a recent American Health Policy Institute study found that three-quarters of employers said that they would not raise wages in order to make up for less comprehensive health insurance plans.

I say to Senator HELLER, I know we are being joined by the leader here, and I am going to have to run to another event in a few minutes, but I want to ask you if you would maybe consider a quick wrapup. I want to make the point that I think we have gotten as far as we have with this effort because of the incredible leadership you have shown, because of the bipartisan nature of this effort, because it is simply common sense that we need to make sure people have easier access to affordable care, and that the Cadillac tax may have sounded good at the time, but we are clearly learning today that this is a Ford Focus tax that will hit your middle-class families, my middle-class working families, and it is something we ought to be able to agree should be repealed.

Mr. HELLER. Mr. President, I want to wrap this up. I know the leader is here, and I want to give him ample time.

I thank the Senator from New Mexico for his comments and for his help and support on this legislation moving forward. I appreciate all the work to get this bipartisan bill to the finish line, and I know we will continue to work together to repeal this bad tax. Once again, whether it is my bipartisan bill, our bipartisan bill, this Chamber's bipartisan bill or a year-end package like tax extenders, we need to repeal this bad tax. Fully repealing the Cadillac tax is an opportunity for Republicans and Democrats to work together and join forces to appeal a bad tax for one purpose, and that is to help 151 million workers keep the health insurance they love.

Mr. President, I yield the floor.

TRIBUTE TO WILL RIS

Mr. DURBIN. Mr. President, I would like to take a moment to thank Will Ris for his service to American aviation and to congratulate him on his well-deserved retirement.

For nearly 20 years, Will has been senior vice president of government affairs for American Airlines—the principal government relations executive for the airline. His diverse responsibilities include directing all of American's activities with Congress, the administration, and several Federal agencies. And what could possibly be better than waking up every day and helping Congress and the Federal Government better understand the airline industry?

Earlier this year, Will announced that he will retire from American Airlines at the end of this month.

Will Ris's impact on American Airlines and its people cannot be overstated. Since joining American in 1996, Will has been a dedicated representative and the voice of the airline and its people; but, more importantly, he has been a trusted advocate on Capitol Hill. I have worked with Will and his American Airlines team on countless issues that affect passenger air service

at Chicago O'Hare International Airport and throughout downstate Illinois. His honesty, professionalism, patience, and sense of humor have made him one of the most sought after advisors on airline industry issues. He will be missed.

During Will's tenure at American, he led the effort to protect the domestic aviation industry, assure the continued viability of passenger service, and establish new security measures in the wake of the attacks in 2001. He has also led the effort to gain public and political support for the merger between American and U.S. Airways—creating a strong, competitive airline employing more than 100,000 people all over the world.

American Airlines chairman and CEO Doug Parker recently honored Will with these words: ''Will understands commercial aviation and cares about the frontline professionals who are the backbone of our business. Will embodies all of the best things about American Airlines, and thanks to his extraordinary efforts, American will be great for years.''

Prior to joining American, Will represented the airline as outside counsel for 13 years as the executive vice president of the Wexler Group. He also served as a trial attorney for the U.S. Civil Aeronautics Board from 1975 to 1978. In 1978, Will was appointed counsel to the U.S. Senate Committee on Commerce, Science, and Transportation and its Aviation Subcommittee. In this post, Will played a major role in drafting the Airline Deregulation Act of 1978 and successfully navigating the legislative maze all the way to President Jimmy Carter's desk for his signature. This landmark law changed the face of commercial aviation in this country.

Will Ris's love of aviation and passion for American Airlines is well known, but more importantly, Will is known as one of the most decent men in Washington. He spends countless hours committed to community service. He serves as chairman emeritus of the board of directors of the Green Door, Inc., the oldest and largest behavioral health providers—helping nearly 1,600 people every year battling chronic mental health and substance abuse conditions. Additionally, he serves as vice chair of the American Association of People with Disabilities—the country's largest cross-disabilities membership organization. He is also a director of the Ford's Theater board of governors, the Business-Government Relations Council, the Advanced Navigation and Positioning Corporation in Hood River, OR, and a member of the board of trustees for the Woolly Mammoth Theater right here in Washington, DC. Where does he find the time?

I want to congratulate Will Ris on his distinguished career and thank him for his service to American Airlines. I have had the privilege in public life to meet some outstanding people; I count Will Ris as one of those people. I wish him and his wife, Nancy, all the best in the next chapter of their lives.

Thank you.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION CBO COST ESTIMATE—S. 2044

Mr. THUNE. Mr. President, when the Committee on Commerce, Science, and Transportation filed its report on S. 2044, the Consumer Review Freedom Act of 2015, the estimate of the Congressional Budget Office was not available. The estimate has since been received.

I ask unanimous consent that the estimate from the Congressional Budget Office be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 9, 2015.

Hon. JOHN THUNE,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2044, the Consumer Review Freedom Act of 2015.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Susan Willie.

Sincerely,

KEITH HALL.

S. 2044—CONSUMER REVIEW FREEDOM ACT OF 2015

S. 2044 would void provisions of certain types of contracts that:

Restrict the ability of a party to the contract from publishing a review or analysis of the performance of another party under the contract;

Impose a penalty or fee for publishing such a review; and

Transfer or require the transfer of any rights to the intellectual property of the person who created the review.

The bill would prohibit the use of contracts that contain those provisions and authorize the Federal Trade Commission (FTC) to enforce those new prohibitions. In addition, the FTC would be authorized to seek civil penalties for violations of the new prohibitions. Finally, S. 2044 would direct the FTC to develop an education and outreach program to provide businesses with best practices for complying with the new restrictions.

Based on information from the FTC, CBO estimates that the cost of implementing S. 2044 would not be significant because the agency is able to enforce similar prohibitions and provide compliance assistance under its existing general authorities. CBO estimates that enacting S. 2044 would increase federal revenues from the added authority to collect civil penalties; therefore, pay-as-you-go procedures apply. However, we expect those collections would be insignificant because of the small number of cases that the agency would probably pursue. Enacting the bill would not affect direct spending.

CBO estimates that enacting S. 2044 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2026.

S. 2044 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Although the Federal Trade Commission has begun to enforce prohibitions on contract provisions similar to those outlined in the bill under its existing authorities, to the extent that such provisions are not currently considered void in all jurisdictions, the bill would impose a private-sector mandate as defined in UMRA on entities that use such provisions in their contracts. The cost of the mandate would be the value of forgone income from out-of-court settlements and compensation for damages the entities could be awarded under a breach of contract claim. However, reliable and comprehensive information concerning the number of businesses that continue to use contracts containing such provisions, the number of those that require monetary payment, and the level of any such payments is not available. In addition, although the court cases in which consumers have challenged these provisions have resulted in judgments in favor of the consumer, the limited sample of such cases cannot be used to generalize about the results of such cases in other jurisdictions. Therefore, CBO cannot determine whether the cost of the mandate would exceed the annual threshold established in UMRA for private-sector mandates ($154 million in 2015, adjusted annually for inflation).

The CBO staff contacts for this estimate are Susan Willie (for federal costs) and Logan Smith (for the impact on the private sector). The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

BUDGETARY REVISIONS

Mr. ENZI. Mr. President, section 4305 of S. Con. Res. 11, the concurrent resolution on the budget for fiscal year 2016, allows the chairman of the Senate Budget Committee to revise the allocations, aggregates, and levels in the budget resolution for legislation related to health care reform. The authority to adjust is contingent on the legislation not increasing the deficit over either the period of the total of fiscal years 2016–2020 or the period of the total of fiscal years 2016–2025.

I find that H.R. 3762, as passed the Senate, fulfills the conditions of deficit neutrality found in section 4305 of S. Con. Res. 11. Accordingly, I am revising the allocations to the Committee on Finance, the Committee on Health, Education, Labor, and Pensions, HELP, and the budgetary aggregates to account for the budget effects of the bill. I am also adjusting the unassigned to committee savings levels in the budget resolution to reflect that, while there are savings in the bill attributable to both the HELP and Finance Committees, the Congressional Budget Office and Joint Committee on Taxation are unable to produce unique estimates for each provision due to interactions and other effects that are estimated simultaneously.

The adjustments that I filed on Thursday, December 3, 2015, are now void and replaced by these new adjustments.

I ask unanimous consent that the accompanying tables, which provide details about the adjustment, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUDGET AGGREGATES—BUDGET AUTHORITY AND OUTLAYS

(Pursuant to Section 311 of the Congressional Budget Act of 1974 and Section 4305 of S. Con. Res. 11, the Concurrent Resolution on the Budget for Fiscal Year 2016)

$ in millions	2016
Current Aggregates:	
Spending:	
Budget Authority	3,033,488
Outlays	3,091,974
Adjustments:	
Spending:	
Budget Authority	−24,200
Outlays	−24,300
Revised Aggregates:	
Spending:	
Budget Authority	3,009,288
Outlays	3,067,674

BUDGET AGGREGATE—REVENUES

(Pursuant to Section 311 of the Congressional Budget Act of 1974 and Section 4305 of S. Con. Res. 11, the Concurrent Resolution on the Budget for Fiscal Year 2016)

$ in millions	2016	2016–2020	2016–2025
Current Aggregates:			
Revenue	2,675,967	14,415,914	32,233,099
Adjustments:			
Revenue	−57,000	−381,500	−992,700
Revised Aggregates:			
Revenue	2,618,967	14,034,414	31,240,399

REVISION TO ALLOCATION TO THE COMMITTEE ON FINANCE

(Pursuant to Section 302 of the Congressional Budget Act of 1974 and Section 4305 of S. Con. Res. 11, the Concurrent Resolution on the Budget for Fiscal Year 2016)

$ in millions	2016	2016–2020	2016–2025
Current Allocation:			
Budget Authority	2,179,749	12,342,551	29,428,176
Outlays	2,169,759	12,322,705	29,403,199
Adjustments:			
Budget Authority	−2,000	−4,600	16,200
Outlays	−2,000	−4,600	16,200
Revised Allocation:			
Budget Authority	2,177,749	12,337,951	29,444,376
Outlays	2,167,759	12,318,105	29,419,399

REVISION TO ALLOCATION TO THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

(Pursuant to Section 302 of the Congressional Budget Act of 1974 and Section 4305 of S. Con. Res. 11, the Concurrent Resolution on the Budget for Fiscal Year 2016)

$ in millions	2016	2016–2020	2016–2025
Current Allocation:			
Budget Authority	12,137	87,301	174,372
Outlays	14,271	87,783	182,631
Adjustments:			
Budget Authority	0	−4,200	−13,700
Outlays	0	−2,400	−10,900
Revised Allocation:			
Budget Authority	12,137	83,101	160,672
Outlays	14,271	85,383	171,731

REVISION TO ALLOCATION TO UNASSIGNED TO COMMITTEE

(Pursuant to Section 302 of the Congressional Budget Act of 1974 and Section 4305 of S. Con. Res. 11, the Concurrent Resolution on the Budget for Fiscal Year 2016)

$ in millions	2016	2016–2020	2016–2025
Current Allocation:			
Budget Authority	−930,099	−6,014,283	−15,268,775
Outlays	−884,618	−5,887,158	−14,949,026
Adjustments:			
Budget Authority	−22,100	−463,500	−1,368,800
Outlays	−22,100	−463,500	−1,368,800
Revised Allocation:			
Budget Authority	−952,199	−6,477,783	−16,637,575
Outlays	−906,718	−6,350,658	−16,317,826

TRIBUTE TO THOMAS LOGSDON

Mr. DONNELLY. Mr. President, today I wish to recognize and honor the extraordinary service of Thomas ''Al'' Logsdon. A dedicated educator and a longtime community leader, Al represents Hoosier values at their finest.

Beginning his career in 1964 after graduating from Western Kentucky University with a degree in biology and Spanish, he taught science and coached several sports. From 1970 to 2003, Al has served as the principal of several schools across Indiana, Kentucky, and Illinois.

During this time, Al continued his education earning a Master of Science and Education Specialist degrees from Murray State University in 1970 and 1980, respectively.

As principal, Al led his schools to great success and they received well-deserved awards for their hard work and achievement. In both 2000 and 2003, Heritage Jr./Sr. High School was selected as one of the top six schools in Indiana, as well as being honored with the International Reading Association's National Award in 2000 for having an outstanding high school reading program. Al was honored as the Indiana High School Principal of the Year in 1989 and was selected by his peers to serve both on the executive committee of the Indiana Principal's Association and to represent them for 8 years as State coordinator to the National Association of Secondary School Principals.

In 2005, Al was elected Spencer County Commissioner. In that capacity, Al maintains various responsibilities, but one that he considers to be among the most rewarding and challenging has been serving as president of the drainage board. The board's initiative of creating a nine-member advisory board, which makes recommendations across the county, won statewide recognition by the Indiana Association of County Commissioners. Al later served on the State board of the Indiana Association of County Commissioners and eventually as president, as well as serving on the Association of Indiana Commissioners Executive Board.

Never one to leave teaching completely, Al became involved in national, State, and local teacher retirement organizations currently serving as the president of the Spencer County Retired Teachers Association.

Since his retirement, Al has been serving as a private consultant for an organization in southwestern Indiana that is engaged in assisting 32 schools implement school improvement plans. He is also spending time with several school districts in West Virginia, Pennsylvania, Ohio, and Indiana, helping them in efforts to begin schoolwide reading programs for all students.

In addition to his longstanding community service, Al is a loving husband, father, and grandfather. Al's wife, Jeanne, is a retired schoolteacher, and together, they have four children and six grandchildren. In his free time, Al has enjoyed coaching three sports and officiating basketball and baseball contests. He is a member of the Knights of Columbus Chapter at St. Francis of Assisi Church, a member of Optimist Club, and serves on the Spencer County Bank Board of Directors. He enjoys visiting with family and friends, as well as traveling, reading, fishing, and, of course, playing golf.

Today I honor Al's legacy of service and wish to express my sincere gratitude for his leadership and dedication to his community and our great State of Indiana.

RECOGNIZING OUR LADY OF MOUNT CARMEL SCHOOL

Mr. DONNELLY. Mr. President, today I wish to applaud Our Lady of Mount Carmel School of Carmel, IN, for being recognized as a 2015 National Blue Ribbon School by the U.S. Department of Education.

Established in 1982, the National Blue Ribbon Schools Program has recognized over 7,500 public and nonpublic schools that have demonstrated a vision of educational excellence for all students, regardless of their social or economic background. Since its inception, this program has offered the opportunity for schools in every State to gain recognition for educational accomplishments in closing the achievement gaps among student groups.

Our Lady of Mount Carmel School continues to be one of the best performing schools in the State of Indiana. It has been named an Indiana Four Star School.

In 2014, Our Lady of Mount Carmel School's ISTEP+ pass rate for English/Language Arts scores increased reached 96.9 percent. Mathematics scores increased to 98.8 percent combined for third through fifth grades.

Our Lady of Mount Carmel School's effectiveness can be found in its holistic approach and dedication to student achievement. Our Lady of Mount Carmel staff, students, and students' families work together to teach and instill values that develop strong character including integrity, responsibility, and service. With some of the highest English and mathematics scores in Indiana, Our Lady of Mount Carmel School is a stellar example of the benefits that result from dedication, motivation, collaboration, and family partnership in education.

I would like to acknowledge Our Lady of Mount Carmel School principal, Sister Mary Emily Knapp, the entire staff, the student body, and their families. The effort, dedication, and value you put into education led not only to this prestigious recognition, but will benefit you and our communities well into the future.

On behalf of the citizens of Indiana, I congratulate Our Lady of Mount Carmel School, and I wish the students and staff continued success in the future.

RECOGNIZING PRAIRIE VISTA ELEMENTARY SCHOOL

Mr. DONNELLY. Mr. President, today I wish to applaud Prairie Vista Elementary School of Granger, IN, for being recognized as a 2015 National Blue Ribbon School by the U.S. Department of Education.

Established in 1982, the National Blue Ribbon Schools Program has recognized over 7,500 public and nonpublic schools that have demonstrated a vision of educational excellence for all students, regardless of their social or economic background. Since its inception, this program has offered the opportunity for schools in every State to gain recognition for educational accomplishments in closing the achievement gaps among student groups.

Prairie Vista Elementary School continues to be one of the best performing schools in the State of Indiana. It has been named an Indiana Four Star School for the last 7 consecutive years.

In 2014, Prairie Vista Elementary School's ISTEP+ pass rate for English/Language Arts scores increased to 98.7 percent. Mathematics scores increased over 3 points to reach 98.7 percent combined for third through fifth grades.

Prairie Vista Elementary School's effectiveness can be found in its holistic approach and dedication to student achievement. Prairie Vista Elementary staff, students, and students' families work together to teach and instill values that develop strong character and a sense of PRIDE—the capacity to be Prepared, Respectful, Independent, Dependable, and Excellent learners. With some of the highest English and mathematics scores in Indiana, Prairie Vista Elementary School is a stellar example of the benefits that result from dedication, motivation, collaboration, and family partnership in education.

I would like to recognize Prairie Vista Elementary School principal, Keely Twibell, the entire staff, the student body, and their families. The effort, dedication, and value you put into education led not only to this prestigious recognition, but will benefit you and our communities well into the future.

On behalf of the citizens of Indiana, I congratulate Prairie Vista Elementary School, and I wish the students and staff continued success in the future.

RECOGNIZING SAINT PIUS X CATHOLIC SCHOOL

Mr. DONNELLY. Mr. President, today I wish to applaud Saint Pius X Catholic School of Granger, IN, for being recognized as a 2015 National Blue Ribbon School by the U.S. Department of Education.

Established in 1982, the National Blue Ribbon Schools Program has recognized over 7,500 public and nonpublic schools that have demonstrated a vision of educational excellence for all students, regardless of their social or economic background. Since its inception, this program has offered the opportunity for schools in every State to gain recognition for exceptional educational accomplishments. St. Pius X Catholic School was named an Exemplary High Performing School.

Saint Pius X Catholic School continues to be one of the best performing schools in the State of Indiana. It has been named an Indiana Four Star School multiple times.

In 2014, Saint Pius X Catholic School ISTEP+ assessment averaged a 96 percent passing rate for English/Language Arts and a 98 percent passing rate in math.

Saint Pius X Catholic School's effectiveness can be found in its holistic approach and dedication to student achievement. Saint Pius X Catholic School staff, students, and students' families work together to teach and foster values that develop strong character including academic excellence, spiritual development, and service. With some of the highest English and mathematics scores in Indiana, Saint Pius X Catholic School is a stellar example of the benefits that result from dedication, motivation, collaboration, and family partnership in education.

I would like to recognize Saint Pius X Catholic School principal, Elaine Holmes, the entire staff, the student body, and their families. The effort, dedication, and value you put into education led not only to this prestigious recognition, but will benefit you and our communities well into the future.

On behalf of the citizens of Indiana, I congratulate Saint Pius X Catholic School, and I wish the students and staff continued success in the future.

RECOGNIZING SOUTH ADAMS HIGH SCHOOL

Mr. DONNELLY. Mr. President, today, I wish to applaud South Adams High School of Berne, IN, for being recognized as a 2015 National Blue Ribbon School by the U.S. Department of Education.

Established in 1982, the National Blue Ribbon Schools Program has recognized over 7,500 public and nonpublic schools that have demonstrated a vision of educational excellence for all students, regardless of their social or economic background. Since its inception, this program has offered the opportunity for schools in every State to

gain recognition for educational accomplishments in closing the achievement gaps among student groups.

South Adams High School continues to be one of the best performing schools in the State of Indiana. It has been named an Indiana Four Star School in 2012 and 2014.

In 2014, South Adams High School improved its average standard score more than 23 points over the previous year to 73.83 points. It is the only high school in Indiana to receive the National Blue Ribbon School recognition in 2015.

South Adams High School's effectiveness can be found in its holistic approach and dedication to student achievement. South Adams High staff, students, and students' families work together to teach and foster values that develop strong character including academic excellence, spiritual development, and service. South Adams High School is a stellar example of the benefits that result from dedication, motivation, collaboration, and family partnership in education.

I would like to acknowledge South Adams High School principal, Trent Lehman, the entire staff, the student body, and their families. The effort, dedication, and value you put into education led not only to this prestigious recognition, but will benefit you and our communities well into the future.

On behalf of the citizens of Indiana, I congratulate South Adams High School, and I wish the students and staff continued success in the future.

ADDITIONAL STATEMENTS

REMEMBERING DOUGLAS SHORENSTEIN

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the extraordinary life of Douglas Shorenstein, a loving husband, father, brother, passionate philanthropist, and pillar of the San Francisco community who passed away on November 24 after a long and courageous battle with cancer.

A proud San Francisco native, Douglas Shorenstein was born on February 10, 1955. After graduating from the University of California, Berkeley and the University of California, Hastings College of the Law, Doug worked as a real estate attorney in New York before returning to his beloved hometown in 1983 to join his father's real estate investment and management firm, Shorenstein Properties. Doug became chairman and CEO in 1995 and over the years transformed his local development company into a major national real estate group. A true visionary, Doug had a keen ability to keep his thumb on the pulse of San Francisco's evolving market. Because of him, key neighborhoods of San Francisco have been revitalized, and the company once started by his father now owns iconic buildings in cities across America.

Doug also dedicated his immense talents to supporting many important causes that were dear to his heart. He was a board member of the Environmental Defense Fund, a member of the University of California San Francisco Medical Center Executive Council, and on the boards of several educational institutions, including the Shorenstein Center on Media, Politics, and Public Policy at Harvard's Kennedy School of Government, Vanderbilt University, and the Yale School of Management. He was also appointed to serve on the board of directors of the Federal Reserve Bank of San Francisco in 2007, becoming chairman of the board in 2011.

San Francisco has lost a true civic leader, and Doug will be deeply missed by all of us fortunate enough to have known him. I send my deepest condolences to his wife, Lydia; his children, Brandon, Sandra, and Danielle; and his sister, Carol Shorenstein Hays.•

MESSAGES FROM THE HOUSE

At 10:56 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1461. An act to provide for the extension of the enforcement instruction on supervision requirements for outpatient therapeutic services in critical access and small rural hospitals through 2015.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 158. An act to amend the Immigration and Nationality Act to provide enhanced security measures for the visa waiver program, and for other purposes.

H.R. 2693. An act to designate the arboretum at the Hunter Holmes McGuire VA Medical Center in Richmond, Virginia, as the ''Phyllis E. Galanti Arboretum''.

H.R. 3766. An act to direct the President to establish guidelines for United States foreign development and economic assistance programs, and for other purposes.

H.R. 3842. An act to improve homeland security, including domestic preparedness and response to terrorism, by reforming Federal Law Enforcement Training Centers to provide training to first responders, and for other purposes.

H.R. 3859. An act to make technical corrections to the Homeland Security Act of 2002.

ENROLLED BILL SIGNED

At 12:42 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 614. An act to provide access to and use of information by Federal agencies in order to reduce improper payments, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. HATCH).

ENROLLED BILLS SIGNED

At 1:37 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1177. An act to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

S. 1461. An act to provide for the extension of the enforcement instruction on supervision requirements for outpatient therapeutic services in critical access and small rural hospitals through 2015.

The enrolled bills were subsequently signed by the President pro tempore (Mr. HATCH).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2693. An act to designate the arboretum at the Hunter Holmes McGuire VA Medical Center in Richmond, Virginia, as the ''Phyllis E. Galanti Arboretum''; to the Committee on Veterans' Affairs.

H.R. 3842. An act to improve homeland security, including domestic preparedness and response to terrorism, by reforming Federal Law Enforcement Training Centers to provide training to first responders, and for other purposes; to the Committee on the Judiciary.

H.R. 3859. An act to make technical corrections to the Homeland Security Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3766. An act to direct the President to establish guidelines for United States foreign development and economic assistance programs, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, December 9, 2015, she had presented to the President of the United States the following enrolled bills:

S. 614. An act to provide access to and use of information by Federal agencies in order to reduce improper payments, and for other purposes.

S. 1177. An act to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

S. 1461. An act to provide for the extension of the enforcement instruction on supervision requirements for outpatient therapeutic services in critical access and small rural hospitals through 2015.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3748. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Polyester Polyol Polymers; Tolerance Exemption'' (FRL No. 9936–91) received in the Office of the President of the Senate

on December 2, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3749. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hexythiazox; Pesticide Tolerances; Technical Correction'' (FRL No. 9937–02) received in the Office of the President of the Senate on December 2, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3750. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Etoxazole; Pesticide Tolerances'' (FRL No. 9934–60) received in the Office of the President of the Senate on December 2, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3751. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Polyamide ester polymers; Tolerance Exemption'' (FRL No. 9939–28) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3752. A communication from the Director of the Issuances Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Mandatory Inspection of Fish of the Order Siluriformes and Products Derived From Such Fish'' (RIN0583–AD36) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3753. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Department of Defense (DoD) intending to assign women to previously closed positions and units across all Services and U.S. Special Operations Command; to the Committee on Armed Services.

EC–3754. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Stanley E. Clarke III, Air National Guard of the United States, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–3755. A communication from the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the Office of the Comptroller's 2014 Annual Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC–3756. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''Margin and Capital Requirements for Covered Swap Entities Joint Agency Final Rule'' (RIN2590–AA45) received in the Office of the President of the Senate on November 19, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–3757. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''Margin and Capital Requirements for Covered Swap Entities Joint Agency Interim Final Rule'' (RIN2590–AA45) received in the Office of the President of the Senate on November 19, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–3758. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Nondiscrimination on the Basis of Disability Minority and Women Outreach Program Contracting'' (RIN3064–AE35) received in the Office of the President of the Senate on November 18, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–3759. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Temporary Liquidity Guarantee Program; Unlimited Deposit Insurance Coverage for Noninterest-Bearing Transaction Accounts'' (RIN3064–AE34) received in the Office of the President of the Senate on November 18, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–3760. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Filing Requirements and Processing Procedures for Changes in Control with Respect to State Nonmember Banks and State Savings Associations'' (RIN3064–AE24) received in the Office of the President of the Senate on November 18, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–3761. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Removal of Transferred OTS Regulations Regarding Safety and Soundness Guidelines and Compliance Procedures; Rules on Safety and Soundness'' (RIN3064–AE28) received in the Office of the President of the Senate on November 18, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–3762. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Removal of Transferred OTS Regulations Regarding Fair Credit Reporting and Amendments; Amendment to the 'Creditor' Definition in Identity Theft Red Flags Rule; Removal of FDIC Regulations Regarding Fair Credit Reporting Transferred to the Consumer Financial Protection Bureau'' (RIN3064–AE29) received in the Office of the President of the Senate on November 18, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–3763. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''Stress Testing of Regulated Entities'' (RIN2590–AA74) received in the Office of the President of the Senate on November 19, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–3764. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the continuation of a national emergency declared in Executive Order 13222 with respect to the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–3765. A communication from the Assistant Director for Legislative Affairs, Consumer Financial Protection Bureau, transmitting, pursuant to law, a report entitled ''The Consumer Credit Card Market''; to the Committee on Banking, Housing, and Urban Affairs.

EC–3766. A communication from the Chief of the Regulations and Standards Branch, Bureau of Safety and Environmental Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Decommissioning Costs'' (RIN1014–AA24) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2015; to the Committee on Energy and Natural Resources.

EC–3767. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Natural Gas Act Pipeline Maps'' ((RIN1902–AE89) (Docket No. RM14–21–000)) received during adjournment of the Senate in the Office of the President of the Senate on November 23, 2015; to the Committee on Energy and Natural Resources.

EC–3768. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval and Air Quality Designation; SC; Redesignation of the Charlotte-Rock Hill, 2008 8-Hour Ozone Nonattainment Area to Attainment'' (FRL No. 9939–66–Region 4) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2015; to the Committee on Environment and Public Works.

EC–3769. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Wisconsin; Disapproval of Infrastructure SIP with respect to oxides of nitrogen as a precursor to ozone provisions for the 2006 PM2.5 NAAQS'' (FRL No. 9939–77–Region 5) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2015; to the Committee on Environment and Public Works.

EC–3770. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Renewable Fuel Standard Program: Standards for 2014, 2015, and 2016 and Biomass-Based Diesel Volume for 2017'' ((RIN2060–AS22) (FRL No. 9939–72–OAR)) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2015; to the Committee on Environment and Public Works.

EC–3771. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Wisconsin; Wisconsin State Board Requirements'' (FRL No. 9939–78–Region 5) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2015; to the Committee on Environment and Public Works.

EC–3772. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Minnesota; Transportation Conformity Procedures'' (FRL No. 9939–80–Region 5) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2015; to the Committee on Environment and Public Works.

EC–3773. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Aureobasidium pullalans strains DSM 14940 and DSM 14941; Exemption the Requirement of a Tolerance'' (FRL No. 9936–50) received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2015; to the Committee on Environment and Public Works.

EC–3774. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Saflufenacil; Pesticide Tolerances''

(FRL No. 9936–71) received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2015; to the Committee on Environment and Public Works.

EC–3775. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''PM10 Plans and Redesignation Request; Truckee Meadows, Nevada; Deletion of TSP Area Designation'' (FRL No. 9939–48–Region 9) received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2015; to the Committee on Environment and Public Works.

EC–3776. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''NESHAP for Brick and Structural Clay Products Manufacturing; and NESHAP for Clay Ceramics Manufacturing: Correction'' ((RIN2060–AP69) (FRL No. 9939–35–OAR)) received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2015; to the Committee on Environment and Public Works.

EC–3777. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Aerospace Manufacturing and Rework Facilities Risk and Technology Review'' ((RIN2060–AQ99) (FRL No. 9936–64–OAR)) received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2015; to the Committee on Environment and Public Works.

EC–3778. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revision to the Definition of Volatile Organic Compound'' (FRL No. 9939–38–Region 3) received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2015; to the Committee on Environment and Public Works.

EC–3779. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; ME; Repeal of the Maine's General Conformity Provision'' (FRL No. 9939–24–Region 1) received during adjournment of the Senate in the Office of the President of the Senate on November 24, 2015; to the Committee on Environment and Public Works.

EC–3780. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Significant New Use Rule on Certain Chemical Substances'' ((RIN2070–AB27) (FRL No. 9939–20)) received in the Office of the President of the Senate on December 2, 2015; to the Committee on Environment and Public Works.

EC–3781. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District, Feather River Air Quality Management District and Santa Barbara County Air Pollution Control District'' (FRL No. 9936–67–Region 9) received in the Office of the President of the Senate on December 2, 2015; to the Committee on Environment and Public Works.

EC–3782. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of California Air Plan Revisions, South Coast Air Quality Management District and Yolo-Solano Air Quality Management District'' (FRL No. 9937–29–Region 9) received in the Office of the President of the Senate on December 2, 2015; to the Committee on Environment and Public Works.

EC–3783. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of California Air Plan Revisions, Placer County Air Pollution Control District'' (FRL No. 9936–83–Region 9) received in the Office of the President of the Senate on December 2, 2015; to the Committee on Environment and Public Works.

EC–3784. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; New Mexico; Albuquerque-Bernalillo County; Infrastructure and Interstate Transport State Implementation Plan for the 2008 Lead National Ambient Air Quality Standards'' (FRL No. 9939–47–Region 6) received in the Office of the President of the Senate on December 2, 2015; to the Committee on Environment and Public Works.

EC–3785. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Transit System Improvements'' (FRL No. 9936–08–Region 1) received in the Office of the President of the Senate on December 2, 2015; to the Committee on Environment and Public Works.

EC–3786. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; ND; Update to Materials Incorporated by Reference'' (FRL No. 9932–60–Region 8) received in the Office of the President of the Senate on December 2, 2015; to the Committee on Environment and Public Works.

EC–3787. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Manhattan, Kansas, Local Protection Project; to the Committee on Environment and Public Works.

EC–3788. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Computation of Annual Liability Insurance (Including Self-Insurance) Settlement Recovery Threshold''; to the Committee on Finance.

EC–3789. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2016 Section 1274A CPI Adjustments'' (Rev. Rul. 2015–24) received in the Office of the President of the Senate on December 3, 2015; to the Committee on Finance.

EC–3790. A communication from the Deputy Director, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Program; Mechanized Claims Processing and Information Retrieval Systems'' (RIN0938–AS53) received in the Office of the President of the Senate on December 3, 2015; to the Committee on Finance.

EC–3791. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—December 2015'' (Rev. Rul. 2015–25) received in the Office of the President of the Senate on December 3, 2015; to the Committee on Finance.

EC–3792. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Safe Harbor Method of Accounting for Retail Establishments and Restaurants'' (Rev. Proc. 2015–56) received in the Office of the President of the Senate on December 3, 2015; to the Committee on Finance.

EC–3793. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to revoking the designation of a group designated as a Foreign Terrorist Organization (OSS–2013–1913); to the Committee on Foreign Relations.

EC–3794. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS–2015–1858); to the Committee on Foreign Relations.

EC–3795. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS–2015–1859); to the Committee on Foreign Relations.

EC–3796. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS–2015–1860); to the Committee on Foreign Relations.; to the Committee on Foreign Relations.

EC–3797. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS–2015–1895); to the Committee on Foreign Relations.

EC–3798. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Fiscal Year 2014 Annual Progress Report to Congress on the C.W. Bill Young Cell Transplantation Program and the National Cord Blood Inventory Program''; to the Committee on Health, Education, Labor, and Pensions.

EC–3799. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''National Health Service Corps Report to the Congress for the Year 2014''; to the Committee on Health, Education, Labor, and Pensions.

EC–3800. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Foreign Supplier Verification Programs for Importers of Food for Humans and Animals'' ((RIN0910–AG64) (Docket No. FDA–2011–N–0143)) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2015; to the Committee on Health, Education, Labor, and Pensions.

EC–3801. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services,

transmitting, pursuant to law, the report of a rule entitled ''Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption'' ((RIN0910–AG35) (Docket No. FDA–2011–N–0921)) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2015; to the Committee on Health, Education, Labor, and Pensions.

EC–3802. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Accreditation of Third-Party Certification Bodies To Conduct Food Safety Audits and To Issue Certifications'' ((RIN0910–AG66) (Docket No. FDA–2011–N–0146)) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2015; to the Committee on Health, Education, Labor, and Pensions.

EC–3803. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Interpretive Bulletin Relating to the Fiduciary Standard Under ERISA in Considering Economically Targeted Investments'' (RIN1210–AB73) received in the Office of the President of the Senate on November 18, 2015; to the Committee on Health, Education, Labor, and Pensions.

EC–3804. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Interpretive Bulletin Relating to State Savings Programs That Sponsor or Facilitate Plans Covered by the Employee Retirement Income Security Act of 1974'' (RIN1210–AB74) received in the Office of the President of the Senate on November 18, 2015; to the Committee on Health, Education, Labor, and Pensions.

EC–3805. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–204, ''Early Learning Quality Improvement Network Temporary Amendment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–3806. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–205, ''Extension of Time to Dispose of the Strand Theater Temporary Amendment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–3807. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–206, ''Grocery Store Restrictive Covenant Prohibition Temporary Amendment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–3808. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–207, ''Emergency Medical Services Contract Authority Temporary Amendment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–3809. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–208, ''Truancy Referral Temporary Amendment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–3810. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–209, ''Wage Theft Prevention Correction and Clarification Temporary Amendment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–3811. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–210, ''Ward 5 Paint Spray Booth Conditional Moratorium Temporary Amendment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–3812. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–211, ''N Street Village, Inc. Tax and TOPA Exemption Clarification Temporary Amendment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–3813. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–213, ''Extension of Time to Dispose of Property Located at Sixth and E Streets, S.W., Amendment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–3814. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–203, ''ABLE Program Trust Establishment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–3815. A communication from the Acting Director, Pay and Leave, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Rate Systems; Redefinition of the Harrisburg, PA and Scranton-Wilkes-Barre, PA Appropriated Fund Federal Wage System Wage Areas'' (RIN3206–AN18) received in the Office of the President of the Senate on December 7, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3816. A communication from the Acting Director, Pay and Leave, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Human Resources Management Reporting Requirements'' (RIN3206–AM69) received in the Office of the President of the Senate on December 7, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3817. A communication from the Secretary of Education, transmitting, pursuant to law, the Department of Education Agency Financial Report for fiscal year 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3818. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the Corps' Performance and Accountability Report for fiscal year 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3819. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department of Labor's Semiannual Report of the Inspector General for the period from April 1, 2015 through September 30, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3820. A communication from the Director, Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period from April 1, 2015 through September 30, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3821. A communication from the Secretary of Labor, transmitting, pursuant to law, the Pension Benefit Guaranty Corporation's Office of Inspector General's Semiannual Report to Congress and the Pension Benefit Guaranty Corporation Management's Response for the period from April 1, 2015, through September 30, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3822. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period from April 1, 2015 through September 30, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3823. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3824. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the semi-annual report of the Inspector General for the period from April 1, 2015 through September 30, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3825. A communication from the Acting Director, Planning and Policy Analysis, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Federal Long Term Care Insurance Program Eligibility Changes'' (RIN3206–AN05) received in the Office of the President of the Senate on November 18, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3826. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's Agency Financial Report for fiscal year 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3827. A communication from the Chair of the Securities and Exchange Commission, transmitting, pursuant to law, the Semiannual Report of the Inspector General and a Management Report for the period from April 1, 2015 through September 30, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3828. A communication from the Chairman, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3829. A communication from the Secretary of Education, transmitting, pursuant to law, the Department's Semiannual Report of the Office of the Inspector General for the period from April 1, 2015 through September 30, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3830. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, the Board's Performance and Accountability Report for fiscal year 2015, including the Office of Inspector General's Auditor's Report; to the Committee on Homeland Security and Governmental Affairs.

EC–3831. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period from April 1, 2015 through September 30, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3832. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Pilot Program for Enhancement of Contractor Employee Whistleblower Protections'' ((RIN9000–AM56) (FAC 2005–85)) received in the Office of the President of the

Senate on December 3, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3833. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Updating Federal Contractor Reporting of Veterans' Employment'' ((RIN9000–AN14) (FAC 2005–85)) received in the Office of the President of the Senate on December 3, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3834. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Further Amendments to Equal Employment Opportunity'' ((RIN9000–AN01) (FAC 2005–85)) received in the Office of the President of the Senate on December 3, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3835. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation: Prohibition on Contracting with Corporations with Delinquent Taxes or a Felony Conviction'' ((RIN9000–AN05) (FAC 2005–85)) received in the Office of the President of the Senate on December 3, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3836. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–85; Introduction'' (FAC 2005–85) received in the Office of the President of the Senate on December 3, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3837. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Technical Amendment'' (FAC 2005–85) received in the Office of the President of the Senate on December 3, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3838. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–85; Small Entity Compliance Guide'' (FAC 2005–85) received in the Office of the President of the Senate on December 3, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3839. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation: Establishing a Minimum Wage for Contractors'' ((RIN9000–AM82) (FAC 2005–85)) received in the Office of the President of the Senate on December 3, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3840. A communication from the Treasurer, National Gallery of Art, transmitting, pursuant to law, the Gallery's Performance and Accountability Report for the year ended September 30, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3841. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Retention Periods'' ((RIN9000–AN12) (FAC 2005–85)) received in the Office of the President of the Senate on December 3, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3842. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–212, ''Gas Station Advisory Board Temporary Amendment Act of 2015''; to the Committee on Homeland Security and Governmental Affairs.

EC–3843. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''2013 Report to Congress on Outcome Evaluations of Administration for Native Americans (ANA) Projects''; to the Committee on Indian Affairs.

EC–3844. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''2014 Annual Report of the National Institute of Justice''; to the Committee on the Judiciary.

EC–3845. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Exchange of Flatfish in the Bering Sea and Aleutian Islands Management Area; Correction'' (RIN0648–XE223) received in the Office of the President of the Senate on November 18, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3846. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reapportionment of the 2015 Gulf of Alaska Pacific Halibut Prohibited Species Catch Limits for the Trawl Deep-Water and Shallow-Water Fishery Categories; Correction'' (RIN0648–XE180) received in the Office of the President of the Senate on November 18, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3847. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Media Bureau Finalizes Reimbursement Form for Submission to OMB and Adopts Catalog of Expenses'' (GN Docket No. 12–268, DA 15–1238) received in the Office of the President of the Senate on November 18, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3848. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled, ''Fundamental Properties of Asphalts and Modified Asphalts—III''; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 571. A bill to amend the Pilot's Bill of Rights to facilitate appeals and to apply to other certificates issued by the Federal Aviation Administration, to require the revision of the third class medical certification regulations issued by the Federal Aviation Administration, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. THUNE for the Committee on Commerce, Science, and Transportation.

*Jessica Rosenworcel, of the District of Columbia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2015.

Mr. THUNE. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDs on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Coast Guard nominations beginning with Corinna M. Fleischmann and ending with Kimberly C. Young-Mclear, which nominations were received by the Senate and appeared in the Congressional Record on November 19, 2015.

*Coast Guard nominations beginning with Michael S. Adams, Jr. and ending with James R. Zoll, Jr., which nominations were received by the Senate and appeared in the Congressional Record on November 19, 2015.

*Coast Guard nominations beginning with Jason C. Aleksak and ending with Yamasheka Z. Young-Mclear, which nominations were received by the Senate and appeared in the Congressional Record on November 19, 2015.

By Mr. VITTER for the Committee on Small Business and Entrepreneurship.

*Darryl L. DePriest, of Illinois, to be Chief Counsel for Advocacy, Small Business Administration.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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. CARDIN:

S. 2376. A bill to require the Attorney General to make competitive grants to State, tribal, and local governments to establish and maintain witness protection and assistance programs; to the Committee on the Judiciary.

By Mr. REID (for himself, Mr. DURBIN, Mr. SCHUMER, Mrs. MURRAY, Mr. LEAHY, Mrs. FEINSTEIN, Mr. REED, Mr. NELSON, Mr. CARPER, Mr. CARDIN, and Mr. BROWN):

S. 2377. A bill to defeat the Islamic State of Iraq and Syria (ISIS) and protect and secure the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. CASSIDY (for himself and Mr. BENNET):

S. 2378. A bill to amend the Internal Revenue Code of 1986 to provide for an energy equivalent of a gallon of diesel in the case of liquefied natural gas for purposes of the Inland Waterways Trust Fund financing rate; to the Committee on Finance.

By Mr. FLAKE (for himself and Mr. MCCAIN):

S. 2379. A bill to provide for the unencumbering of title to non-Federal land owned by the city of Tucson, Arizona, for purposes of economic development by conveyance of the Federal reversionary interest to the City; to the Committee on Energy and Natural Resources.

By Mr. FLAKE (for himself and Mr. MCCAIN):

S. 2380. A bill to require the Secretary of the Interior to establish a pilot program for commercial recreation concessions on certain land managed by the Bureau of Land Management; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself, Ms. MURKOWSKI, and Mr. GRASSLEY):

S. 2381. A bill to provide assistance and support to the Commonwealth of Puerto Rico; to the Committee on Finance.

By Mr. HELLER (for himself, Mr. BENNET, and Mr. BLUNT):

S. 2382. A bill to amend title XVIII of the Social Security Act to strengthen intensive cardiac rehabilitation programs under the Medicare program; 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 Ms. MIKULSKI:

S. Res. 332. A resolution commemorating the 140th anniversary of the Marine Engineers' Beneficial Association; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 215

At the request of Mr. BURR, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 215, a bill to amend the Internal Revenue Code of 1986 to increase the exclusion for employer-provided dependent care assistance.

S. 298

At the request of Mr. GRASSLEY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 298, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option of providing services to children with medically complex conditions under the Medicaid program and Children's Health Insurance Program through a care coordination program focused on improving health outcomes for children with medically complex conditions and lowering costs, and for other purposes.

S. 314

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor 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. 551

At the request of Mrs. FEINSTEIN, the names of the Senator from Delaware (Mr. COONS) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 551, a bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists.

S. 804

At the request of Mrs. SHAHEEN, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 804, a bill to amend title XVIII of the Social Security Act to specify coverage of continuous glucose monitoring devices, and for other purposes.

S. 1559

At the request of Ms. AYOTTE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor 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. 1562

At the request of Mr. WYDEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1562, a bill to amend the Internal Revenue Code of 1986 to reform taxation of alcoholic beverages.

S. 1833

At the request of Mr. CASEY, the name of the Senator from Minnesota (Mr. FRANKEN) 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. 1865

At the request of Ms. KLOBUCHAR, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1865, a bill to amend the Public Health Service Act with respect to eating disorders, and for other purposes.

S. 1890

At the request of Mr. HATCH, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 1890, a bill to amend chapter 90 of title 18, United States Code, to provide Federal jurisdiction for the theft of trade secrets, and for other purposes.

S. 1913

At the request of Mr. TOOMEY, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1913, a bill to amend title XVIII of the Social Security Act to establish programs to prevent prescription drug abuse under the Medicare program, and for other purposes.

S. 1919

At the request of Mr. LANKFORD, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 1919, a bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services, to amend the Public Health Service Act to prohibit certain abortion-related discrimination in governmental activities, and for other purposes.

S. 1926

At the request of Ms. MIKULSKI, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 1926, a bill to ensure access to screening mammography services.

S. 2002

At the request of Mr. CORNYN, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 2002, a bill to strengthen our mental health system and improve public safety.

S. 2067

At the request of Mr. WICKER, the names of the Senator from Utah (Mr. HATCH), the Senator from Vermont (Mr. LEAHY), the Senator from South Dakota (Mr. ROUNDS) and the Senator from Texas (Mr. CRUZ) 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. 2109

At the request of Mr. JOHNSON, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 2109, a bill to direct the Administrator of the Federal Emergency Management Agency to develop an integrated plan to reduce administrative costs under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and for other purposes.

S. 2127

At the request of Mr. JOHNSON, the name of the Senator from Iowa (Mrs. ERNST) was added as a cosponsor of S. 2127, a bill to provide appropriate protections to probationary Federal employees, to provide the Special Counsel with adequate access to information, to provide greater awareness of Federal whistleblower protections, and for other purposes.

S. 2178

At the request of Mr. BOOZMAN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2178, a bill to amend the Internal Revenue Code of 1986 to make permanent certain provisions of the Heartland, Habitat, Harvest, and Horticulture Act of 2008 relating to timber, and for other purposes.

S. 2196

At the request of Mr. CASEY, the names of the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 2196, a bill to amend title XVIII of the Social Security Act to provide for the non-application of Medicare competitive acquisition rates to complex rehabilitative wheelchairs and accessories.

S. 2215

At the request of Mr. BURR, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2215, a bill to prohibit discretionary bonuses for employees of the Internal Revenue Service who have engaged in misconduct or who have delinquent tax liability.

S. 2312

At the request of Mr. THUNE, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 2312, a bill to amend titles XVIII and XIX of the Social Security Act to make improvements to payments for durable medical equipment under the Medicare and Medicaid programs.

S. 2351

At the request of Mr. ISAKSON, the names of the Senator from Colorado (Mr. BENNET) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2351, a bill to amend title XVIII of the Social Security Act to extend the annual comment period for payment rates under Medicare Advantage.

S. 2353

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2353, a bill to amend the Internal Revenue Code of 1986 to extend and modify the incentives for biodiesel.

S. 2357

At the request of Mr. WHITEHOUSE, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 2357, a bill to extend temporarily the extended period of protection for members of uniformed services relating to mortgages, mortgage foreclosure, and eviction, and for other purposes.

S. 2367

At the request of Mr. MCCAIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 2367, a bill to provide for hardship duty pay for border patrol agents and customs and border protection officers assigned to highly-trafficked rural areas.

S. 2372

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 2372, a bill to require reporting of terrorist activities and the unlawful distribution of information relating to explosives, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself, Mr. DURBIN, Mr. SCHUMER, Mrs. MURRAY, Mr. LEAHY, Mrs. FEINSTEIN, Mr. REED, Mr. NELSON, Mr. CARPER, Mr. CARDIN, and Mr. BROWN):

S. 2377. A bill to defeat the Islamic State of Iraq and Syria (ISIS) and protect and secure the United States, and for other purposes; to the Committee on the Judiciary.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2377

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 ''Defeat ISIS and Protect and Secure the United States Act of 2015''.

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

Sec. 1. Short title; table of contents.

TITLE I—DEFEATING ISIS

Subtitle A—National Security Positions

Sec. 101. United States Coordinator for Strategy to Defeat the Islamic State in Iraq and Syria.
Sec. 102. Sense of Congress on confirmation by Senate of pending National Security nominations.

Subtitle B—Combating ISIS

Sec. 111. Findings.
Sec. 112. Sense of Congress.

Subtitle C—Combating ISIS Financing

Sec. 121. Sense of Congress on defeating terrorist financing by the Islamic State of Iraq and Syria.
Sec. 122. Sanctions with respect to financial institutions that engage in certain transactions that benefit the Islamic State of Iraq and Syria.

Subtitle D—Improving Intelligence Sharing With Partners

Sec. 131. Intelligence sharing relationships.

Subtitle E—Combating Terrorist Recruitment and Propaganda

Sec. 141. Countering violent extremism.
Sec. 142. Countering ISIS propaganda.

Subtitle F—Improving European Migrant Screening and Stabilizing Jordan and Lebanon

Sec. 151. Working with Europe to improve migrant screening.
Sec. 152. Migrant stability fund for Jordan and Lebanon.

TITLE II—PROTECTING THE HOMELAND

Subtitle A—Reforming the Visa Waiver Program

Sec. 201. Short title.
Sec. 202. Electronic passports required for visa waiver program.
Sec. 203. Information sharing and cooperation by visa waiver program countries.
Sec. 204. Biometric submission before entry.
Sec. 205. Visa waiver program administration.

Subtitle B—Keeping Firearms Away From Terrorists

Sec. 211. Closing the visa waiver program gun loophole.
Sec. 212. Closing the terrorist gun loophole.

Subtitle C—Strengthening Aviation Security

Sec. 221. Definitions.

PART I—TRANSPORTATION SECURITY ADMINISTRATION WORKFORCE TRAINING AND PROCEDURES

Sec. 226. Transportation security officer training.

PART II—ACCESS CONTROLS

Sec. 231. Insider threats.
Sec. 232. Aviation workers vetting.
Sec. 233. Infrastructure.
Sec. 234. Visible deterrent.

PART III—TRANSPORTATION SECURITY ADMINISTRATION INNOVATION AND TECHNOLOGY

Sec. 241. Research.
Sec. 242. Public-private partnerships.
Sec. 243. Report.

PART IV—IMPROVING INTERNATIONAL COORDINATION TO TRACK TERRORISTS

Sec. 251. Coordination with international authorities.
Sec. 252. Sense of Congress on cooperation to track terrorists traveling by air.

Subtitle D—Strengthening Security of Radiological Materials

Sec. 261. Preventing terrorist access to domestic radiological materials.
Sec. 262. Strategy for securing high activity radiological sources.
Sec. 263. Outreach to State and local law enforcement agencies on radiological threats.

Subtitle E—Stopping Homegrown Extremism

Sec. 271. Authorization of the Office for Community Partnerships of the Department of Homeland Security.
Sec. 272. Research and evaluation program for domestic radicalization.

Subtitle F—Comprehensive Independent Study of National Cryptography Policy

Sec. 281. Comprehensive independent study of national cryptography policy.

Subtitle G—Law Enforcement Training

Sec. 291. Law enforcement training for active shooter incidents.
Sec. 292. Active shooter incident response assistance.
Sec. 293. Grants to State and local law enforcement agencies for antiterrorism training programs.

TITLE I—DEFEATING ISIS

Subtitle A—National Security Positions

SEC. 101. UNITED STATES COORDINATOR FOR STRATEGY TO DEFEAT THE ISLAMIC STATE IN IRAQ AND SYRIA.

(a) DESIGNATION.—Not later than 30 days after date of the enactment of this Act, the President shall designate a single coordinator, who shall be responsible for coordinating all efforts across the Federal Government and with international partners for defeating the Islamic State in Iraq and Syria (ISIS) both within the United States and globally.

(b) STATUS.—The coordinator designated under subsection (a) shall report to the President.

(c) DUTIES.—The coordinator designated under subsection (a) shall coordinate all lines of effort, activities, and programs related to defeating ISIS, including—

(1) coordinating with the Special Presidential Envoy to the Global Coalition to Counter ISIL;

(2) coordinating with the Department of Defense and international partners regarding United States military operations, training, and equipment undertaken to defeat ISIS and to deny ISIS safe haven, as appropriate;

(3) coordinating with the Department of Defense, the Department of State, the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))), and international partners regarding United States efforts to build the capacity of local forces in the Middle East committed to defeating ISIS and rebuilding Iraq and Syria based on secular, inclusive, and representative governance frameworks;

(4) coordinating with the Department of State, the Department of the Treasury, the

intelligence community, and international partners regarding United States efforts to counter, undermine, and disrupt ISIS financing;

(5) coordinating with the Department of State, the Department of Homeland Security, the Department of Justice, the intelligence community, and international partners regarding United States efforts to counter, halt, and prevent movement of foreign fighters into and out of Iraq and Syria;

(6) coordinating with the Department of State, the United States Agency for International Development, and international partners regarding United States efforts to counter and undermine ISIS messaging and propaganda around the world;

(7) coordinating with the Department of State, the United States Agency for International Development, the United Nations, and international partners regarding United States contributions and support for addressing the humanitarian crisis resulting from ISIS activities; and

(8) coordinating with the Department of State and the United States Agency for International Development regarding United States diplomatic engagement toward long-term sustainable political solutions in Iraq and Syria, including promoting responsible, inclusive governance in Iraq and a transitional governing body in Syria without Bashar al-Assad, as well as coordinating support for other nations at risk of ISIS influence.

(d) CONSULTATION.—The coordinator designated under subsection (a) shall consult with Congress, domestic and international organizations, multilateral organizations and institutions, and foreign governments committed to defeating ISIS to the extent the Coordinator considers appropriate to fulfill the purposes of this section.

SEC. 102. SENSE OF CONGRESS ON CONFIRMATION BY SENATE OF PENDING NATIONAL SECURITY NOMINATIONS.

It is the sense of Congress that—

(1) the terrorist attacks in November 2015 demonstrate the need for renewed vigilance to prevent an attack on the United States homeland;

(2) national security positions throughout the United States Government are essential to protect the safety of the American public, and vacancies in such positions hurt our efforts to combat terrorists;

(3) greater global coordination will be required to defeat the Islamic State of Iraq and Syria (ISIS), so the Senate should promptly confirm pending nominations to positions of ambassador in order to represent United States national security interests abroad;

(4) to assist with negotiations on global anti-terror efforts, the Secretary of State should have a full complement of political and career senior advisors, so the Senate should confirm pending nominations to such positions;

(5) intelligence sharing with our allies could prevent an attack on the United States homeland, so the Senate should confirm pending nominations to intelligence positions of the Department of Defense and in other elements of the intelligence community;

(6) service members are on the front lines of the fight against terror, so the Senate should confirm pending nominations for promotion in the Armed Forces;

(7) cutting off the money supply for the Islamic State of Iraq and Syria is a critical part of United States strategy to defeat the Islamic State of Iraq and Syria, so the Senate should confirm pending nominations to positions in the Department of the Treasury with responsibility for disrupting terrorist financing networks; and

(8) the Senate should confirm the pending nominations to national security positions described in this resolution without further delay.

Subtitle B—Combating ISIS

SEC. 111. FINDINGS.

Congress makes the following findings:

(1) The terrorist organization known as the Islamic State of Iraq and Syria (ISIS) poses a grave threat to the people and territorial integrity of Iraq and Syria, to regional stability, and to the national security interests of the United States and its allies and partners.

(2) ISIS holds significant territory in Iraq and Syria and is a growing threat in other countries and has stated its intention to seize more territory and demonstrated the capability to do so.

(3) ISIS has claimed responsibility for or conducted horrific terrorist attacks, including hostage-taking and killing, in Sousse, Tunisia; Ankara, Turkey; the Sinai in Egypt; Beirut, Lebanon; Paris, France, against a Russian charter plane, and elsewhere.

(4) ISIS has brutally murdered United States citizens, as well as citizens of many other countries.

(5) ISIS has stated that it intends to conduct further terrorist attacks internationally, including against the United States, its citizens, and interests.

(6) ISIS has committed despicable acts of violence and mass executions against Muslims, regardless of sect, who do not subscribe to the depraved, violent, and oppressive ideology of ISIS, and has targeted innocent women and girls with horrific acts of violence, including abduction, enslavement, torture, rape, and forced marriage.

(7) ISIS has threatened genocide and committed vicious acts of violence against other religious and ethnic minority groups, including Iraqi Christians, Yezidi, and Turkmen populations.

(8) ISIS finances its operations primarily through looting, smuggling, extortion, oil sales, kidnapping, and human trafficking.

(9) As a result of advances by ISIS and the civil war in Syria, there are more than 4,000,000 refugees, more than 7,500,000 internally displaced people in Syria, and nearly 3,200,000 internally displaced people in Iraq.

(10) President Barack Obama articulated a multi-dimensional approach in the campaign to counter ISIS, including supporting regional military partners, stopping the flow of foreign fighters, cutting off the access of ISIS to financing, addressing urgent humanitarian needs, and exposing the true nature of ISIS.

(11) In August 2014, President Obama directed the United States Armed Forces to build and work with a coalition of partner nations to conduct airstrikes in Iraq and Syria as part of the comprehensive strategy to degrade and defeat ISIS.

(12) Since August 2014, United States and coalition nation aircraft have flown more than 57,000 sorties in support of operations in Iraq and Syria, including airstrikes that have destroyed staging areas, command centers, thousands of armored vehicles, oil and other financing infrastructure, and other facilities and equipment of ISIS.

(13) Coalition airstrikes have killed at least 100 high-value individuals, including a United States strike against Mohamed Emwazi, known as ''Jihadi John''.

(14) ISIS is under pressure from a coalition of 65 nations, which is conducting air strikes, supporting local forces on the ground, and cutting off financial support to ISIS, thereby evicting ISIS from as much as a quarter of the territory it previously controlled.

SEC. 112. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States condemns the horrific and cowardly attacks by ISIS, particularly the recent attacks in Tunisia, Turkey, Egypt, Lebanon, and France;

(2) it is critical that the response to ISIS by the United States and the Anti-ISIS coalition, including countries within the region, be multi-dimensional and consist of coordinated and intensified efforts on intelligence sharing and on the military, civilian, and humanitarian aspects of the current campaign;

(3) ISIS will only be defeated if there are enduring, inclusive, sustainable political solutions in Iraq and Syria that enable all citizens to realize their legitimate aspirations;

(4) the only path to a sustainable end to the civil war in Syria is a diplomatic solution that removes Bashar al-Assad;

(5) the United States and our coalition partners must continue to conduct the campaign of airstrikes against ISIS in both Syria and Iraq to counter ISIS forces and deny it a safe haven;

(6) no matter how effective the air campaign, defeating ISIS requires reliable, effective, and committed local forces on the ground in Syria and Iraq to clear and hold territory retaken from ISIS, including continuing to work with Kurds in Syria and Iraq, Sunnis in Iraq, and the moderate opposition in Syria;

(7) the United States and our coalition partners must work with local forces in Iraq and Syria to identify and strike ISIS targets and support local forces in the fight on the ground;

(8) the United States and our coalition partners must build the capabilities and capacities of our local partner forces in Syria and Iraq and across the region to sustain an effective long-term campaign against ISIS;

(9) United States and coalition advisors and enablers are critical to improving the ability of local forces to plan, lead, and conduct operations against ISIS;

(10) the United States and our coalition partners must continue to target the leadership of ISIS, deny it sanctuary and resources to plan, prepare, and execute attacks, and degrade its command and control infrastructure, logistical networks, oil and other revenue networks, and other capabilities;

(11) the United States and our coalition partners must work to improve the security of the borders of Syria and end the flow of new foreign recruits to ISIS, including working with Turkey and local forces to control the entire Turkey-Syria border;

(12) the United States and our coalition partners must make sure that the commanders on the ground have the operational flexibility required to execute the mission against ISIS, particularly related to the activities of special operations forces in Syria; and

(13) appropriate resources and attention should be applied to stopping the spread of ISIS and its apocalyptic ideology to other countries and regions, including North Africa, Afghanistan, and elsewhere.

Subtitle C—Combating ISIS Financing

SEC. 121. SENSE OF CONGRESS ON DEFEATING TERRORIST FINANCING BY THE ISLAMIC STATE OF IRAQ AND SYRIA.

It is the sense of Congress that—

(1) the United States should—

(A) strongly support coordinated international efforts by the G–20, the international Financial Action Task Force, the United Nations, and other appropriate international bodies to bolster comprehensive programs to target and combat terrorist financing by ISIS, and to expand international information-sharing related to activities of ISIS;

(B) provide necessary funding and support for the international Counter-ISIS Financing Group and ensure robust information-sharing within that Group and among allied countries participating in efforts to combat terrorist financing by ISIS;

(C) expand technical assistance, support, and guidance to the governments of countries that are allies of the United States and to foreign financial institutions in such countries to enable those governments and institutions to rapidly expand their capacity—

(i) to identify and designate for the imposition of sanctions persons that are part of ISIS or that knowingly fund or otherwise facilitate activities of ISIS;

(ii) to identify and disrupt financing networks used by ISIS and terrorists allied with ISIS; and

(iii) to cut ISIS off completely from the international financial system;

(D) urge governments of countries that are allies of the United States—

(i) to aggressively implement programs to combat terrorist financing by ISIS; and

(ii) to prosecute, to the fullest extent of the laws of those countries, persons that are part of ISIS or that knowingly fund or otherwise facilitate activities of ISIS and are within the jurisdiction of those governments;

(E) encourage the governments of all G–20 countries to implement measures with respect to persons designated as part of ISIS, or as persons that knowingly fund or otherwise facilitate activities of ISIS, by the United States as of the date of the enactment of this Act, and to designate promptly and impose sanctions with respect to such persons under their own laws;

(F) continue to support efforts by the Government of Iraq—

(i) to secure the financial system of Iraq, including banks, exchange houses, and other similar entities, from ISIS-related terrorist financing; and

(ii) to dismantle and disrupt ISIS terrorist financing networks;

(G) continue to disrupt efforts by the Government of Syria—

(i) to engage in oil purchases or other financial transactions with ISIS or affiliates or intermediaries of ISIS; or

(ii) to engage in extortion or any other criminal activity that might benefit ISIS; and

(H) seek to expand cooperation among G–20 and countries that are allies of the United States to strengthen the protection of antiquities and prevent ISIS from engaging in the theft, transport, and sale of cultural objects for the purpose of financing terrorism; and

(2) the Senate should promptly approve, on a bipartisan basis, the nomination, pending on the date of the enactment of this Act, of the Under Secretary for Terrorism and Financial Crimes of the Department of the Treasury, who leads the efforts of the United States to counter terrorist financing by ISIS.

SEC. 122. SANCTIONS WITH RESPECT TO FINANCIAL INSTITUTIONS THAT ENGAGE IN CERTAIN TRANSACTIONS THAT BENEFIT THE ISLAMIC STATE OF IRAQ AND SYRIA.

(a) IN GENERAL.—The President may prohibit, or impose strict conditions on, the opening or maintaining in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines engages in an activity described in subsection (b) on or after the date of the enactment of this Act.

(b) ACTIVITIES DESCRIBED.—A foreign financial institution engages in an activity described in this subsection if the foreign financial institution—

(1) knowingly facilitates a significant transaction or transactions for ISIS;

(2) knowingly facilitates a significant transaction or transactions of a person that is identified on the specially designated nationals list and the property and interests in property of which are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) for acting on behalf of or at the direction of, or being owned or controlled by, ISIS;

(3) knowingly engages in money laundering to carry out an activity described in paragraph (1) or (2); or

(4) knowingly facilitates a significant transaction or transactions or provides significant financial services to carry out an activity described in paragraph (1), (2), or (3).

(c) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of regulations prescribed under this section to the same extent that such penalties apply to a person that commits an unlawful act described in subsection (a) of such section 206.

(d) PROCEDURES FOR JUDICIAL REVIEW OF CLASSIFIED INFORMATION.—

(1) IN GENERAL.—If a finding under this section, or a prohibition or condition imposed as a result of any such finding, is based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.)) and a court reviews the finding or the imposition of the prohibition or condition, the President may submit such information to the court ex parte and in camera.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to confer or imply any right to judicial review of any finding under this section or any prohibition or condition imposed as a result of any such finding.

(e) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(f) DEFINITIONS.—In this section:

(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms ''account'', ''correspondent account'', and ''payable-through account'' have the meanings given those terms in section 5318A of title 31, United States Code.

(2) FINANCIAL INSTITUTION.—The term ''financial institution'' means a financial institution specified in subparagraph (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (M), (N), (P), (R), (T), (Y), or (Z) of section 5312(a)(2) of title 31, United States Code.

(3) FOREIGN FINANCIAL INSTITUTION.—The term ''foreign financial institution'' has the meaning given that term in section 1010.605 of title 31, Code of Federal Regulations.

(4) ISIS.—The term ''ISIS'' means—

(A) the entity known as the Islamic State of Iraq and Syria and designated by the Secretary of State as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); or

(B) any person—

(i) the property or interests in property of which are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); and

(ii) who is identified on the specially designated nationals list as an agent, instrumentality, or affiliate of the entity described in subparagraph (A).

(5) MONEY LAUNDERING.—The term ''money laundering'' includes the movement of illicit cash or cash equivalent proceeds into, out of, or through a country, or into, out of, or through a financial institution.

(6) SPECIALLY DESIGNATED NATIONALS LIST.—The term ''specially designated nationals list'' means the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury.

Subtitle D—Improving Intelligence Sharing With Partners

SEC. 131. INTELLIGENCE SHARING RELATIONSHIPS.

(a) REVIEW OF AGREEMENTS.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Defense, shall complete a review of each intelligence sharing agreement between the United States and a foreign country that—

(1) is experiencing a significant threat from ISIS; or

(2) is participating as part of the coalition in activities to degrade and defeat ISIS.

(b) INTELLIGENCE SHARING RELATED TO THE ISLAMIC STATE.—Not later than 90 days after the date that the Director of National Intelligence completes the reviews required by subsection (a), the Director shall develop an intelligence sharing agreement between the United States and each foreign country referred to in subsection (a) that—

(1) applies to the sharing of intelligence related to defensive or offensive measures to be taken with respect to ISIS; and

(2) provides for the maximum amount of sharing of such intelligence, as appropriate, in a manner that is consistent with the due regard for the protection of intelligence sources and methods, protection of human rights, and the ability of recipient nations to utilize intelligence for targeting purposes consistent with the laws of armed conflict.

Subtitle E—Combating Terrorist Recruitment and Propaganda

SEC. 141. COUNTERING VIOLENT EXTREMISM.

(a) IN GENERAL.—The President, in collaboration with the Secretary of State and the Administrator of the United States Agency for International Development, shall design, implement, and evaluate programs to counter violent extremism abroad by—

(1) strengthening inclusive governance in nation states whose stability and legitimacy are threatened by ISIS and other violent extremist groups;

(2) creating mechanisms for women, teenagers and other marginalized groups, including potential and former violent extremists, to participate in designing and implementing such programs in coordination with local and national government officials;

(3) addressing the drivers of grievances that lead to violent extremism, such as corruption, injustice, marginalization, and abuse, through programming and reforms focused on—

(A) good governance and anti-corruption;

(B) civic engagement;

(C) citizen participation in governance;

(D) adherence to the rule of law;

(E) opportunities for women and girls; and

(F) freedom of expression;

(4) strengthening law enforcement training programs that foster dialogue and engagement between security forces and the public around drivers of grievance; and

(5) strengthening the capacity of civil society organizations to combat radicalization and other forms of violence in local communities.

(b) PROMOTING YOUTH LEADERSHIP.—Programs established under this section shall prioritize youth engagement to prevent and counter violent extremism, including youth-led messaging campaigns—

(1) to delegitimize the appeal of violent extremism;

(2) to engage communities and populations to prevent violent extremist radicalization and recruitment;

(3) to counter the radicalization of youth;

(4) to promote rehabilitation and reintegration programs for potential and former violent extremists, including prison-based programs; and

(5) to support long term efforts to promote tolerance, co-existence and equity.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated—

(1) for the Department of State, $200,000,000 for fiscal year 2017 and $250,000,000 for fiscal year 2018; and

(2) for the United States Agency for International Development, $100,000,000 for fiscal year 2017 and $125,000,000 for fiscal year 2018.

(d) ASSISTANCE FOR FRAGILE NATION STATES.—The Secretary of State shall make existing counterterrorism funding available for programs that strengthen governance and security in fragile nation states that share a border with a country that ISIS or other violent extremists have threatened to destabilize or delegitimize.

SEC. 142. COUNTERING ISIS PROPAGANDA.

(a) COMPREHENSIVE STRATEGY TO COUNTER ISIS PROPAGANDA.—The President, in consultation with technology companies, faith-based Muslim groups, foreign governments, and international nongovernmental organizations, shall develop, as part of the National Strategy for Counterterrorism, a comprehensive strategy to counter the propaganda disseminated by operatives of ISIS, including through online activities.

(b) INCREASED USE OF EFFECTIVE MEDIA TOOLS.—The Under Secretary of State for Public Diplomacy, through the Center for Strategic Counterterrorism Communications (referred to in this section as the ''Center''), is authorized to contract to produce media products to counter ISIS propaganda.

(c) DIGITAL PLATFORM DEVELOPMENT TEAM.—The Under Secretary of State for Public Diplomacy, through the Center, shall establish a digital rapid response team—

(1) to build and employ digital platforms for the dissemination of information to counter ISIS propaganda; and

(2) to integrate the platforms described in paragraph (1) with existing technologies supported by the Bureau of International Information Programs and with popular social networking sites.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated to the Department of State $25,000,000 for fiscal year 2017 and $30,000,000 for fiscal year 2018.

Subtitle F—Improving European Migrant Screening and Stabilizing Jordan and Lebanon

SEC. 151. WORKING WITH EUROPE TO IMPROVE MIGRANT SCREENING.

The President, in consultation with the heads of relevant Federal agencies, is authorized to provide requested technical and operational assistance for the European Union and its member states, including assistance—

(1) to improve border management, including the screening of migrants;

(2) to increase capacity for refugee reception and processing in transit countries, especially in the Western Balkans; and

(3) to enhance intelligence sharing with European Union member states and Europol regarding criminal human trafficking, smuggling networks, and foreign fighters identification and movement.

SEC. 152. MIGRANT STABILITY FUND FOR JORDAN AND LEBANON.

(a) INTERNATIONAL DISASTER ASSISTANCE.—In addition to amounts otherwise authorized to be appropriated for such purposes, there is authorized to be appropriated to the International Disaster Assistance account, $525,000,000, which shall remain available until expended, for emergency and life-saving assistance, including for the care of internally displaced persons within Syria and Iraq and to mitigate the outflow of refugees to Lebanon, Jordan, and elsewhere and other locations designated by the Secretary of State.

(b) MIGRATION AND REFUGEE ASSISTANCE.—In addition to amounts otherwise authorized to be appropriated for such purposes, there is authorized to be appropriated to the Migration and Refugee Assistance account, $545,000,000, which shall remain available until expended, for necessary expenses to respond to the refugee crisis resulting from conflict in the Middle East, including for the basic needs of refugees in Lebanon, Jordan, and elsewhere as well as the costs associated with the resettlement of refugees in the United States and the secure screening of refugee applications.

(c) EMERGENCY REFUGEE AND MIGRATION ASSISTANCE.—In addition to amounts otherwise authorized to be appropriated for such purposes, there is authorized to be appropriated to the Emergency Refugee and Migration Assistance account, $200,000,000, which shall remain available until expended, for unexpected urgent overseas refugee and migration needs in accordance with section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)).

(d) TRANSFER OF FUNDS.—

(1) IN GENERAL.—The Secretary of State may transfer amounts authorized to be appropriated by this Act between accounts and to other relevant Federal agencies—

(A) to optimize assistance to refugees; and

(B) to ensure the secure screening of refugees seeking resettlement in the United States.

(2) CONSULTATION AND NOTIFICATION REQUIREMENTS.—Each transfer authorized under paragraph (1) shall be subject to prior consultation with, and the regular notification procedures of, the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

(3) RETURN OF UNNEEDED FUNDS.—If the Secretary of State, in consultation with the head of any Federal agency receiving funds transferred pursuant to this subsection, determines that any portion of such funds are no longer needed to meet the purposes of such transfer, the head of such agency shall return such funds to the account from where they originated.

TITLE II—PROTECTING THE HOMELAND

Subtitle A—Reforming the Visa Waiver Program

SEC. 201. SHORT TITLE.

This subtitle may be cited as the ''Visa Waiver Program Security Enhancement Act''.

SEC. 202. ELECTRONIC PASSPORTS REQUIRED FOR VISA WAIVER PROGRAM.

(a) REQUIRING THE UNIVERSAL USE OF ELECTRONIC PASSPORTS FOR VISA WAIVER PROGRAM COUNTRIES.—

(1) IN GENERAL.—Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) is amended—

(A) in subsection (a), by amending paragraph (3) to read as follows:

''(3) MACHINE-READABLE, ELECTRONIC PASSPORT.—The alien, at the time of application for admission, is in possession of a valid, unexpired, tamper-resistant, machine-readable passport that incorporates biometric and document authentication identifiers that comply with the applicable biometric and document identifying standards established by the International Civil Aviation Organization.''; and

(B) in subsection (c)(2), by amending subparagraph (B) to read as follows:

''(B) MACHINE-READABLE, ELECTRONIC PASSPORT PROGRAM.—The government of the country certifies that it issues to its citizens machine-readable, electronic passports that comply with the requirements set forth in subsection (a)(3).''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date that is 90 days after the date of the enactment of this Act.

(3) CERTIFICATION REQUIREMENT.—Section 303(c) of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732(c)) is amended—

(A) in paragraph (1), by striking ''Not later than October 26, 2005, the'' and inserting ''The''; and

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

''(2) USE OF TECHNOLOGY STANDARD.—Any alien applying for admission under the visa waiver program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) shall present a passport that meets the requirements described in paragraph (1).''.

SEC. 203. INFORMATION SHARING AND COOPERATION BY VISA WAIVER PROGRAM COUNTRIES.

(a) REQUIRED INFORMATION SHARING FOR VISA WAIVER PROGRAM COUNTRIES.—

(1) INFORMATION SHARING AGREEMENTS.—

(A) FULL IMPLEMENTATION.—Section 217(c)(2)(F) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)(F)) is amended by inserting '', and fully implements within the time frame determined by the Secretary of Homeland Security,'' after ''country enters into''.

(B) FEDERAL AIR MARSHAL AGREEMENT.—Section 217(c) of such Act is amended—

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

''(G) FEDERAL AIR MARSHAL AGREEMENT.—The government of the country enters into, and complies with, an agreement with the United States to assist in the operation of an effective air marshal program.

''(H) AVIATION STANDARDS.—The government of the country complies with United States aviation and airport security standards, as determined by the Secretary of Homeland Security.''; and

(ii) in paragraph (9)—

(I) by striking subparagraph (B); and

(II) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(C) FAILURE TO FULLY IMPLEMENT INFORMATION SHARING AGREEMENT.—Section 217(c)(5) of such Act (8 U.S.C. 1187(c)(5)) is amended—

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

(ii) by inserting after subparagraph (B) the following:

''(C) FAILURE TO FULLY IMPLEMENT INFORMATION SHARING AGREEMENT.—

''(i) DETERMINATION.—If the Secretary of Homeland Security, in consultation with the Secretary of State, determines that the government of a program country has failed to fully implement the agreements set forth in paragraph (2)(F), the country shall be terminated as a program country.

''(ii) REDESIGNATION.—Not sooner than 90 days after the Secretary of Homeland Security, in consultation with the Secretary of State, determines that a country that has been terminated as a program country pursuant to clause (i) is now in compliance with the requirement set forth in paragraph (2)(F), the Secretary of Homeland Security may redesignate such country as a program country.''.

(2) ADVANCE PASSENGER INFORMATION EARLIER THAN 1 HOUR BEFORE ARRIVAL.—

(A) IN GENERAL.—Section 217(a)(10) of such Act (8 U.S.C. 1187(a)(10)) is amended by striking ''not less than one hour prior to arrival'' and inserting ''as soon as practicable, but not later than 1 hour before arriving''.

(B) TECHNICAL AMENDMENT.—Section 217(c)(3) of such Act is amended, in the matter preceding subparagraph (A), by striking ''the initial period—'' and inserting ''fiscal year 1989:''.

(b) FACTORS THE DEPARTMENT OF HOMELAND SECURITY SHALL CONSIDER FOR VISA WAIVER COUNTRIES.—

(1) CONSIDERATION OF COUNTRY'S CAPACITY TO IDENTIFY DANGEROUS INDIVIDUALS.—Section 217(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(4)), is amended to read as follows:

''(4) REQUIRED SECURITY CONSIDERATIONS FOR PROGRAM DESIGNATION AND CONTINUATION.—In determining whether a country should be designated as a program country or whether a program country should retain its designation as a program country, the Secretary of Homeland Security shall consider the following:

''(A) CAPACITY TO COLLECT, ANALYZE, AND SHARE DATA CONCERNING DANGEROUS INDIVIDUALS.—Whether the government of the country—

''(i) collects and analyzes the information described in subsection (a)(10), including advance passenger information and passenger name records, and similar information pertaining to flights not bound for the United States, to identify potentially dangerous individuals who may attempt to travel to the United States; and

''(ii) shares such information and the results of such analyses with the Government of the United States.

''(B) SCREENING OF TRAVELER PASSPORTS.—Whether the government of the country—

''(i) regularly screens passports of air travelers against INTERPOL's global database of Stolen and Lost Travel Documents before allowing such travelers to enter or board a flight arriving in or departing from that country, including a flight destined for the United States; and

''(ii) regularly and promptly shares information concerning lost or stolen travel documents with INTERPOL.

''(C) BIOMETRIC EXCHANGES.—Whether the government of the country, in addition to meeting the mandatory qualifications set forth in paragraph (2)—

''(i) collects and analyzes biometric and other information about individuals other than United States nationals who are applying for asylum, refugee status, or another form of non-refoulment protection in such country; and

''(ii) shares the information and the results of such analyses with the Government of the United States.

''(D) INFORMATION SHARING ABOUT FOREIGN TERRORIST FIGHTERS.—Whether the government of the country shares intelligence about foreign fighters with the United States and with multilateral organizations, such as INTERPOL and EUROPOL.''.

(2) FAILURE TO REPORT STOLEN PASSPORTS.—Section 217(f)(5) of such Act is amended by inserting ''frequently and promptly'' before ''reporting the theft''.

SEC. 204. BIOMETRIC SUBMISSION BEFORE ENTRY.

(a) DEMONSTRATION PROGRAM FOR COLLECTION OF BIOMETRIC INFORMATION.—

(1) INITIATION.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall initiate a demonstration program to conduct the advance verification of biometric data from a random sample of aliens entering the United States under the visa waiver program established under section 217(a) of the Immigration and Nationality Act (8 U.S.C. 1187(a)) that considers the factors set out in paragraph (2).

(2) FACTORS.—In carrying out the demonstration program initiated under paragraph (1), the Secretary shall consider—

(A) how to verify biometric data through a standardized and reliable process or means by which an applicant under the visa waiver program may submit biometric information with relatively limited expense to the applicant;

(B) how to ensure necessary quality of biometric information data verified prior to travel to minimize false positive matches upon an applicant's seeking admission at a United States port of entry;

(C) how to verify biometric information from an applicant in a manner that confirms the identity of the applicant and prevents, to the greatest extent practicable, the fraudulent use of a person's identity; and

(D) other elements the Secretary determines are necessary to create a scalable and reliable means of biometric information verification for the visa waiver program.

(3) COMPLETION.—The demonstration program initiated under paragraph (1) shall be completed not later than 15 months after the date of the enactment of this Act.

SEC. 205. VISA WAIVER PROGRAM ADMINISTRATION.

Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended—

(1) in clause (i), by amending subclause (II) to read as follows:

''(II) an amount to ensure recovery of the full costs of providing and administering the System and implementing the improvements to the program provided in the Visa Waiver Program Security Enhancement Act.''; and

(2) by amending clause (ii) to read as follows:

''(ii) DISPOSITION OF AMOUNTS COLLECTED.—Amounts collected under clause (i)(I) shall be credited to the Travel Promotion Fund established under subsection (d) of the Trade Promotion Act of 2009 (22 U.S.C. 2131(d)). Amounts collected under clause (i)(II) shall be transferred to the general fund of the Treasury and made available to pay the costs incurred to administer the System and the improvements made by the Visa Waiver Program Security Enhancement Act. The portion of the fee collected under clause (i)(II) to recover the costs of implementing such improvements may only be used for that purpose.''.

Subtitle B—Keeping Firearms Away From Terrorists

SEC. 211. CLOSING THE VISA WAIVER PROGRAM GUN LOOPHOLE.

Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)(5)(B), by inserting ''or pursuant to the visa waiver program established under section 217(a) of the Immigration and Nationality Act (8 U.S.C. 1187(a))'' before the semicolon at the end;

(2) in subsection (g)(5)(B), by inserting ''or pursuant to the visa waiver program established under section 217(a) of the Immigration and Nationality Act (8 U.S.C. 1187(a))'' before the semicolon at the end; and

(3) in subsection (y)—

(A) in the subsection heading, by inserting ''OR PURSUANT TO THE VISA WAIVER PROGRAM'' after ''VISAS'';

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking ''visa,'' and inserting ''visa or pursuant to the visa waiver program established under section 217(a) of the Immigration and Nationality Act (8 U.S.C. 1187(a)),''; and

(C) in paragraph (3)(A), in the matter preceding clause (i), by inserting ''or pursuant to the visa waiver program established under section 217(a) of the Immigration and Nationality Act (8 U.S.C. 1187(a))'' after ''visa''.

SEC. 212. CLOSING THE TERRORIST GUN LOOPHOLE.

(a) STANDARD FOR EXERCISING ATTORNEY GENERAL DISCRETION REGARDING TRANSFERRING FIREARMS OR ISSUING FIREARMS PERMITS TO DANGEROUS TERRORISTS.—Chapter 44 of title 18, United States Code, is amended—

(1) by inserting after section 922 the following:

''§ 922A. Attorney General's discretion to deny transfer of a firearm

''The Attorney General may deny the transfer of a firearm under section 922(t)(1)(B)(ii) of this title if the Attorney General—

''(1) determines that the transferee is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism; and

''(2) has a reasonable belief that the prospective transferee may use a firearm in connection with terrorism.

''§ 922B. Attorney General's discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(t)(3)

''The Attorney General may determine that—

''(1) an applicant for a firearm permit which would qualify for an exemption under section 922(t)(3) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism; and

''(2) the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.'';

(2) in section 921(a), by adding at the end the following:

''(36) The term 'terrorism' includes international terrorism and domestic terrorism, as defined in section 2331 of this title.

''(37) The term 'material support or resources' has the meaning given the term in section 2339A of this title.

''(38) The term 'responsible person' means an individual who has the power, directly or indirectly, to direct or cause the direction of the management and policies of the applicant or licensee pertaining to firearms.''; and

(3) in the table of sections, by inserting after the item relating to section 922 the following:

''922A. Attorney General's discretion to deny transfer of a firearm.

''922B. Attorney General's discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(t)(3).''.

(b) EFFECT OF ATTORNEY GENERAL DISCRETIONARY DENIAL THROUGH THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) ON FIREARMS PERMITS.—Section 922(t) of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(ii), by inserting ''or State law, or that the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A of this title'' before the semicolon;

(2) in paragraph (2), in the matter preceding subparagraph (A), by inserting '', or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A of this title'' after ''or State law'';

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) in subclause (I), by striking ''and'' at the end; and

(II) by adding at the end the following:

''(III) was issued after a check of the system established pursuant to paragraph (1);'';

(ii) in clause (ii), by inserting ''and'' after the semicolon; and

(iii) by adding at the end the following:

''(iii) the State issuing the permit agrees to deny the permit application if such other person is the subject of a determination by the Attorney General pursuant to section 922B of this title;'';

(4) in paragraph (4), by inserting '', or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A of this title'' after ''or State law''; and

(5) in paragraph (5), by inserting '', or if the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A of this title'' after ''or State law''.

(c) UNLAWFUL SALE OR DISPOSITION OF FIREARM BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 922(d) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(10) has been the subject of a determination by the Attorney General under section 922A, 922B, 923(d)(3), or 923(e) of this title.''.

(d) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 922(g) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the comma at the end and inserting ''; or''; and

(3) by inserting after paragraph (9) the following:

''(10) who has received actual notice of the Attorney General's determination made under section 922A, 922B, 923(d)(3) or 923(e) of this title,''.

(e) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL FIREARMS LICENSES.—Section 923(d) of title 18, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''Any'' and inserting ''Except as provided in paragraph (3), any''; and

(2) by adding at the end the following:

''(3) The Attorney General may deny a license application if the Attorney General determines that the applicant (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.''.

(f) DISCRETIONARY REVOCATION OF FEDERAL FIREARMS LICENSES.—Section 923(e) of title 18, United States Code, is amended—

(1) by inserting ''(1)'' after ''(e)'';

(2) by striking ''revoke any license'' and inserting the following: ''revoke—

''(A) any license'';

(3) by striking ''. The Attorney General may, after notice and opportunity for hearing, revoke the license'' and inserting the following: '';

''(B) the license''; and

(4) by striking ''. The Secretary's action'' and inserting the following: ''; or

''(C) any license issued under this section if the Attorney General determines that the holder of such license (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.

''(2) The Attorney General's action''.

(g) ATTORNEY GENERAL'S ABILITY TO WITHHOLD INFORMATION IN FIREARMS LICENSE DENIAL AND REVOCATION SUIT.—

(1) IN GENERAL.—Section 923(f)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: ''However, if the denial or revocation is pursuant to subsection (d)(3) or (e)(1)(C), any information upon which the Attorney General relied for this determination may be withheld from the petitioner, if the Attorney General determines that disclosure of the information would likely compromise national security.''.

(2) SUMMARIES.—Section 923(f)(3) of title 18, United States Code, is amended by inserting after the third sentence the following: ''With respect to any information withheld from the aggrieved party under paragraph (1), the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.''.

(h) ATTORNEY GENERAL'S ABILITY TO WITHHOLD INFORMATION IN RELIEF FROM DISABILITIES LAWSUITS.—Section 925(c) of title 18, United States Code, is amended by inserting after the third sentence the following: ''If the person is subject to a disability under section 922(g)(10) of this title, any information which the Attorney General relied on for this determination may be withheld from the applicant if the Attorney General determines that disclosure of the information would likely compromise national security. In responding to the petition, the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.''.

(i) PENALTIES.—Section 924(k) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the comma at the end and inserting ''; or''; and

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

''(4) constitutes an act of terrorism, or providing material support or resources for terrorism,''.

(j) REMEDY FOR ERRONEOUS DENIAL OF FIREARM OR FIREARM PERMIT EXEMPTION.—

(1) IN GENERAL.—Section 925A of title 18, United States Code, is amended—

(A) in the section heading, by striking ''**Remedy for erroneous denial of firearm**'' and inserting ''**Remedies**'';

(B) by striking ''Any person denied a firearm pursuant to subsection (s) or (t) of section 922'' and inserting the following:

''(a) Except as provided in subsection (b), any person denied a firearm pursuant to subsection (t) of section 922 or a firearm permit pursuant to a determination made under section 922B''; and

(C) by adding at the end the following:

''(b) In any case in which the Attorney General has denied the transfer of a firearm to a prospective transferee pursuant to section 922A of this title or has made a determination regarding a firearm permit applicant pursuant to section 922B of this title, an action challenging the determination may be brought against the United States. The petition shall be filed not later than 60 days after the petitioner has received actual notice of the Attorney General's determination under section 922A or 922B of this title. The court shall sustain the Attorney General's determination upon a showing by the United States by a preponderance of evidence that the Attorney General's determination satisfied the requirements of section 922A or 922B, as the case may be. To make this showing, the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security. Upon request of the petitioner or the court's own motion, the court may review the full, undisclosed documents ex parte and in camera. The court shall determine whether the summaries or redacted versions, as the case may be, are fair and accurate representations of the underlying documents. The court shall not consider the full, undisclosed documents in deciding whether the Attorney General's determination satisfies the requirements of section 922A or 922B.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, is amended by striking the item relating to section 925A and inserting the following:

''925A. Remedies.''.

(k) PROVISION OF GROUNDS UNDERLYING INELIGIBILITY DETERMINATION BY THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.—Section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended—

(1) in subsection (f)—

(A) by inserting ''or the Attorney General has made a determination regarding an applicant for a firearm permit pursuant to section 922B of title 18, United States Code,'' after ''is ineligible to receive a firearm''; and

(B) by inserting ''except any information for which the Attorney General has determined that disclosure would likely compromise national security,'' after ''reasons to the individual,''; and

(2) in subsection (g)—

(A) the first sentence—

(i) by inserting ''or if the Attorney General has made a determination pursuant to section 922A or 922B of title 18, United States Code,'' after ''or State law,''; and

(ii) by inserting '', except any information for which the Attorney General has determined that disclosure would likely compromise national security'' before the period at the end; and

(B) by adding at the end the following: ''Any petition for review of information withheld by the Attorney General under this subsection shall be made in accordance with section 925A of title 18, United States Code.''.

(l) UNLAWFUL DISTRIBUTION OF EXPLOSIVES BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 842(d) of title 18, United States Code, is amended—

(1) in paragraph (9), by striking the period and inserting ''; or''; and

(2) by adding at the end the following:

''(10) has received actual notice of the Attorney General's determination made pursuant to subsection (j) or (d)(1)(B) of section 843 of this title.''.

(m) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 842(i) of title 18, United States Code, is amended—

(1) in paragraph (7), by inserting ''; or'' at the end; and

(2) by inserting after paragraph (7) the following:

''(8) who has received actual notice of the Attorney General's determination made pursuant to subsection (j) or (d)(1)(B) of section 843 of this title,''.

(n) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL EXPLOSIVES LICENSES AND

PERMITS.—Section 843 of title 18, United States Code, is amended—

(1) in subsection (b), by striking ''Upon'' and inserting ''Except as provided in subsection (j), upon''; and

(2) by adding at the end the following:

''(j) The Attorney General may deny the issuance of a permit or license to an applicant if the Attorney General determines that the applicant or a responsible person or employee possessor thereof is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation of, in aid of, or related to terrorism, or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the person may use explosives in connection with terrorism.''.

(o) ATTORNEY GENERAL DISCRETIONARY REVOCATION OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—Section 843(d) of title 18, United States Code, is amended—

(1) by inserting ''(1)'' after ''(d)'';

(2) by striking ''if in the opinion'' and inserting the following: ''if—

''(A) in the opinion''; and

(3) by striking ''. The Secretary's action'' and inserting the following: ''; or

''(B) the Attorney General determines that the licensee or holder (or any responsible person or employee possessor thereof) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism, and that the Attorney General has a reasonable belief that the person may use explosives in connection with terrorism.

''(2) The Attorney General's action''.

(p) ATTORNEY GENERAL'S ABILITY TO WITHHOLD INFORMATION IN EXPLOSIVES LICENSE AND PERMIT DENIAL AND REVOCATION SUITS.—Section 843(e) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting after the first sentence the following: ''However, if the denial or revocation is based upon an Attorney General determination under subsection (j) or (d)(1)(B), any information which the Attorney General relied on for this determination may be withheld from the petitioner if the Attorney General determines that disclosure of the information would likely compromise national security.''; and

(2) in paragraph (2), by adding at the end the following: ''In responding to any petition for review of a denial or revocation based upon an Attorney General determination under subsection (j) or (d)(1)(B), the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.''.

(q) ABILITY TO WITHHOLD INFORMATION IN COMMUNICATIONS TO EMPLOYERS.—Section 843(h)(2) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting ''or in subsection (j) of this section (on grounds of terrorism)'' after ''section 842(i)''; and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by inserting ''or in subsection (j) of this section,'' after ''section 842(i),''; and

(B) in clause (ii), by inserting '', except that any information that the Attorney General relied on for a determination pursuant to subsection (j) may be withheld if the Attorney General concludes that disclosure of the information would likely compromise national security'' after ''determination''.

(r) CONFORMING AMENDMENT TO IMMIGRATION AND NATIONALITY ACT.—Section 101(a)(43)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(E)(ii)) is amended by striking ''or (5)'' and inserting ''(5), or (10)''.

(s) GUIDELINES.—

(1) IN GENERAL.—The Attorney General shall issue guidelines describing the circumstances under which the Attorney General will exercise the authority and make determinations under subsections (d)(1)(B) and (j) of section 843 and sections 922A and 922B of title 18, United States Code, as amended by this Act.

(2) CONTENTS.—The guidelines issued under paragraph (1) shall—

(A) provide accountability and a basis for monitoring to ensure that the intended goals for, and expected results of, the grant of authority under subsections (d)(1)(B) and (j) of section 843 and sections 922A and 922B of title 18, United States Code, as amended by this Act, are being achieved; and

(B) ensure that terrorist watch list records are used in a manner that safeguards privacy and civil liberties protections, in accordance with requirements outlines in Homeland Security Presidential Directive 11 (dated August 27, 2004).

Subtitle C—Strengthening Aviation Security

SEC. 221. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Transportation Security Administration.

(2) TSA.—The term ''TSA'' means the Transportation Security Administration.

PART I—TRANSPORTATION SECURITY ADMINISTRATION WORKFORCE TRAINING AND PROCEDURES

SEC. 226. TRANSPORTATION SECURITY OFFICER TRAINING.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall conduct a review of the initial and recurrent training provided to transportation security officers who operate airport security checkpoints and conduct baggage screening.

(b) REQUIREMENTS.—The review under subsection (a) shall include—

(1) training to identify and respond to evolving terrorism and security threats; and

(2) an identification of any gaps in current training.

(c) COMPREHENSIVE TRAINING PLAN.—

(1) IN GENERAL.—The Administrator shall develop a comprehensive plan for training transportation security officers based on the review under subsection (a).

(2) REQUIREMENTS.—The training plan shall include—

(A) training for new hires;

(B) recurrent training for employees, at regular intervals;

(C) training for managers;

(D) education regarding TSA functions and responsibilities outside the scope of the transportation security officer's own position;

(E) education regarding TSA's mission and role in the Federal interagency counter-terrorism efforts;

(F) training on the tools and equipment that may be used in security operations; and

(G) regular briefings highlighting current threats.

(d) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Administrator shall report to Congress on the progress of implementing the comprehensive training plan developed under subsection (b).

PART II—ACCESS CONTROLS

SEC. 231. INSIDER THREATS.

(a) IN GENERAL.—The Administrator shall conduct a review of airport security to identify any insider threat vulnerabilities in aviation, and of the programs and practices currently in place to mitigate the risk of insider threats to aviation security.

(b) REQUIREMENTS.—In conducting the review required by subsection (a), the Administrator shall consider—

(1) available intelligence from domestic and international law enforcement and intelligence agencies;

(2) a review of vulnerabilities across the national aviation system; and

(3) possible attack scenarios or adversary pathways that represent the greatest insider threat to aviation security.

(c) PLAN.—Upon completion of the review required by subsection (a), the Administrator shall develop a plan to address any identified insider threat vulnerabilities, including any recommended changes to the programs and practices the Administrator considers necessary to successfully address the vulnerabilities.

(d) REPORT.—Not later than 30 days after the date the plan under subsection (c) is developed, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives a report detailing the plan.

(e) STAFFING.—If in conducting the review under subsection (a), the Administrator determines that additional TSA staffing is required to reduce any insider threat risk that an aviation worker may pose to airport security, the Administrator shall transmit to Congress a report describing the additional TSA staffing needs, including additional officers to conduct random aviation worker screening.

(f) TESTING.—The Administrator shall direct the Office of Inspection to increase testing to identify insider threat vulnerabilities within the entire airport system, including red-team and covert testing.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out subsections (e) and (f).

SEC. 232. AVIATION WORKERS VETTING.

(a) TSDB INFORMATION.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation, in coordination with the heads of all appropriate agencies, shall make available to the Administrator all names and identifying information from records within the Terrorist Screening Database of the Federal Bureau of Investigations' Terrorist Screening Center in a manner that will permit the Administrator to conduct such automated vetting as the Administrator determines to be necessary to effectively administer the credential vetting program for individuals with unescorted access to sensitive transportation environments, such as but not limited to secure areas of airports, on board aircraft, or in the vicinity of cargo or property that will be transported by air.

(2) PERMISSIBLE USES.—The Administrator is authorized to use the information described in paragraph (1) when determining whether to approve an airport or air carrier to issue an individual credentials, access to a trusted population, or other security privileges.

(b) REVIEW OF DISQUALIFYING CRIMINAL OFFENSES.—The Administrator shall review the existing list of disqualifying criminal offenses for aviation workers to determine the applicability of the list and potential need for modification in light of current threats.

(c) COMPREHENSIVE DATABASE.—

(1) IN GENERAL.—The Administrator shall review the existing database for aviation workers who have been issued identification media by an airport and take appropriate measures to enhance the database to include—

(A) for each aviation worker with unescorted access to a secured area—

(i) the record of the aviation worker's background check, including the status and date it was performed;

(ii) a photo or other biometric data the Administrator determines necessary to improve aviation security, either from identification credential or other verified means;

(iii) legal name, as shown on an acceptable Federal or State government issued identity document;

(iv) current address;

(v) any instances of misuse or loss of credentials issued to individuals for unescorted access to sensitive air transportation environments; and

(vi) if applicable, length of authorization to work in the United States;

(B) the capability to add additional information requirements; and

(C) such other categories of information as the Administrator considers necessary to effectively administer the Administration's credential vetting program for individuals with unescorted access to sensitive air transportation environments.

(2) DATABASE CONSTRUCTION.—In enhancing the database information required under paragraph (1), the Administrator may work with Federal agencies, contractors, or other third parties.

(3) GAO REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a review of, and report to Congress on, the progress to implement the database changes required by paragraph (1), including a review of any obstacles to implementation.

(d) NAME FORMATS.—The Administrator shall communicate clear instructions to all airport operators and air carriers regarding the recommended or required name format and method of submission for background checks and aviation worker vetting for unescorted access to sensitive air transportation environments.

(e) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Administrator shall submit to Congress a report detailing any obstacles to the effective vetting of aviation workers with, or applying for, unescorted access to sensitive transportation environments, including—

(1) any issues accessing databases maintained by other Federal agencies, including the Federal Bureau of Investigation and any other agency that contributes to watch lists;

(2) incomplete identification information provided by aviation workers or airport operators;

(3) specific airport operators that consistently fail to report information required under subsection (c)(1) to the TSA; and

(4) any unnecessary delay in inputting aviation worker data into the database.

(f) WAIVER PROCESS FOR DENIED CREDENTIALS.—The Administrator shall establish a waiver process for issuing credentials for unescorted access to sensitive air transportation environments, such as Security Identification Display Area (SIDA) credentials, for an individual found to be otherwise ineligible for such credentials. In establishing the waiver process, the Administrator shall—

(1) give consideration to the circumstances of any disqualifying act or offense, restitution made by the individual, Federal and State mitigation remedies, and other factors from which it may be concluded that the individual does not pose a terrorism risk warranting denial of the card; and

(2) consider the appeals and waiver process established under section 70105(c) of title 46, United States Code.

(g) REVIEW OF CREDENTIAL MEDIA.—

(1) IN GENERAL.—The Administrator shall review available media credentials used for unescorted access to sensitive air transportation environments to determine whether technology is available—

(A) to make a meaningful improvement upon existing credentials technology;

(B) to strengthen airport security, through biometrics or other technologies;

(C) to effectively or more effectively prevent fraudulent replication of credentials; and

(D) that is cost-effective.

(2) PILOT PROGRAM.—Based upon the findings of the review in paragraph (1), the Administrator may conduct a pilot program to test new access media at airports.

(h) REAL-TIME, CONTINUOUS VETTING FOR CRIMINAL HISTORY RECORDS CHECK.—The Administrator shall work with the Director of the Federal Bureau of Investigation to implement the Rap Back Service from the Federal Bureau of Investigation's Next Generation Identification program for purposes of vetting individuals with unescorted access to sensitive transportation environments.

(i) REVIEW.—The Administrator may review and update the procedures for aviation workers with escorted access to sensitive transportation environments.

SEC. 233. INFRASTRUCTURE.

(a) GRANT PROGRAM.—To assist airports in reducing the number of secure access points for employees to the practical minimum, the Secretary of Homeland Security shall create a grant program to assist airports in carrying out the necessary construction to address attack scenarios or adversary pathways and mitigate the insider threat.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the grant program under subsection (a).

SEC. 234. VISIBLE DETERRENT.

Section 1303(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1112(a)) is amended—

(1) in paragraph (3), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (4), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(5) shall require that a VIPR team deployed to an airport conduct operations in the areas to which only individuals issued security credentials have unescorted access.''.

PART III—TRANSPORTATION SECURITY ADMINISTRATION INNOVATION AND TECHNOLOGY

SEC. 241. RESEARCH.

(a) IN GENERAL.—The Administrator, in coordination with the Under Secretary for Science and Technology, and in consultation with the Secretary of Defense, the Secretary of Energy, and the heads of other relevant Federal agencies, shall review existing or ongoing Federal research that may contribute to the development of screening tools and equipment for TSA's mission.

(b) ADDITIONAL RESEARCH.—After completing the review under paragraph (1), the Administrator and the Under Secretary for Science and Technology shall coordinate with the heads of relevant Federal research agencies to pursue research that may lead to advances in passenger and baggage screening technology.

(c) RESEARCH UNIVERSITIES.—To the extent the TSA is authorized to disclose information relating to its threat detection capabilities, the Administrator may partner with 1 or more research universities in the United States to conduct research into the hardware and software to screen passengers and baggage.

SEC. 242. PUBLIC-PRIVATE PARTNERSHIPS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator or Under Secretary for Science and Technology shall convene a working group of screening technology users from the private sector for the purpose of fostering public-private partnerships.

(b) MEMBERS.—The working group shall include representatives of private sector entities, such as major sports leagues and operators of large scale resort parks, which have implemented or are investing in the development of screening security solutions intended to expeditiously screen high volumes of individuals and personal belongings.

(c) DUTIES.—The focus of the working group shall be to provide recommendations to the Administrator—

(1) to ensure better coordination between the TSA and such private sector entities;

(2) to enable the TSA to take advantage of new screening technologies developed for the private sector;

(3) to foster public-private partnership principles; and

(4) to leverage and maximize the use of private sector capital, whenever appropriate.

SEC. 243. REPORT.

Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives a report regarding TSA's efforts to encourage public-private cooperation and encourage innovative airport security ideas.

PART IV—IMPROVING INTERNATIONAL COORDINATION TO TRACK TERRORISTS

SEC. 251. COORDINATION WITH INTERNATIONAL AUTHORITIES.

The Administrator shall—

(1) encourage maximum coordination with international counterparts to ensure security best practices are shared and implemented to enhance aviation security globally; and

(2) whenever appropriate, seek to increase the opportunities the TSA has to leverage its knowledge and expertise to promote greater international cooperation in enhancing aviation security globally, including increased information sharing, personnel exchanges, and aviation worker vetting.

SEC. 252. SENSE OF CONGRESS ON COOPERATION TO TRACK TERRORISTS TRAVELING BY AIR.

It is the sense of Congress that the United States should—

(1) closely cooperate with the European Union as the European Union develops and implements its new program to store information on passengers traveling on commercial air carriers in and out of the European Union; and

(2) encourage the dissemination of such information within the European Union and the United States for law enforcement and national security purposes.

Subtitle D—Strengthening Security of Radiological Materials

SEC. 261. PREVENTING TERRORIST ACCESS TO DOMESTIC RADIOLOGICAL MATERIALS.

(a) COMMERCIAL LICENSES.—Section 103 of the Atomic Energy Act of 1954 (42 U.S.C. 2133) is amended—

(1) in subsection d., in the third sentence, by inserting ''under a circumstance described in subsection g., or'' after ''within the United States''; and

(2) by adding at the end the following:

''g. In addition to the limitations described in subsection d. and the limitations provided at the discretion of the Commission, the Commission shall not grant a license to any individual who is—

''(1) listed in the terrorist screening database maintained by the Federal Government

Terrorist Screening Center of the Federal Bureau of Investigation; or

''(2) convicted of any offense under any Federal, State, or local law or ordinance, an element of which is—

''(A) engaging in conduct constituting, in preparation of, in aid of, or related to terrorism;

''(B) providing material support or resources for terrorism; or

''(C) the making of a terrorist threat.

''h. The Commission shall suspend immediately any license granted under this section if the Commission discovers that the licensee is providing unescorted access to any employee who is—

''(1) listed in the terrorist screening database maintained by the Federal Government Terrorist Screening Center of the Federal Bureau of Investigation; or

''(2) convicted of any offense under any Federal, State, or local law or ordinance, an element of which is—

''(A) engaging in conduct constituting, in preparation of, in aid of, or related to terrorism;

''(B) providing material support or resources for terrorism; or

''(C) the making of a terrorist threat.

''i. The Commission may lift the suspension of a license made pursuant to subsection h. if—

''(1) the licensee has revoked unescorted access privileges to the employee;

''(2) the licensee has alerted the appropriate Federal, State, and local law enforcement offices of the provision and revocation of unescorted access to the employee; and

''(3) the Commission has conducted a review of the security of the licensee and determined that reinstatement of the licensee would not be inimical to the national security interests of the United States.''.

(b) MEDICAL THERAPY AND RESEARCH AND DEVELOPMENT.—Section 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2134) is amended—

(1) in subsection d., in the third sentence, by inserting ''under a circumstance described in subsection e., or'' after ''within the United States''; and

(2) by adding at the end the following:

''e. In addition to the limitations described in subsection d. and the limitations provided at the discretion of the Commission, the Commission shall not grant a license to any individual who is—

''(1) listed in the terrorist screening database maintained by the Federal Government Terrorist Screening Center of the Federal Bureau of Investigation; or

''(2) convicted of any offense under any Federal, State, or local law or ordinance, an element of which is—

''(A) engaging in conduct constituting, in preparation of, in aid of, or related to terrorism;

''(B) providing material support or resources for terrorism; or

''(C) the making of a terrorist threat.

''f. The Commission shall suspend immediately any license granted under this section if the Commission discovers that the licensee is providing unescorted access to any employee who is—

''(1) listed in the terrorist screening database maintained by the Federal Government Terrorist Screening Center of the Federal Bureau of Investigation; or

''(2) convicted of any offense under any Federal, State, or local law or ordinance, an element of which is—

''(A) engaging in conduct constituting, in preparation of, in aid of, or related to terrorism;

''(B) providing material support or resources for terrorism; or

''(C) the making of a terrorist threat.

''g. The Commission may lift the suspension of a license made pursuant to subsection f. if—

''(1) the licensee has revoked unescorted access privileges to the employee;

''(2) the licensee has alerted the appropriate Federal, State, and local law enforcement offices of the provision and revocation of unescorted access to the employee; and

''(3) the Commission has conducted a review of the security of the licensee and determined that reinstatement of the licensee would not be inimical to the national security interests of the United States.''.

SEC. 262. STRATEGY FOR SECURING HIGH ACTIVITY RADIOLOGICAL SOURCES.

(a) IN GENERAL.—The Administrator for Nuclear Security shall—

(1) in coordination with the Chairman of the Nuclear Regulatory Commission and the Secretary of Homeland Security, develop a strategy to enhance the security of all high activity radiological sources as soon as possible; and

(2) not later than 120 days after such date of enactment, submit to the appropriate congressional committees a report describing the strategy required by paragraph (1).

(b) ELEMENTS.—The report required by subsection (a)(2) shall include the following:

(1) A description of activities of the National Nuclear Security Administration, ongoing as of the date of the enactment of this Act—

(A) to secure high activity domestic radiological sources; and

(B) to secure radiological materials internationally and to prevent their illicit trafficking as part of the broader Global Nuclear Detection Architecture.

(2) A list of any gaps in the legal authority of United States Government agencies needed to secure all high activity radiological sources.

(3) An estimate of the cost of securing all high activity domestic radiological sources.

(4) A list, in the classified annex authorized by subsection (c), of all high activity domestic radiological sources at sites at which enhanced physical security measures that comply with the requirements of the Office of Global Material Security of the National Nuclear Security Administration are not in effect.

(c) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form and shall include a classified annex.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Armed Services, the Committee on Energy and Commerce, and the Committee on Homeland Security of the House of Representatives.

(2) HIGH ACTIVITY DOMESTIC RADIOLOGICAL MATERIAL.—The term ''high activity domestic radiological source'' means Category 1 or 2 quantities of radiological material, as determined by the Nuclear Regulatory Commission, located at a site in the United States.

(3) SECURE.—The terms ''secure'' and ''security'', with respect to high activity radiological sources, refer to all activities to prevent terrorists from acquiring such sources, including enhanced physical security and tracking measures, removal and disposal of disused sources, replacement of such sources with nonradiological technologies where feasible, and detection of illicit trafficking.

SEC. 263. OUTREACH TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES ON RADIOLOGICAL THREATS.

Section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is amended by adding at the end the following:

''(26)(A) Not later than every 2 years, the Secretary shall submit a written certification to Congress that the field staff of the Department have briefed State and local law enforcement representatives about radiological security threats.

''(B) A briefing conducted under subparagraph (A) shall include information on—

''(i) the presence and current security status of all high activity domestic radiological sources housed within the jurisdiction of the law enforcement agency being briefed;

''(ii) the threat that high activity domestic radiological sources could pose to their communities and to the national security of the United States if these sources were lost, stolen or subject to sabotage by criminal or terrorist actors; and

''(iii) guidelines and best practices for mitigating the impact of emergencies involving high activity domestic radiological sources.

''(C) The National Nuclear Security Administration, the Nuclear Regulatory Commission, and Federal law enforcement agencies shall provide information to the Department in order for the Secretary to submit the written certification described in subparagraph (A).

''(D) A written certification described in subparagraph (A) shall include a report on the activity of the field staff of the Department to brief State and local law enforcement representatives, including, as provided to the field staff of the Department by State and Local law enforcement agencies—

''(i) an aggregation of incidents regarding high activity domestic radiological sources; and

''(ii) information on current activities undertaken to address the vulnerabilities of these high activity domestic radiological sources.

''(E) In this paragraph, the term 'high activity domestic radiological sources' means category 1 quantity and category 2 quantity radiological materials, as determined by the Nuclear Regulatory Commission.''.

Subtitle E—Stopping Homegrown Extremism

SEC. 271. AUTHORIZATION OF THE OFFICE FOR COMMUNITY PARTNERSHIPS OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—Title I of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

''SEC. 104. OFFICE FOR COMMUNITY PARTNERSHIPS.

''(a) DEFINITIONS.—In this section—

''(1) the term 'countering violent extremism' means proactive and relevant actions to counter efforts by extremists to radicalize, recruit, and mobilize followers to violence and to address the conditions that allow for violent extremist recruitment and radicalization; and

''(2) the term 'violent extremism' means ideologically motivated violence as a method of advancing a cause.

''(b) ESTABLISHMENT.—There is in the Department an Office for Community Partnerships.

''(c) HEAD OF OFFICE.—The Office for Community Partnerships shall be headed by an Assistant Secretary for Community Partnerships, who shall be designated by the Secretary.

''(d) DEPUTY ASSISTANT SECRETARY; ASSIGNMENT OF PERSONNEL.—The Secretary shall—

''(1) designate a career Deputy Assistant Secretary for Community Partnerships; and

''(2) assign or hire, as appropriate, permanent staff to the Office for Community Partnerships.

''(e) RESPONSIBILITIES.—The Assistant Secretary for Community Partnerships shall be responsible for the following:

''(1) Leading the efforts of the Department to counter violent extremism across all the components and offices of the Department that conduct strategic and supportive efforts to counter violent extremism. Such efforts shall include the following:

''(A) Partnering with communities to address vulnerabilities that can be exploited by violent extremists in the United States and explore potential remedies for government and non-government institutions.

''(B) Working with civil society groups and communities to counter violent extremist propaganda, messaging, or recruitment.

''(C) In coordination with the Office for Civil Rights and Civil Liberties of the Department, managing the outreach and engagement efforts of the Department directed toward communities at risk for radicalization and recruitment for violent extremist activities.

''(D) Ensuring relevant information, research, and products inform efforts to counter violent extremism.

''(E) Developing and maintaining Department-wide plans, strategy guiding policies, and programs to counter violent extremism. Such plans shall, at a minimum, address each of the following:

''(i) The Department's plan to leverage new and existing Internet and other technologies and social media platforms to improve non-government efforts to counter violent extremism, as well as the best practices and lessons learned of other Federal, State, local, tribal, territorial, and foreign partners engaged in similar counter-messaging efforts.

''(ii) The Department's countering violent extremism-related engagement efforts.

''(iii) The use of cooperative agreements with State, local, tribal, territorial, and other Federal departments and agencies responsible for efforts relating to countering violent extremism.

''(F) Coordinating with the Office for Civil Rights and Civil Liberties of the Department to ensure all of the activities of the Department related to countering violent extremism fully respect the privacy, civil rights, and civil liberties of all persons.

''(G) In coordination with the Under Secretary for Science and Technology and in consultation with the Under Secretary for Intelligence and Analysis, identifying and recommending new research and analysis requirements to ensure the dissemination of information and methods for Federal, State, local, tribal, and territorial countering violent extremism practitioners, officials, law enforcement, and non-governmental partners to utilize such research and analysis.

''(H) Assessing the methods used by violent extremists to disseminate propaganda and messaging to communities at risk for recruitment by violent extremists.

''(2) Developing a digital engagement strategy that expands the outreach efforts of the Department to counter violent extremist messaging by—

''(A) exploring ways to utilize relevant Internet and other technologies and social media platforms; and

''(B) maximizing other resources available to the Department.

''(3) Serving as the primary representative of the Department in coordinating countering violent extremism efforts with other Federal departments and agencies and non-governmental organizations.

''(4) Serving as the primary Department-level representative in coordinating with the Department of State on international countering violent extremism issues.

''(5) In coordination with the Administrator of the Federal Emergency Management Agency, providing guidance regarding the use of grants made to State, local, and tribal governments under sections 2003 and 2004 under the allowable uses guidelines related to countering violent extremism.

''(6) Developing a plan to expand philanthropic support for domestic efforts related to countering violent extremism, including by identifying viable community projects and needs for possible philanthropic support.

''(7) Administering the assistance described in subsection (f).

''(f) GRANTS TO COUNTER VIOLENT EXTREMISM.—

''(1) IN GENERAL.—In accordance with this subsection, the Secretary may award grants or cooperative agreements directly to eligible recipients identified in paragraph (2) to support the efforts of local communities in the United States to counter violent extremism.

''(2) ELIGIBLE RECIPIENTS.—The Secretary may award competitive grants or cooperative agreements based on need directly to—

''(A) States;

''(B) local governments;

''(C) tribal governments;

''(D) nonprofit organizations; or

''(E) institutions of higher education.

''(3) USE OF FUNDS.—Each entity receiving a grant or cooperative agreement under this subsection shall use the grant or cooperative agreement for 1 or more of the following purposes:

''(A) To train or exercise for countering violent extremism, including building training or exercise programs designed to improve cultural competency and to ensure that communities, government, and law enforcement receive accurate, intelligence-based information about the dynamics of radicalization to violence.

''(B) To develop, implement, or expand programs or projects with communities to discuss violent extremism or to engage communities that may be targeted by violent extremist radicalization.

''(C) To develop and implement projects that partner with local communities to prevent radicalization to violence.

''(D) To develop and implement a comprehensive model for preventing violent extremism in local communities, including existing initiatives of State or local law enforcement agencies and existing mechanisms for engaging the resources and expertise available from a range of social service providers, such as education administrators, mental health professionals, and religious leaders.

''(E) To educate the community about countering violent extremism, including the promotion of community-based activities to increase the measures taken by the community to counter violent extremism.

''(F) To develop or assist social service programs that address root causes of violent extremism and develop, build, or enhance alternatives for members of local communities that may be targeted by violent extremism.

''(G) To develop or enhance State or local government initiatives that facilitate and build overall capacity to address the threats post by violent extremism.

''(H) To support such other activities, consistent with the purposes of this subsection, as the Secretary determines appropriate.

''(4) GRANT GUIDELINES.—

''(A) IN GENERAL.—For each fiscal year, before awarding a grant or cooperative agreement under this subsection, the Secretary shall develop guidelines published in a notice of funding opportunity that describe—

''(i) the process for applying for grants and cooperative agreements under this subsection;

''(ii) the criteria that the Secretary will use for selecting recipients based on the need demonstrated by the applicant; and

''(iii) the requirements that recipients must follow when utilizing funds under this subsection to conduct training and exercises and otherwise engage local communities regarding countering violent extremism.

''(B) CONSIDERATIONS.—In developing the requirements under subparagraph (A)(iii), the Secretary shall consider the following:

''(i) Training objectives should be clearly defined to meet specific countering violent extremism goals, such as community engagement, cultural awareness, or community-based policing.

''(ii) Engaging diverse communities in the United States to counter violent extremism may require working with local grassroots community organizations to develop engagement and outreach initiatives.

''(iii) Training programs should—

''(I) be sensitive to Constitutional values, such as protecting fundamental civil rights and civil liberties, and eschew notions of racial and ethnic profiling; and

''(II) adhere to the standards and ethics of the Department, ensuring that the clearly defined objectives are in line with the strategies of the Department to counter violent extremism.

''(iv) Establishing vetting procedures for self-selected countering violent extremism training experts who offer programs that may claim to counter violent extremism, but serve to demonize certain individuals or whole cross sections of a community.

''(v) Providing a review process to determine if countering violent extremism training focuses on community engagement and outreach.

''(vi) Providing support to law enforcement to enhance knowledge, skills, and abilities to increase engagement techniques with diverse communities in the United States.

''(g) ANNUAL REPORT.—Beginning in the first fiscal year beginning after the date of enactment of this section, and in each of the next 5 fiscal years, the Assistant Secretary for Community Partnerships shall submit to Congress an annual report on the Office for Community Partnerships, which shall include—

''(1) a description of the status of the programs and policies of the Department for countering violent extremism in the United States;

''(2) a description of the efforts of the Office for Community Partnerships to cooperate with and provide assistance to other Federal departments and agencies;

''(3) qualitative and quantitative metrics for evaluating the success of such programs and policies and the steps taken to evaluate the success of such programs and policies; and

''(4) an accounting of—

''(A) grants awarded by the Department to counter violent extremism; and

''(B) all training specifically aimed at countering violent extremism sponsored by the Department.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 103 the following:

''Sec. 104. Office for Community Partnerships.''.

SEC. 272. RESEARCH AND EVALUATION PROGRAM FOR DOMESTIC RADICALIZATION.

(a) IN GENERAL.—The Attorney General, acting through the Office of Justice Programs, may engage in research and evaluation activities, including awarding grants to units of local government, nonprofit organizations, and institutions of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)), to identify causes of violent extremism and related phenomena and advance evidence-based strategies for effective prevention and intervention.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,000,000 for each of fiscal years 2016 through 2019.

Subtitle F—Comprehensive Independent Study of National Cryptography Policy

SEC. 281. COMPREHENSIVE INDEPENDENT STUDY OF NATIONAL CRYPTOGRAPHY POLICY.

(a) STUDY BY NATIONAL RESEARCH COUNCIL.—Not later than 90 days after the date of the enactment of this Act, the National Research Council shall commence a comprehensive study on cryptographic technologies and national cryptography policy.

(b) MATTERS TO BE ASSESSED IN STUDY.—The study required under subsection (a) shall—

(1) assess current and future development in encryption technology, including how such technology is likely to be deployed by both United States and international industries;

(2) assess the effect of cryptographic technologies on—

(A) national security interests of the United States Government;

(B) law enforcement interests of the United States Government;

(C) commercial interests of United States industry;

(D) privacy interests of United States citizens; and

(E) activities of the United States Government to promote human rights and Internet freedom; and

(3) consider the conclusions and recommendations of the report issued by the National Research Council in 1996 entitled ''Cryptography's Role in Securing the Information Society''.

(c) COOPERATION WITH STUDY.—

(1) IN GENERAL.—The Director of National Intelligence, the Attorney General, the Secretary of Defense, the Secretary of Commerce, and the Secretary of State shall direct all appropriate departments and agencies to cooperate fully with the National Research Council in its activities in carrying out the study required under subsection (a).

(2) NATIONAL RESEARCH COUNCIL.—The National Research Council shall cooperate with United States entities that have an interest in encryption policy, including United States industry and nonprofit organizations.

(d) REPORT.—The National Research Council shall complete the study and submit to the Committee on the Judiciary, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate and to the Committee on the Judiciary, the Committee on Foreign Affairs, the Committee on Energy and Commerce, and the Permanent Select Committee on Intelligence of the House of Representatives, a report on the study within approximately two years after full processing of security clearances under subsection (e). The report on the study shall set forth the Council's findings and conclusions and the recommendations of the Council for improvements in cryptography policy and procedures. The report shall be submitted in unclassified form, with classified annexes as necessary.

(e) EXPEDITED PROCESSING OF SECURITY CLEARANCES FOR STUDY.—For the purpose of facilitating the commencement of the study under this section, the appropriate departments, agencies, and elements of the executive branch shall expedite to the fullest degree possible the processing of security clearances that are necessary for the National Research Council to conduct the study required under subsection (a).

Subtitle G—Law Enforcement Training

SEC. 291. LAW ENFORCEMENT TRAINING FOR ACTIVE SHOOTER INCIDENTS.

Section 2006(a)(2) of the Homeland Security Act of 2002 (6 U.S.C. 607(a)(2)) is amended—

(1) by redesignating subparagraphs (E) through (I) as subparagraphs (F) through (J), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph:

''(E) training exercises to enhance preparedness for and response to active shooter incidents and security events at public locations;''.

SEC. 292. ACTIVE SHOOTER INCIDENT RESPONSE ASSISTANCE.

(a) IN GENERAL.—The Secretary of Homeland Security shall, in consultation with the Attorney General and other Federal agencies as appropriate, provide technical assistance to State, local, tribal, territorial, private sector, and nongovernmental partners for the development of response plans for active shooter incidents in publicly accessible spaces, including facilities that have been identified by the Department of Homeland Security as potentially vulnerable targets.

(b) TYPES OF PLANS.—The response plans developed under subsection (a) may include, but are not limited to, the following elements:

(1) A strategy for evacuating and providing care to persons inside the publicly accessible space, with consideration given to the needs of persons with disabilities.

(2) A plan for establishing a unified command, including identification of staging areas for law enforcement and fire response.

(3) A schedule for regular testing of communications equipment used to receive emergency calls.

(4) An evaluation of how emergency calls placed by persons inside the publicly accessible space will reach police in an expeditious manner.

(5) A practiced method and plan to communicate with occupants of the publicly accessible space.

(6) A practiced method and plan to communicate with the surrounding community regarding the incident and the needs of Federal, State, and local officials.

(7) A plan for coordinating with volunteer organizations to expedite assistance for victims.

(8) To the extent practicable, a projected maximum time frame for law enforcement response to active shooters, acts of terrorism, and incidents that target the publicly accessible space.

(9) A schedule for joint exercises and training.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on the Judiciary of the House of Representatives a report on findings resulting from technical assistance provided under subsection (a), including an analysis of the level of preparedness to respond to active shooter incidents in publicly accessible spaces.

(d) BEST PRACTICES.—The Secretary of Homeland Security, in consultation with the Attorney General, shall—

(1) identify best practices for security incident planning, management, and training for responding to active shooter incidents in publicly accessible spaces; and

(2) establish a mechanism through which to share such best practices with State, local, tribal, territorial, private sector, and nongovernmental partners.

SEC. 293. GRANTS TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES FOR ANTITERRORISM TRAINING PROGRAMS.

(a) IN GENERAL.—The Attorney General may award grants to develop and implement antiterrorism training and technical assistance programs for State, local, and tribal law enforcement.

(b) USE OF GRANT AMOUNTS.—A grant awarded under subsection (a) may be used—

(1) to provide specialized antiterrorism detection, investigation, and interdiction training and related services to State, local, and tribal law enforcement agencies and prosecution authorities, which may include workshops, on-site and online training courses, joint training and activities with and focusing on community stakeholders and partnerships, educational materials and resources, or other training means as necessary; and

(2) to identify antiterrorism-related training needs at the State, local, and tribal level and conduct customized training programs to address those needs.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each fiscal year.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 332—COMMEMORATING THE 140TH ANNIVERSARY OF THE MARINE ENGINEERS' BENEFICIAL ASSOCIATION

Ms. MIKULSKI submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 332

Whereas the Marine Engineers' Beneficial Association (in this preamble referred to as the ''M.E.B.A.'') was founded in 1875 and is the oldest maritime union in the United States;

Whereas, soon after the founding of the M.E.B.A., the M.E.B.A. battled for beneficial legislation to certify, license, and protect waterborne engineers;

Whereas the M.E.B.A. prevailed in securing deck and engine officers of the United States aboard flagships of the United States, displacing foreign seamen;

Whereas, since 1875, the M.E.B.A. has been the premier maritime labor union for the officers of the United States Merchant Marine;

Whereas the members of the M.E.B.A., including thousands of marine engine and deck officers, are unparalleled in maritime training and experience;

Whereas M.E.B.A. members crew the most technologically advanced ships in the flag fleet of the United States, including container ships, tankers, Great Lakes and liquefied natural gas vessels, and a cruise ship;

Whereas M.E.B.A. members sail aboard Government-contracted ships of the Military

Sealift Command of the United States Navy and the Ready Reserve Force of the Maritime Administration, on tugs and ferry fleets around the United States, and in various capacities in shoreside industries;

Whereas M.E.B.A. members provide critical support to the United States by carrying cargo to aid the Armed Forces of the United States in overseas conflicts;

Whereas, during Operation Iraqi Freedom, the commercial, privately-owned fleet, crewed by civilians of the United States, carried more than 85 percent of the materials and equipment needed by the United States and the allies of the United States to achieve victory;

Whereas, since 1875, M.E.B.A. members have served in every conflict and war in which the United States has been involved, including the Spanish-American War, World Wars I and II, Operation Enduring Freedom, and Operation Iraqi Freedom;

Whereas the M.E.B.A. brings critical food aid to starving people in Ethiopia, Somalia, and dozens of other countries around the world;

Whereas, as the people of the United States watched the tragedy of September 11, 2001 unfold, members of the M.E.B.A. ferried thousands of people to safety in New York;

Whereas, during the aftermath of Hurricanes Katrina and Rita, the tsunami in Southeast Asia, and countless other disasters, the M.E.B.A. was there with the professionalism, pride, and patriotism that has long been the hallmark of mariners of the United States;

Whereas the M.E.B.A. has its own maritime training center, the Calhoon M.E.B.A. Engineering School in Easton, Maryland, which keeps seafaring members on the cutting edge of the industry; and

Whereas the Calhoon M.E.B.A. Engineering School was originally located in Baltimore because of the rich maritime tradition in that city but later moved to the Eastern Shore of Maryland when the school needed to expand: Now, therefore, be it

Resolved, That the Senate commemorates the 140th anniversary of the Marine Engineers' Beneficial Association.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on December 9, 2015, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on December 9, 2015, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 9, 2015, at 10 a.m., in room SR–253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 9, 2015, at 9:30 a.m., to conduct a hearing entitled ''United Nations Peacekeeping and Opportunities for Reform.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on December 9, 2015, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on December 9, 2015, at 11 a.m. to conduct a hearing entitled ''Strengthening the Visa Waiver Program After the Paris Attacks.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on December 9, 2015, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Oversight of the Federal Bureau of Investigation.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on December 9, 2015, at 2 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on December 9, 2015.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on December 9, 2015, at 2:30 p.m., in room SR–418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AFRICA AND GLOBAL HEALTH POLICY

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Committee on Foreign Relations Subcommittee on Africa and Global Health Policy be authorized to meet during the session of the Senate on December 9, 2015, at 2:30 p.m., to conduct a hearing entitled ''The Political and Security Crisis in Burundi.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on December 9, 2015, in room SDG–50 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct a hearing entitled ''Sudden Price Spikes in Off-Patent Drugs: Perspectives from the Front Lines.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. INHOFE. Mr. President, I ask unanimous consent that Alicia Kielmovitch, an education legislative fellow in Senator HATCH's office, be granted floor privileges for the remainder of this calendar year.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The majority leader.

EXECUTIVE SESSION

EXECUTIVE NOMINATIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations en bloc: Calendar Nos. 415 through 420, 422, and 423.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nominations en bloc.

The legislative clerk read the nominations of Catherine Ebert-Gray, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Independent State of Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Solomon Islands and Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vanuatu; G. Kathleen Hill, of Colorado, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malta; John D. Feeley, of the District of Columbia, a Career

Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Panama; Eric Seth Rubin, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bulgaria; Kyle R. Scott, of Arizona, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Serbia; Todd C. Chapman, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ecuador; Jean Elizabeth Manes, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador; and Linda Swartz Taglialatela, of New York, a Career Member of the Senior Executive Service, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Barbados, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federation of St. Kitts and Nevis, Saint Lucia, Antigua and Barbuda, the Commonwealth of Dominica, Grenada, and Saint Vincent and the Grenadines.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. Mr. President, I know of no further debate on the nominations.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Ebert-Gray, Hill, Feeley, Rubin, Scott, Chapman, Manes, and Taglialatela nominations en bloc?

The nominations were confirmed en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

STEM CELL THERAPEUTIC AND RESEARCH REAUTHORIZATION ACT OF 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 311, H.R. 2820.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2820) to reauthorize the Stem Cell Therapeutic and Research Act of 2005, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

H.R. 2820

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Stem Cell Therapeutic and Research Reauthorization Act of 2015''.

SEC. 2. REAUTHORIZATION OF THE C.W. BILL YOUNG CELL TRANSPLANTATION PROGRAM.

(a) IN GENERAL.—Section 379(d)(2)(B) of the Public Health Service Act (42 U.S.C. 274k(d)(2)(B)) is amended—

(1) by striking ''remote collection'' and inserting ''collection''; and

(2) by inserting ''including remote collection,'' after ''cord blood units,''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 379B of the Public Health Service Act (42 U.S.C. 274m) is amended—

(1) by striking ''$30,000,000 for each of fiscal years 2011 through 2014 and''; and

(2) by inserting ''and $30,000,000 for each of fiscal years 2016 through 2020'' before the period at the end.

(c) SECRETARY REVIEW ON STATE OF SCIENCE.—The Secretary of Health and Human Services, in consultation with the Director of the National Institutes of Health, the Commissioner of the Food and Drug Administration, and the Administrator of the Health Resources and Services Administration, including the Advisory Council on Blood Stem Cell Transplantation established under section 379(a) of the Public Health Service Act (42 U.S.C. 274k(a)), and other stakeholders, where appropriate given relevant expertise, shall conduct a review of the state of the science of using adult stem cells and birthing tissues to develop new types of therapies for patients, for the purpose of considering the potential inclusion of such new types of therapies in the C.W. Bill Young Cell Transplantation Program (established under such section 379) in addition to the continuation of ongoing activities. Not later than June 30, 2019, 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 recommendations on the appropriateness of such new types of therapies for inclusion in the C.W. Bill Young Cell Transplantation Program.

SEC. 3. CORD BLOOD INVENTORY.

Section 2 of the Stem Cell Therapeutic and Research Act of 2005 (42 U.S.C. 274k note) is amended—

(1) in subsection (a), by striking ''one-time'';

(2) by striking subsection (c);

(3) by redesignating subsections (d) through (h) as subsections (c) through (g), respectively;

(4) in subsection (d) (as so redesignated)—

(A) in paragraph (1), by striking ''paragraphs (2) and (3)'' and inserting ''paragraphs (2), (3), and (4)'';

(B) in paragraph (2)(B), by striking ''subsection (d)'' and inserting ''subsection (c)''; and

(C) by adding at the end the following:

''(4) CONSIDERATION OF BEST SCIENCE.—The Secretary shall take into consideration the best scientific information available in order to maximize the number of cord blood units available for transplant when entering into contracts under this section, or when extending a period of funding under such a contract under paragraph (2).

''(5) CONSIDERATION OF BANKED UNITS OF CORD BLOOD.—In extending contracts pursuant to paragraph (3), and determining new allocation amounts for the next contract period or contract extension for such cord blood bank, the Secretary shall take into account the number of cord blood units banked in the National Cord Blood Inventory by a cord blood bank during the previous contract period, in addition to consideration of the ability of such cord blood bank to increase the collection and maintenance of additional, genetically diverse cord blood units.'';

(5) in subsection (f) (as so redesignated)—

(A) by striking paragraph (4); and

(B) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively; and

(6) in subsection (g) (as so redesignated)—

(A) in paragraph (1)—

(i) by striking ''$23,000,000 for each of fiscal years 2011 through 2014 and''; and

(ii) by inserting ''and $23,000,000 for each of fiscal years 2016 through 2020'' before the period at the end; and

(B) by striking paragraph (2).

SEC. 4. DETERMINATION ON THE DEFINITION OF HUMAN ORGAN.

Not later than one year after the date of enactment of this Act, the Secretary of Health and Human Services shall issue determinations with respect to the inclusion of peripheral blood stem cells and umbilical cord blood in the definition of human organ.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment in the nature of a substitute was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 2820), as amended, was passed.

COMMEMORATING THE 20TH ANNIVERSARY OF THE OPENING OF THE AMERICAN VISIONARY ART MUSEUM

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 317 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 317) commemorating the 20th anniversary of the opening of the American Visionary Art Museum.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 317) was agreed to.

The preamble was agree to.

(The resolution, with its preamble, is printed in the RECORD of November 18, 2015, under ''Submitted Resolutions.'')

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that on Monday, January 11, at 5 p.m., the Senate proceed to executive session to consider the following nomination: Calendar No. 213; that there be 30 minutes for debate on the nomination, equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on the nomination; that following the disposition of the nomination, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nomination be printed in the Record; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, scheduling a vote on this nomination has been a top priority for Senator TOOMEY, and we are happy to do that just now.

ORDERS FOR THURSDAY, DECEMBER 10, 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, December 10; 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; further, that following leader remarks, the Senate be in a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each; finally, that the Senate recess from 3 p.m. until 4:30 p.m. for the all-Members briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

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, following the remarks of Senator PETERS.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

EVERY STUDENT SUCCEEDS ACT

Mr. PETERS. Mr. President, I rise today to express my support for the Every Student Succeeds Act.

I am pleased that the Senate was able to come together on a bipartisan basis to pass meaningful education reform, and I commend Senator MURRAY and Senator ALEXANDER for their leadership on this bill.

I would like to speak about three things this bill does that I strongly support and that I believe are of particular importance. First, the bill supports financial literacy programming. Family financial literacy programming can ensure that our Nation's parents and children have the skills necessary to properly utilize credit, finance an education, manage a household budget, and plan for retirement. I believe that we must do all we can to help our Nation's parents and students succeed in every aspect of their lives.

Second, the Every Student Succeeds Act addresses the lack of data on dual status youth—children who come into contact with both the child welfare and juvenile justice systems. Many at-risk children lack stable home lives, and they are frequently funneled through the school-to-prison pipeline. I was happy to work with the chairman and ranking member to include language in the bill that will help us identify and assist our most vulnerable youth.

Finally, I was happy to join Senator GARDNER in introducing language that will begin to help schools address the dual enrollment availability gap by enabling high schools to expand access to such programs using title I funding. I applaud the bill's focus on dual enrollment and early/middle college programs. At a time when student debt is crushing young Americans' economic prospects, dual enrollment and early/middle college programs allow high school students to begin earning college credit by taking college-level courses either at their school, online or through a local higher education institution. These models improve access to college while reducing degree completion time and tuition costs.

Findings from the ACT's most recent ''Condition of College and Career Readiness'' report suggest that many students are ready for dual enrollment programs. Forty-two percent of the most recent cohort of high school graduates who took the ACT test were ready for college-level mathematics. Nearly 30 percent were college ready in all four subject areas: English, reading, mathematics, and science.

Unfortunately, hurdles to assessing dual enrollment are particularly pronounced for low-income students who also face the greatest obstacles to college completion. After participating in these programs, many students who may not have planned on attending college realize their potential and go on to attain higher levels of education. A recent study found that dual and concurrent enrollment participation increases the probability of a student completing a degree by 6 percent.

In addition to a Gardner-Peters amendment, the Every Student Succeeds Act includes several other provisions that support dual enrollment and early/middle college programs. The bill supports professional development for teachers, principals, and other school leaders, focused on building their capacity to deliver dual or concurrent enrollment opportunities.

Additionally, States and school districts will be able to use resources provided through the student support and academic enrichment grants to improve students' access to dual enrollment programs, either online or in person. These policy improvements will make an incredible difference for the Nation's students.

There are a number of Senators who support dual enrollment and early/middle college programs, and I plan on introducing legislation to support dual enrollment and early/middle college programs in the near future.

My legislation would amend the Higher Education Act to expand access to dual and concurrent enrollment programs as well as early/middle college programs that enable students to earn college credit while in high school. I look forward to working with my colleagues in the coming months to expand access to these programs.

Again, I applaud the passage of the Every Student Succeeds Act.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 5:54 p.m., adjourned until Thursday, December 10, 2015, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 9, 2015:

DEPARTMENT OF STATE

CATHERINE EBERT–GRAY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE INDEPENDENT STATE OF PAPUA NEW GUINEA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SOLOMON ISLANDS AND AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF VANUATU.

G. KATHLEEN HILL, OF COLORADO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALTA.

JOHN D. FEELEY, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PANAMA.

ERIC SETH RUBIN, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BULGARIA.

KYLE R. SCOTT, OF ARIZONA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SERBIA.

TODD C. CHAPMAN, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ECUADOR.

JEAN ELIZABETH MANES, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EL SALVADOR.

LINDA SWARTZ TAGLIALATELA, OF NEW YORK, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BARBADOS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERATION OF ST. KITTS AND NEVIS, SAINT LUCIA, ANTIGUA AND BARBUDA , THE COMMONWEALTH OF DOMINICA, GRENADA, AND SAINT VINCENT AND THE GRENADINES.

EXTENSIONS OF REMARKS

CONFERENCE REPORT ON S. 1177, STUDENT SUCCESS ACT

SPEECH OF

HON. SUZANNE BONAMICI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 2015

Ms. BONAMICI. Mr. Speaker, I rise today in support of the Every Student Succeeds Act. This legislation represents a significant bipartisan achievement and one that is long overdue.

For 14 years, our nation's public schools have operated under a well-intentioned but flawed education law, the No Child Left Behind Act. This law set aspirational goals for student learning, and it helped call attention to persistent achievement gaps between groups of students. But No Child Left Behind's rigid measure of academic achievement—that is, the requirement that schools demonstrate adequately yearly progress—and the law's one-size-fits-all interventions for low-performing schools proved to be unworkable.

The unfortunate consequences of No Child Left Behind's inflexible requirements have plagued schools in northwest Oregon and in communities across the country. As states were forced to demonstrate leaps in student achievement, an era of high-stakes testing took much of the joy out of teaching and learning. The drive for higher test scores pressured many schools to narrow their curricular offerings. Schools shifted resources away from arts and music, history, and foreign languages to bolster the tested subjects.

This is the day that students, teachers, school board members, and families across the country have been waiting for—Congress has finally reached an agreement to leave behind No Child Left Behind.

The Every Student Succeeds Act is not perfect legislation, but reaching a bipartisan agreement requires compromise. For example, the bill eliminates or consolidates nearly 50 education programs. Although some of these programs were unfunded, merging the others creates genuine concerns about some states disinvesting in current priorities, like physical education, and spending the money elsewhere. The bill maintains the Secretary of Education's authority to hold states accountable to the law, but it also places new restrictions on the Secretary that raise questions about the federal government's ability to act.

The Every Student Succeeds Act provides a great deal of discretion to states and school districts to improve schools where students are underperforming. Certainly returning control to states and school districts is welcome. Local school boards, superintendents, and educators are best equipped to design school improvement activities that will be effective in their communities. Yet the bill could have done more to make sure that schools make timely improvements when subgroups of students, such as English learners, students of color, low-income students, and students of disabilities, continue to lag behind their peers.

Despite these concerns, the Every Student Succeeds Act represents a significant improvement for our nation's students and schools. The bill authorizes increased funding, which is especially important because more than half of our country's public school students now come from low-income households. The bill rejects a proposal to make Title I funding "portable," which would have diverted funding from communities with high concentrations of poverty to affluent school districts. And the bill includes a maintenance-of-effort requirement to help make sure states are adequately funding their schools.

The Every Student Succeeds Act also eliminates No Child Left Behind's federal accountability system and directs states to design systems for identifying schools in need of additional support. Importantly, the bill puts in place meaningful requirements for the accountability systems designed by states, including a requirement that state systems give substantial consideration to academic achievement and trigger action in any school where subgroups of students are underperforming. In this way, the Every Student Succeeds Act remains true to the civil rights legacy of the original Elementary and Secondary Education Act. The law will continue to require states to identify achievement gaps between groups of students and target resources to schools that need more support to close achievement gaps.

Importantly, the bill also reduces testing and the high stakes associated with statewide exams. The bill requires states to evaluate schools using multiple measures of student learning, so schools will not be held accountable for test scores alone. Additionally, the Every Student Succeeds Act establishes a pilot program for some states to develop alternative assessment systems. I am particularly pleased that the bill includes language from the Support Making Assessments Reliable and Timely (SMART) Act, bipartisan legislation I authored to help reduce testing. This provision gives resources to districts to eliminate the unnecessary or duplicative assessments that proliferated under No Child Left Behind. This provision also helps districts make better use of assessments by speeding the delivery of assessment results to educators, students, and families and by giving educators more time to plan in response to assessment data.

The Every Student Succeeds Act includes support for well-rounded education. I worked to include a provision in this section to make clear that schools can use federal resources to integrate arts and music into STEM courses. STEAM education, which combines arts and music with STEM subjects, educates both halves of students' brains; it teaches them to think creatively while they develop technical skills. Highly-skilled students who are also able to develop one-of-a-kind solutions to problems will excel in an economy that values innovation.

Overall, the Every Student Succeeds Act strengthens our nation's system of public education. The bill correctly recognizes that teachers and principals are skilled professionals who know what is best for their students. At the same time, the bill puts in place commonsense requirements to improve achievement among students who have historically been underserved by public education. In other words, the bill strikes the appropriate balance of returning decision making to states and local communities without diluting the federal government's role in upholding our country's promise to deliver equal educational opportunities and outcomes to all students.

I would like to thank Chairman KLINE, Ranking Member SCOTT, Chairman ALEXANDER, and Ranking Member MURRAY for their tremendous leadership on this bill. The Every Student Succeeds Act is moving forward with strong bipartisan, bicameral support because these leaders were willing to find common ground for the good of our country's students and educators.

I have visited schools throughout my district and spoken with educators and students in urban and rural communities. In each community I visit, I am reminded of the urgency of efforts to end the test-and-punish culture created by No Child Left Behind. It is a great honor to be able to support the Every Student Succeeds Act to chart a better path forward for our country's educators and students. I encourage all of my colleagues to join me in supporting the bill.

RECOGNIZING THE CONTRIBUTIONS OF DANIEL PEARSON TO THE HOUSE COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize the service of a valued staff member of the Committee on Science, Space, and Technology, Doctor Daniel Pearson. Dr. Pearson has served on Capitol Hill for the past quarter century, most recently as the Minority Staff Director for the Oversight Subcommittee.

Dr. Pearson came to the Committee with a PhD in Political Science from the University of Washington and a keen interest in public service. His commitment has always been to good public policy and integrity in government rather than simply partisan politics. That commitment is exemplified by the fact that he has worked effectively for both Republican and Democratic Members of Congress over his congressional career.

In the early 1990s, Dr. Pearson led investigations and oversight activities for Congressman Sherry Boehlert (R–NY). He also worked for former Committee Chairman George Brown (D–CA), Democratic Ranking Member Ralph Hall, and former Chairman Bart Gordon prior to becoming Minority staff director for the

Oversight Subcommittee after I became Ranking Member in 2011.

Because of the wide-ranging oversight jurisdiction of the Committee, Dr. Pearson has been involved in investigating multiple federal agencies, from the Department of Energy to the Department of Homeland Security, Environmental Protection Agency, National Oceanic and Atmospheric Administration, National Science Foundation, and the National Aeronautics and Space Administration, covering a broad array of science and technology issues. He leaves behind a legacy of helping to reign in waste, fraud, abuse and mismanagement throughout the federal government dating back to the Science Committee's investigation of environmental crimes at the Rocky Flats nuclear weapons plant.

Dr. Pearson's oversight efforts have helped to uncover mismanagement of federal resources, projects and programs. He helped to re-open a network of key EPA regional libraries that had been inexplicably closed. He investigated the Veterans Administration's inappropriate destruction of an irreplaceable collection of biological samples, including the legionella bacteria that causes Legionnaires disease. He managed an investigation into an important Department of Homeland Security (DHS) laboratory called the Environmental Measurements Laboratory (EML) that revealed the DHS Science & Technology Directorate had intended to close this crucial lab without informing Congress. Dr. Pearson's efforts resulted in saving this lab from closure. His oversight efforts also resulted in the withdrawal of federal funding from a technically troubled and poorly managed aerospace project called the DP–2. His investigation of the mishandling of a critical radioactive isotope, Helium-3, used for the identification and detection of dangerous radioactive material, helped put management of that program back on track.

Dr. Pearson's oversight work on scientific integrity and public health resulted in several investigations of the Centers for Disease Control and Prevention (CDC) including its sister agency the Agency for Toxic Substances and Disease Registry (ATSDR). These investigations led to the public disclosure of a flawed public health report on the potentially toxic levels of formaldehyde in trailers provided to survivors of Hurricane Katrina and Rita by the Federal Emergency Management Agency (FEMA) and a flawed CDC report on the levels of lead-in-water in Washington, D.C. In that instance, the Committee's investigation prompted an internal CDC investigation of its Childhood Lead Poisoning Prevention Branch and the agency issued two separate formal notifications correcting its public health study.

In his investigatory and oversight role, Dr. Pearson has been a tireless advocate for people who would otherwise have been left behind by the government. There is no better example of this determination than the work Dan did on behalf of the families of Marines at Camp Lejeune, who we came to learn became sick because of a polluted water supply. It was the kind of staff work that should be admired and copied.

Dr. Pearson has always believed strongly in the institutional oversight authority vested in Congress and the need to investigate alleged wrongdoing by those tasked with overseeing federal agencies. His nonpartisan oversight efforts in this regard contributed to the removal of three federal Inspector Generals (IGs) from office over the years, one at the National Aeronautics and Space Administration (NASA) and two at the Department of Commerce.

Throughout all of these investigations and oversight activities, Dr. Pearson demonstrated the patience and endurance to keep after wrongdoers in the federal government for months and even years if necessary. Doing investigatory work for a House committee can be thankless task at times, but Dr. Pearson was always willing to do what was necessary to carry out his oversight responsibilities.

In sum, Dr. Pearson has been a critically important member of the Committee staff. He has been passionate about the issues he has worked on, committed to excellence, and a thoughtful mentor to new staff members. I will miss him and dedicated service to the Committee. At the same time, Congress's loss will be his family's gain, and I know that his wife Neddie and his daughter Nora are looking forward to their time together with him in Oregon.

I want to thank him for his selfless professionalism and wish him all the best for the next phase of his life.

RECOGNIZING COUNCILMAN SCOTT KINCAID FOR OVER THIRTY YEARS OF PUBLIC SERVICE

HON. DANIEL T. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. KILDEE. Mr. Speaker, I ask the United States House of Representatives to join me in recognizing Flint City Councilman Scott Kincaid for his commitment to the city and for the years he has served as a public servant.

Born in Flint, MI in 1952, Councilman Kincaid has been committed to his hometown most of his life. In 1970, he graduated from Flint Southwestern. After graduation, Councilman Kincaid's strong sense of civic duty led him to serve in the United States Army.

Following his time in the service, Councilman Kincaid worked for GM Fisher and was heavily involved with the UAW. He served on the Executive Board, was the Education Director, and was appointed the Joint Activity Representative for Local 581. By 2003, he was working as the Government Liaison to assist with new plant investments. He is currently the Health Initiatives Coordinator for Region 1C Flint.

In 1985, Councilman Kincaid was first elected to the Flint City Council. He has from that day forward served the City of Flint to the best of his abilities. Councilman Kincaid served as Council President more than once over his tenure with the city.

Mr. Speaker, I applaud the work and commitment of Councilman Kincaid. It is the dedication of people like him that keeps this city strong.

COMMEMORATING THE RETIREMENT OF DR. WILLIAM E. ''BRIT'' KIRWAN

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. SARBANES. Mr. Speaker, I rise today to honor Dr. William ''Brit'' Kirwan, who has been a leader in the State of Maryland and in higher education for more than 50 years.

President John F. Kennedy once said, ''Leadership and learning are indispensable to each other.'' Well, I can tell you that Dr. Kirwan's commitment to leadership and learning over these last 50 years have been indispensable not only to one another, but to higher education in Maryland and across the nation. Leading with integrity and purpose, Dr. Kirwan has earned the trust and respect of faculty, students and other leaders of higher education all over the country.

Throughout his career, Dr. Kirwan has been committed to something he has described as ''constructive leadership''—which involves becoming a leader not through division and power, but through unity and service. He has embodied this philosophy at College Park, serving as chancellor of the University System of Maryland for more than 12 years, as president of the University of Maryland for 10 years and as a member of the University's faculty for 24 years.

Dr. Kirwan has also taken his service and expertise beyond College Park, chairing the National Research Council Board of Higher Education and co-chairing the Knight Commission on Intercollegiate Athletics. He also serves on the boards of more than five organizations—including the University of Maryland School of Medicine, Maryland Chamber of Commerce, Greater Baltimore Committee, Economic Alliance of Greater Baltimore and Maryland Business Roundtable for Education. And he belongs to more than four honorary and professional societies—including Phi Beta Kappa, Phi Kappa Phi, the American Mathematical Society and the Mathematical Association of America.

These efforts have not gone unnoticed. Dr. Kirwan is the recipient of one of the nation's highest honors in higher education—the TIAA–CREF Theodore M. Hesburgh Award for Leadership Excellence. His invaluable leadership and his commitment to higher education in our state have also been recognized by several Maryland-based government, academic and business organizations.

But perhaps the legacy of Dr. Kirwan's service over these last 50 years is best conveyed in his own words. In a speech delivered to Phi Beta Kappa inductees in 2004, Dr. Kirwan said, ''Our nation is in dire need of a new generation of enlightened leadership . . . highly educated, wise leaders who have respect for the individual, for inclusiveness, integrity and the common good.'' He continued, ''. . . our nation and world face a distressing array of enormous challenges, which—without enlightened leadership—will only worsen in the coming years.''

If the next generation embodies Dr. Kirwan's commitment to service and enlightened leadership, I am confident that it will successfully take on the world's complex challenges.

HONORING THE CAREER OF CABOT REA

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. TIBERI. Mr. Speaker, I rise today to recognize and congratulate longtime WCMH anchor, Cabot Rea, as he retires from broadcast news. For more than 30 years Central Ohioans have welcomed him into their homes and trusted his balanced reporting.

While he worked as a radio announcer when he attended Otterbein College, now Otterbein University, journalism was a second career for Cabot. He first served as the Music and Choral Director at Wilson Junior High in Newark where he was twice named ''Teacher of the Year.''

He came to the airwaves as a weekend sports anchor and feature reporter in 1985 for WCMH. However, it was as the field anchor for 5:30 Live that Cabot endeared himself to tens of thousands of families across Central Ohio. He proved he was ready for anything by visiting communities, participating in events, and telling the stories of what makes Central Ohio and Central Ohioans so special.

When he teamed up to anchor broadcasts with Colleen Marshall in 1992, no one could have predicted they would enjoy one of the longest tenures in Columbus as co-anchors. For more than 20 years, Cabot and Colleen have been the team viewers turned to in order to learn what was happening across town and around the world.

Even when the cameras were turned off, Cabot's service to the community didn't stop. Whether it was helping those in need with 4's Army, championing NBC4's ''Battle against Bullying'' campaign, or working with Nationwide Children's Hospital, the Make A Wish Foundation, the Huntington Disease Foundation or the Cancer Support Community Central Ohio, Cabot is a leader in every sense of the word.

One of the most recognizable faces in Central Ohio, viewers will miss his clear, concise reporting and captivating story-telling. I have enjoyed working with Cabot over the years and I congratulate him on his 30-year career as a journalist. I wish him and his wife, Heather, the best in retirement.

HONORING THE FORT HILL HIGH SCHOOL SENTINELS

HON. JOHN K. DELANEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. DELANEY. Mr. Speaker, I rise today to recognize the achievement of the Fort Hill Sentinels, an extraordinary group of young men from Western Maryland who have inspired their community and gained recognition across the state. This month, Fort Hill High School of Cumberland won their third consecutive state football title, winning the Class 1A Maryland State Championship.

On December 5, the Sentinels defeated Havre de Grace 44–14 behind a powerful rushing attack and a strong defense. The Sentinels averaged over 10 yards per play, led by fullback Raen Smith who ran for 234 yards. Fort Hill is 40–1 over the last three seasons.

The results produced by the Sentinels—win after win after win for three seasons—are a testament to their dedication, teamwork and intelligence, all qualities that we should celebrate. After winning the state title Coach Todd Appel told the Cumberland Times-News the team would be back in the weight room the next week, a testament to the hard work and commitment of the team.

The achievement of the Fort Hill Sentinels should be recognized and recorded for posterity. Congratulations to the Fort Hill Sentinels, Coach Appel and his staff and everyone who played a part in this championship season.

TRIBUTE TO MAJOR MICHAEL J. RIGNEY

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. ROGERS of Kentucky. Mr. Speaker, I rise to pay tribute to Major Michael J. Rigney for his dedication to duty and service as a Defense Legislative Fellow to my late respected colleague Chairman C.W. Bill Young of the 13th Congressional district of Florida, as well as his support from within the Pentagon as an Army Congressional Budget Liaison. Major Rigney will be transitioning from his present assignment to serve as an Acquisition Officer at Redstone Arsenal in Alabama.

A native of Long Island, New York, Major Rigney was accepted into the Hofstra University Reserve Officer Training Corps program in 2000, where he earned a Bachelor of Business Administration Degree and graduated as a Distinguished Military Graduate with the class of 2004. Upon graduation, Mike was commissioned as an Army Aviation Branch Officer. He has subsequently earned a Master's degree in Legislative Affairs from the George Washington University.

Prior to entering the Army Congressional Fellowship Program, Mike served in numerous tactical leadership and staff assignments as an Army Aviation Branch Officer, and UH–60 Blackhawk helicopter Pilot. Major Rigney's assignments include Flight School Student, United States Army Aviation Center of Excellence, Fort Rucker, Alabama; Flight Platoon Leader, 4th Battalion 3rd Aviation Regiment (Assault), 3rd Combat Aviation Brigade, Hunter Army Airfield, Georgia, and Baghdad, Iraq; Aviation Brigade Future Plans and Operations Officer, 3rd Combat Aviation Brigade, Baghdad, Iraq; Commander, Bravo Company, 4th Battalion 3rd Aviation Regiment (Task Force Brawler), 3rd Combat Aviation Brigade, Hunter Army Airfield, Georgia, and Logar Province, Afghanistan; Student, Army Aviation Captain's Career Course, Army Aviation Center of Excellence, Fort Rucker, Alabama. Major Rigney was deployed for 16 months in direct support of combat operations as part of the surge in Baghdad, Iraq, in 2007–2008, and then again for 12 months as part of the surge in Afghanistan, Regional Command—East, in 2009–2010. While deployed, Mike accumulated over 933 hours of combat flight time in direct support of Soldiers in the fight of his nearly 1,300 hours of total military piloting experience.

In 2013, Michael was selected to be an Army Congressional Fellow for a year, working in Chairman Young's personal office on Capitol Hill and very closely with the House Appropriations Committee, Subcommittee on Defense. Next, in his role as a Congressional Budget Liaison, working with both the House and Senate Appropriations Committees, Michael ensured the Army's budget positions were well represented and articulated. Michael was instrumental in ensuring that Congress was informed of the importance of key Army acquisition programs for the future fighting force.

Mike's interagency coordination and diligent work proved invaluable in assisting Members of Congress and their staff complete the important work of Congressional oversight in support of National Defense and United States foreign policy.

Throughout his career, Major Rigney has positively impacted his soldiers, peers, and superiors. Our country has been enriched by his extraordinary leadership, thoughtful judgment, and exemplary work. I join my colleagues today in honoring his dedication to our Nation and invaluable service to the United States Congress as an Army Congressional Budget Liaison.

Mr. Speaker, it has been a genuine pleasure to have worked with Major Michael Rigney over the last three years. On behalf of a grateful nation, I join my colleagues today in recognizing and commending Michael for his service to his country and we wish him, his wife Jennifer, and sons, Jackson and Luca, all the best as they continue their journey in the United States Army.

HONORING CHARLES DIPERRI IN CELEBRATION OF HIS 90TH BIRTHDAY

HON. FRANK C. GUINTA

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. GUINTA. Mr. Speaker, I would like to express my congratulations to Charles DiPerri in celebration of reaching his 90th birthday.

As he reflects on the great memories that have highlighted the past ninety years, I know he will think fondly on all that he's accomplished and the positive impact he's had on New Hampshire.

It is with great admiration that I congratulate Mr. DiPerri on achieving this wonderful milestone, and wish him the best on all future endeavors.

CONGRATULATING BONNIE CARROLL ON RECEIVING THE PRESIDENTIAL MEDAL OF FREEDOM

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. CONNOLLY. Mr. Speaker, I rise today to congratulate Bonnie Carroll on receiving the Presidential Medal of Freedom for her life-long public service and dedication to veterans and their families.

Bonnie is the Founder and President of Tragedy Assistance Program for Survivors

(TAPS). TAPS was founded in 1994 as the nation's first national support network for the families of fallen service members. Since then, TAPS has supported over 50,000 surviving family members, casualty officers, and caregivers. When President Obama said, of all of the November 24 recipients of the Presidential Medal of Freedom, that ''these men and women have enriched our lives and helped define our shared experience as Americans,'' he was referring in part to the 50,000 lives of surviving military family members that have been touched by Bonnie's work.

TAPS has affected lives through a myriad of undertakings: a 24/7 helpline for those grieving the loss of a loved one, peer-based and community-oriented emotional support, casework assistance, informational resources, and the annual Good Grief Camp for young people. All of this work is offered at no cost for survivors.

In addition to her service at the helm for TAPS, Bonnie is a retired Major in the Air Force Reserve and currently serves on the Defense Health Board and the Board of the Iraq and Afghanistan Veterans of America. She also co-chaired the Department of Defense Task Force on the Prevention of Suicide in the Armed Forces.

Mr. Speaker, I ask that my colleagues join me in thanking Bonnie Carroll for the work she has done on behalf of veterans and their families. Her record of service is truly deserving of the Presidential Medal of Freedom. Her work serves as a reminder of our sacred compact with those who gave the ultimate sacrifice in service to this nation and their families.

IN HONOR OF JON DANA RAGGETT

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. FARR. Mr. Speaker, I rise today to honor the life and accomplishments of a remarkable man and to mourn his passing. Jon Raggett was a brilliant engineer, an enthusiastic and accomplished builder of kayaks, and a tireless and generous philanthropist who founded a nonprofit whose mission was to build schools in developing countries. He was also a lifelong friend of mine, who died following a sudden illness on September 26, 2015, at the age of 71.

Jon Dana Raggett was born July 9, 1944, and he grew up in Carmel, California, where his love for boats and the sea was born. Jon graduated from Princeton University with an engineering degree, received an MS from Stanford University, and returned to Princeton to complete his Ph.D. in civil engineering. Throughout his engineering career, he brought his keen analytical mind and his imaginative creativity to projects in structural engineering, earthquake research, and the aerodynamic effects of extreme wind on bridges. Through West Wind Laboratory, which he founded in 1988, he performed wind studies on major bridge, architectural, and industrial projects all over the world. Closer to home, Jon worked on the Golden Gate Bridge, including the creation of a suicide barrier and a retrofit to improve the performance of the bridge in high winds, and he also worked on the new span of the Bay Bridge. John also served as a member of the engineering faculty at Santa Clara University and the Naval Postgraduate School.

In 1994, inspired by Theodore Roosevelt's admonition to ''do what you can with what you have,'' Jon founded Schools3, a nonprofit corporation which began as Jon's attempt to use his engineering skills to address problems of poverty in the developing world. Jon worked on a design for a three-room primary school with an office-storage building and a latrine which could be built with concrete blocks, a metal roof, and finished with plaster walls. This design could be built inexpensively all over the world, and through Schools3 Jon was able to fund and complete the construction of 71 schools in Africa, Honduras, and India. Jon donated his time and the time of his assistant Ann Keeble to Schools3, so every dollar contributed went directly towards the construction of a school, with no overhead, administrative, or marketing costs. In 2002, Schools3 received a commendation for this work from the U.S. Senate Appropriations Committee in its report on Foreign Operations.

Jon also used his structural design skills to create musical instruments out of plywood and furniture which was inventive and playful. But his primary passion was for building boats, and designed and built countless beautiful kayaks over the years, no sooner completing one project than he began thinking about how he would improve on the design for the next boat, and there was always a next boat. At Jon's service, his sisters-in-law quoted from Kenneth Grahame's beloved The Wind in the Willows: ''Believe me, my young friend, there is nothing—absolutely nothing—half so much worth doing as simply messing about in boats.'' No one believed this more deeply than Jon Raggett.

Jon and his wife Tory, a talented artist whom he met when they were both 10 years old, raised two sons, Mark and George. When grandchildren Joe, Hugh, Mae, and Owen arrived, Jon took delight in introducing them to the joys of being on the water. Jon's love of his family, his deep commitment to doing what he could to make the world a better place, and his impressive accomplishments in civil engineering combined to create an extraordinary man. His untimely death is an enormous loss not only to his beloved family and many friends, but to the world which he worked so hard to improve. Mr. Speaker, I ask the entire House to join me in celebrating the life of this exemplary man and his remarkable accomplishments.

NORTH AMERICAN ENERGY SECURITY AND INFRASTRUCTURE ACT OF 2015

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 2015

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 8) to modernize energy infrastructure, build a 21st century energy and manufacturing workforce, bolster America's energy security and diplomacy, and promote energy efficiency and government accountability, and for other purposes:

Ms. McCOLLUM. Mr. Chair, I rise in opposition of The North American Energy Security and Infrastructure Act (H.R. 8). This bill would reverse America's progress on energy efficiency and energy security. In a time when we need a forward-looking comprehensive energy policy that preserves the environment and provides sustainable energy to American consumers, we cannot afford to reverse course.

The North American Energy Security and Infrastructure Act would cripple ongoing efforts to curb energy use and promote energy efficiency. This bill removes the effective provisions of the Energy Independence and Security Act of 2007 which require federal buildings to reduce fossil fuel-generated energy. Additionally this bill would make it much harder for the Department of Energy to provide assistance for building code development at the national, state, and local level.

Instead of making needed investments in our energy infrastructure, H.R. 8 continues to protect big oil and gas companies by attacking newer environmental standards and procedures. Section 1101 of this bill makes extremely hazardous changes to the Federal Energy Regulatory Commission natural gas pipeline permitting process undermining environmental protections and land owners' rights. This section would force FERC to decide on pipeline applications within 90 days even in cases of extremely complex proposed projects. Additionally, it would undermine land owners' rights by allowing oil and gas companies to use aerial or remote surveys for environmental data instead of actual surveying the land.

As the Ranking Member of the House Appropriations Subcommittee on the Interior, Environment, and Related Agencies, I am disappointed that H.R. 8 would make it easier for oil and gas companies to get approval for pipelines through our nation's most treasured areas, our national parks. It also threatens protections in the Endangered Species Act, the Clean Water Act, and the Federal Power Act by allowing the Federal Energy Regulatory Commission to override conditions placed on hydropower project licenses by state and federal agencies that serve to protect wildlife from the potential impacts.

President Obama has stated that he will veto this legislation should it come to his desk because H.R. 8 sidesteps important environmental procedures and actually increases energy consumption and consumer costs. According to the American Council for an Energy-Efficient Economy, H.R. 8 would actually cost American citizens nearly $20 billion dollars through 2040. Instead of this misguided legislation, I support President Obama's ''All-of-the-Above'' energy strategy for our country which includes a combination of fossil fuels, renewable energy, and energy efficiency.

I am committed to advancing America's energy policy by moving away from depending on fossil fuels and towards clean and renewable sources of energy. For these reasons, I will vote against the backward path of H.R. 8, The North American Energy Security and Infrastructure Act.

CONFERENCE REPORT ON S. 1177, STUDENT SUCCESS ACT

SPEECH OF

HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 2015

Ms. JUDY CHU of California. Mr. Speaker, I rise today to express my concerns with S. 1177—the Every Student Succeeds Act. I cast my vote in favor of the Every Student Succeeds Act because I believe it is an improvement from No Child Left Behind (NCLB), our nation's current law. However, I strongly believe this legislation falls short in many areas—specifically resource equity, federal authority, and data disaggregation for Asian American and Pacific Islander (AAPI) students.

While I am pleased that S. 1177 requires schools where students are consistently struggling to report on resource inequities, it does not hold states accountable for these inequities. States with dramatic investment disparities will be required only to identify gaps, not necessarily to close them.

Additionally, this legislation significantly limits secretarial authority by relinquishing much of the responsibility for monitoring and enforcing protections for vulnerable students from the federal government to the states. History shows us that strong federal oversight compelled states to identify and address achievement gaps faced by minority and low-income students. Without this strong oversight, I am concerned that these vulnerable groups will once again fall through the cracks.

Finally, I am very disappointed that S. 1177 does not require that data collected and reported on AAPI students be disaggregated by ethnic subgroups. As the Chair of the Congressional Asian Pacific American Caucus (CAPAC), I have worked to combat the so-called ''model minority myth,'' which leads people to believe that AAPI students are all high-achieving and successful. In reality, the AAPI population includes over 40 distinct ethnic groups who speak over 100 different languages. However, this diversity in experience and success is often masked when data is not disaggregated by AAPI subgroups. As a result, many AAPI students fail to receive resources that would help them succeed academically.

I believe that S. 1177 is an improvement over the patchwork system our country is currently operating under in the wake of NCLB, but it falls short on the promise to serve all of our children. I will continue to work to ensure that every child, regardless of economic background, race, gender, sexual orientation, family history, or ability receives a free, high-quality education that enables them to achieve the American Dream.

CONFERENCE REPORT ON S. 1177, STUDENT SUCCESS ACT

SPEECH OF

HON. BONNIE WATSON COLEMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 2015

Mrs. WATSON COLEMAN. Mr. Speaker, I rise in support of the Every Student Succeeds Act (ESSA). It has been 14 years since the last reauthorization of the Elementary and Secondary Education Act, and we have desperately needed an update to this critical law. The 2001 No Child Left Behind Act included unworkable provisions and led to the proliferation of high-stakes testing. In order to manage the impact of the law's strict provisions, the federal government has granted waivers to 40 states, resulting in unpredictability and unequal application of the law. The ESSA will correct our previous mistakes by maintaining high standards while giving states and local school districts greater flexibility in achieving them with evidence-based strategies.

At its core, the Elementary and Secondary Education Act is a civil rights law that reflects our society's consensus that every state and school district must provide a quality education to all children. In order to fulfill this promise, we must have sufficient information to measure inequities in educational achievement for all groups, and we must ensure states and local governments are taking the steps necessary to close those achievement gaps. For that reason, I am very concerned that the ESSA lacks data disaggregation for Asian American and Pacific Islander (AAPI) students. The AAPI community is extremely diverse with over 48 distinct ethnic groups that face varying challenges in educational achievement. The lack of data disaggregation will prevent us from determining what gaps exist and how best to address them.

Additionally, I am concerned by the lack of key provisions from the Safe Schools Improvement Act and the Student Non-Discrimination Act. I have cosponsored these important pieces of legislation because more must be done to address the harmful effects of bullying and discrimination, particularly for LGBT students. No child should be denied a quality education due to his or her race, ethnicity, sex, sexual orientation, gender identity, or socioeconomic status. This bill takes important steps in the right direction, but the lack of AAPI data disaggregation and important LGBT protections shows there is much work to be done to achieve this goal. I look forward to working with my colleagues to address these flaws.

CONFERENCE REPORT ON S. 1177, STUDENT SUCCESS ACT

SPEECH OF

HON. ROBERT C. ''BOBBY'' SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 2015

Mr. SCOTT of Virginia. Mr. Speaker, as I've stated before, this conference report is not the bill I would have written on my own. It is a product of compromise, but a product that did not require either side to compromise on our core beliefs. A core belief of mine—and a core belief of my caucus—is that Congress deems authority to the executive branch to interpret, implement, and enforce federal law. That is the foundational tenet of administrative law.

Although some provisions included in the conference report seek to limit the regulatory power of the Department of Education, nothing in this conference report will inhibit or impede the Secretary's authority—as granted by the Constitution—to interpret, implement, and enforce compliance with the Federal law, including the Secretary's authority to promulgate regulations that clarify and interpret vague statutory terms. Those provisions were carefully negotiated between the Chair and me.

The Every Student Succeeds Act provides states with new flexibility to design systems that hold schools accountable for improving student outcomes, but the Federal government is ultimately responsible for protecting the civil rights of all students. To fulfill that responsibility, the Secretary of Education will maintain regulatory, oversight, and enforcement authority sufficient to fully implement this new law.

HONORING THE DAMASCUS HIGH SCHOOL SWARMIN' HORNETS

HON. JOHN K. DELANEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. DELANEY. Mr. Speaker, I rise today to honor the Damascus High School Swarmin' Hornets for capturing the 2015 Maryland Class 3A State Football Championship last week in Baltimore. The victory by Damascus capped a perfect 14–0 season and is the school's eighth state championship. I'd like to congratulate the Swarmin' Hornets, Coach Eric Wallich and his staff, and everyone associated with the team who made this championship season possible.

The Swarmin' Hornets defeated Dundalk 55–14, a dominating victory that included a record-setting performance by running back Jake Funk, who broke the state mark for touchdowns in a championship game. The team also set the state record for the most points scored in a season. As the Washington Post headline made clear, the Swarmin' Hornets left ''no doubt'' that they were the best team in the state.

Importantly, the team reached these heights after facing adversity and heartbreak. Last season, the team was defeated in the championship game, but rebounded with an even stronger performance in 2015. That experience—working together for months to persevere and accomplish a goal even after a painful setback—will inform and inspire the young people who compose this team for years to come.

The Damascus community is extremely proud of their team and their achievement, excellence and perseverance should be permanently reflected in the official record of the House of Representatives.

HONORING THE LIFE AND LEGACY OF SHELDON SCHLESINGER

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. HASTINGS. Mr. Speaker, I rise today to recognize the life and legacy of my dear, longtime friend Mr. Sheldon ''Shelly'' Schlesinger of Broward County, Florida, who sadly passed away on Wednesday, December 2nd at age 85. Shelly was born in Brooklyn, New York, and later moved to Florida where he attended the University of Miami and the University of Miami School of Law, and met his wife of 60 years Barbara.

Shelly's passion for the law and his skills in the courtroom were unrivaled. He practiced for 60 years and worked on landmark cases across the nation representing individuals and consumers. Shelly was recognized in every edition of the book ''The Best Lawyers in America'' throughout his career. His other honors include induction into the Trial Lawyer Hall of Fame and receipt of the Lifetime Achievement Award at the Florida Verdicts Hall of Fame by the Daily Business Review.

Shelly was not only celebrated for being one of the best trial attorneys in the country, but also fervently served the South Florida community. He was a member of the Board of Governors of Nova Southeastern Law Center and chairman of the Board of Trustees of Broward Community College. Shelly was also one of the founders of the Broward County Trial Lawyers Association and served as the organization's president.

I offer my deepest condolences to Shelly's family. He is survived by his two sons, Scott (m. Anne) and Gregg, as well as his six grandchildren, Charlotte, Alexander, Molly, Theodora, Samuel, and Theodore; and his brother-in-law, Larry Butler (m. Grace).

His presence will be profoundly missed, however his impact in the sphere of law and public service will never be forgotten.

Mr. Speaker, I am honored to pay my respects to Sheldon Schlesinger and his family. He was a great friend to me throughout the years. His spirit, loving memory, and legacy will always live on.

HONORING ANDREW LETTERMAN

HON. JASON SMITH

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. SMITH of Missouri. Mr. Speaker, I rise today to honor Andrew Letterman for being awarded the American FFA Degree as a member of the National FFA Organization. Andrew is a member of the Willow Springs Chapter of the FFA and, with four of its other members, received this prestigious award. FFA is an intercurricular student organization for those interested in agriculture and leadership consisting of 629,367 members, aged 12–21. Andrew is among the 463 FFA members from Missouri that received the American FFA degree, marking the highest number of recipients from any state.

As a past recipient of the American FFA Degree, I offer my highest congratulations as I understand the hard work and effort required to reach this goal. In order to obtain the American FFA Degree, a member must begin their pursuit of the award during their freshman year of high school through participation in every level of the organization and leadership events.

As a former member of FFA, I can proudly say that my experience in the organization was invaluable learning about leadership skills and public speaking. It is my pleasure to recognize Andrew for receiving this prominent award before the United States House of Representatives.

RECOGNIZING RICK FLYNN

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. LEVIN. Mr. Speaker, I rise today to recognize Rick Flynn, who is well known as an advocate for educators in Macomb County, Michigan. On December 10th, friends of Rick's from throughout Michigan will gather to celebrate his retirement from the Michigan Education Association and to pay tribute to him for his outstanding service.

Rick's deep involvement in the MEA and his policy advocacy at the local, state and national levels has been rooted in his strong conviction that all students deserve a high quality education, and that educators must have the tools and resources they need to provide students with this education. It has been said that Rick has held nearly every conceivable leadership position in the MEA, which, when one reviews his career, seems possible. He served as president of the Fraser Education Association, as a founding member and then as president of MEA–NEA Local 1, as a member of the Board of Directors and the Executive Committee for the MEA, as an MEA Local 1 Executive Director, and as a member of the NEA's Board of Directors.

Prior to representing teachers, Rick was a well-respected teacher himself. For 27 years he taught American Government in the Fraser Public Schools. As a lifelong advocate for building a stronger Macomb County, it was no surprise that after retiring from the classroom in 2000, Rick applied his knowledge of government to public service of his own. In 2008, he was elected to the Charter Commission for Macomb County, which reshaped government in Michigan's 3rd largest county. Also in 2008, he was appointed by then-Governor Jennifer Granholm to serve on the Oakland University Board of Trustees, where he continues to serve today.

Mr. Speaker, Rick Flynn has served students in Michigan and his fellow education professionals with total commitment and distinction. I encourage my colleagues to join me in saluting him for his service, in thanking his wife Linda and his sons Andy and David for supporting him throughout his career, and in wishing him well in his retirement from the MEA.

CONGRATULATING TREVOR LOGAN AND TERRY LAMBERT ON THEIR SPRINGFIELD POLICE DEPARTMENT CITIZEN SERVICE HONORS

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. LONG. Mr. Speaker, I rise today to congratulate Trevor Logan on being awarded the Springfield Police Department's Citizen Service Medal and Terry Lambert on being awarded the Springfield Police Department's Citizen Service Commendation for their actions on the morning of August 2, 2015.

On that morning both men witnessed an individual drag a woman into an alley and attempt to sexually assault her. Terry, believing officers were just down the street, quickly rushed to alert them of what he had observed. However, Terry was unable to locate any officers, so he returned to the alley. Before he had returned, Trevor had verbally confronted the suspect and the suspect began to flee. While Trevor continued to assist the victim, Terry followed the suspect and helped officers locate him.

Trevor Logan and Terry Lambert stopped a crime in progress and assisted officers in apprehending and identifying the suspect. Through their actions, both of these men exemplified what it means to be a responsible, upstanding citizen. This example of selflessness and commitment to protecting one's community that these men have embodied is one which we should all strive for.

Mr. Speaker, Trevor Logan and Terry Lambert deserve this body's utmost respect for heroic actions on the morning of August 2, 2015, and I extend to both of them my deepest appreciation for their dedication to ensuring the safety of their community. Their efforts have not only contributed greatly to the Springfield community, but have made me proud to serve the people of Missouri's seventh Congressional District.

THE RETIREMENT OF DR. WILLIAM E. ''BRIT'' KIRWAN

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. VAN HOLLEN. Mr. Speaker, I rise to honor my friend Brit Kirwan on the occasion of his retirement as Chancellor of the University System of Maryland.

Brit is a true Terp, beginning his career as an assistant professor at the University of Maryland, College Park before rising to serve as its President in 1989. For the past 12 years, he has been Chancellor of the University System, where his passion for education and sincere desire to improve the lives and opportunity for Maryland students leaves an indelible mark on our state. He is also a respected national voice on higher education issues, helping to shape policy for greater accessibility, affordability, and quality.

It has been a great privilege to know and work with Brit over the years. His leadership has been transformative—opening the doors of higher education to underrepresented communities, establishing new partnerships with federal agencies, local schools, and the private sector, and ensuring that the University System of Maryland is a dynamic place of learning. I have always valued his thoughtful counsel.

Many of us were sorry to see Brit leave Maryland in 1998 when he became president of Ohio State University, but we were happy to welcome him back home in 2002. Now, as Brit takes his well-deserved retirement, his legacy is felt by every student who steps on a Maryland campus. I thank him for his many years of service, and wish him all the best.

TRIBUTE TO MAJOR GENERAL EDWARD TONINI

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to the 51st Adjutant General of the Commonwealth of Kentucky, Major General Edward W. Tonini, upon his retirement after 47 years of service. Since December 11, 2007, he has admirably served as the Commanding General of both the Kentucky Army and Air National Guard and as Executive Director of the Department of Military Affairs, guiding the preparation of Kentucky's 8,500 citizen soldiers and airmen, along with the Division of Emergency Management, to respond in times of state and national emergency.

He is responsible for Federal and State missions, assignment of leaders, recruiting, training, equipping, mobilization, facilities and public relations. He also oversees the development and coordination of all policies, plans, and programs affecting Army and Air National Guard members in the Commonwealth of Kentucky. As a member of the Governor's cabinet and the principle advisor to the Governor on military matters, General Tonini has been a steadfast liaison on homeland security matters and a stalwart advocate for the brave men and women who serve this great Nation.

General Tonini received a direct commission in 1970 in the Kentucky Air National Guard. Prior to receiving his commission, General Tonini served as an enlisted member of the 123rd Tactical Reconnaissance Wing of the Kentucky Air National Guard. His valiant service earned the decoration of the Air Force Distinguished Service Medal, Legion of Merit Meritorious Service Medal, Air Force Commendation Medal Air Force Achievement Medal, Air Force Outstanding Unit Award, Air Force Organizational Excellence Award, Air Force Reserve Meritorious Service Medal, Air Force Recognition Ribbon, National Defense Service Medal, Armed Forces Expeditionary Medal, Global War on Terrorism Medal, Humanitarian Service Medal, Military Outstanding Volunteer Service Medal, Air Force Longevity Service Award, and the Kentucky Merit Ribbon. We are blessed in Kentucky to have such a leader at the helm of our military affairs.

The list of medals, awards and accolades are mere reflections of the outstanding character displayed by General Tonini on a daily basis. His response time is impeccable, whether through organizing deployments overseas or responding to natural disasters in the hills of eastern Kentucky.

His legacy project is undoubtedly the state-of-the-art Joint Support Operations (JSO) Counter-Drug complex located in London, Kentucky. Under his leadership, 1,433 Kentucky National Guard soldiers and airmen have participated in JSO counter-drug operations from the facility, seizing more than 3.4 million marijuana plants with a street value exceeding more than one billion dollars. They also removed nearly 35,000 pounds of illicit drugs from the streets, including cocaine, ecstasy, heroin, methamphetamines and opium. Their work led to the arrest of more than 2,600 people, the seizure of over $73 million in property and other non-drug assets, 514 weapons, 134 vehicles and more than $14 million. Beneath his breastplate of courage, beats a true servant's heart for the people of Kentucky and we are grateful for his leadership.

Mr. Speaker, I ask my colleagues to join me in congratulating Major General Edward W. Tonini on a distinguished career of service to the Commonwealth of Kentucky and the United States. My wife, Cynthia and I wish General Tonini and his wife, Carol many blissful years of retirement.

BRIT KIRWAN RETIREMENT

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. RUPPERSBERGER. Mr. Speaker, it is with great pride that I rise to congratulate William ''Brit'' Kirwan on the occasion of his retirement after 12 years as chancellor of the University System of Maryland.

As a Terp myself, I have always taken a deep interest in the leadership of the university system and have come to admire Brit's integrity, professionalism and expertise.

Not only is Brit respected academically, he has a great personality and he understands the importance of relationships with elected leaders. His political savvy has helped the university system become a critical economic and workforce development engine in the State of Maryland.

Brit has become a sought-after mentor to other university leaders in areas including college affordability—especially for minority and low-income students—as well as cost containment, innovation in the classroom and diversity.

I truly believe that Brit's vision has helped the University System of Maryland become one of the best in the nation.

Under his leadership, the university system has: become more affordable. The average tuition for undergraduate in-state students at university institutions, once the nation's seventh highest, has now dropped to twenty-sixth.

His leadership has strengthened need-based financial aid.

It has reduced the student achievement gap and even eliminated it on some campuses.

It has strengthened Maryland's competitiveness through the research and entrepreneurial efforts of faculty, staff and students.

It has developed the landmark ''Effectiveness and Efficiency initiative,'' which has improved quality while saving more than $460 million to date and has even been cited by President Obama as a national model.

It has made the university system a national leader in environmental sustainability.

It has improved college completion rates, especially among low-income and minority students.

Brit has also become known for his use of technology to rejuvenate traditional learning methods like the lecture hall. His efforts have increased the number of students showing up for class, eager to learn, while saving money and raising grades.

Let's not forget that Brit spent a quarter century as an educator and administrator prior to becoming Chancellor. Throughout each stage of his career—math professor, administrator, university president, and chancellor—Brit has demonstrated a commitment to excellence and access for all.

Brit's expertise benefits colleges around the country as a member of the Board of Directors of the Council for Higher Education Accreditation. He chairs the College Board's Commission on Access, Admissions, and Success in Higher Education; and is a member of the Business-Higher Education Forum.

He was also appointed by President George W. Bush to the Board of Advisors on Historically Black Colleges and Universities. In 2010, he was appointed to the National Advisory Committee on Institutional Quality and Integrity, which advises the U.S. Secretary of Education on accreditation issues and certification processes for colleges and universities.

Locally, Brit is a member of the Board of Directors of the Greater Baltimore Committee, the Economic Alliance of Greater Baltimore, and the Maryland Business Roundtable for Education.

He is the well-deserved recipient of too many awards and accolades to list in their entirety, but they include the Theodore M. Hesburgh Award for Leadership Excellence, which is considered one of the nation's top higher education honors.

In 2009, he received the Carnegie Corporation Leadership Award, which included a $500,000 grant to fund University System of Maryland academic priorities.

I consider him a personal friend. He is a true gentlemen and each of his day-to-day interactions are marked with civility and graciousness. This is a rare quality in today's world.

He leaves big shoes to fill.

I congratulate him on a spectacular career that has spanned more than a half-century and wish him many more years of happiness with his wife and family in his retirement.

PERSONAL EXPLANATION

HON. DANIEL M. DONOVAN, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. DONOVAN. Mr. Speaker, I was unable to be present for votes yesterday, due to an illness. However, if I was able to vote, I would have voted the following way:

1) H.R. 158—Visa Waiver Program Improvement Act—YES.

2) H.R. 3842—Federal Law Enforcement Training Centers Reform and Improvement Act—YES.

MEDIA BIAS POSES A THREAT TO OUR COUNTRY

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. SMITH of Texas. Mr. Speaker, media bias poses one of the greatest threats to our country.

The liberal national media should provide the American people with the facts, not tell them what to think. If voters don't have the facts, they can't make good decisions. And if

they can't make good decisions, our democratic form of government is at risk.

Media bias exists everywhere—from the front pages of influential newspapers to daily network newscasts to slanted social media posts. ''News'' stories have now become opinion pieces.

The liberal national media ignore events that would be scandals if they involved conservatives. Consider how little follow-up there has been of the politicizing of the IRS, the deaths of four Americans in Benghazi, the illegal immigration amnesties, the secret terms of the Iran deal, and the videos of unborn babies' organs being sold.

In short, media bias affects almost every issue that Americans care about.

IN HONOR OF CHIEF PHILLIP MORRILL'S SERVICE TO WOLFEBORO FIRE-RESCUE DEPARTMENT IN WOLFEBORO, NEW HAMPSHIRE

HON. FRANK C. GUINTA

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. GUINTA. Mr. Speaker, I rise today to honor a Granite State first responder for forty years of service to the Wolfeboro Fire-Rescue Department in Wolfeboro, New Hampshire.

Chief Philip ''Butch'' Morrill joined the Wolfeboro Fire-Rescue Department in September of 1975 as a call firefighter. Four years later on October 23, 1979 he joined the ranks of the department as a full time firefighter, committed to protecting his community and the Greater Lakes Region of New Hampshire. Firefighter Morrill was a standout member of the department and would work through the ranks of the department over the next twenty five years before being appointed Chief on May 3, 2004. In addition to his duties with the Wolfeboro Fire-Rescue Department, Chief Morrill was also an active member of the New England Association of Fire Chiefs, serving as its President in 2013–2014.

On November 30, 2015 Chief Morrill retired with forty years of service to the people of Wolfeboro and the Granite State. On behalf of the people of the First Congressional District of New Hampshire, I thank him for his dedicated service to the community and wish him all the best in his retirement.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2016 (H.R. 4127)

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Ms. MCCOLLUM. Mr. Speaker, last June the House voted on a partisan Intelligence Authorization, H.R. 2596. Along with 178 of my colleagues, I voted against that authorization. Since June, negotiations among Republican and Democratic leaders of the House and Senate Intelligence Committees have taken place resulting in the improved bill before us today, H.R. 4127.

This bipartisan compromise ensures that the Intelligence Community will have the funding and resources they need to keep America safe, maintain necessary intelligence capabilities, and counter a myriad of threats, including ISIL and cybersecurity. It strengthens Congressional oversight and provides strict authorizations and limitations on intelligence activities. Along with reforms included in the bipartisan USA Freedom Act of 2015 which was signed into law in June of this year, H.R. 4127 makes critical steps towards ensuring our intelligence programs are conducted responsibly and with strong accountability to maximize both security and privacy.

As importantly, H.R. 4127 rectifies the inappropriate and unnecessary use of Overseas Contingency Operations (OCO) funding that was included in H.R. 2596 to circumvent the Budget Control Act funding caps. This correction will allow for more stable budgeting for the Intelligence Community for the remainder of the fiscal year.

However, this bill unfortunately continues to contain provisions that will prevent the closure of the detention center at Guantanamo Bay. While I strongly oppose measures to prevent the closure of the detention center, the provisions in H.R. 4127 have already been codified into law in the National Defense Authorization Act for Fiscal Year 2016.

Ensuring that our Intelligence Community has the resources, support and tools they need is critical to our national security. We must also ensure that strong privacy protections are included to ensure that we safeguard our civil liberties. While not perfect, this compromise is much improved from the bill that left this House in June and therefore earns my support.

HONORING KYLE WEIGAND

HON. JASON SMITH

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. SMITH of Missouri. Mr. Speaker, I rise today to honor Kyle Weigand for being awarded the American FFA Degree as a member of the National FFA Organization. Kyle is a member of the Willow Springs Chapter of the FFA and, with four of its other members, received this prestigious award. FFA is an intercurricular student organization for those interested in agriculture and leadership consisting of 629,367 members, aged 12–21. Kyle is among the 463 FFA members from Missouri that received the American FFA degree, marking the highest number of recipients from any state.

As a past recipient of the American FFA Degree, I offer my highest congratulations as I understand the hard work and effort required to reach this goal. In order to obtain the American FFA Degree, a member must begin their pursuit of the award during their freshman year of high school through participation in every level of the organization and leadership events.

As a former member of FFA, I can proudly say that my experience in the organization was invaluable learning about leadership skills and public speaking. It is my pleasure to recognize Kyle Weigand for receiving this prominent award before the United States House of Representatives.

REINTRODUCTION OF THE RESTORING THE PARTNERSHIP FOR COUNTY HEALTH CARE COSTS ACT OF 2015

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. HASTINGS. Mr. Speaker, I rise today to introduce a bill to restore the partnership between the federal government and counties for the health care costs of inmates who have not been convicted of a crime. This legislation will provide some relief to our nation's local economies, while embodying the fundamental principles of our legal justice system.

In almost all states, a person who is incarcerated in a county jail or juvenile detention facility loses their Medicare, Medicaid, CHIP or SSI benefits even if they have not been convicted of a crime. The U.S. Supreme Court's interpretation of the 8th Amendment requires government entities to provide medical care to all inmates. As a result, local governments are burdened with the expense of providing health care to thousands of men, women and children currently awaiting trial.

Providing health care for inmates constitutes a major portion of local jail operating costs. Requiring county governments to cover health care costs for inmates who have not yet been convicted of a crime places an unnecessary burden on local governments, which have their fair share of widespread budget deficits and cuts to safety net programs and other essential services.

Terminating benefits to inmates who are awaiting trial violates the presumption of innocence, which is a cornerstone principle of our justice system. The current practice does not distinguish between persons who are awaiting disposition of charges and persons who have been duly convicted and sentenced. This disproportionately affects low-income and minority populations who are often unable to post bond, which would enable them to continue receiving benefits.

Mr. Speaker, my legislation addresses this problem by prohibiting the federal government from stripping individuals of their Medicare, Medicaid, and SSI benefits before the inmate has been convicted of a crime. It preserves the partnership between the federal and local governments and ensures that local governments are not burdened with an unfair share of meeting the mandate to guarantee medical coverage. I encourage my colleagues to join me in supporting this commonsense bill that addresses a problem affecting communities all across the nation.

HONORING DR. WILLIAM KIRWAN

HON. JOHN K. DELANEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. DELANEY. Mr. Speaker, I rise today to thank Dr. William Kirwan for his service to the people of Maryland. Earlier this year, Dr. Kirwan retired after serving as Chancellor of the University System of Maryland for 12 years. The system includes 12 universities, which run from Frostburg State in Western

Maryland to Salisbury University on the Eastern Shore. Nine of these universities have ranked among the best in their category by the US News and World Report.

Dr. Kirwan began his career in 1964 as a math professor at the University of Maryland—College Park. For the next five decades—fifty one years—he dedicated himself to higher education. I believe part of why Dr. Kirwan was such an effective leader was the depth and range of his experience. Prior to leading our University System, he was a professor, he was the Chair of the Math Department, he was a provost and he was ultimately President of the University of Maryland College Park and President of Ohio State University.

I believe Dr. Kirwan should be an example to us all. He was a skilled administrator who never lost sight of what education is all about—students learning in the class room. To conclude, thank you Dr. Kirwan. Thank you for your service to the people of Maryland, to the students and parents of Maryland. Your dedication, insight and passion for education will be missed.

HONORING THE LIFE OF JIMMY TWO DOGS COPLIN

HON. TAMMY DUCKWORTH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Ms. DUCKWORTH. Mr. Speaker, I rise today to honor the life of Vietnam Veteran and Native American artist, Jimmy Two Dogs Coplin, who recently passed away in his Cicero, Illinois home at the age of 57.

Mr. Coplin lost his sight to diabetes but continued to create striking works of art with Native American themes using ceramics, silver, feathers and arrows.

Kiowa men and women have served in the armed forces since World War I and Mr. Coplin continued this honorable tradition by serving in the Army during Vietnam.

Mr. Coplin will be remembered fondly by his family, friends and many of his patrons. Mr. Coplin's dedication to his art and country will continue to live on and inspire others.

Mr. Coplin is survived by his mother, Edith Rokita, sister, Vicky Whitaker, daughter, Melissa Rokita, son, Bubba James Rokita, and two grandchildren.

IN RECOGNITION OF MILDRED HAILEY

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. CAPUANO. Mr. Speaker, I rise today to recognize Mildred Hailey, tenant activist and community leader, who passed away on November 18, 2015.

Mrs Hailey was born in Jackson, Mississippi eighty-two years ago. As a child, her family moved to Boston. At the time, Boston was not as open to diversity as it is today. Mrs. Hailey's family, being among the first African-American families in their neighborhood, suffered from discrimination and were treated by some of their neighbors with antipathy. Mildred approached this as a challenge to become a community leader.

By the 1960s, Mrs. Hailey had taken a leadership role at the Bromley-Heath housing development and, with co-founder Anna Mae Cole, incorporated the Bromley-Heath Tenant Management Corporation (TMC). The TMC was the nation's first tenant-run public housing development.

Initially, TMC, under Mrs. Hailey's leadership, tackled basic quality of life issues on behalf of Bromley-Heath residents: fixing broken windows, making sure basic utilities were in working order, ensuring trash pickup. Eventually TMC moved on to residents' greater needs, such as creating a day care program, developing a health center on the Bromley-Heath campus and running its own security force. Finally, Mrs. Hailey and TMC became instrumental in guiding development around Bromley-Heath, partnering to bring a supermarket to the neighborhood, protesting to successfully halt a planned highway close by and lending an outspoken voice in planning the Southwest Corridor Park. Through it all, Mrs. Hailey always had time and energy to bring together the members of her beloved Bromley-Heath community to work out disagreements and support one another. She was truly an indispensable leader.

In closing, I salute Mildred Hailey for her leadership, selflessness and passion for her community.

PERSONAL EXPLANATION

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. PERLMUTTER. Mr. Speaker, on Tuesday, December 8, 2015 I was not present to vote on H.R. 158 and H.R. 3842. I wish to reflect my intentions had I been present to vote.

Had I been present for roll call No. 679, I would have voted "YEA."

Had I been present for roll call No. 680, I would have voted "YEA."

HONORING KALEB STOLBA

HON. JASON SMITH

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. SMITH of Missouri. Mr. Speaker, I rise today to honor Kaleb Stolba for being awarded the American FFA Degree as a member of the National FFA Organization. Kaleb is a member of the Willow Springs Chapter of the FFA and, with four of its other members, received this prestigious award. FFA is an intercurricular student organization for those interested in agriculture and leadership consisting of 629,367 members, aged 12–21. Kaleb is among the 463 FFA members from Missouri that received the American FFA degree, marking the highest number of recipients from any state.

As a past recipient of the American FFA Degree, I offer my highest congratulations as I understand the hard work and effort required to reach this goal. In order to obtain the American FFA Degree, a member must begin their pursuit of the award during their freshman year of high school through participation in every level of the organization and leadership events.

As a former member of FFA, I can proudly say that my experience in the organization was invaluable learning about leadership skills and public speaking. It is my pleasure to recognize Kaleb Stolba for receiving this prominent award before the United States House of Representatives.

CONGRATULATING GERRY HYLAND ON HIS RETIREMENT FROM THE FAIRFAX COUNTY BOARD OF SUPERVISORS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. CONNOLLY. Mr. Speaker, I rise to congratulate my friend Gerry Hyland, Mount Vernon District Supervisor on the occasion of his retirement from the Fairfax County Board of Supervisors following 28 years of faithful service.

Gerry was first elected to the Board of Supervisors in 1987, serving as Chairman of the Fire Commission and co-chair of the Community Revitalization and Reinvestment Committee. He also served as a member of the Budget Policy, Development Process, Environmental, Housing and Community Development, Human Services, Information Technology, Personnel and Reorganization, and Transportation Committees.

Yet serving on the Board of Supervisors was just one part of Gerry's commitment and service to our community. Prior to being elected to that position, he also served on the Board of Zoning Appeals and as both President and Member of the Board of United Community Ministries and the Fairfax Human Rights Commission.

Gerry's commitment to service has extended across regional boundaries. He served on the Washington Metropolitan Council of Governments, the Virginia Association of Counties, the National Association of Counties, as past chairman of the Virginia Railway Express, and as a past board member of both the Washington Metropolitan Area Transportation Authority and the Northern Virginia Transportation Commission.

Gerry was also appointed by the Governor of Virginia to serve on several boards and commissions including the Virginia History Initiative, the Commission on Population, Growth and Development, and the Local Government Advisory Committee for the Chesapeake Bay over the course of his career.

In addition to his numerous contributions at the civilian level, Gerry served 30 years in the United States Air Force, 6 years active duty (4 of which were spent overseas) and 23 years in the Reserves. He retired at the rank of Colonel while serving as a White House Liaison.

He has received numerous awards for his work, including the Elizabeth and David Scull Metropolitan Public Service Award for Outstanding Leadership to the Washington Metropolitan Area from the Washington Metropolitan Council of Governments, Cooperator of the Year Award from the Northern Virginia Soil and Water Conservation District, the Dedicated Support Award from the Medical Care

for Children Partnership, and the Gold Medal for Lifesaving from the Grande Prix Humanitaire de France.

These awards and accolades are testimony to Gerry's quality as a leader and the determination with which he approached his work. One need look no further than his own Mount Vernon district for evidence of this. Whether it was shepherding the community through the BRAC process and helping to manage the enormous growth at Fort Belvoir, to the establishment of the Richmond Highway Express Bus Route, the creation of the South County Government Center, advocating for the construction of a new high school and middle school to serve the growing population, the preservation of Inova's Mount Vernon facilities or the securing of affordable housing for seniors at Gum Springs, you could always count on Gerry Hyland being knowledgeable and fully engaged with every situation that was brought to him. Gerry truly cares about his constituents and has dedicated every minute of his time in office to improving their lives and our South County community.

I will always remember the grace with which he approached his work. Even in the face of unimaginable tragedy brought by the death of his wife, he continued to put the needs of others before his own. When we served together on the Board of Supervisors, he would routinely bring fresh produce from his farm on the Eastern Shore to share with us, a tradition that continues to this day. Just when you didn't think it was possible for one man to give any more, Gerry would prove you wrong.

Mr. Speaker, Gerry Hyland has been a fixture of the community in Fairfax County for more than 35 years. While he may be officially retiring from the Board of Supervisors, I suspect that he will remain an active advocate for the causes that are dear to him. I ask my colleagues to please join me in congratulating him on his retirement, in thanking him for his immeasurable dedication and commitment to our community, and in wishing him all the best for continued health and success.

IN RECOGNITION OF MAJOR ADAM F. MCCOMBS

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to recognize and commend Major Adam F. McCombs for his exemplary dedication to duty and his service to the United States Army and to our great nation. Most recently, Adam served as an Army Congressional Fellow and Congressional Budget Liaison for the Assistant Secretary of the Army (Financial Management and Comptroller). He will be transitioning from his present assignment to serve as an Advisor in the Office of the Program Manager, Saudi Arabian National Guard, United States Army.

A native of Fuquay-Varina, North Carolina, Adam was commissioned as an Armor officer after his graduation from the United States Military Academy at West Point with a Bachelor of Science degree. He has since earned a Master's degree in Legislative Affairs from the George Washington University.

Adam has served in a broad range of assignments during his Army career. Prior to working as an Army Congressional Budget Liaison, Adam's assignments included serving as Scout Platoon Leader and Troop Executive Officer in 3rd Brigade, 4th Infantry Division at Fort Carson, Colorado; Company Commander of a Warrior Transition Company at Fort Knox, Kentucky; and Assistant S3 in the 25th Infantry Division Headquarters Battalion and Cavalry Troop Commander in 3rd Brigade, 25th Infantry Division at Schofield Barracks, Hawaii. Adam has commanded Soldiers in combat as a Platoon Leader and Troop Commander. He deployed in direct support of combat operations in Iraq in 2005–2006, and deployed to Afghanistan in 2008–2009 and again in 2011–2012.

The Second Congressional District of Georgia gained a compassionate and knowledgeable resource in 2013 when Adam was selected to work in my Washington, D.C. office as an Army Congressional Fellow. In this capacity, Adam handled military and veterans issues from a legislative and casework perspective and worked closely with the staff on the Military Construction and Veterans Affairs Appropriations Subcommittee.

Next, in his role as a Congressional Budget Liaison, he continued to collaborate with the House and Senate Appropriations Committees, ensuring that the Army's budget positions were extremely well represented and articulated to the Committees.

Major Adam McCombs' leadership throughout his career has positively impacted his Soldiers, peers, and superiors. Our country has been enriched by his extraordinary leadership, thoughtful judgment, and exemplary work.

Mr. Speaker, today I ask my colleagues to join me, my wife, Vivian, the more than 730,000 residents of Georgia's Second Congressional District, and all Americans, in extending our sincerest appreciation to Major Adam F. McCombs for his distinguished service to our nation. In addition to gratitude for his selfless service and instrumental role in supporting operations in Iraq and Afghanistan, Major McCombs has the respect, admiration, and affection of many on Capitol Hill. We wish him and his wife, Traci, all the best as they continue their journey in the United States Army.

U.S.-GEORGIA RELATIONS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. POE of Texas. Mr. Speaker, as co-chair of the Georgia Caucus along with Congressman GERALD CONNOLLY, I would like to take a moment to discuss the importance of a strong U.S.-Georgia relationship.

Our ally Georgia is a beacon of hope for democracy and capitalism in Eastern Europe. In a region full of turmoil, Georgia continuously strives to spread the ideologies of democracy and freedom to all. While there is still work to be done, Georgia has made many advances in recent years to strengthen democratic values.

Georgia has proved to be a strategic trade partner. U.S. trade with Georgia has increased over the past several years as Georgia continues to bolster its democratic and market-economy institutions. In light of this growth, it would be a smart move to initiate negotiations on a U.S.-Georgia Free Trade Agreement. In 2012, President Obama announced that Georgia and the U.S. had agreed to a high-level dialogue to strengthen trade relations, including the possibility of a free trade agreement. Now is the time to make this idea a reality.

Another critical reason why we must strengthen our ties with Georgia is because Russian aggression in the region is more threatening now than ever. In 2008, I was in Georgia and saw Russian tanks roll in to Georgia, occupying 25% of the country. Back then I knew Putin's radical agenda would continue to threaten our ally for years to come. Sadly, I have not been proven wrong. Russia's invasion of Ukraine is another example of Putin's greedy appetite for conquest. The best deterrent we can offer Georgia is the protection we have given to European countries in the past from Russian bullying: NATO membership. It is time for the United States to put our full weight of support into ensuring that Georgia is given NATO membership.

Even with the regional security threats stemming from Russia, Georgia has demonstrated time and again its commitment to being a force for good in the international community. For example, Georgia has provided more troops to the effort in Afghanistan than any other non-NATO member. Georgian troops have fought and died on the battlefield alongside our own American troops. We must recognize and reward their bravery and sacrifice. Georgia's ascension to NATO must be a priority for next summer's NATO conference.

Mr. Speaker, we all should recognize the importance of strengthening our relationship with Georgia. It is in our national security interests to support this ally, and it is our duty to ensure we foster a healthy, mutually beneficial partnership.

And that's just the way it is.

MEDIA IGNORE ADMINISTRATION SCANDALS

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. SMITH of Texas. Mr. Speaker, the national liberal media repeatedly comment that the current administration is ''scandal free.'' But that's because they ignore scandals involving Democrats.

For example, Hillary Clinton claims that everyone knew she used a private email server as Secretary of State. Yet, White House officials stated they were unaware of the server. The media has yet to pursue what was known or why the use of this server was allowed.

The national media also has failed to uncover who gave the orders for the IRS to target conservatives or if White House officials helped cover up the incident.

And when an American is murdered by an illegal immigrant, the press never connects the loss of life to the president's refusal to enforce our immigration laws.

The only people who believe the administration is ''scandal free'' are its allies in the national liberal media.

RECOGNIZING BANDERA ELECTRIC COOPERATIVE EMPLOYEES

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. SMITH of Texas. Mr. Speaker, today I want to recognize three power linemen from the Bandera Electric Cooperative: Jay Rasberry, John Hernandez and Garrett Clark. These linemen volunteered for the National Rural Electric Cooperative Association (NRECA) International Foundation and spent three weeks in northern Haiti building and upgrading power lines. These efforts have helped communities in Haiti receive affordable, safe and reliable energy.

These three power linemen worked side by side with NRECA International on the United States Agency for International Development (USAID) funded Pilot Project for Sustainable Electricity Distribution. This project commercializes power from the Caracol Industrial Park generation station that is currently serving 8,000 consumers in Caracol and surrounding communities with electricity 24 hours a day. When the project is complete, a total of 10,000 consumers will have access to electricity.

Less than 15% of the people in Haiti have access to electricity. The service and sacrifice of these linemen will impact the lives of thousands of Haitians resulting in improvements in healthcare, education, and economic opportunity.

In appreciation of all they have done, Mr. Speaker, I ask my colleagues to join me in thanking them for their humanitarian efforts.

HONORING STEPHEN COOK

HON. JASON SMITH

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. SMITH of Missouri. Mr. Speaker, I rise today to honor Stephen Cook for being awarded the American FFA Degree as a member of the National FFA Organization. Stephen is a member of the Willow Springs Chapter of the FFA and, with four of its other members, received this prestigious award. He is also currently on active duty with the U.S. Marine Corps, making this accomplishment even more impressive. FFA is an intercurricular student organization for those interested in agriculture and leadership consisting of 629,367 members, aged 12–21. Stephen is among the 463 FFA members from Missouri that received the American FFA degree, marking the highest number of recipients from any state.

As a past recipient of the American FFA Degree, I offer my highest congratulations as I understand the hard work and effort required to reach this goal. In order to obtain the American FFA Degree, a member must begin their pursuit of the award during their freshman year of high school through participation in every level of the organization and leadership events.

As a former member of FFA, I can proudly say that my experience in the organization was invaluable learning about leadership skills and public speaking. It is my pleasure to recognize Stephen Cook for receiving this prominent award and thank him for his service to our county before the United States House of Representatives.

INTRODUCTION OF THE 21ST CENTURY POWER GRID ACT

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. SARBANES. Mr. Speaker, I rise today to introduce the 21st Century Power Grid Act. The bill would finance public-private partnerships to carry out innovative projects related to the modernization of the electric grid.

Unfortunately, today the U.S. electric grid is still operating in the 20th Century. We must act now to improve grid reliability, flexibility, efficiency and security. There are literally a limitless number of ways in which the federal government can play a part to help modernize the electric grid. What we cannot afford is the status quo.

Whether it's the application of digital technologies, advanced communications and control, distributed energy resources, resilience, cybersecurity, or providing customers with more choice in energy source, usage and rates; it's a completely new world for how we can generate, distribute and consume electricity.

The federal government—in partnership with state and local governments, the private sector and ratepayers—must play a role in developing a strategy for the modernization of the electric grid and be an investor in the research, development and deployment of new advanced technologies.

The 21st Century Power Grid Act would direct the Department of Energy to provide assistance, in the form of grants or cooperative agreements, to help advance the future grid. In order to be eligible to receive this assistance, utilities can partner with entities such as national labs, universities, or state and local governments to develop or demonstrate new grid technologies or energy management techniques.

Most have heard the term ''smart grid,'' but I'm not sure many appreciate how truly revolutionary it could be if we were to achieve a smarter grid. ''Imagine a city in the middle of a deep freeze. The local power grid is struggling to keep up with everyone's heaters. What if the grid could automatically communicate with buildings in the area and negotiate reduced power consumption in exchange for a financial incentive? A large hotel that's only half-full due to the weather could dial back its thermostats, saving money on their bill and enabling the grid to divert that energy to homes and schools.''

This scenario was taken directly from the website of one of our national labs, the Pacific Northwest National Laboratory. PNNL and their partners recently completed a two year project that successfully demonstrated that this sort of communication and cooperative energy usage is possible.

In your own home, imagine if you could throw dishes in the dishwasher or clothes in the dryer and then set the device to automatically start when you can pay the optimal rate for electricity. This is a win, win. Consumers pay less, and utilities can more efficiently manage peak loads.

And the scenarios I've described don't even begin to scratch the surface of the potential for better integration of distributed energy sources like solar, wind and geothermal; energy storage capabilities; or other advances that only become conceivable when you do the type of basic research this country has always supported and excelled in.

To not provide the Department of Energy with resources to invest in smart grid research and development would be akin to preventing the National Institutes of Health from doing medical cures research. The electric grid is an indispensable element of modern society and is critical to our national security, economy and the general well-being of the citizenry.

I urge my colleagues to support the 21st Century Power Grid Act.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 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 $18,789,199,596,566.93. We've added $8,162,322,547,653.85 to our debt in 6 years. This is over $8 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

CLASS 1A—ARCOLA HIGH SCHOOL FOOTBALL TEAM STATE CHAMPIONS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. SHIMKUS. Mr. Speaker, I rise today to acknowledge the Purple Raiders of Arcola Jr. High School as the IHSA Class 1A high school state champions.

On November 27, 2015 Arcola defeated Stark County by 35–17 winning the Class 1A State Championship. I would like to recognize the effort of this amazing team and congratulate them on their historic season as they celebrate their first state championship title in 27 years.

I would also like to congratulate the Strader family. Brothers Clayton and Connor and their cousin Chase for contributing to six touchdowns and several tackles. Tommy Eddleman, Jim Fishel, Aldo Garcia, Chad Hopkins, Jarod Kiger, and John Lidy make up the coaching staff which supported Athletic Director and Head Coach, Zach Zehr to provide great leadership for these talented football players.

I look forward to the continued success of the Arcola Jr. High School. I extend my best wishes for another outstanding season next year.

The following are Arcola Purple Raider Varsity Football players: Conner Strader, Clayton Strader, Parker Ingram, Kollin Seaman, Martin

Rund, Daniel Mendoza, Victor Gonzalez, Myles Roberts, Blake Lindenmeyer, Seth Still, Chase Strader, Mario Cortez, Sam Crane, Alec Downs, Tony Salinas, Wyatt Fishel, Giovanni Salinas, Brandon Lebeter, Cole Hutton, Rey Garza, Ethan Still, Mason Gentry, Javi Leal, Pablo Rodriguez, Kaleb Byard, Jonny Garza, Dalton Pantier, Gavin Coombe, Luke Spencer, Tito Garcia, Clayton Kuhring, Jack Spencer, Alex Kauffman, Aaron Dudley, Grant McPherson, Jorge Garza, and Jack Nacke.

IN RECOGNITION OF RICHARD SHICKLE'S RETIREMENT

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mrs. COMSTOCK. Mr. Speaker, I am honored to recognize Richard Shickle, an extraordinarily gifted leader from the northern Shenandoah Valley, on his retirement.

Very proud of his roots in Frederick County, Richard Shickle has applied the values with which he was raised and the education he received at James Wood High School and Virginia Tech to have an extraordinary influence on the place he has always called home. Armed with a bachelor's degree in Public Administration and a professional designation as a Certified Public Accountant, Richard Shickle has spent decades as a strong and visionary leader of two of the most important institutions in the Shenandoah Valley, the Government of Frederick County and Shenandoah University.

Richard Shickle is the longest serving Chairman At-Large of a county board of supervisors in the Commonwealth of Virginia. For twenty years, he has served the citizens of Frederick County, four as Supervisor for the Gainesboro District, and sixteen as Chairman of the Frederick County Board of Supervisors.

Under Chairman Shickle's conservative leadership, Frederick County has experienced great economic growth that has included business relocations and expansions by H.P. Hood, Kraft Foods, Fisher Scientific, McKesson, O.N. Minerals and Navy Federal Credit Union.

The county's low taxes have fostered the growth of many small businesses while still providing for important capital improvement projects, including the Bowman Library, the Frederick County Public Safety Building, several schools including Millbrook High School, and the Frederick County Transportation Center.

And Chairman Shickle's penchant for careful planning has resulted in the Rural Areas Recommendation and Report, as well as the establishment of the Frederick County Economic Development Authority, which has proven to be an important economic development tool for the county.

As though the responsibilities of being Chairman of the Frederick County Board of Supervisors had not been sufficiently challenging, until recently, Richard Shickle also served, for 32 years, as Vice President for Administration and Finance of Shenandoah University during a period of rapid growth. In that capacity, he oversaw the offices of the university that are responsible for its administrative, financial, budgetary, and physical plant functions; and coordinated its student employment, legal services and insurance programs.

In retirement, Richard will continue to serve on boards and commissions, generously offering his knowledge and wisdom to the many valley leaders who will be seeking his counsel. He and his wife, Louise Marie Grube Shickle, are also looking forward to spending more time with their four children, Denise, Lisa, Richard, Jr. and Martha, as well as their eight grandchildren.

As the member of the House of Representatives from Virginia's 10th Congressional District, I know that I echo the sentiments of the people of the northern Shenandoah Valley in expressing deep gratitude for the strong leadership and dedicated service of ''favorite son'', Richard C. Shickle, Sr., who has left such a positive and lasting mark on our valley community.

I also know I'm joined by thousands of others whose lives he has touched, in wishing him and Louise many interesting and satisfying years of retirement to come.

IN SUPPORT OF AFFIRMATIVE ACTION AND CAMPUS DIVERSITY

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Ms. JACKSON LEE. Mr. Speaker, this morning I was at the Supreme Court observing the oral arguments in the case of Fisher v. University of Texas at Austin, No. 14–981.

The issue to be decided in the Fisher case is whether the undergraduate admissions policy of the University of Texas at Austin complies with the principles established by the Supreme Court in *Grutter* v. *Bollinger*, 539 U.S. 306 (2003).

In Grutter, the Court held that ''obtaining the educational benefits of 'student body diversity is a compelling state interest that can justify the use of race in university admissions.'" 539 U.S. at 325.

Mr. Speaker, I am proud to be a representative from a state that has played a pivotal role in the Supreme Court's educational equity jurisprudence, beginning with the landmark case of *Sweatt* v. *Painter*, 339 U.S. 629 (1950), won by Thurgood Marshall and which held that segregated law schools violated the Equal Protection Clause of the Fourteenth Amendment and laid the foundation for the landmark decision in *Brown* v. *Board of Education*, 347 U.S. 483 (1954).

Mr. Speaker, I would urge the Supreme Court to uphold the admissions policy of the University of Texas at Austin because affirmative action is needed to ensure the diversity on college campuses that will yield diversity in the ranks of America's future leaders.

In a globalized and increasingly interconnected world, the nation that succeeds is the one best positioned to adapt to a world of differences—cultural, religious, economic, social, racial, and political.

The key to success in a diverse global economy is learning to adapt and thrive in diverse communities where the next generation and its leader are educated and trained.

And that is why it is critical that the Court uphold the principle it established in Grutter v. Bollinger in 2002 that diversity in higher education is such a compelling governmental interest that race-conscious admission policies are permissible if other alternatives are found to be inadequate.

This is the situation presented by the facts in Fisher v. University of Texas at Austin, which was reargued before the Court today.

Although the University of Texas's consideration of race is very narrow—just one of many factors in the admissions process—its impact has been significant in advancing educational benefits flowing from a diverse student body.

From 1997 to 2004, affirmative action in admissions at the University of Texas was barred by the infamous Fifth Circuit decision in *Hopwood* v. *Texas*, 78 F.3d 932 (5th. Cir. 1996).

As a result of the University of Texas's inability to consider a qualified applicant's race in the admissions process, between 1997 and 2004 African-American students never comprised more than 4.5% of the entering class—far below the 13% of Texas high school graduates who are African Americans.

Worse yet, for the students attending the University of Texas, during that period, 4 out of every 5 of classes (79%) at the University had zero, or only one, African-American student.

Mr. Speaker, this is not the way to produce a generation of leaders for the 21st century.

With the Supreme Court decision in Grutter, the University of Texas could add race to other criteria considered in its individualized admissions policy.

And behold the results—28% of African Americans enrolled at the University were admitted at this stage of admissions process, a stark contrast to the 4.5% of the student body represented by African Americans in the preceding 7 years.

Mr. Speaker, affirmative action works; it is the right thing to do for our country.

Fostering educational diversity and greater opportunity is critical to our nation's future in a global economy and an increasingly interconnected world.

That is why diversity is supported by a broad cross-section of American society, including military leaders, major corporations, small business owners, educators, and students from all backgrounds.

An America that celebrates diversity in higher education will! produce the leaders, inventors, entrepreneurs, diplomats, public servants, and teachers that will serve our nation well in the global economy of the 21st century.

And of the most important things that can be done to ensure this bright future is for the Supreme Court to affirm the judgment of the 5th Circuit and uphold the admissions policy of the University of Texas.

A MAJORITY OF IMMIGRANT HOUSEHOLDS RELY ON WELFARE

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. SMITH of Texas. Mr. Speaker, a recent report found that more than half of immigrant households (both legal and illegal) in the United States receive welfare benefits—compared to only 30% of native households.

The report by the Center for Immigration Studies (CIS) determined that welfare use increased significantly for households with children.

Almost half of immigrant households who have been in the country for more than 20 years still rely on welfare. This contradicts the commonly held notion that long-time immigrants don't consume government benefits.

Our immigration and welfare programs should not subsidize other nations' low-skilled workers who compete with struggling American families for scarce jobs.

The CIS report reminds us how much work remains before we have an immigration system that puts the interests of Americans first.

SUPPORT FOR H.R. 1283

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Ms. SLAUGHTER. Mr. Speaker, as co-chair of the Congressional Arts Caucus, I rise today in support of H.R. 1283, the Songwriter Equity Act. In today's evolving entertainment environment, songwriters sometimes don't get the credit or the pay they deserve—and it's time to change that.

H.R. 1283 will ensure that these artists receive fair pay every time someone listens to their song—whether from satellite radio or digital music services and downloads.

Congress established royalty rates of just two cents per copy in 1909, when Irving Berlin was beginning his career. Now, over 100 years later, the royalty rate has increased only to just over nine cents per copy. It's time to give songwriters the pay they deserve in today's dollars and cents.

Thank you to my colleagues Rep. DOUG COLLINS and Rep. HAKEEM JEFFRIES for their strong support of the arts here in Congress—I'm proud to support them, the arts, and this bill.

HONORING CHRIS CORMAN

HON. JASON SMITH

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. SMITH of Missouri. Mr. Speaker, I rise today to honor Chris Corman for being awarded the American FFA Degree as a member of the National FFA Organization. Chris is a member of the Willow Springs Chapter of the FFA and, with four of its other members, received this prestigious award. FFA is an intercurricular student organization for those interested in agriculture and leadership consisting of 629,367 members, aged 12–21. Chris is among the 463 FFA members from Missouri that received the American FFA degree, marking the highest number of recipients from any state.

As a past recipient of the American FFA Degree, I offer my highest congratulations as I understand the hard work and effort required to reach this goal. In order to obtain the American FFA Degree, a member must begin their pursuit of the award during their freshman year of high school through participation in every level of the organization and leadership events.

As a former member of FFA, I can proudly say that my experience in the organization was invaluable learning about leadership skills and public speaking. It is my pleasure to recognize Chris Corman for receiving this prominent award before the United States House of Representatives.

RECOGNIZING AISHA KARIMAH

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Ms. NORTON. Mr. Speaker, I rise today to ask my colleagues in the House of Representatives to join me in recognizing Aisha Karimah, who is retiring from NBC4 Washington after 46 years of outstanding service to the District of Columbia and the national capital region.

Residents have seen Aisha at many of our charitable events in the city and region, but far more often, they have seen only her good works in many community campaigns. We could not count the people or the dollars Aisha's efforts have helped bring to our most successful community campaigns, among them: Beautiful Babies Right from the Start, Drug Free Zones, It Takes a Whole Village, Make the Right Call, Camp 4 Kids, Get Healthy 4 Life, Backpacks 4 Kids, Food 4 Families, and the NBC4 Health & Fitness Expo. In addition, Aisha produces two weekly news programs: Reporters Notebook and Viewpoint. A veteran television producer, Aisha also has generously lent her gifts to Howard University Television, including the Urban Health Report, Washington's Leaders and the Randall Robinson Program. Ms. Karimah is a particularly positive and dedicated role model for African Americans and for women entering journalism, and serves as a mentor to hundreds of young people. Aisha herself is a graduate of Howard University and Wesley Theological Seminary. She has been an extraordinary friend and guidepost to the District and to me ever since I have been a Member of Congress.

While Aisha has been engaged in a successful career in television and journalism, she also has been a devoted mother of two sons: Donnell, a graduate of American and George Washington universities, and Jay, a Howard University graduate.

Aisha Karimah's success, of course, has come from her tireless efforts, her love for her community and her drive to excel in her profession. However, Aisha gives all the credit to God. Aisha, a native Washingtonian who grew up on welfare in the District's Lincoln Heights public housing complex and started work at the age of 10, says her faith has helped her to rise to the top of her profession and serve her hometown at the same time. Aisha kept going at NBC4 despite illness. Now, after 46 years, often behind the scenes, bringing countless campaigns to our city and region, the time has come for Aisha herself to take a much deserved bow.

Mr. Speaker, I ask my colleagues to join me in thanking and congratulating Aisha Karimah for excellence well beyond the call of duty for NBC4 Washington, the District of Columbia, and the national capital region for 46 remarkable years.

HUMANITARIAN AID TO THE PEOPLE OF UKRAINE

HON. ANDY HARRIS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2015

Mr. HARRIS. Mr. Speaker, I rise today to remind my colleagues of the humanitarian crisis that continues to unfold in Eastern Ukraine. While the media, and the world, focuses on the Syrian migrant crisis, winter is fast approaching for the millions affected by the conflict in Ukraine. As we speak, there are over 1.5 million people internally displaced, 1.1 million externally displaced, and more than 5 million people in need of humanitarian aid. Thousands have died in the fighting, and thousands more lie injured. Homes and schools are being destroyed, and the movement of goods and people is severely restricted. As temperatures edge toward zero, we must remember why Ukrainians find themselves in need. They are in need because of their rejection of Russian authoritarianism and of Vladimir Putin's aggressive expansionism. They are in need because they are fighting to defend their freedom and their democracy. We, the United States, as a beacon of liberty and democratic government, must demonstrate our solidarity with our Ukrainian brethren and our unwavering belief in the ideals for which they fight. We must provide food, we must provide shelter, we must provide blankets. We, as Americans, must provide support to those willing to stand up to Russia in defense of freedom and democracy. I call on my colleagues to join me in urging President Obama to increase humanitarian aid to the people of Ukraine.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, December 10, 2015 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 11

2 p.m.

Commission on Security and Cooperation in Europe

To receive a briefing on human rights violations in Russian-occupied Crimea.

RHOB–B318

DECEMBER 15

2:30 p.m.

Committee on Veterans' Affairs

To hold hearings to examine transition assistance.

SR–418

JANUARY 20

2:30 p.m.

Committee on Armed Services

Subcommittee on Readiness and Management Support

To hold an oversight hearing to examine Task Force for Business and Stability Operations projects in Afghanistan.

SR–232A

Daily Digest

HIGHLIGHTS

Senate agreed to the conference report to accompany S. 1177, Every Student Succeeds Act

Senate

Chamber Action

Routine Proceedings, pages S8507–S8562

Measures Introduced: Seven bills and one resolution were introduced, as follows: S. 2376–2382, and S. Res. 332. **Pages S8546–47**

Measures Reported:

S. 571, to amend the Pilot's Bill of Rights to facilitate appeals and to apply to other certificates issued by the Federal Aviation Administration, to require the revision of the third class medical certification regulations issued by the Federal Aviation Administration, with an amendment in the nature of a substitute. **Page S8546**

Measures Passed:

Stem Cell Therapeutic and Research Reauthorization Act: Senate passed H.R. 2820, to reauthorize the Stem Cell Therapeutic and Research Act of 2005, after agreeing to the committee amendment in the nature of a substitute. **Page S8560**

20th Anniversary of the American Visionary Art Museum: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. Res. 317, commemorating the 20th anniversary of the opening of the American Visionary Art Museum, and the resolution was then agreed to. **Pages S8560–61**

Conference Reports:

Every Student Succeeds Act: By 85 yeas to 12 nays (Vote No. 334), Senate agreed to the conference report to accompany S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves. **Pages S8509–13**

Restrepo Nomination—Agreement: A unanimous-consent-time agreement was reached providing that at 5 p.m., on Monday, January 11, 2016, Senate begin consideration of the nomination of Luis Felipe Restrepo, of Pennsylvania, to be United States Circuit Judge for the Third Circuit; that there be 30 minutes for debate on the nomination, equally divided in the usual form; that upon the use or yielding back of time, Senate vote, without intervening action or debate, on confirmation of the nomination; and that no further motions be in order. **Page S8561**

Nominations Confirmed: Senate confirmed the following nominations:

Catherine Ebert-Gray, of Virginia, to be Ambassador to the Independent State of Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador to the Solomon Islands and Ambassador to the Republic of Vanuatu.

G. Kathleen Hill, of Colorado, to be Ambassador to the Republic of Malta.

John D. Feeley, of the District of Columbia, to be Ambassador to the Republic of Panama.

Eric Seth Rubin, of New York, to be Ambassador to the Republic of Bulgaria.

Kyle R. Scott, of Arizona, to be Ambassador to the Republic of Serbia.

Todd C. Chapman, of Texas, to be Ambassador to the Republic of Ecuador.

Jean Elizabeth Manes, of Florida, to be Ambassador to the Republic of El Salvador.

Linda Swartz Taglialatela, of New York, to be Ambassador to Barbados, and to serve concurrently and without additional compensation as Ambassador to the Federation of St. Kitts and Nevis, Saint Lucia, Antigua and Barbuda, the Commonwealth of Dominica, Grenada, and Saint Vincent and the Grenadines. **Pages S8559–60, S8561–62**

Messages from the House: **Page S8542**

Measures Referred: **Page S8542**

Measures Placed on the Calendar: **Page S8542**

Enrolled Bills Presented: **Page S8542**

Executive Communications: **Pages S8542–46**

Executive Reports of Committees: **Page S8546**

Additional Cosponsors: Pages S8547–48

Statements on Introduced Bills/Resolutions: Page S8548

Additional Statements: Pages S8542–59

Authorities for Committees to Meet: Page S8559

Privileges of the Floor: Page S8559

Record Votes: One record vote was taken today. (Total—334) Page S8513

Adjournment: Senate convened at 10 a.m. and adjourned at 5:54 p.m., until 9:30 a.m. on Thursday, December 10, 2015. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S8561.)

Committee Meetings

(Committees not listed did not meet)

U.S. STRATEGY TO COUNTER ISIL

Committee on Armed Services: Committee concluded a hearing to examine the United States strategy to counter the Islamic State of Iraq and the Levant and United States policy toward Iraq and Syria, after receiving testimony from Ash Carter, Secretary, and General Paul J. Selva, USAF, Vice Chairman, Joint Chiefs of Staff, both of the Department of Defense.

NOMINATIONS

Committee on Armed Services: Committee concluded a hearing to examine the nominations of Marcel John Lettre, II, of Maryland, to be Under Secretary of Defense for Intelligence, Gabriel Camarillo, of Texas, to be an Assistant Secretary of the Air Force, and Vice Admiral Kurt W. Tidd, to be Admiral, all of the Department of Defense, and John E. Sparks, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces, after the nominees testified and answered questions in their own behalf.

A REGULATORY BUDGET

Committee on the Budget: Committee concluded a hearing to examine moving to a stronger economy with a regulatory budget, after receiving testimony from John D. Graham, Indiana University School of Public and Environmental Affairs, Bloomington; Jerry Ellig, George Mason University Mercatus Center, Arlington, Virginia; and Robert R.M. Verchick, Loyola University New Orleans, New Orleans, Louisiana.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following business items:

S. 571, to amend the Pilot's Bill of Rights to facilitate appeals and to apply to other certificates issued by the Federal Aviation Administration, to require the revision of the third class medical certification regulations issued by the Federal Aviation Administration, with an amendment in the nature of a substitute;

S. 2276, to amend title 49, United States Code, to provide enhanced safety in pipeline transportation, with an amendment in the nature of a substitute;

S. 2361, to enhance airport security, with an amendment in the nature of a substitute;

H.R. 2843, to require certain improvements in the Transportation Security Administration's PreCheck expedited screening program, with an amendment in the nature of a substitute;

S. 1886, to reauthorize the Integrated Coastal and Ocean Observation System Act of 2009, with an amendment in the nature of a substitute;

S. 1935, to require the Secretary of Commerce to undertake certain activities to support waterfront community revitalization and resiliency, with an amendment in the nature of a substitute;

S. 2058, to require the Secretary of Commerce to maintain and operate at least one Doppler weather radar site within 55 miles of each city in the United States that has a population of more than 700,000 individuals, with an amendment in the nature of a substitute;

S. 2319, to amend the Communications Act of 1934; and

The nomination of Jessica Rosenworcel, of the District of Columbia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2015 (Reappointment), and routine lists in the Coast Guard.

UN PEACEKEEPING

Committee on Foreign Relations: Committee concluded a hearing to examine United Nations peacekeeping and opportunities for reform, after receiving testimony from Samantha Power, Permanent Representative to the United Nations, Mission to the United Nations, Department of State; and John D. Negroponte, former Permanent Representative to the United Nations, McLarty Associates, and Bruce Jones, Brookings Institution, both of Washington, D.C.

POLITICAL AND SECURITY CRISIS IN BURUNDI

Committee on Foreign Relations: Subcommittee on Africa and Global Health Policy concluded a hearing to examine the political and security crisis in Burundi, after receiving testimony from Linda Thomas-Greenfield, Assistant Secretary, Bureau of African Affairs,

Department of State; Joseph Siegle, Director of Research, National Defense University, Africa Center for Strategic Studies, Department of Defense; Thierry Vircoulon, International Crisis Group, Nairobi, Kenya; and Sixte Vigny Nimuraba, George Mason University School for Conflict Analysis and Resolution, Arlington, Virginia.

BUSINESS MEETING

Committee on Homeland Security and Governmental Affairs: Committee ordered favorably reported the following business items:

S. 2127, to provide appropriate protections to probationary Federal employees, to provide the Special Counsel with adequate access to information, to provide greater awareness of Federal whistleblower protections, with an amendment in the nature of a substitute;

S. 2375, to decrease the deficit by consolidating and selling excess Federal tangible property, with an amendment in the nature of a substitute;

S. 1915, to direct the Secretary of Homeland Security to make anthrax vaccines and antimicrobials available to emergency response providers, with an amendment in the nature of a substitute;

S. 1492, to direct the Administrator of General Services, on behalf of the Archivist of the United States, to convey certain Federal property located in the State of Alaska to the Municipality of Anchorage, Alaska, with an amendment in the nature of a substitute; and

H.R. 1557, to amend the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 to strengthen Federal antidiscrimination laws enforced by the Equal Employment Opportunity Commission and expand accountability within the Federal government, with an amendment in the nature of a substitute.

FBI OVERSIGHT

Committee on the Judiciary: Committee concluded an oversight hearing to examine the Federal Bureau of Investigation, after receiving testimony from James B. Comey, Director, Federal Bureau of Investigation, Department of Justice.

NOMINATIONS

Committee on the Judiciary: Committee concluded a hearing to examine the nominations of Susan Paradise Baxter, Robert John Colville, and Marilyn Jean Horan, each to be a United States District Judge for the Western District of Pennsylvania, and John Milton Younge, to be United States District Judge for the Eastern District of Pennsylvania, who were introduced by Senators Casey and Toomey, and Mary S. McElroy, to be United States District Judge for the District of Rhode Island, who was introduced by Senators Reed and Whitehouse, all of the Department of Justice, after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Small Business and Entrepreneurship: Committee ordered favorably reported the nomination of Darryl L. DePriest, of Illinois, to be Chief Counsel for Advocacy, Small Business Administration.

BUSINESS MEETING

Committee on Veterans' Affairs: Committee ordered favorably reported the following business items:

S. 290, to amend title 38, United States Code, to improve the accountability of employees of the Department of Veterans Affairs, with an amendment; and

S. 425, to amend title 38, United States Code, to provide for a five-year extension to the homeless veterans reintegration programs and to provide clarification regarding eligibility for services under such programs, with an amendment in the nature of a substitute.

PRICE SPIKES IN OFF-PATENT DRUGS

Special Committee on Aging: Committee concluded a hearing to examine sudden price spikes in off-patent drugs, focusing on perspectives from the front lines, after receiving testimony from Gerard Anderson, Johns Hopkins University Bloomberg School of Public Health, Baltimore, Maryland; Erin R. Fox, University of Utah Health Care, Salt Lake City; David Kimberlin, University of Alabama at Birmingham Department of Pediatrics, Birmingham; and Mark Merritt, Pharmaceutical Care Management Association, Washington, D.C.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 14 public bills, H.R. 4194–4207; and 2 resolutions, H.J. Res. 75; and H. Res. 559 were introduced.

Pages H9204–05

Additional Cosponsors: **Pages H9206–07**

Report Filed: A report was filed today as follows:

Conference report on H.R. 644, to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory (H. Rept. 114–376).

Page H9204

Speaker: Read a letter from the Speaker wherein he appointed Representative Fleischmann to act as Speaker pro tempore for today. **Page H9083**

Recess: The House recessed at 10:48 a.m. and reconvened at 12 noon. **Page H9088**

Journal: The House agreed to the Speaker's approval of the Journal by voice vote. **Pages H9088, H9186**

Red River Private Property Protection Act: The House passed H.R. 2130, to provide legal certainty to property owners along the Red River in Texas, by a yea-and-nay vote of 253 yeas to 177 nays, Roll No. 686. **Pages H9092–H9104. H9173–86**

Agreed to table the appeal of the ruling of the chair on a point of order sustained against the Thompson (CA) motion to recommit the bill to the Committee on Natural Resources with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 246 yeas to 182 nays, Roll No. 685. **Pages H9182–85**

Pursuant to the Rule, an amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as an original bill for the purpose of amendment under the five-minute rule.

Pages H9093, H9177

Agreed to:

Bishop (UT) amendment (No. 1 printed in H. Rept. 114–375) that ensures that nothing in the bill would create or reinstate a tribal reservation or any portion of a tribal reservation; ensures that nothing in the bill will alter the valid rights of the Kiowa, Comanche, and Apache Nations to the mineral interest trust fund created pursuant to the Act of June 12, 1926; allows for the affected federally recognized Indian tribes to be a part of the survey process; and allows for further judicial review after the administrative appeals process for landowners; and

Page H9179

Cole amendment (No. 2 printed in H. Rept. 114–375) that ensures the bill preserves past and current surface and mineral rights for affected Indian tribes (by a recorded vote of 246 ayes to 183 noes, Roll No. 684). **Pages H9179–82**

H. Res. 556, the rule providing for consideration of the bill (H.R. 2130) was agreed to by a recorded vote of 241 ayes to 183 noes, Roll No. 683, after the previous question was ordered by a yea-and-nay vote of 242 yeas to 178 nays, Roll No. 682.

Pages H9095–H9104

A point of order was raised against the consideration of H. Res. 556 and it was agreed to proceed with consideration of the resolution by a yea-and-nay vote of 241 yeas to 174 nays, Roll No. 681.

Pages H9092–95

Senate Messages: Messages received from the Senate by the Clerk and subsequently presented to the House today appears on page H9092.

Senate Referral: S. 1719 was referred to the Committee on Education and the Workforce. **Page H9204**

Quorum Calls—Votes: Four yea-and-nay votes and two recorded votes developed during the proceedings of today and appear on pages H9094-95, H9103-04, H9104, H9181, H9184-85, H9185-86. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 8:31 p.m.

Committee Meetings

COMMODITY IN FOCUS: STRESS IN COTTON COUNTRY

Committee on Agriculture: Subcommittee on General Farm Commodities and Risk Management held a hearing entitled "Commodity in Focus: Stress in Cotton Country". Testimony was heard from public witnesses.

OVERSIGHT OF USDA'S USE OF CENSUS OF AGRICULTURE AUTHORITY TO ACQUIRE FARMERS' PERSONAL FINANCIAL INFORMATION

Committee on Agriculture: Subcommittee on Biotechnology, Horticulture, and Research held a hearing on oversight of USDA's use of Census of Agriculture authority to acquire farmers' personal financial information. Testimony was heard from Joseph T. Reilly, Administrator, National Agriculture Statistics Service, Department of Agriculture.

CONCURRENT RECEIPT OF SURVIVOR BENEFIT PLAN AND DEPENDENCY AND INDEMNITY COMPENSATION

Committee on Armed Services: Subcommittee on Military Personnel held a hearing entitled ''Concurrent Receipt of Survivor Benefit Plan (SBP) and Dependency and Indemnity Compensation (DIC)''. Testimony was heard from public witnesses.

GAME CHANGING INNOVATIONS AND THE FUTURE OF SURFACE WARFARE

Committee on Armed Services: Subcommittee on Seapower and Projection Forces held a hearing entitled ''Game Changing Innovations and the Future of Surface Warfare''. Testimony was heard from public witnesses.

HOW THE ADMINISTRATION'S REGULATORY ONSLAUGHT IS AFFECTING WORKERS AND JOB CREATORS

Committee on Education and the Workforce: Subcommittee on Workforce Protections held a hearing entitled ''How the Administration's Regulatory Onslaught is Affecting Workers and Job Creators''. Testimony was heard from public witnesses.

EXAMINING LEGISLATION TO IMPROVE HEALTH CARE AND TREATMENT

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled ''Examining Legislation to Improve Health Care and Treatment''. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Financial Services: Full Committee concluded a markup on H.R. 2187, the ''Fair Investment Opportunities for Professional Experts Act''; H.R. 2205, the ''Data Security Act of 2015''; H.R. 2287, the ''National Credit Union Administration Budget Transparency Act''; H.R. 3700, the ''Housing Opportunity Through Modernization Act of 2015''; H.R. 3784, the ''SEC Small Business Advocate Act of 2015''; H.R. 3791, to raise the consolidated assets threshold under the small bank holding company policy statement, and for other purposes; H.R. 4168, the ''Small Business Capital Formation Enhancement Act''; and Task Force to Investigate Terrorism Financing Resolution of 2016. The Task Force to Investigate Terrorism Financing Resolution of 2016 passed. The following bills were ordered reported, as amended: H.R. 3700, H.R. 2205, H.R. 2187, and H.R. 3784. The following bills were ordered reported, without amendment: H.R. 3791, H.R. 2287, and H.R. 4168.

MISCELLANEOUS MEASURES

Committee on Foreign Affairs: Full Committee held a markup on H.R. 1654, to authorize the direct provision of defense articles, defense services, and related training to the Kurdistan Regional Government, and for other purposes; H.R. 3654, the ''Combat Terrorist Use of Social Media Act of 2015''; and H.R. 4154, the ''Taiwan Naval Support Act'', H. Res. 346, condemning the use of toxic chemicals as weapons in the Syrian Arab Republic; and H. Res. 536, supporting freedom of the press in Latin America and the Caribbean and condemning violations of press freedom and violence against journalists, bloggers, and individuals exercising their right to freedom of speech. The following legislation was ordered reported, as amended: H.R. 1654, H.R. 3654, H. Res. 346, and H. Res. 536. H.R. 4154 was ordered reported, without amendment.

YEAR IN REVIEW: U.S. POLICY TOWARD A CHANGING WESTERN HEMISPHERE

Committee on Foreign Affairs: Subcommittee on the Western Hemisphere held a hearing entitled ''Year in Review: U.S. Policy Toward a Changing Western Hemisphere''. Testimony was heard from public witnesses.

FULFILLING THE HUMANITARIAN IMPERATIVE: ASSISTING VICTIMS OF ISIS VIOLENCE

Committee on Foreign Affairs: Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations held a hearing entitled ''Fulfilling the Humanitarian Imperative: Assisting Victims of ISIS Violence''. Testimony was heard from public witnesses.

OVERSIGHT OF THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

Committee on The Judiciary: Subcommittee on Immigration and Border Security held a hearing entitled ''Oversight of the United States Citizenship and Immigration Services''. Testimony was heard from Leon Rodriguez, Director, U.S. Citizenship and Immigration Services.

THE DEPARTMENT OF THE INTERIOR'S ROLE IN THE EPA'S ANIMAS SPILL

Committee on Natural Resources: Full Committee held a hearing entitled ''The Department of the Interior's Role in the EPA's Animas Spill''. Testimony was heard from Sally Jewell, Secretary, Department of the Interior.

LEGISLATIVE MEASURES

Committee on Natural Resources: Subcommittee on Federal Lands held a hearing on H.R. 1838, the ''Clear Creek National Recreation Area and Conservation Act''; and H.R. 3668, the ''California Minerals, Off-Road Recreation, and Conservation Act''. Testimony was heard from Representatives Farr; and Cook; Kristin Bail, Assistant Director, National Landscape Conservation System and Community Partnerships, Bureau of Land Management, Department of Interior; Robert Lovingood, Supervisor, District 1, San Bernardino County, California; and Jerry Muenzer, Supervisor, District 4, San Benito County, California.

MISCELLANEOUS MEASURES

Committee on Oversight and Government Reform: Full Committee held a markup on a committee report entitled ''United States Secret Service: An Agency in Crisis''; H.R. 4180, to improve Federal agency financial and administrative controls and procedures to assess and mitigate fraud risks, and to improve Federal agencies' development and use of data analytics for the purpose of identifying, preventing, and responding to fraud, including improper payments; S. 1698, the ''Treatment of Certain Payments in Eugenics Compensation Act''; H.R. 1132, to designate the facility of the United States Postal Service located at 1048 West Robinhood Drive in Stockton, California, as the ''W. Ronald Coale Memorial Post Office Building''; H.R. 2458, to designate the facility of the United States Postal Service located at 5351 Lapalco Boulevard in Marrero, Louisiana, as the ''Lionel R. Collins, Sr. Post Office Building''; H.R. 3735, to designate the facility of the United States Postal Service located at 200 Town Run Lane in Winston Salem, North Carolina, as the ''Maya Angelou Memorial Post Office''; and H.R. 4046, to designate the facility of the United States Postal Service located at 220 East Oak Street, Glenwood City, Wisconsin, as the Second Lt. Ellen Ainsworth Memorial Post Office. The following items were ordered reported, without amendment: committee report entitled ''United States Secret Service: An Agency in Crisis''; H.R. 4180; H.R. 1132; H.R. 2458; H.R. 3735; H.R. 4046; and S. 1698.

A CASINO IN EVERY SMARTPHONE—LAW ENFORCEMENT IMPLICATIONS

Committee on Oversight and Government Reform: Full Committee held a hearing entitled ''A Casino in Every Smartphone—Law Enforcement Implications''. Testimony was heard from Mark Lipparelli, State Senator, Senate of Nevada; Joseph S. Campbell, Assistant Director, Criminal Investigative Division, Federal Bureau of Investigation; Alan M. Wilson, Attorney General, South Carolina; and Donald W. Kleine, Douglas County Attorney, Nebraska.

SUPPORTING SUCCESS: EMPOWERING SMALL BUSINESS ADVOCATES

Committee On Small Business: Subcommittee on Contracting and Workforce held a hearing entitled ''Supporting Success: Empowering Small Business Advocates''. Testimony was heard from public witnesses.

FACT CHECK: AN END OF YEAR REVIEW OF ACCOUNTABILITY AT THE DEPARTMENT OF VETERANS AFFAIRS

Committee on Veterans' Affairs: Full Committee held a hearing entitled ''Fact Check: An End of Year Review of Accountability at the Department of Veterans Affairs''. Testimony was heard from Sloan Gibson, Deputy Secretary, Department of Veterans Affairs.

Joint Meetings

TRADE FACILITATION AND TRADE ENFORCEMENT ACT

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 644, to reauthorize trade facilitation and trade enforcement functions and activities.

COMMITTEE MEETINGS FOR THURSDAY, DECEMBER 10, 2015

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine increasing effectiveness of military operations, 9:30 a.m., SD–G50.

Committee on Energy and Natural Resources: to hold an oversight hearing to examine terrorism and global oil markets, 10 a.m., SD–366.

Committee on Foreign Relations: to hold hearings to examine independent South Sudan, focusing on a failure of leadership, 10 a.m., SD–419.

Committee on Homeland Security and Governmental Affairs: Subcommittee on Regulatory Affairs and Federal Management, to hold hearings to examine the importance of following through on GAO and OIG recommendations, 10 a.m., SD–342.

Committee on the Judiciary: business meeting to consider S. 247, to amend section 349 of the Immigration and Nationality Act to deem specified activities in support of terrorism as renunciation of United States nationality, S. 1318, to amend title 18, United States Code, to provide for protection of maritime navigation and prevention of nuclear terrorism, H.R. 1428, to extend Privacy Act remedies to citizens of certified states, S. 483, to improve enforcement efforts related to prescription drug diversion

and abuse, S. 1890, to amend chapter 90 of title 18, United States Code, to provide Federal jurisdiction for the theft of trade secrets, and the nominations of Dana J. Boente, to be United States Attorney for the Eastern District of Virginia for the term of four years, Robert Lloyd Capers, to be United States Attorney for the Eastern District of New York for the term of four years, John P. Fishwick, Jr., to be United States Attorney for the Western District of Virginia for the term of four years, and Emily Gray Rice, to be United States Attorney for the District of New Hampshire for the term of four years, all of the Department of Justice, 10 a.m., SD–226.

House

Committee on Oversight and Government Reform, Subcommittee on National Security; and Subcommittee on Health Care, Benefits and Administrative Rules, joint hearing entitled ''Terrorism and the Visa Waiver Program'', 10 a.m., 2154 Rayburn.

Committee on Rules, Full Committee, hearing on conference report to accompany H.R. 644, the ''Trade Facilitation and Trade Enforcement Act of 2015''; H.J. Res. 75, making further continuing appropriations for fiscal year 2016, and for other purposes, 2 p.m., H–313 Capitol.

Committee on Science, Space, and Technology, Subcommittee on Environment; and Subcommittee on Oversight, joint hearing entitled ''An Overview of the Nation's Weather Satellite Programs and Policies'', 10 a.m., 2318 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Thursday, December 10

Senate Chamber

Program for Thursday: Senate will be in a period of morning business until 3 p.m.

(Senate will recess from 3 p.m. until 4:30 p.m. for the all members briefing.)

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, December 10

House Chamber

Program for Thursday: To be announced.

Extensions of Remarks, as inserted in this issue.

HOUSE

Bishop, Sanford D., Jr., Ga., E1750
Bonamici, Suzanne, Ore., E1741
Capuano, Michael E., Mass., E1749
Chu, Judy, Calif, E1745
Coffman, Mike, Colo., E1751
Comstock, Barbara, Va., E1752
Connolly, Gerald E., Va., E1743, E1749
Delaney, John K., Md., E1743, E1745, E1748
Donovan, Daniel M., Jr, N.Y., E1747
Duckworth, Tammy, Ill., E1749
Farr, Sam, Calif., E1744
Guinta, Frank C., N.H., E1743, E1748
Harris, Andy, Md., E1753
Hastings, Alcee L., Fla., E1745, E1748
Jackson Lee, Sheila, Tex., E1752
Johnson, Eddie Bernice, Tex., E1741
Kildee, Daniel T., Mich., E1742
Levin, Sander M., Mich., E1746
Long, Billy, Mo., E1746
McCollum, Betty, Minn., E1744, E1748
Norton, Eleanor Holmes, The District of Columbia, E1753
Perlmutter, Ed, Colo., E1749
Poe, Ted, Tex., E1750
Rogers, Harold, Ky., E1743, E1747
Ruppersberger, C.A. Dutch, Md., E1747
Sarbanes, John P., Md., E1742, E1751
Scott, Robert C. ''Bobby'', Va., E1745
Shimkus, John, Ill., E1751
Slaughter, Louise McIntosh, N.Y., E1753
Smith, Jason, Mo., E1746, E1748, E1749, E1751, E1753
Smith, Lamar, Tex., E1747, E1750, E1751, E1752
Tiberi, Patrick J., Ohio, E1743
Van Hollen, Chris, Md., E1746
Watson Coleman, Bonnie, N.J., E1745

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