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House of Representatives

The House met at noon and was called to order by the Speaker.

PRAYER

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

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

We give You thanks for the life and work of Justice Ruth Ginsburg. May all Americans be inspired to be their best selves because of her example. May she rest in peace.

Bless those throughout our Nation who are suffering from the pandemic, fires, hurricanes, and flooding. Their needs continue. Impel our political leaders to tend to those needs with speed and wisdom.

Help us to be people of faith and hope. Lord, have mercy.

May all that is done in the days to come be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. Pursuant to section 4(a) of House Resolution 967, the Journal of the last day's proceedings is approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Wyoming (Ms. CHENEY) come forward and lead the House in the Pledge of Allegiance.

Ms. CHENEY 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.

EXPRESSING THE PROFOUND SORROW OF THE HOUSE OF REPRESENTATIVES ON THE DEATH OF THE HONORABLE RUTH BADER GINSBURG

Mrs. DINGELL. Madam Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1128

Resolved, That the House has heard with profound sorrow of the death of the Honorable Ruth Bader Ginsburg, Associate Justice of the Supreme Court of the United States.

Resolved, That the House tenders its deep sympathy to the members of the family of the late Associate Justice in their bereavement,

Resolved, That the Clerk communicate these resolutions to the Senate and to the Supreme Court and transmit a copy of the same to the family of the late Associate Justice.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the late Associate Justice.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

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

CONFIRMING JULIE FISHER TO BE AMBASSADOR TO REPUBLIC OF BELARUS

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

Mr. SHIMKUS. Madam Speaker, Ms. Julie Fisher is our nominee to be the U.S. Ambassador to the Republic of Belarus. A confirmation vote is scheduled for tomorrow in the committee. Once confirmed, she leaves for her post. Upon arrival, she is to present her credentials to the duly elected President of the Republic of Belarus.

Today, I am calling upon President Trump and Secretary of State Mike Pompeo to ensure that these credentials be presented to the duly elected President of the Republic of Belarus, Svetlana Tikhanovskaya.

A republic is a government having a chief of state who is not a monarch or a dictator and who, in modern times, is a president duly elected by the people. Svetlana clearly won the election, and her massive support continues to show itself by the peaceful protests numbering over 100,000 citizens.

Another option would be for her to present her credentials to the governing council, which will help transition the country to fair and free elections within 6 months.

Madam Speaker, I call upon all of our democratic allies to do the same.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. DINGELL). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which the yeas and nays are ordered.

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

PRACTICAL REFORMS AND OTHER GOALS TO REINFORCE THE EFFECTIVENESS OF SELF-GOVERNANCE AND SELF-DETERMINATION FOR INDIAN TRIBES ACT OF 2019

Ms. HAALAND. Madam Speaker, I move to suspend the rules and pass the bill (S. 209) to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian Tribes, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 209

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 ''Practical Reforms and Other Goals To Reinforce the Effectiveness of Self-Governance and Self-Determination for Indian Tribes Act of 2019'' or the ''PROGRESS for Indian Tribes Act''.

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

TITLE I—TRIBAL SELF-GOVERNANCE

SEC. 101. TRIBAL SELF-GOVERNANCE.

(a) EFFECT OF PROVISIONS.—Nothing in this Act, or the amendments made by this Act, shall be construed—

(1) to modify, limit, expand, or otherwise affect—

(A) the authority of the Secretary of the Interior, as provided for under the Indian Self-Determination and Education Assistance Act (as in effect on the day before the date of enactment of this Act), regarding—

(i) the inclusion of any non-BIA program (as defined in section 401 of the Indian Self-Determination and Education Assistance Act) in a self-determination contract or funding agreement under section 403(c) of such Act (as so in effect); or

(ii) the implementation of any contract or agreement described in clause (i) that is in effect on the day described in subparagraph (A);

(B) the meaning, application, or effect of any Tribal water rights settlement, including the performance required of a party thereto or any payment or funding obligation thereunder;

(C) the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under State law (including regulations) on land or water in the State, including Federal public land;

(D) except for the authority provided to the Secretary as described in subparagraph (A), the applicability or effect of any Federal law related to the protection or management of fish or wildlife; or

(E) any treaty-reserved right or other right of any Indian Tribe as recognized by any other means, including treaties or agreements with the United States, Executive orders, statutes, regulations, or case law; or

(2) to authorize any provision of a contract or agreement that is not consistent with the terms of a Tribal water rights settlement.

(b) DEFINITIONS.—Section 401 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5361) is amended to read as follows:

''SEC. 401. DEFINITIONS.

''In this title:

''(1) COMPACT.—The term 'compact' means a self-governance compact entered into under section 404.

''(2) CONSTRUCTION PROGRAM; CONSTRUCTION PROJECT.—The term 'construction program' or 'construction project' means a Tribal undertaking relating to the administration, planning, environmental determination, design, construction, repair, improvement, or expansion of roads, bridges, buildings, structures, systems, or other facilities for purposes of housing, law enforcement, detention, sanitation, water supply, education, administration, community, health, irrigation, agriculture, conservation, flood control, transportation, or port facilities, or for other Tribal purposes.

''(3) DEPARTMENT.—The term 'Department' means the Department of the Interior.

''(4) FUNDING AGREEMENT.—The term 'funding agreement' means a funding agreement entered into under section 403.

''(5) GROSS MISMANAGEMENT.—The term 'gross mismanagement' means a significant violation, shown by a preponderance of the evidence, of a compact, funding agreement, or statutory or regulatory requirement applicable to Federal funds for a program administered by an Indian Tribe under a compact or funding agreement.

''(6) INHERENT FEDERAL FUNCTION.—The term 'inherent Federal function' means a Federal function that may not legally be delegated to an Indian Tribe.

''(7) NON-BIA PROGRAM.—The term 'non-BIA program' means all or a portion of a program, function, service, or activity that is administered by any bureau, service, office, or agency of the Department of the Interior other than—

''(A) the Bureau of Indian Affairs;

''(B) the Office of the Assistant Secretary for Indian Affairs; or

''(C) the Office of the Special Trustee for American Indians.

''(8) PROGRAM.—The term 'program' means any program, function, service, or activity (or portion thereof) within the Department that is included in a funding agreement.

''(9) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

''(10) SELF-DETERMINATION CONTRACT.—The term 'self-determination contract' means a self-determination contract entered into under section 102.

''(11) SELF-GOVERNANCE.—The term 'self-governance' means the Tribal Self-Governance Program established under section 402.

''(12) TRIBAL SHARE.—The term 'Tribal share' means the portion of all funds and resources of an Indian Tribe that—

''(A) support any program within the Bureau of Indian Affairs, the Office of the Special Trustee for American Indians, or the Office of the Assistant Secretary for Indian Affairs; and

''(B) are not required by the Secretary for the performance of an inherent Federal function.

''(13) TRIBAL WATER RIGHTS SETTLEMENT.—The term 'Tribal water rights settlement' means any settlement, compact, or other agreement expressly ratified or approved by an Act of Congress that—

''(A) includes an Indian Tribe and the United States as parties; and

''(B) quantifies or otherwise defines any water right of the Indian Tribe.''.

(c) ESTABLISHMENT.—Section 402 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5362) is amended to read as follows:

''SEC. 402. TRIBAL SELF-GOVERNANCE PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish and carry out a program within the Department to be known as the 'Tribal Self-Governance Program'.

''(b) SELECTION OF PARTICIPATING INDIAN TRIBES.—

''(1) IN GENERAL.—

''(A) ELIGIBILITY.—The Secretary, acting through the Director of the Office of Self-Governance, may select not more than 50 new Indian Tribes per year from those tribes eligible under subsection (c) to participate in self-governance.

''(B) JOINT PARTICIPATION.—On the request of each participating Indian Tribe, 2 or more otherwise eligible Indian Tribes may be treated as a single Indian Tribe for the purpose of participating in self-governance.

''(2) OTHER AUTHORIZED INDIAN TRIBE OR TRIBAL ORGANIZATION.—If an Indian Tribe authorizes another Indian Tribe or a Tribal organization to plan for or carry out a program on its behalf under this title, the authorized Indian Tribe or Tribal organization shall have the rights and responsibilities of the authorizing Indian Tribe (except as otherwise provided in the authorizing resolution).

''(3) JOINT PARTICIPATION AS ORGANIZATION.—Two or more Indian Tribes that are not otherwise eligible under subsection (c) may be treated as a single Indian Tribe for the purpose of participating in self-governance as a Tribal organization if—

''(A) each Indian Tribe so requests; and

''(B) the Tribal organization itself, or at least one of the Indian Tribes participating in the Tribal organization, is eligible under subsection (c).

''(4) TRIBAL WITHDRAWAL FROM A TRIBAL ORGANIZATION.—

''(A) IN GENERAL.—An Indian Tribe that withdraws from participation in a Tribal organization, in whole or in part, shall be entitled to participate in self-governance if the Indian Tribe is eligible under subsection (c).

''(B) EFFECT OF WITHDRAWAL.—If an Indian Tribe withdraws from participation in a Tribal organization, the Indian Tribe shall be entitled to its Tribal share of funds and resources supporting the programs that the Indian Tribe is entitled to carry out under the compact and funding agreement of the Indian Tribe.

''(C) PARTICIPATION IN SELF-GOVERNANCE.—The withdrawal of an Indian Tribe from a Tribal organization shall not affect the eligibility of the Tribal organization to participate in self-governance on behalf of one or more other Indian Tribes, if the Tribal organization still qualifies under subsection (c).

''(D) WITHDRAWAL PROCESS.—

''(i) IN GENERAL.—An Indian Tribe may, by Tribal resolution, fully or partially withdraw its Tribal share of any program in a funding agreement from a participating Tribal organization.

''(ii) NOTIFICATION.—The Indian Tribe shall provide a copy of the Tribal resolution described in clause (i) to the Secretary.

''(iii) EFFECTIVE DATE.—

''(I) IN GENERAL.—A withdrawal under clause (i) shall become effective on the date that is specified in the Tribal resolution and mutually agreed upon by the Secretary, the withdrawing Indian Tribe, and the Tribal organization that signed the compact and funding agreement on behalf of the withdrawing Indian Tribe or Tribal organization.

''(II) NO SPECIFIED DATE.—In the absence of a date specified in the resolution, the withdrawal shall become effective on—

''(aa) the earlier of—

''(AA) 1 year after the date of submission of the request; and

''(BB) the date on which the funding agreement expires; or

''(bb) such date as may be mutually agreed upon by the Secretary, the withdrawing Indian Tribe, and the Tribal organization that signed the compact and funding agreement on behalf of the withdrawing Indian Tribe or Tribal organization.

''(E) DISTRIBUTION OF FUNDS.—If an Indian Tribe or Tribal organization eligible to enter into a self-determination contract or a compact or funding agreement fully or partially withdraws from a participating Tribal organization, the withdrawing Indian Tribe—

''(i) may elect to enter into a self-determination contract or compact, in which case—

''(I) the withdrawing Indian Tribe or Tribal organization shall be entitled to its Tribal share of unexpended funds and resources supporting the programs that the Indian Tribe will be carrying out under its own self-determination contract or compact and funding agreement (calculated on the same basis as the funds were initially allocated to the funding agreement of the Tribal organization); and

''(II) the funds referred to in subclause (I) shall be withdrawn by the Secretary from the funding agreement of the Tribal organization and transferred to the withdrawing Indian Tribe, on the condition that sections 102 and 105(i), as appropriate, shall apply to the withdrawing Indian Tribe; or

''(ii) may elect not to enter into a self-determination contract or compact, in which case all unexpended funds and resources associated with the withdrawing Indian Tribe's returned programs (calculated on the same basis as the funds were initially allocated to the funding agreement of the Tribal organization) shall be returned by the Tribal organization to the Secretary for operation of the programs included in the withdrawal.

''(F) RETURN TO MATURE CONTRACT STATUS.—If an Indian Tribe elects to operate all or some programs carried out under a compact or funding agreement under this title through a self-determination contract under title I, at the option of the Indian Tribe, the resulting self-determination contract shall be a mature self-determination contract as long as the Indian Tribe meets the requirements set forth in section 4(h).

''(c) ELIGIBILITY.—To be eligible to participate in self-governance, an Indian Tribe shall—

''(1) successfully complete the planning phase described in subsection (d);

''(2) request participation in self-governance by resolution or other official action by the Tribal governing body; and

''(3) demonstrate, for the 3 fiscal years preceding the date on which the Indian Tribe requests participation, financial stability and financial management capability as evidenced by the Indian Tribe having no uncorrected significant and material audit exceptions in the required annual audit of its self-determination or self-governance agreements with any Federal agency.

''(d) PLANNING PHASE.—

''(1) IN GENERAL.—An Indian Tribe seeking to begin participation in self-governance shall complete a planning phase as provided in this subsection.

''(2) ACTIVITIES.—The planning phase shall—

''(A) be conducted to the satisfaction of the Indian Tribe; and

''(B) include—

''(i) legal and budgetary research; and

''(ii) internal Tribal government planning, training, and organizational preparation.

''(e) GRANTS.—

''(1) IN GENERAL.—Subject to the availability of appropriations, an Indian Tribe or Tribal organization that meets the requirements of paragraphs (2) and (3) of subsection (c) shall be eligible for grants—

''(A) to plan for participation in self-governance; and

''(B) to negotiate the terms of participation by the Indian Tribe or Tribal organization in self-governance, as set forth in a compact and a funding agreement.

''(2) RECEIPT OF GRANT NOT REQUIRED.—Receipt of a grant under paragraph (1) shall not be a requirement of participation in self-governance.''.

(d) FUNDING AGREEMENTS.—Section 403 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5363) is amended—

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

''(a) AUTHORIZATION.—The Secretary shall, on the request of any Indian Tribe or Tribal organization, negotiate and enter into a written funding agreement with the governing body of the Indian Tribe or the Tribal organization in a manner consistent with—

''(1) the trust responsibility of the Federal Government, treaty obligations, and the government-to-government relationship between Indian Tribes and the United States; and

''(2) subsection (b).'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''without regard to the agency or office of the Bureau of Indian Affairs'' and inserting ''the Office of the Assistant Secretary for Indian Affairs, and the Office of the Special Trustee for American Indians, without regard to the agency or office of that Bureau or those Offices'';

(ii) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting the margins of such clauses accordingly;

(iii) by striking ''including any program'' and inserting the following: ''including—

''(A) any program'';

(iv) in subparagraph (A)—

(I) in clause (i), as redesignated by clause (ii), by striking the semicolon at the end and inserting ''; and''; and

(II) in clause (ii), as so redesignated, by striking ''and'' after the semicolon;

(v) by redesignating subparagraph (C) as subparagraph (B);

(vi) in subparagraph (B), as redesignated by clause (v), by striking the semicolon and inserting ''; and''; and

(vii) by adding at the end the following:

''(C) any other program, service, function, or activity (or portion thereof) that is provided through the Bureau of Indian Affairs, the Office of the Assistant Secretary for Indian Affairs, or the Office of the Special Trustee for American Indians with respect to which Indian Tribes or Indians are primary or significant beneficiaries;'';

(B) in paragraph (2)—

(i) by striking ''section 405(c)'' and inserting ''section 412(c)''; and

(ii) by inserting ''and'' after the semicolon at the end;

(C) in paragraph (3), by striking the semicolon at the end and inserting a period; and

(D) by striking paragraphs (4) through (9);

(3) in subsection (f)—

(A) in the subsection heading, by striking ''FOR REVIEW'';

(B) by striking ''such agreement to—'' and all that follows through ''Indian tribe'' and inserting ''such agreement to each Indian Tribe'';

(C) by striking ''agreement;'' and inserting ''agreement.''; and

(D) by striking paragraphs (2) and (3);

(4) in subsection (k), by striking ''section 405(c)(1)'' and inserting ''section 412(c)''; and

(5) by adding at the end the following:

''(m) OTHER PROVISIONS.—

''(1) EXCLUDED FUNDING.—A funding agreement shall not authorize an Indian Tribe to plan, conduct, administer, or receive Tribal share funding under any program that—

''(A) is provided under the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801 et seq.); or

''(B) is provided for elementary and secondary schools under the formula developed under section 1127 of the Education Amendments of 1978 (25 U.S.C. 2007).

''(2) SERVICES, FUNCTIONS, AND RESPONSIBILITIES.—A funding agreement shall specify—

''(A) the services to be provided under the funding agreement;

''(B) the functions to be performed under the funding agreement; and

''(C) the responsibilities of the Indian Tribe and the Secretary under the funding agreement.

''(3) BASE BUDGET.—

''(A) IN GENERAL.—A funding agreement shall, at the option of the Indian Tribe, provide for a stable base budget specifying the recurring funds (which may include funds available under section 106(a)) to be transferred to the Indian Tribe, for such period as the Indian Tribe specifies in the funding agreement, subject to annual adjustment only to reflect changes in congressional appropriations.

''(B) LIMITATIONS.—Notwithstanding subparagraph (A), a funding agreement shall not specify funding associated with a program described in subsection (b)(2) or (c) unless the Secretary agrees.

''(4) NO WAIVER OF TRUST RESPONSIBILITY.—A funding agreement shall prohibit the Secretary from waiving, modifying, or diminishing in any way the trust responsibility of the United States with respect to Indian Tribes and individual Indians that exists under treaties, Executive orders, court decisions, and other laws.

''(n) AMENDMENT.—The Secretary shall not revise, amend, or require additional terms in a new or subsequent funding agreement without the consent of the Indian Tribe, unless such terms are required by Federal law.

''(o) EFFECTIVE DATE.—A funding agreement shall become effective on the date specified in the funding agreement.

''(p) EXISTING AND SUBSEQUENT FUNDING AGREEMENTS.—

''(1) SUBSEQUENT FUNDING AGREEMENTS.—Absent notification from an Indian Tribe that the Indian Tribe is withdrawing or retroceding the operation of one or more programs identified in a funding agreement, or unless otherwise agreed to by the parties to the funding agreement or by the nature of any noncontinuing program, service, function, or activity contained in a funding agreement—

''(A) a funding agreement shall remain in full force and effect until a subsequent funding agreement is executed, with funding paid annually for each fiscal year the agreement is in effect; and

''(B) the term of the subsequent funding agreement shall be retroactive to the end of the term of the preceding funding agreement for the purposes of calculating the amount of funding to which the Indian Tribe is entitled.

''(2) DISPUTES.—Disputes over the implementation of paragraph (1)(A) shall be subject to section 406(c).

''(3) EXISTING FUNDING AGREEMENTS.—An Indian Tribe that was participating in self-governance under this title on the date of enactment of the PROGRESS for Indian Tribes Act shall have the option at any time after that date—

''(A) to retain its existing funding agreement (in whole or in part) to the extent that the provisions of that funding agreement are not directly contrary to any express provision of this title; or

''(B) to negotiate a new funding agreement in a manner consistent with this title.

''(4) MULTIYEAR FUNDING AGREEMENTS.—An Indian Tribe may, at the discretion of the Indian Tribe, negotiate with the Secretary for a funding agreement with a term that exceeds 1 year.''.

(e) GENERAL REVISIONS.—Title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5361 et seq.) is amended by striking sections 404 through 408 and inserting the following:

"SEC. 404. COMPACTS.

''(a) IN GENERAL.—The Secretary shall negotiate and enter into a written compact with each Indian Tribe participating in self-governance in a manner consistent with the trust responsibility of the Federal Government, treaty obligations, and the government-to-government relationship between Indian Tribes and the United States.

''(b) CONTENTS.—A compact under subsection (a) shall—

''(1) specify and affirm the general terms of the government-to-government relationship between the Indian Tribe and the Secretary; and

''(2) include such terms as the parties intend shall control during the term of the compact.

''(c) AMENDMENT.—A compact under subsection (a) may be amended only by agreement of the parties.

''(d) EFFECTIVE DATE.—The effective date of a compact under subsection (a) shall be—

''(1) the date of the execution of the compact by the parties; or

''(2) such date as is mutually agreed upon by the parties.

''(e) DURATION.—A compact under subsection (a) shall remain in effect—

''(1) for so long as permitted by Federal law; or

''(2) until termination by written agreement, retrocession, or reassumption.

''(f) EXISTING COMPACTS.—An Indian Tribe participating in self-governance under this title, as in effect on the date of enactment of the PROGRESS for Indian Tribes Act, shall have the option at any time after that date—

''(1) to retain its negotiated compact (in whole or in part) to the extent that the provisions of the compact are not directly contrary to any express provision of this title; or

''(2) to negotiate a new compact in a manner consistent with this title.

"SEC. 405. GENERAL PROVISIONS.

''(a) APPLICABILITY.—An Indian Tribe and the Secretary shall include in any compact or funding agreement provisions that reflect the requirements of this title.

''(b) CONFLICTS OF INTEREST.—An Indian Tribe participating in self-governance shall ensure that internal measures are in place to address, pursuant to Tribal law and procedures, conflicts of interest in the administration of programs.

''(c) AUDITS.—

''(1) SINGLE AGENCY AUDIT ACT.—Chapter 75 of title 31, United States Code, shall apply to a funding agreement under this title.

''(2) COST PRINCIPLES.—An Indian Tribe shall apply cost principles under the applicable Office of Management and Budget circular, except as modified by—

''(A) any provision of law, including section 106; or

''(B) any exemptions to applicable Office of Management and Budget circulars subsequently granted by the Office of Management and Budget.

''(3) FEDERAL CLAIMS.—Any claim by the Federal Government against an Indian Tribe relating to funds received under a funding agreement based on any audit under this subsection shall be subject to section 106(f).

''(d) REDESIGN AND CONSOLIDATION.—Except as provided in section 407, an Indian Tribe may redesign or consolidate programs, or reallocate funds for programs, in a compact or funding agreement in any manner that the Indian Tribe determines to be in the best interest of the Indian community being served—

''(1) so long as the redesign or consolidation does not have the effect of denying eligibility for services to population groups otherwise eligible to be served under applicable Federal law; and

''(2) except that, with respect to the reallocation, consolidation, and redesign of programs described in subsection (b)(2) or (c) of section 403, a joint agreement between the Secretary and the Indian Tribe shall be required.

''(e) RETROCESSION.—

''(1) IN GENERAL.—An Indian Tribe may fully or partially retrocede to the Secretary any program under a compact or funding agreement.

''(2) EFFECTIVE DATE.—

''(A) AGREEMENT.—Unless an Indian Tribe rescinds a request for retrocession under paragraph (1), the retrocession shall become effective on the date specified by the parties in the compact or funding agreement.

''(B) NO AGREEMENT.—In the absence of a specification of an effective date in the compact or funding agreement, the retrocession shall become effective on—

''(i) the earlier of—

''(I) 1 year after the date on which the request is submitted; and

''(II) the date on which the funding agreement expires; or

''(ii) such date as may be mutually agreed upon by the Secretary and the Indian Tribe.

''(f) NONDUPLICATION.—A funding agreement shall provide that, for the period for which, and to the extent to which, funding is provided to an Indian Tribe under this title, the Indian Tribe—

''(1) shall not be entitled to contract with the Secretary for funds under section 102, except that the Indian Tribe shall be eligible for new programs on the same basis as other Indian Tribes; and

''(2) shall be responsible for the administration of programs in accordance with the compact or funding agreement.

''(g) RECORDS.—

''(1) IN GENERAL.—Unless an Indian Tribe specifies otherwise in the compact or funding agreement, records of an Indian Tribe shall not be considered to be Federal records for purposes of chapter 5 of title 5, United States Code.

''(2) RECORDKEEPING SYSTEM.—An Indian Tribe shall—

''(A) maintain a recordkeeping system; and

''(B) on a notice period of not less than 30 days, provide the Secretary with reasonable access to the records to enable the Department to meet the requirements of sections 3101 through 3106 of title 44, United States Code.

"SEC. 406. PROVISIONS RELATING TO THE SECRETARY.

''(a) TRUST EVALUATIONS.—A funding agreement shall include a provision to monitor the performance of trust functions by the Indian Tribe through the annual trust evaluation.

''(b) REASSUMPTION.—

''(1) IN GENERAL.—A compact or funding agreement shall include provisions for the Secretary to reassume a program and associated funding if there is a specific finding relating to that program of—

''(A) imminent jeopardy to a trust asset, a natural resource, or public health and safety that—

''(i) is caused by an act or omission of the Indian Tribe; and

''(ii) arises out of a failure to carry out the compact or funding agreement; or

''(B) gross mismanagement with respect to funds transferred to an Indian Tribe under a compact or funding agreement, as determined by the Secretary in consultation with the Inspector General, as appropriate.

''(2) PROHIBITION.—The Secretary shall not reassume operation of a program, in whole or part, unless—

''(A) the Secretary first provides written notice and a hearing on the record to the Indian Tribe; and

''(B) the Indian Tribe does not take corrective action to remedy the mismanagement of the funds or programs, or the imminent jeopardy to a trust asset, natural resource, or public health and safety.

''(3) EXCEPTION.—

''(A) IN GENERAL.—Notwithstanding paragraph (2), the Secretary may, on written notice to the Indian Tribe, immediately reassume operation of a program if—

''(i) the Secretary makes a finding of imminent and substantial jeopardy and irreparable harm to a trust asset, a natural resource, or the public health and safety caused by an act or omission of the Indian Tribe; and

''(ii) the imminent and substantial jeopardy and irreparable harm to the trust asset, natural resource, or public health and safety arises out of a failure by the Indian Tribe to carry out the terms of an applicable compact or funding agreement.

''(B) REASSUMPTION.—If the Secretary reassumes operation of a program under subparagraph (A), the Secretary shall provide the Indian Tribe with a hearing on the record not later than 10 days after the date of reassumption.

''(c) INABILITY TO AGREE ON COMPACT OR FUNDING AGREEMENT.—

''(1) FINAL OFFER.—If the Secretary and a participating Indian Tribe are unable to agree, in whole or in part, on the terms of a compact or funding agreement (including funding levels), the Indian Tribe may submit a final offer to the Secretary.

''(2) DETERMINATION.—Not more than 60 days after the date of receipt of a final offer by one or more of the officials designated pursuant to paragraph (4), the Secretary shall review and make a determination with respect to the final offer, except that the 60-day period may be extended for up to 30 days for circumstances beyond the control of the Secretary, upon written request by the Secretary to the Indian tribe.

''(3) EXTENSIONS.—The deadline described in paragraph (2) may be extended for any length of time, as agreed upon by both the Indian Tribe and the Secretary.

''(4) DESIGNATED OFFICIALS.—

''(A) IN GENERAL.—The Secretary shall designate one or more appropriate officials in the Department to receive a copy of the final offer described in paragraph (1).

''(B) NO DESIGNATION.—If no official is designated, the Director of the Office of the Executive Secretariat and Regulatory Affairs shall be the designated official.

''(5) NO TIMELY DETERMINATION.—If the Secretary fails to make a determination with respect to a final offer within the period specified in paragraph (2), including any extension agreed to under paragraph (3), the Secretary shall be deemed to have agreed to the offer, except that with respect to any compact or funding agreement provision concerning a program described under section 403(c), the Secretary shall be deemed to have rejected the offer with respect to such provision and the terms of clauses (ii) through (iv) of paragraphs (6)(A) shall apply.

''(6) REJECTION OF FINAL OFFER.—

''(A) IN GENERAL.—If the Secretary rejects a final offer (or one or more provisions or funding levels in a final offer), the Secretary shall—

''(i) provide timely written notification to the Indian Tribe that contains a specific finding that clearly demonstrates, or that is supported by a controlling legal authority, that—

''(I) the amount of funds proposed in the final offer exceeds the applicable funding level as determined under section 106(a)(1);

''(II) the program that is the subject of the final offer is an inherent Federal function or

is subject to the discretion of the Secretary under section 403(c);

''(III) the Indian Tribe cannot carry out the program in a manner that would not result in significant danger or risk to the public health or safety, to natural resources, or to trust resources;

''(IV) the Indian Tribe is not eligible to participate in self-governance under section 402(c);

''(V) the funding agreement would violate a Federal statute or regulation; or

''(VI) with respect to a program or portion of a program included in a final offer pursuant to section 403(b)(2), the program or the portion of the program is not otherwise available to Indian Tribes or Indians under section 102(a)(1)(E);

''(ii) provide technical assistance to overcome the objections stated in the notification required by clause (i);

''(iii) provide the Indian Tribe with a hearing on the record with the right to engage in full discovery relevant to any issue raised in the matter, and the opportunity for appeal on the objections raised, except that the Indian Tribe may, in lieu of filing such appeal, directly proceed to initiate an action in a United States district court under section 110(a); and

''(iv) provide the Indian Tribe the option of entering into the severable portions of a final proposed compact or funding agreement (including a lesser funding amount, if any), that the Secretary did not reject, subject to any additional alterations necessary to conform the compact or funding agreement to the severed provisions.

''(B) EFFECT OF EXERCISING CERTAIN OPTION.—If an Indian Tribe exercises the option specified in subparagraph (A)(iv)—

''(i) the Indian Tribe shall retain the right to appeal the rejection by the Secretary under this section; and

''(ii) clauses (i), (ii), and (iii) of subparagraph (A) shall apply only to the portion of the proposed final compact or funding agreement that was rejected by the Secretary.

''(d) BURDEN OF PROOF.—In any administrative action, hearing, appeal, or civil action brought under this section, the Secretary shall have the burden of proof—

''(1) of demonstrating, by a preponderance of the evidence, the validity of the grounds for a reassumption under subsection (b); and

''(2) of clearly demonstrating the validity of the grounds for rejecting a final offer made under subsection (c).

''(e) GOOD FAITH.—

''(1) IN GENERAL.—In the negotiation of compacts and funding agreements, the Secretary shall at all times negotiate in good faith to maximize implementation of the self-governance policy.

''(2) POLICY.—The Secretary shall carry out this title in a manner that maximizes the policy of Tribal self-governance.

''(f) SAVINGS.—

''(1) IN GENERAL.—To the extent that programs carried out for the benefit of Indian Tribes and Tribal organizations under this title reduce the administrative or other responsibilities of the Secretary with respect to the operation of Indian programs and result in savings that have not otherwise been included in the amount of Tribal shares and other funds determined under section 408(c), except for funding agreements entered into for programs under section 403(c), the Secretary shall make such savings available to the Indian Tribes or Tribal organizations for the provision of additional services to program beneficiaries in a manner equitable to directly served, contracted, and compacted programs.

''(2) DISCRETIONARY PROGRAMS OF SPECIAL SIGNIFICANCE.—For any savings generated as a result of the assumption of a program by an Indian Tribe under section 403(c), such savings shall be made available to that Indian Tribe.

''(g) TRUST RESPONSIBILITY.—The Secretary may not waive, modify, or diminish in any way the trust responsibility of the United States with respect to Indian Tribes and individual Indians that exists under treaties, Executive orders, other laws, or court decisions.

''(h) DECISION MAKER.—A decision that constitutes final agency action and relates to an appeal within the Department conducted under subsection (c)(6)(A)(iii) may be made by—

''(1) an official of the Department who holds a position at a higher organizational level within the Department than the level of the departmental agency in which the decision that is the subject of the appeal was made; or

''(2) an administrative law judge.

''(i) RULES OF CONSTRUCTION.—Subject to section 101(a) of the PROGRESS for Indian Tribes Act, each provision of this title and each provision of a compact or funding agreement shall be liberally construed for the benefit of the Indian Tribe participating in self-governance, and any ambiguity shall be resolved in favor of the Indian Tribe.

''SEC. 407. CONSTRUCTION PROGRAMS AND PROJECTS.

''(a) IN GENERAL.—Indian Tribes participating in Tribal self-governance may carry out any construction project included in a compact or funding agreement under this title.

''(b) TRIBAL OPTION TO CARRY OUT CERTAIN FEDERAL ENVIRONMENTAL ACTIVITIES.—In carrying out a construction project under this title, an Indian Tribe may, subject to the agreement of the Secretary, elect to assume some Federal responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), division A of subtitle III of title 54, United States Code, and related provisions of other law and regulations that would apply if the Secretary were to undertake a construction project, by adopting a resolution—

''(1) designating a certifying Tribal officer to represent the Indian Tribe and to assume the status of a responsible Federal official under those Acts, laws, or regulations; and

''(2) accepting the jurisdiction of the United States courts for the purpose of enforcing the responsibilities of the certifying Tribal officer assuming the status of a responsible Federal official under those Acts, laws, or regulations.

''(c) SAVINGS CLAUSE.—Notwithstanding subsection (b), nothing in this section authorizes the Secretary to include in any compact or funding agreement duties of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), division A of subtitle III of title 54, United States Code, and other related provisions of law that are inherent Federal functions.

''(d) CODES AND STANDARDS.—In carrying out a construction project under this title, an Indian Tribe shall—

''(1) adhere to applicable Federal, State, local, and Tribal building codes, architectural and engineering standards, and applicable Federal guidelines regarding design, space, and operational standards, appropriate for the particular project; and

''(2) use only architects and engineers who—

''(A) are licensed to practice in the State in which the facility will be built; and

''(B) certify that—

''(i) they are qualified to perform the work required by the specific construction involved; and

''(ii) upon completion of design, the plans and specifications meet or exceed the applicable construction and safety codes.

''(e) TRIBAL ACCOUNTABILITY.—

''(1) IN GENERAL.—In carrying out a construction project under this title, an Indian Tribe shall assume responsibility for the successful completion of the construction project and of a facility that is usable for the purpose for which the Indian Tribe received funding.

''(2) REQUIREMENTS.—For each construction project carried out by an Indian Tribe under this title, the Indian Tribe and the Secretary shall negotiate a provision to be included in the funding agreement that identifies—

''(A) the approximate start and completion dates for the project, which may extend over a period of one or more years;

''(B) a general description of the project, including the scope of work, references to design criteria, and other terms and conditions;

''(C) the responsibilities of the Indian Tribe and the Secretary for the project;

''(D) how project-related environmental considerations will be addressed;

''(E) the amount of funds provided for the project;

''(F) the obligations of the Indian Tribe to comply with the codes referenced in subsection (d)(1) and applicable Federal laws and regulations;

''(G) the agreement of the parties over who will bear any additional costs necessary to meet changes in scope, or errors or omissions in design and construction; and

''(H) the agreement of the Secretary to issue a certificate of occupancy, if requested by the Indian Tribe, based upon the review and verification by the Secretary, to the satisfaction of the Secretary, that the Indian Tribe has secured upon completion the review and approval of the plans and specifications, sufficiency of design, life safety, and code compliance by qualified, licensed, and independent architects and engineers.

''(f) FUNDING.—

''(1) IN GENERAL.—Funding appropriated for construction projects carried out under this title shall be included in funding agreements as annual or semiannual advance payments at the option of the Indian Tribe.

''(2) ADVANCE PAYMENTS.—The Secretary shall include all associated project contingency funds with each advance payment, and the Indian Tribe shall be responsible for the management of such contingency funds.

''(g) NEGOTIATIONS.—At the option of the Indian Tribe, construction project funding proposals shall be negotiated pursuant to the statutory process in section 105, and any resulting construction project agreement shall be incorporated into the funding agreement as addenda.

''(h) FEDERAL REVIEW AND VERIFICATION.—

''(1) IN GENERAL.—On a schedule negotiated by the Secretary and the Indian Tribe—

''(A) the Secretary shall review and verify, to the satisfaction of the Secretary, that project planning and design documents prepared by the Indian Tribe in advance of initial construction are in conformity with the obligations of the Indian Tribe under subsection (d); and

''(B) before the project planning and design documents are implemented, the Secretary shall review and verify to the satisfaction of the Secretary that subsequent document amendments which result in a significant change in construction are in conformity with the obligations of the Indian Tribe under subsection (d).

''(2) REPORTS.—The Indian Tribe shall provide the Secretary with project progress and financial reports not less than semiannually.

''(3) OVERSIGHT VISITS.—The Secretary may conduct onsite project oversight visits semiannually or on an alternate schedule agreed to by the Secretary and the Indian Tribe.

''(i) APPLICATION OF OTHER LAWS.—Unless otherwise agreed to by the Indian Tribe and except as otherwise provided in this Act, no provision of title 41, United States Code, the Federal Acquisition Regulation, or any other law or regulation pertaining to Federal procurement (including Executive orders) shall apply to any construction program or project carried out under this title.

''(j) FUTURE FUNDING.—Upon completion of a facility constructed under this title, the Secretary shall include the facility among those eligible for annual operation and maintenance funding support comparable to that provided for similar facilities funded by the Department as annual appropriations are available and to the extent that the facility size and complexity and other factors do not exceed the funding formula criteria for comparable buildings.

''SEC. 408. PAYMENT.

''(a) IN GENERAL.—At the request of the governing body of an Indian Tribe and under the terms of an applicable funding agreement, the Secretary shall provide funding to the Indian Tribe to carry out the funding agreement.

''(b) ADVANCE ANNUAL PAYMENT.—At the option of the Indian Tribe, a funding agreement shall provide for an advance annual payment to an Indian Tribe.

''(c) AMOUNT.—

''(1) IN GENERAL.—Subject to subsection (e) and sections 403 and 405, the Secretary shall provide funds to the Indian Tribe under a funding agreement for programs in an amount that is equal to the amount that the Indian Tribe would have been entitled to receive under contracts and grants under this Act (including amounts for direct program and contract support costs and, in addition, any funds that are specifically or functionally related to the provision by the Secretary of services and benefits to the Indian Tribe or its members) without regard to the organization level within the Department at which the programs are carried out.

''(2) SAVINGS CLAUSE.—Nothing in this section reduces programs, services, or funds of, or provided to, another Indian Tribe.

''(d) TIMING.—

''(1) IN GENERAL.—Pursuant to the terms of any compact or funding agreement entered into under this title, the Secretary shall transfer to the Indian Tribe all funds provided for in the funding agreement, pursuant to subsection (c), and provide funding for periods covered by joint resolution adopted by Congress making continuing appropriations, to the extent permitted by such resolution.

''(2) TRANSFERS.—Not later than 1 year after the date of enactment of the PROGRESS for Indian Tribes Act, in any instance in which a funding agreement requires an annual transfer of funding to be made at the beginning of a fiscal year or requires semiannual or other periodic transfers of funding to be made commencing at the beginning of a fiscal year, the first such transfer shall be made not later than 10 days after the apportionment of such funds by the Office of Management and Budget to the Department, unless the funding agreement provides otherwise.

''(e) AVAILABILITY.—Funds for trust services to individual Indians shall be available under a funding agreement only to the extent that the same services that would have been provided by the Secretary are provided to individual Indians by the Indian Tribe.

''(f) MULTIYEAR FUNDING.—A funding agreement may provide for multiyear funding.

''(g) LIMITATIONS ON AUTHORITY OF THE SECRETARY.—The Secretary shall not—

''(1) fail to transfer to an Indian Tribe its full share of any central, headquarters, regional, area, or service unit office or other funds due under this title for programs eligible under paragraph (1) or (2) of section 403(b), except as required by Federal law;

''(2) withhold any portion of such funds for transfer over a period of years; or

''(3) reduce the amount of funds required under this title—

''(A) to make funding available for self-governance monitoring or administration by the Secretary;

''(B) in subsequent years, except as necessary as a result of—

''(i) a reduction in appropriations from the previous fiscal year for the program to be included in a compact or funding agreement;

''(ii) a congressional directive in legislation or an accompanying report;

''(iii) a Tribal authorization;

''(iv) a change in the amount of pass-through funds subject to the terms of the funding agreement; or

''(v) completion of an activity under a program for which the funds were provided;

''(C) to pay for Federal functions, including—

''(i) Federal pay costs;

''(ii) Federal employee retirement benefits;

''(iii) automated data processing;

''(iv) technical assistance; and

''(v) monitoring of activities under this title; or

''(D) to pay for costs of Federal personnel displaced by self-determination contracts under this Act or self-governance under this title.

''(h) FEDERAL RESOURCES.—If an Indian Tribe elects to carry out a compact or funding agreement with the use of Federal personnel, Federal supplies (including supplies available from Federal warehouse facilities), Federal supply sources (including lodging, airline transportation, and other means of transportation, including the use of interagency motor pool vehicles), or other Federal resources (including supplies, services, and resources available to the Secretary under any procurement contracts in which the Department is eligible to participate), the Secretary shall, as soon as practicable, acquire and transfer such personnel, supplies, or resources to the Indian Tribe under this title.

''(i) PROMPT PAYMENT ACT.—Chapter 39 of title 31, United States Code, shall apply to the transfer of funds due under a compact or funding agreement authorized under this title.

''(j) INTEREST OR OTHER INCOME.—

''(1) IN GENERAL.—An Indian Tribe may retain interest or income earned on any funds paid under a compact or funding agreement to carry out governmental purposes.

''(2) NO EFFECT ON OTHER AMOUNTS.—The retention of interest or income under paragraph (1) shall not diminish the amount of funds an Indian Tribe is entitled to receive under a funding agreement in the year the interest or income is earned or in any subsequent fiscal year.

''(3) INVESTMENT STANDARD.—Funds transferred under this title shall be managed by the Indian Tribe using the prudent investment standard, provided that the Secretary shall not be liable for any investment losses of funds managed by the Indian Tribe that are not otherwise guaranteed or insured by the Federal Government.

''(k) CARRYOVER OF FUNDS.—

''(1) IN GENERAL.—Notwithstanding any provision of an appropriations Act, all funds paid to an Indian Tribe in accordance with a compact or funding agreement shall remain available until expended.

''(2) EFFECT OF CARRYOVER.—If an Indian Tribe elects to carry over funding from one year to the next, the carryover shall not diminish the amount of funds the Indian Tribe is entitled to receive under a funding agreement in that fiscal year or any subsequent fiscal year.

''(l) LIMITATION OF COSTS.—

''(1) IN GENERAL.—An Indian Tribe shall not be obligated to continue performance that requires an expenditure of funds in excess of the amount of funds transferred under a compact or funding agreement.

''(2) NOTICE OF INSUFFICIENCY.—If at any time the Indian Tribe has reason to believe that the total amount provided for a specific activity under a compact or funding agreement is insufficient, the Indian Tribe shall provide reasonable notice of such insufficiency to the Secretary.

''(3) SUSPENSION OF PERFORMANCE.—If, after notice under paragraph (2), the Secretary does not increase the amount of funds transferred under the funding agreement, the Indian Tribe may suspend performance of the activity until such time as additional funds are transferred.

''(4) SAVINGS CLAUSE.—Nothing in this section reduces any programs, services, or funds of, or provided to, another Indian Tribe.

''(m) DISTRIBUTION OF FUNDS.—The Office of Self-Governance shall be responsible for distribution of all Bureau of Indian Affairs funds provided under this title unless otherwise agreed by the parties to an applicable funding agreement.

''(n) APPLICABILITY.—Notwithstanding any other provision of this section, section 101(a) of the PROGRESS for Indian Tribes Act applies to subsections (a) through (m).

''SEC. 409. FACILITATION.

''(a) IN GENERAL.—Except as otherwise provided by law (including section 101(a) of the PROGRESS for Indian Tribes Act), the Secretary shall interpret each Federal law and regulation in a manner that facilitates—

''(1) the inclusion of programs in funding agreements; and

''(2) the implementation of funding agreements.

''(b) REGULATION WAIVER.—

''(1) REQUEST.—An Indian Tribe may submit to the Secretary a written request for a waiver of applicability of a Federal regulation, including—

''(A) an identification of the specific text in the regulation sought to be waived; and

''(B) the basis for the request.

''(2) DETERMINATION BY THE SECRETARY.—Not later than 120 days after receipt by the Secretary and the designated officials under paragraph (4) of a request under paragraph (1), the Secretary shall approve or deny the requested waiver in writing to the Indian Tribe.

''(3) EXTENSIONS.—The deadline described in paragraph (2) may be extended for any length of time, as agreed upon by both the Indian Tribe and the Secretary.

''(4) DESIGNATED OFFICIALS.—The Secretary shall designate one or more appropriate officials in the Department to receive a copy of the waiver request described in paragraph (1).

''(5) GROUNDS FOR DENIAL.—The Secretary may deny a request under paragraph (1) upon a specific finding by the Secretary that the identified text in the regulation may not be waived because such a waiver is prohibited by Federal law.

''(6) FAILURE TO MAKE DETERMINATION.—If the Secretary fails to make a determination with respect to a waiver request within the period specified in paragraph (2) (including any extension agreed to under paragraph (3)), the Secretary shall be deemed to have agreed to the request, except that for a waiver request relating to programs eligible under section 403(b)(2) or section 403(c), the Secretary shall be deemed to have denied the request.

''(7) FINALITY.—A decision of the Secretary under this section shall be final for the Department.

''SEC. 410. DISCRETIONARY APPLICATION OF OTHER SECTIONS.

''(a) IN GENERAL.—Except as otherwise provided in section 201(d) of the PROGRESS for Indian Tribes Act, at the option of a participating Indian Tribe or Indian Tribes, any of the provisions of title I may be incorporated in any compact or funding agreement under this title. The inclusion of any such provision shall be subject to, and shall not conflict with, section 101(a) of such Act.

''(b) EFFECT.—Each incorporated provision under subsection (a) shall—

''(1) have the same force and effect as if set out in full in this title;

''(2) supplement or replace any related provision in this title; and

''(3) apply to any agency otherwise governed by this title.

''(c) EFFECTIVE DATE.—If an Indian Tribe requests incorporation at the negotiation stage of a compact or funding agreement, the incorporation shall—

''(1) be effective immediately; and

''(2) control the negotiation and resulting compact and funding agreement.

''SEC. 411. ANNUAL BUDGET LIST.

''The Secretary shall list, in the annual budget request submitted to Congress under section 1105 of title 31, United States Code, any funds proposed to be included in funding agreements authorized under this title.

''SEC. 412. REPORTS.

''(a) IN GENERAL.—

''(1) REQUIREMENT.—On January 1 of each year, the Secretary shall submit to Congress a report regarding the administration of this title.

''(2) ANALYSIS.—Any Indian Tribe may submit to the Office of Self-Governance and to the appropriate committees of Congress a detailed annual analysis of unmet Tribal needs for funding agreements under this title.

''(b) CONTENTS.—The report under subsection (a)(1) shall—

''(1) be compiled from information contained in funding agreements, annual audit reports, and data of the Secretary regarding the disposition of Federal funds;

''(2) identify—

''(A) the relative costs and benefits of self-governance;

''(B) with particularity, all funds that are specifically or functionally related to the provision by the Secretary of services and benefits to self-governance Indian Tribes and members of Indian Tribes;

''(C) the funds transferred to each Indian Tribe and the corresponding reduction in the Federal employees and workload; and

''(D) the funding formula for individual Tribal shares of all Central Office funds, together with the comments of affected Indian Tribes, developed under subsection (d);

''(3) before being submitted to Congress, be distributed to the Indian Tribes for comment (with a comment period of not less than 30 days);

''(4) include the separate views and comments of each Indian Tribe or Tribal organization; and

''(5) include a list of—

''(A) all such programs that the Secretary determines, in consultation with Indian Tribes participating in self-governance, are eligible for negotiation to be included in a funding agreement at the request of a participating Indian Tribe; and

''(B) all such programs which Indian Tribes have formally requested to include in a funding agreement under section 403(c) due to the special geographic, historical, or cultural significance of the program to the Indian Tribe, indicating whether each request was granted or denied, and stating the grounds for any denial.

''(c) REPORT ON NON-BIA PROGRAMS.—

''(1) IN GENERAL.—In order to optimize opportunities for including non-BIA programs in agreements with Indian Tribes participating in self-governance under this title, the Secretary shall review all programs administered by the Department, other than through the Bureau of Indian Affairs, the Office of the Assistant Secretary for Indian Affairs, or the Office of the Special Trustee for American Indians, without regard to the agency or office concerned.

''(2) PROGRAMMATIC TARGETS.—The Secretary shall establish programmatic targets, after consultation with Indian Tribes participating in self-governance, to encourage bureaus of the Department to ensure that an appropriate portion of those programs are available to be included in funding agreements.

''(3) PUBLICATION.—The lists under subsection (b)(5) and targets under paragraph (2) shall be published in the Federal Register and made available to any Indian Tribe participating in self-governance.

''(4) ANNUAL REVIEW.—

''(A) IN GENERAL.—The Secretary shall annually review and publish in the Federal Register, after consultation with Indian Tribes participating in self-governance, revised lists and programmatic targets.

''(B) CONTENTS.—In preparing the revised lists and programmatic targets, the Secretary shall consider all programs that were eligible for contracting in the original list published in the Federal Register in 1995, except for programs specifically determined not to be contractible as a matter of law.

''(d) REPORT ON CENTRAL OFFICE FUNDS.—Not later than January 1, 2020, the Secretary shall, in consultation with Indian Tribes, develop a funding formula to determine the individual Tribal share of funds controlled by the Central Office of the Bureau of Indian Affairs and the Office of the Special Trustee for inclusion in the compacts.

''SEC. 413. REGULATIONS.

''(a) IN GENERAL.—

''(1) PROMULGATION.—Not later than 90 days after the date of enactment of the PROGRESS for Indian Tribes Act, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5, United States Code, to negotiate and promulgate such regulations as are necessary to carry out this title.

''(2) PUBLICATION OF PROPOSED REGULATIONS.—Proposed regulations to implement this title shall be published in the Federal Register not later than 21 months after the date of enactment of the PROGRESS for Indian Tribes Act.

''(3) EXPIRATION OF AUTHORITY.—The authority to promulgate regulations under paragraph (1) shall expire on the date that is 30 months after the date of enactment of the PROGRESS for Indian Tribes Act.

''(b) COMMITTEE.—

''(1) MEMBERSHIP.—A negotiated rulemaking committee established pursuant to section 565 of title 5, United States Code, to carry out this section shall have as its members only representatives of the Federal Government and Tribal government.

''(2) LEAD AGENCY.—Among the Federal representatives described in paragraph (1), the Office of Self-Governance shall be the lead agency for the Department.

''(c) ADAPTATION OF PROCEDURES.—The Secretary shall adapt the negotiated rulemaking procedures to the unique context of self-governance and the government-to-government relationship between the United States and Indian Tribes.

''(d) EFFECT.—

''(1) REPEAL.—The Secretary may repeal any regulation that is inconsistent with this Act.

''(2) CONFLICTING PROVISIONS.—Subject to section 101(a) of the PROGRESS for Indian Tribes Act and except with respect to programs described under section 403(c), this title shall supersede any conflicting provision of law (including any conflicting regulations).

''(3) EFFECTIVENESS WITHOUT REGARD TO REGULATIONS.—The lack of promulgated regulations on an issue shall not limit the effect or implementation of this title.

''SEC. 414. EFFECT OF CIRCULARS, POLICIES, MANUALS, GUIDANCE, AND RULES.

''Unless expressly agreed to by a participating Indian Tribe in a compact or funding agreement, the participating Indian Tribe shall not be subject to any agency circular, policy, manual, guidance, or rule adopted by the Department, except for—

''(1) the eligibility provisions of section 105(g); and

''(2) regulations promulgated pursuant to section 413.

''SEC. 415. APPEALS.

''Except as provided in section 406(d), in any administrative action, appeal, or civil action for judicial review of any decision made by the Secretary under this title, the Secretary shall have the burden of proof of demonstrating by a preponderance of the evidence—

''(1) the validity of the grounds for the decision; and

''(2) the consistency of the decision with the requirements and policies of this title.

''SEC. 416. APPLICATION OF OTHER PROVISIONS.

''Section 314 of the Department of the Interior and Related Agencies Appropriations Act, 1991 (Public Law 101–512; 104 Stat. 1959), shall apply to compacts and funding agreements entered into under this title.

''SEC. 417. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary to carry out this title.''.

TITLE II—INDIAN SELF-DETERMINATION

SEC. 201. DEFINITIONS; REPORTING AND AUDIT REQUIREMENTS; APPLICATION OF PROVISIONS.

(a) DEFINITIONS.—

(1) IN GENERAL.—Section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304) is amended by striking subsection (j) and inserting the following:

''(j) 'self-determination contract' means a contract entered into under title I (or a grant or cooperative agreement used under section 9) between a Tribal organization and the appropriate Secretary for the planning, conduct, and administration of programs or services that are otherwise provided to Indian Tribes and members of Indian Tribes pursuant to Federal law, subject to the condition that, except as provided in section 105(a)(3), no contract entered into under title I (or grant or cooperative agreement used under section 9) shall be—

''(1) considered to be a procurement contract; or

''(2) except as provided in section 107(a)(1), subject to any Federal procurement law (including regulations);''.

(2) TECHNICAL AMENDMENTS.—Section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304), as amended by paragraph (1), is further amended—

(A) in subsection (e), by striking '' 'Indian tribe' means'' and inserting '' 'Indian tribe' or 'Indian Tribe' means''; and

(B) in subsection (l), by striking '' 'tribal organization' means'' and inserting '' 'Tribal

organization' or 'tribal organization' means''.

(b) REPORTING AND AUDIT REQUIREMENTS.—Section 5 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5305) is amended—

(1) in subsection (b)—

(A) by striking ''after completion of the project or undertaking referred to in the preceding subsection of this section'' and inserting ''after the retention period for the report that is submitted to the Secretary under subsection (a)''; and

(B) by adding at the end the following: ''The retention period shall be defined in regulations promulgated by the Secretary pursuant to section 413.''; and

(2) in subsection (f)(1), by inserting ''if the Indian Tribal organization expends $500,000 or more in Federal awards during such fiscal year'' after ''under this Act,''.

(c) EFFECTIVE DATE.—The amendment made by subsection (b)(2) shall not take effect until 14 months after the date of enactment of this Act.

(d) APPLICATION OF OTHER PROVISIONS.—Sections 4, 5, 6, 7, 102(c), 104, 105(a)(1), 105(f), 110, and 111 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304, 5305, 5306, 5307, 5321(c), 5323, 5324(a)(1), 5324(f), 5331, and 5332) and section 314 of the Department of the Interior and Related Agencies Appropriations Act, 1991 (Public Law 101–512; 104 Stat. 1959), apply to compacts and funding agreements entered into under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5361 et seq.).

SEC. 202. CONTRACTS BY SECRETARY OF THE INTERIOR.

Section 102 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5321) is amended—

(1) in subsection (c)(2), by striking ''economic enterprises'' and all that follows through ''except that'' and inserting ''economic enterprises (as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452)), except that''; and

(2) by adding at the end the following:

''(f) GOOD FAITH REQUIREMENT.—In the negotiation of contracts and funding agreements, the Secretary shall—

''(1) at all times negotiate in good faith to maximize implementation of the self-determination policy; and

''(2) carry out this Act in a manner that maximizes the policy of Tribal self-determination, in a manner consistent with—

''(A) the purposes specified in section 3; and

''(B) the PROGRESS for Indian Tribes Act.

''(g) RULE OF CONSTRUCTION.—Subject to section 101(a) of the PROGRESS for Indian Tribes Act, each provision of this Act and each provision of a contract or funding agreement shall be liberally construed for the benefit of the Indian Tribe participating in self-determination, and any ambiguity shall be resolved in favor of the Indian Tribe.''.

SEC. 203. ADMINISTRATIVE PROVISIONS.

Section 105 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5324) is amended—

(1) in subsection (b), in the first sentence, by striking ''pursuant to'' and all that follows through ''of this Act'' and inserting ''pursuant to sections 102 and 103''; and

(2) by adding at the end the following:

''(p) INTERPRETATION BY SECRETARY.—Except as otherwise provided by law, the Secretary shall interpret all Federal laws (including regulations) and Executive orders in a manner that facilitates, to the maximum extent practicable—

''(1) the inclusion in self-determination contracts and funding agreements of—

''(A) applicable programs, services, functions, and activities (or portions thereof); and

''(B) funds associated with those programs, services, functions, and activities;

''(2) the implementation of self-determination contracts and funding agreements; and

''(3) the achievement of Tribal health objectives.

''(q)(1) TECHNICAL ASSISTANCE FOR INTERNAL CONTROLS.—In considering proposals for, amendments to, or in the course of, a contract under this title and compacts under titles IV and V of this Act, if the Secretary determines that the Indian Tribe lacks adequate internal controls necessary to manage the contracted program or programs, the Secretary shall, as soon as practicable, provide the necessary technical assistance to assist the Indian Tribe in developing adequate internal controls. As part of that technical assistance, the Secretary and the Tribe shall develop a plan for assessing the subsequent effectiveness of such technical assistance. The inability of the Secretary to provide technical assistance or lack of a plan under this subsection shall not result in the reassumption of an existing agreement, contract, or compact, or declination or rejection of a new agreement, contract, or compact.

''(2) The Secretary shall prepare a report to be included in the information required for the reports under sections 412(b)(2)(A) and 514(b)(2)(A). The Secretary shall include in this report, in the aggregate, a description of the internal controls that were inadequate, the technical assistance provided, and a description of Secretarial actions taken to address any remaining inadequate internal controls after the provision of technical assistance and implementation of the plan required by paragraph (1).''.

SEC. 204. CONTRACT FUNDING AND INDIRECT COSTS.

Section 106(a)(3) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5325(a)(3)) is amended—

(1) in subparagraph (A)—

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

(B) in clause (ii), by striking ''expense related to the overhead incurred'' and inserting ''expense incurred by the governing body of the Indian Tribe or Tribal organization and any overhead expense incurred'';

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

''(B) In calculating the reimbursement rate for expenses described in subparagraph (A)(ii), not less than 50 percent of the expenses described in subparagraph (A)(ii) that are incurred by the governing body of an Indian Tribe or Tribal organization relating to a Federal program, function, service, or activity carried out pursuant to the contract shall be considered to be reasonable and allowable.''.

SEC. 205. CONTRACT OR GRANT SPECIFICATIONS.

Section 108 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5329) is amended—

(1) in subsection (a)(2), by inserting ''subject to subsections (a) and (b) of section 102,'' before ''contain'';

(2) in subsection (f)(2)(A)(ii) of the model agreement contained in subsection (c), by inserting ''subject to subsections (a) and (b) of section 102 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5321),'' before ''such other provisions''; and

(3) in subsection (b)(7)(C) of the model agreement contained in subsection (c), in the second sentence of the matter preceding clause (i), by striking ''one performance monitoring visit'' and inserting ''two performance monitoring visits''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Mexico (Ms. HAALAND) and the gentlewoman from Wyoming (Ms. CHENEY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Mexico.

GENERAL LEAVE

Ms. HAALAND. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the measure under consideration.

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

There was no objection.

Ms. HAALAND. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 209, the PROGRESS for Indian Tribes Act, introduced by Senator HOEVEN of North Dakota, will enhance the Department of the Interior's self-governance process and provide Indian Tribes with greater flexibility.

The Indian Self-Determination and Education Assistance Act is one of the most important legislative acts affecting Indian Country in the last 40-plus years as a key driver to improving the Tribal communities. Enacted in 1975, the act was a Nixon-era initiative signed into law by President Gerald Ford yet strongly supported by Democrats at the time.

Pursuant to the act, Tribes are able to enter into self-governance contracts, commonly known as 638 contracts, with BIA and IHS, the Bureau of Indian Affairs and Indian Health Service, to manage and administer Federal Indian programs.

In 1994, the ISDEAA was amended by adding title IV, which authorized Tribes to enter into negotiated compact agreements with the BIA under which Tribes can assume control of the Department programs and associated funding and tailor those programs to the needs of their Tribal communities.

In 2000, the act was again amended to add title V, which authorizes similar Tribal compacts with the Indian Health Service, the IHS, through the Department of Health and Human Services.

There are more than 350 self-governance Tribes in the country, and the vast majority of them manage programs within both DOI and IHS and have achieved great success. In my home State of New Mexico, there are six pueblos engaged in self-governance: Sandia, Santa Clara, Taos, Cochiti, Jemez, and Ohkay Owingeh.

Tribal self-governance programs are successful in their acknowledgment that Tribes have the right to govern themselves with minimal Federal oversight and maximum flexibility to meet local Tribal needs. However, significant differences between the title IV and title V amendments have forced self-governance Tribes to operate under two separate sets of legislative and administrative requirements.

The PROGRESS for Indian Tribes Act would largely reconcile these differences, streamline the self-governance process, improve efficiencies, and strengthen reservation economies.

Passage of the PROGRESS Act is a top legislative priority for self-governance Tribes and is supported by the National Congress of American Indians, United South and Eastern Tribes, the Alaska Federation of Natives, the Midwest Alliance of Sovereign Tribes, the Affiliated Tribes of Northwest Indians, and many more Indian Tribes. The administration and the U.S. Chamber of Commerce are also on record in support of this legislation.

This legislation is a product of over a decade of bipartisan negotiations, which is why S. 209 passed the Republican-controlled Senate on a voice vote. If bipartisan consensus was so easily found in the Senate in this Congress, then it should be clear that this is a commonsense bill that both sides of the aisle can support as well.

Madam Speaker, I am proud to be the sponsor of the House version of the legislation, H.R. 2031, along with my dear colleagues, Representatives TOM COLE of Oklahoma and DON YOUNG of Alaska and others. I hope that you will join me in passing S. 209 and sending it to the President's desk.

Madam Speaker, I reserve the balance of my time.

Ms. CHENEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this is a very important bill. Unfortunately, the way that it is currently written raises some significant concerns.

As the Representative of Tribal communities in Wyoming, I share very much the notion and the concept of helping to increase self-determination, but I believe that this bill, as it is currently written, unfortunately, leaves unresolved some major issues with respect to, in particular, Bureau of Reclamation water projects that could affect both Tribal as well as non-Tribal interests.

In our Western States where water is a scarce and precious commodity, water management interests must be carefully balanced, and I am concerned that S. 209 does not strike that balance.

Over the last several Congresses, House Republicans have offered solutions to the reclamation projects issues without the need for courts to step in to sort this out. Unfortunately, this effort was most recently defeated on a party-line vote with little discussion from the Democrat majority.

Unfortunately, we still are, today, faced with a situation where we have got a worthy goal that this legislation is attempting to achieve, but it doesn't quite get there.

Given these unresolved concerns, I must urge rejection of the measure as written and ask for a ''no'' vote.

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

Ms. HAALAND. Madam Speaker, I yield myself such time as I may consume.

As I stated before, this legislation is a result of over a decade of bipartisan, bicameral negotiations.

Since self-governance was first enacted in 1994, there have been no assumptions by Tribes of Bureau of Reclamation projects—none. Under the 1994 law, the conditions, requirements, and limitations mitigating against any such Tribal assumption of a Bureau of Reclamation project have resulted in no such assumptions.

S. 209 does not change the 1994 authority in this regard. This is why the gentlewoman's concerns are completely unfounded and why we defeated an amendment on this in committee in the first place.

More so, S. 209 already contains a lengthy disclaimer specifically stating that it does not affect, in any way, the ability of Tribes to take over programs or projects of Interior agencies other than the BIA.

□ 1215

Unless I'm not privy to yet another department reorganization, the Bureau of Reclamation is not part of the BIA.

This bipartisan bill is critical to the furtherance of self-governance and improvements in Tribal communities. I strongly urge my colleagues to do the right thing and support this legislation.

Madam Speaker, versions of this bipartisan bill have lain before this House and the Senate for nearly 2 decades, passing each body several times. It is time to finally push this legislation across the finish line so that Tribes can finally move to effectively-managed programs for their people.

I urge my colleagues to show their support for Tribal self-governance and Tribal sovereignty by passing S. 209, the PROGRESS for Indian Tribes Act.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Mexico (Ms. HAALAND) that the House suspend the rules and pass the bill, S. 209.

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

A motion to reconsider was laid on the table.

BLACKWATER TRADING POST LAND TRANSFER ACT

Ms. HAALAND. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3160) to direct the Secretary of the Interior to take certain land located in Pinal County, Arizona, into trust for the benefit of the Gila River Indian Community, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3160

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 ''Blackwater Trading Post Land Transfer Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) BLACKWATER TRADING POST LAND.—The term ''Blackwater Trading Post Land'' means the approximately 55.3 acres of land as depicted on the map that—

(A) is located in Pinal County, Arizona, and bordered by Community land to the east, west, and north and State Highway 87 to the south; and

(B) is owned by the Community.

(2) COMMUNITY.—The term ''Community'' means the Gila River Indian Community of the Reservation.

(3) MAP.—The term ''map'' means the map entitled ''Results of Survey, Ellis Property, A Portion of the West ½ of Section 12, Township 5 South, Range 7 East, Gila and Salt River Meridian, Pinal County, Arizona'' and dated October 15, 2012.

(4) RESERVATION.—The term ''Reservation'' means the land located within the exterior boundaries of the reservation created under sections 3 and 4 of the Act of February 28, 1859 (11 Stat. 401, chapter LXVI), and Executive orders of August 31, 1876, June 14, 1879, May 5, 1882, November 15, 1883, July 31, 1911, June 2, 1913, August 27, 1914, and July 19, 1915, and any other lands placed in trust for the benefit of the Community.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. LAND TAKEN INTO TRUST FOR BENEFIT OF THE GILA RIVER INDIAN COMMUNITY.

(a) IN GENERAL.—The Secretary shall take the Blackwater Trading Post land into trust for the benefit of the Community, after the Community—

(1) conveys to the Secretary all right, title, and interest of the Community in and to the Blackwater Trading Post Land;

(2) submits to the Secretary a request to take the Blackwater Trading Post Land into trust for the benefit of the Community;

(3) conducts a survey (to the satisfaction of the Secretary) to determine the exact acreage and legal description of the Blackwater Trading Post Land, if the Secretary determines a survey is necessary; and

(4) pays all costs of any survey conducted under paragraph (3).

(b) AVAILABILITY OF MAP.—Not later than 180 days after the Blackwater Trading Post Land is taken into trust under subsection (a), the map shall be on file and available for public inspection in the appropriate offices of the Secretary.

(c) LANDS TAKEN INTO TRUST PART OF RESERVATION.—After the date on which the Blackwater Trading Post Land is taken into trust under subsection (a), the land shall be treated as part of the Reservation.

(d) GAMING.—Class II and class III gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall not be allowed at any time on the land taken into trust under subsection (a).

(e) DESCRIPTION.—Not later than 180 days after the date of enactment of this Act, the Secretary shall cause the full metes-and-bounds description of the Blackwater Trading Post Land to be published in the Federal Register. The description shall, on publication, constitute the official description of the Blackwater Trading Post Land.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Mexico (Ms. HAALAND) and the gentlewoman from Wyoming (Ms. CHENEY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Mexico.

GENERAL LEAVE

Ms. HAALAND. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material on the measure under consideration.

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

There was no objection.

Ms. HAALAND. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3160, introduced by our colleague, Representative TOM O'HALLERAN of Arizona, authorizes the United States to place 55.3 acres of historically and culturally significant land into trust on behalf of the Gila River Indian Community of Arizona.

This parcel of land is commonly referred to as the Blackwater Trading Post Land, because it once contained the Ellis family's Blackwater Trading Post, which sold goods to members of the Gila River Indian Community since the 1930s.

After purchasing the trading post in 2010, the community found around 1,000 cultural artifacts on the property, including 126 Akimel O'odham baskets. Following this discovery, the community decided to apply to take the parcel of land into trust.

However, legislation is required for this exchange, as the community's 2004 water rights settlement explicitly requires that any lands located outside of the community's existing reservation boundaries be taken into trust through Congressional action.

Passage of H.R. 3160 will ultimately allow the community to preserve a piece of their heritage by incorporating this contiguous parcel of land into its reservation land base.

Madam Speaker, I want to thank Representative O'HALLERAN for his work on this legislation, and urge my colleagues to support the bill, and I reserve the balance of my time.

Ms. CHENEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 3160, the Blackwater Trading Post Land Transfer Act. This bill would place, as my colleague said, approximately 55 acres of land in Arizona into trust for the Gila River Indian Community.

These lands and the former Blackwater Trading Post have a historic connection to the Tribe, as the trading post served many Tribal members since at least the 1930s.

In 2010, the Tribe purchased the Blackwater Trading Post and surrounding lands after the former owners retired.

Under the 2004 Arizona Water Rights Settlement Act, the Tribe cannot acquire off-reservation lands into trust absent an act of Congress. Therefore, we need to pass this legislation.

Madam Speaker, I urge the adoption of this measure and I urge my colleagues to support the legislation.

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

Ms. HAALAND. Madam Speaker, I urge my colleagues to support the legislation and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Mexico (Ms. HAALAND) that the House suspend the rules and pass the bill, H.R. 3160.

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

A motion to reconsider was laid on the table.

REPUBLIC OF TEXAS LEGATION MEMORIAL ACT

Ms. HAALAND. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3349) to authorize the Daughters of the Republic of Texas to establish the Republic of Texas Legation Memorial as a commemorative work in the District of Columbia, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3349

SEC. 2. AUTHORIZATION TO ESTABLISH COMMEMORATIVE WORK.

(a) IN GENERAL.—The Daughters of the Republic of Texas may establish a commemorative work on Federal land in the District of Columbia and its environs to commemorate and honor those who, as representatives of the Republic of Texas, served in the District of Columbia as diplomats to the United States and made possible the annexation of Texas as the twenty-eighth State of the United States.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the commemorative work under this section shall be in accordance with chapter 89 of title 40, United States Code (commonly known as the ''Commemorative Works Act'').

(c) PROHIBITION ON THE USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—Federal funds may not be used to pay any expense of the establishment of the commemorative work under this section.

(2) RESPONSIBILITY OF THE DAUGHTERS OF THE REPUBLIC OF TEXAS.—The Daughters of the Republic of Texas shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the commemorative work under this section.

(d) DEPOSIT OF EXCESS FUNDS.—

(1) IN GENERAL.—If upon payment of all expenses for the establishment of the memorial (including the maintenance and preservation amount required by section 8906(b)(1) of title 40, United States Code), there remains a balance of funds received for the establishment of the commemorative work, the Daughters of the Republic of Texas shall transmit the amount of the balance to the Secretary of the Interior for deposit in the account provided for in section 8906(b)(3) of title 40, United States Code.

(2) ON EXPIRATION OF AUTHORITY.—If upon expiration of the authority for the commemorative work under section 8903(e) of title 40, United States Code, there remains a balance of funds received for the establishment of the commemorative work, the Daughters of the Republic of Texas shall transmit the balance to a separate account with the National Park Foundation for memorials, to be available to the Secretary of the Interior or the Administrator (as appropriate) following the process provided in section 8906(b)(4) of title 40, United States Code, for accounts established under section 8906(b)(2) or (3) of title 40, United States Code.

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Mexico (Ms. HAALAND) and the gentlewoman from Wyoming (Ms. CHENEY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Mexico.

GENERAL LEAVE

Ms. HAALAND. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material on the measure under consideration.

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

There was no objection.

Ms. HAALAND. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 3349, the Republic of Texas Legation Memorial Act, introduced by Representative LLOYD DOGGETT.

This bill would authorize the Daughters of the Republic of Texas to establish a commemorative work to honor the representatives of the Republic of Texas who served here in the District of Columbia as diplomats to the United States.

Shortly after Texas declared its independence from Mexico in 1836, the Republic of Texas sent diplomats to several countries to represent the Republic's interests. Among other things, these diplomats advocated for protection from Mexico, financial assistance, and annexation by the United States.

London and Paris have each erected commemorative works to recognize the role their Texas legations played in their countries, and it seems only fitting to install one here in the capital of the country proud to claim Texas as its own.

Madam Speaker, I would like to thank Representative DOGGETT for his efforts to elevate this unique and often untold story of our Nation's history, and urge my colleagues to support this bill.

Madam Speaker, I reserve the balance of my time.

Ms. CHENEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of this legislation. H.R. 3349 would authorize the Daughters of the Republic of Texas to establish the Republic of Texas Legation Memorial on Federal land in the District of Columbia, commemorating those who, as representatives of the Republic of Texas, served in Washington, D.C., as diplomats to the United States, and made possible the annexation of Texas as the 28th State.

Texas legation sites in Paris and London have been recognized with historical markers for many years, but never here in Washington, D.C. The Texas diplomatic ministers who came to Washington worked out of the boarding houses in which they lived. Eight boarding houses have been identified with varying degrees of supporting evidence. This bill would allow the Daughters of the Republic of Texas to place memorial plaques in honor of these diplomats.

Madam Speaker, I urge the adoption of this measure, and I reserve the balance of my time.

Ms. HAALAND. Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Madam Speaker, I rise in support of this bill, which I authored, to authorize the Daughters of the Republic of Texas to establish this commemorative work here in the District of Columbia honoring the Republic of Texas Legation.

This is a bipartisan effort supported by a number of my colleagues from Texas, as well as Representative HOLMES NORTON, who represents the area where the memorial will reside. And it has the approval, initially, of the subcommittee which my colleague, Ms. HAALAND, chairs.

The history of the Texas Legation and its significance to American history is as broad as the pride held by present-day Texans over a time when we were once an independent Republic. The district that I now represent includes the historic Alamo in San Antonio. With the battle cries of ''Remember the Alamo,'' and ''Remember Goliad,'' Texas won its independence on March 2, 1836. And as most Texans are aware, for almost a decade thereafter, Texas was a whole other country, an independent Nation with the same independent spirit that pervades our State today.

What are frequently less discussed are the diplomatic efforts stretching over almost a decade by this young new Nation, sending emissaries to Europe and to Washington. At multiple times from 1836 to 1845, the Texas Legation negotiated the terms by which Texas would become a part of the United States.

While everything is still bigger in Texas, the territory of the Republic of Texas, as a sovereign independent Nation, was much more than the current State of Texas. Indeed, it included parts of New Mexico, including Albuquerque, Oklahoma, Kansas, Colorado, and even Wyoming. How different America would be today had not this huge part of the center of our country been incorporated into the United States.

The young Republic of Texas had many debts and many challenges from abroad. My own home in East Austin is only a few blocks away from the historic French Legation, this is the place that the diplomats from France used to establish their formal diplomatic relations with the Nation of Texas. Texans in turn established legations abroad to negotiate terms of trade and recognition with multiple European countries. Most importantly, the Texas delegation came here on the very difficult journey to Washington.

Today, we find the plaques about the work of the Texas Legation in London and Paris, but not yet here in Washington, where the Legation's effort had its most profound effect.

Here in this area the Legation operated from a number of houses, boarding houses, some near the present-day National Archives and the Navy Memorial, which is appropriate since one of the diplomats involved, Mr. Memucan Hunt, who also served as secretary of the fledgling Republic of Texas Navy.

In Washington, the diplomats left their most significant legacy by negotiating the terms of annexation in 1845 when Texas became the 28th State to join the Union. That is why this bill approves a commemoration here.

Most appropriately, this commemoration is spearheaded by the Daughters of the Republic of Texas, our State's oldest patriotic women's organization committed to the preservation of Texas heritage and historic sites. They will work together with our National Park Service to develop and design a location here that is appropriate within Washington D.C.

Madam Speaker, I would like to extend a special thanks to Kitty Hoeck, she has led the way as the historian of the Elisabet Ney Chapter, that includes the Daughters in the District, Virginia, and Maryland, for her commitment to this effort. I ask that she be particularly recognized in connection with this work, along with other representatives of the Daughters.

The history of the Texas Legation did not end with the annexation of Texas in 1845. Today, it lives on in the strength of multicultural and multilingual communities across the Lone Star State. They have made our State so dynamic.

With this commemoration, those who visit our capital will have the opportunity to learn about a turning point in the history of Texas and in the history of the United States, and reflect on the sacrifices by the diplomats who made this possible.

Madam Speaker, I urge approval of the resolution, and thank both of my colleagues for their support.

□ 1230

Ms. CHENEY. Madam Speaker, I have no further speakers, and I yield back the balance of my time.

Ms. HAALAND. Madam Speaker, I urge my colleagues to support the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Mexico (Ms. HAALAND) that the House suspend the rules and pass the bill, H.R. 3349, as amended.

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

A motion to reconsider was laid on the table.

FALLEN JOURNALISTS MEMORIAL ACT

Ms. HAALAND. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3465) to authorize the Fallen Journalists Memorial Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3465

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 ''Fallen Journalists Memorial Act''.

SEC. 2. AUTHORIZATION TO ESTABLISH COMMEMORATIVE WORK.

(a) IN GENERAL.—The Fallen Journalists Memorial Foundation may establish a commemorative work on Federal land in the District of Columbia and its environs to commemorate America's commitment to a free press by honoring journalists who sacrificed their lives in service to that cause.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the commemorative work under this section shall be in accordance with chapter 89 of title 40, United States Code (commonly known as the ''Commemorative Works Act'').

(c) PROHIBITION ON USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—Federal funds may not be used to pay any expense of the establishment of the commemorative work under this section.

(2) RESPONSIBILITY OF THE FALLEN JOURNALISTS MEMORIAL FOUNDATION.—The Fallen Journalists Memorial Foundation shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the commemorative work under this section.

(d) DEPOSIT OF EXCESS FUNDS.—

(1) IN GENERAL.—If upon payment of all expenses for the establishment of the commemorative work (including the maintenance and preservation amount required by section 8906(b)(1) of title 40, United States Code), there remains a balance of funds received for the establishment of the commemorative work, the Fallen Journalists Memorial Foundation shall transmit the amount of the balance to the Secretary of the Interior for deposit in the account provided for in section 8906(b)(3) of title 40, United States Code.

(2) ON EXPIRATION OF AUTHORITY.—If upon expiration of the authority for the commemorative work under section 8903(e) of title 40, United States Code, there remains a balance of funds received for the establishment of the commemorative work, the Fallen Journalists Memorial Foundation shall transmit the amount of the balance to a separate account with the National Park Foundation for memorials, to be available to the Secretary of the Interior or Administrator (as appropriate) following the process provided in section 8906(b)(4) of title 40, United States Code, for accounts established under section 8906(b)(2) or (3) of title 40, United States Code.

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Mexico (Ms. HAALAND) and the gentlewoman from Wyoming (Ms. CHENEY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Mexico.

GENERAL LEAVE

Ms. HAALAND. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the measure under consideration.

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

There was no objection.

Ms. HAALAND. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 3465, the Fallen Journalists Memorial Act introduced by my fellow committee member, Representative NAPOLITANO.

This bill would authorize a memorial to honor the reporters, photojournalists, producers, editors, and countless others who have lost their lives while performing their jobs.

Every day, journalists at home and abroad place their lives at risk in pursuit of the truth and in defense of our First Amendment right to a free and independent press.

In 2018 alone, nearly 80 journalists from around the world were murdered in their line of work. Yet, with the closure of the Newseum earlier this year, there is no memorial that commemorates those who have paid the ultimate sacrifice while fulfilling their duty to deliver the news.

The memorial envisioned in H.R. 3465 would be a fitting tribute to their sacrifices and an affirmation of our Nation's commitment to a free press.

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

Ms. CHENEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3465 would authorize the Fallen Journalists Memorial Foundation to establish a commemorative work on Federal land to commemorate the sacrifices made by journalists for a free and independent press.

This bill requires the Fallen Journalists Memorial Foundation to follow the standard legal framework established by the Commemorative Works Act for the placement of commemorative works on Federal land in the District of Columbia.

According to the Committee to Protect Journalists, 1,382 journalists have been killed since 1992 as a result of their work in combat or crossfire or while carrying out dangerous assignments. Hundreds more each year are attacked, imprisoned, and tortured.

Threats and attacks against journalists are not new, but today journalists face an increasingly hostile environment. H.R. 3465 was introduced 1 year after the deadliest attack on journalists in modern United States history when five Capital Gazette employees were killed in their Annapolis, Maryland, newsroom on June 28, 2018.

Madam Speaker, this memorial will stand as an important reminder of the First Amendment and the vital importance that a free and independent press plays in defending all of our rights.

I urge adoption of the measure, and I yield back the balance of my time.

Ms. HAALAND. Madam Speaker, I urge my colleagues to support the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Mexico (Ms. HAALAND) that the House suspend the rules and pass the bill, H.R. 3465, as amended.

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

A motion to reconsider was laid on the table.

NATIVE AMERICAN CHILD PROTECTION ACT

Ms. HAALAND. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4957) to amend the Indian Child Protection and Family Violence Prevention Act, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4957

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 ''Native American Child Protection Act''.

SEC. 2. INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION ACT AMENDMENTS.

The Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3202 et seq.) is amended as follows:

(1) By amending section 403(3)(A) (25 U.S.C. 3202(3)(A)) to read as follows:

''(A) in any case in which—

''(i)(I) a child is dead or exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling; and

''(II) such condition is not justifiably explained or may not be the product of an accidental occurrence; or

''(ii) a child is subjected to sexual assault, sexual molestation, sexual exploitation, sexual contact, or prostitution;''.

(2) In section 409 (25 U.S.C. 3208)—

(A) in subsection (a)—

(i) by striking ''The Secretary of Health and Human Services, acting through the Service and in cooperation with the Bureau'' and inserting ''The Service, in cooperation with the Bureau''; and

(ii) by striking ''sexual abuse'' and inserting ''abuse or neglect'';

(B) in subsection (b) through the end of the section, by striking ''Secretary of Health and Human Services'' each place it appears and inserting ''Service'';

(C) in subsection (b)(1), by inserting after ''Any Indian tribe or intertribal consortium'' the following: '', on its own or in partnership with an urban Indian organization,'';

(D) in subsections (b)(2)(B) and (d), by striking ''such Secretary'' each place it appears and inserting ''the Service'';

(E) by amending subsection (c) to read as follows:

''(c) CULTURALLY APPROPRIATE TREATMENT.—In awarding grants under this section, the Service shall encourage the use of culturally appropriate treatment services and programs that respond to the unique cultural values, customs, and traditions of applicant Indian Tribes.'';

(F) in subsection (d)(2), by striking ''the Secretary'' and inserting ''the Service'';

(G) by redesignating subsection (e) as subsection (f);

(H) by inserting after subsection (d) the following:

''(e) REPORT.—Not later than 2 years after the date of the enactment of the Native American Child Protection Act, the Service shall submit a report to Congress on the award of grants under this section. The report shall contain—

''(1) a description of treatment and services for which grantees have used funds awarded under this section; and

''(2) any other information that the Service requires.''; and

(I) by amending subsection (f) (as so redesignated by subparagraph (G) of this paragraph), to read as follows:

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2021 through 2026.''.

(3) In section 410 (25 U.S.C. 3209)—

(A) in the heading—

(i) by inserting ''**NATIONAL**'' before ''**INDIAN**''; and

(ii) by striking ''**CENTERS**'' and inserting ''**CENTER**'';

(B) by amending subsections (a) and (b) to read as follows:

''(a) ESTABLISHMENT.—Not later than one year after the date of the enactment of the Native American Child Protection Act, the Secretary shall establish a National Indian Child Resource and Family Services Center.

''(b) REPORT.—Not later than 2 years after the date of the enactment of the Native American Child Protection Act, the Secretary of the Interior, acting through the Bureau of Indian Affairs, shall submit a report to Congress on the status of the National Indian Child Resource and Family Services Center.'';

(C) in subsection (c)—

(i) by striking ''Each'' and inserting ''The''; and

(ii) by striking ''multidisciplinary'';

(D) in subsection (d)—

(i) in the text before paragraph (1), by striking ''Each'' and inserting ''The'';

(ii) in paragraph (1), by striking ''and inter-tribal consortia'' and inserting ''inter-tribal consortia, and urban Indian organizations'';

(iii) in paragraph (2), by inserting ''urban Indian organizations,'' after ''tribal organizations,'';

(iv) in paragraph (3)—

(I) by inserting ''and technical assistance'' after training; and

(II) by striking ''and to tribal organizations'' and inserting '', Tribal organizations, and urban Indian organizations'';

(v) in paragraph (4)—

(I) by inserting '', State,'' after ''Federal''; and

(II) by striking ''and tribal'' and inserting ''Tribal, and urban Indian''; and

(vi) by amending paragraph (5) to read as follows:

''(5) develop model intergovernmental agreements between Tribes and States, and other materials that provide examples of how Federal, State, and Tribal governments can develop effective relationships and provide for maximum cooperation in the furtherance of prevention, investigation, treatment, and prosecution of incidents of family violence and child abuse and child neglect involving Indian children and families.''; and

(E) in subsection (e)—

(i) in the heading, by striking ''MULTIDISCIPLINARY TEAM'' and inserting ''TEAM'';

(ii) in the text before paragraph (1), by striking ''Each multidisciplinary'' and inserting ''The''; and

(F) by amending subsections (f), (g), and (h) to read as follows:

''(f) CENTER ADVISORY BOARD.—The Secretary shall establish an advisory board to advise and assist the National Indian Child Resource and Family Services Center in carrying out its activities under this section. The advisory board shall consist of 12 members appointed by the Secretary from Indian Tribes, Tribal organizations, and urban Indian organizations with expertise in child abuse and child neglect. Members shall serve without compensation, but may be reimbursed for travel and other expenses while carrying out the duties of the board. The advisory board shall assist the Center in coordinating programs, identifying training and technical assistance materials, and developing intergovernmental agreements relating to family violence, child abuse, and child neglect.

''(g) APPLICATION OF INDIAN SELF-DETERMINATION ACT TO THE CENTER.—The National Indian Child Resource and Family Services Center shall be subject to the provisions of the Indian Self-Determination Act. The Secretary may also contract for the operation of the Center with a nonprofit Indian organization governed by an Indian-controlled board of directors that have substantial experience in child abuse, child neglect, and family violence involving Indian children and families.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2021 through 2026.''.

(4) In section 411 (25 U.S.C. 3210)—

(A) in subsection (d)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking ''abuse and child neglect'' and inserting ''abuse, neglect, or both'';

(II) in subparagraph (B), by striking ''and'' at the end; and

(III) by inserting after subparagraph (C), the following:

''(D) development of agreements between Tribes, States, or private agencies on the coordination of child abuse and neglect prevention, investigation, and treatment services;

''(E) child protective services operational costs including transportation, risk and protective factors assessments, family engagement and kinship navigator services, and relative searches, criminal background checks for prospective placements, and home studies; and

''(F) development of a Tribal child protection or multidisciplinary team to assist in the prevention and investigation of child abuse and neglect;'';

(ii) in paragraph (2)—

(I) in subparagraph (A), by inserting ''in culturally appropriate ways'' after ''incidents of family violence''; and

(II) in subparagraph (C), by inserting ''that may include culturally appropriate programs'' after ''training programs''; and

(iii) in paragraph (3)—

(I) in subparagraph (A), by inserting ''and neglect'' after ''abuse''; and

(II) in subparagraph (B), by striking ''cases, to the extent practicable,'' and inserting ''and neglect cases'';

(B) in subsection (f)—

(i) in paragraph (2), by striking ''develop, in consultation with Indian tribes, appropriate caseload standards and staffing requirements which are comparable to standards developed by the National Association of Social Work, the Child Welfare League of America and other professional associations in the field of social work and child welfare'' and inserting ''develop, not later than one year after the date of the enactment of the Native American Child Protection Act, in consultation with Indian Tribes, appropriate caseload standards and staffing requirements'';

(ii) in paragraph (3)(D), by striking ''sexual abuse'' and inserting ''abuse and neglect, high incidence of family violence'';

(iii) by amending paragraph (4) to read as follows:

''(4) The formula established pursuant to this subsection shall provide funding necessary to support not less than one child protective services or family violence caseworker, including fringe benefits and support costs, for each Indian Tribe.''; and

(iv) in paragraph (5), by striking ''tribes'' and inserting ''Indian Tribes'';

(C) by amending subsection (g) to read as follows:

''(g) REPORT.—Not later than 2 years after the date of the enactment of the Native American Child Protection Act, the Secretary of the Interior, acting through the Bureau of Indian Affairs, shall submit a report to Congress on the award of grants under this section. The report shall contain—

''(1) a description of treatment and services for which grantees have used funds awarded under this section; and

''(2) any other information that the Secretary of the Interior requires.''; and

(D) by amending subsection (i) to read as follows:

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $60,000,000 for each of fiscal years 2021 through 2026.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Mexico (Ms. HAALAND) and the gentlewoman from Wyoming (Ms. CHENEY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Mexico.

GENERAL LEAVE

Ms. HAALAND. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the measure under consideration.

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

There was no objection.

Ms. HAALAND. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 4957, introduced by Representative RUBEN GALLEGO from Arizona, amends and reauthorizes several programs within the Indian Child Protection and Family Violence Prevention Act in order to improve the prevention, investigation, treatment, and prosecution of family violence, child abuse, and child neglect involving Native American children and families.

There is an enormous need for family violence prevention and treatment resources in Tribal communities. Native children experience child abuse and neglect at an elevated rate, which leads many to require special education services, to be more likely to be involved in the juvenile and criminal justice systems, and to have long-term mental health needs.

The passage of H.R. 4957 will create technical assistance programs in the Bureau of Indian Affairs, allow for urban Indian organizations to partner with Tribal governments, and ensure culturally competent care.

I thank subcommittee Chair RUBEN GALLEGO for introducing and championing this vitally important legislation, and I urge my colleagues to support H.R. 4957.

Madam Speaker, I reserve the balance of my time.

Ms. CHENEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 4957 reauthorized three programs that are intended to prevent cases within our Indian communities of child abuse, neglect, family violence, and trauma, as well as providing treatment for victims of Indian child sexual abuse.

The authorization for appropriations for these three programs expired in 1997. This bill also makes important underlying technical changes to the statute, requiring agency reports on grant awards.

Madam Speaker, while the Indian Child Protection and Family Violence Prevention Act is one of the only federally dedicated child abuse prevention and victim treatment programs providing funding for Tribal governments, Congress has only appropriated approximately $5 million for this program.

I am grateful to the sponsor for bringing our attention to this important issue as we all work together to end abuse, neglect, and violence across our States and on our reservations.

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

Ms. HAALAND. Madam Speaker, I urge my colleagues to support the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Mexico (Ms. HAALAND) that the House suspend the rules and pass the bill, H.R. 4957, as amended.

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

A motion to reconsider was laid on the table.

NATIVE AMERICAN BUSINESS INCUBATORS PROGRAM ACT

Ms. HAALAND. Madam Speaker, I move to suspend the rules and pass the bill (S. 294) to establish a business incubators program within the Department of the Interior to promote economic development in Indian reservation communities.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 294

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 ''Native American Business Incubators Program Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) entrepreneurs face specific challenges when transforming ideas into profitable business enterprises;

(2) entrepreneurs that want to provide products and services in reservation communities face an additional set of challenges that requires special knowledge;

(3) a business incubator is an organization that assists entrepreneurs in navigating obstacles that prevent innovative ideas from becoming viable businesses by providing services that include—

(A) workspace and facilities resources;

(B) access to capital, business education, and counseling;

(C) networking opportunities;

(D) mentorship opportunities; and

(E) an environment intended to help establish and expand business operations;

(4) the business incubator model is suited to accelerating entrepreneurship in reservation communities because the business incubator model promotes collaboration to address shared challenges and provides individually tailored services for the purpose of overcoming obstacles unique to each participating business; and

(5) business incubators will stimulate economic development by providing Native entrepreneurs with the tools necessary to grow businesses that offer products and services to reservation communities.

SEC. 3. DEFINITIONS.

In this Act:

(1) BUSINESS INCUBATOR.—The term ''business incubator'' means an organization that—

(A) provides physical workspace and facilities resources to startups and established businesses; and

(B) is designed to accelerate the growth and success of businesses through a variety of business support resources and services, including—

(i) access to capital, business education, and counseling;

(ii) networking opportunities;

(iii) mentorship opportunities; and

(iv) other services intended to aid in developing a business.

(2) ELIGIBLE APPLICANT.—The term ''eligible applicant'' means an applicant eligible to apply for a grant under section 4(b).

(3) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(4) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(5) NATIVE AMERICAN; NATIVE.—The terms ''Native American'' and ''Native'' have the meaning given the term ''Indian'' in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(6) NATIVE BUSINESS.—The term ''Native business'' means a business concern that is at least 51-percent owned and controlled by 1 or more Native Americans.

(7) NATIVE ENTREPRENEUR.—The term ''Native entrepreneur'' means an entrepreneur who is a Native American.

(8) PROGRAM.—The term ''program'' means the program established under section 4(a).

(9) RESERVATION.—The term ''reservation'' has the meaning given the term in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452).

(10) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(11) TRIBAL COLLEGE OR UNIVERSITY.—The term ''tribal college or university'' has the meaning given the term ''Tribal College or University'' in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)).

SEC. 4. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a program in the Office of Indian Energy and Economic Development under which the Secretary shall provide financial assistance in the form of competitive grants to eligible applicants for the establishment and operation of business incubators that serve reservation communities by providing business incubation and other business services to Native businesses and Native entrepreneurs.

(b) ELIGIBLE APPLICANTS.—

(1) IN GENERAL.—To be eligible to receive a grant under the program, an applicant shall—

(A) be—

(i) an Indian tribe;

(ii) a tribal college or university;

(iii) an institution of higher education; or

(iv) a private nonprofit organization or tribal nonprofit organization that—

(I) provides business and financial technical assistance; and

(II) will commit to serving 1 or more reservation communities;

(B) be able to provide the physical workspace, equipment, and connectivity necessary for Native businesses and Native entrepreneurs to collaborate and conduct business on a local, regional, national, and international level; and

(C) in the case of an entity described in clauses (ii) through (iv) of subparagraph (A), have been operational for not less than 1 year before receiving a grant under the program.

(2) JOINT PROJECT.—

(A) IN GENERAL.—Two or more entities may submit a joint application for a project that combines the resources and expertise of those entities at a physical location dedicated to assisting Native businesses and Native entrepreneurs under the program.

(B) CONTENTS.—A joint application submitted under subparagraph (A) shall—

(i) contain a certification that each participant of the joint project is one of the eligible entities described in paragraph (1)(A); and

(ii) demonstrate that together the participants meet the requirements of subparagraphs (B) and (C) of paragraph (1).

(c) APPLICATION AND SELECTION PROCESS.—

(1) APPLICATION REQUIREMENTS.—Each eligible applicant desiring a grant under the program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

(A) a certification that the applicant—

(i) is an eligible applicant;

(ii) will designate an executive director or program manager, if such director or manager has not been designated, to manage the business incubator; and

(iii) agrees—

(I) to a site evaluation by the Secretary as part of the final selection process;

(II) to an annual programmatic and financial examination for the duration of the grant; and

(III) to the maximum extent practicable, to remedy any problems identified pursuant to the site evaluation under subclause (I) or an examination under subclause (II);

(B) a description of the 1 or more reservation communities to be served by the business incubator;

(C) a 3-year plan that describes—

(i) the number of Native businesses and Native entrepreneurs to be participating in the business incubator;

(ii) whether the business incubator will focus on a particular type of business or industry;

(iii) a detailed breakdown of the services to be offered to Native businesses and Native entrepreneurs participating in the business incubator; and

(iv) a detailed breakdown of the services, if any, to be offered to Native businesses and Native entrepreneurs not participating in the business incubator;

(D) information demonstrating the effectiveness and experience of the eligible applicant in—

(i) conducting financial, management, and marketing assistance programs designed to educate or improve the business skills of current or prospective businesses;

(ii) working in and providing services to Native American communities;

(iii) providing assistance to entities conducting business in reservation communities;

(iv) providing technical assistance under Federal business and entrepreneurial development programs for which Native businesses and Native entrepreneurs are eligible; and

(v) managing finances and staff effectively; and

(E) a site description of the location at which the eligible applicant will provide physical workspace, including a description of the technologies, equipment, and other resources that will be available to Native businesses and Native entrepreneurs participating in the business incubator.

(2) EVALUATION CONSIDERATIONS.—

(A) IN GENERAL.—In evaluating each application, the Secretary shall consider—

(i) the ability of the eligible applicant—

(I) to operate a business incubator that effectively imparts entrepreneurship and business skills to Native businesses and Native entrepreneurs, as demonstrated by the experience and qualifications of the eligible applicant;

(II) to commence providing services within a minimum period of time, to be determined by the Secretary; and

(III) to provide quality incubation services to a significant number of Native businesses and Native entrepreneurs;

(ii) the experience of the eligible applicant in providing services in Native American communities, including in the 1 or more reservation communities described in the application; and

(iii) the proposed location of the business incubator.

(B) PRIORITY.—

(i) IN GENERAL.—In evaluating the proposed location of the business incubator under subparagraph (A)(iii), the Secretary shall—

(I) consider the program goal of achieving broad geographic distribution of business incubators; and

(II) except as provided in clause (ii), give priority to eligible applicants that will provide business incubation services on or near the reservation of the 1 or more communities that were described in the application.

(ii) EXCEPTION.—The Secretary may give priority to an eligible applicant that is not located on or near the reservation of the 1 or more communities that were described in the application if the Secretary determines that—

(I) the location of the business incubator will not prevent the eligible applicant from providing quality business incubation services to Native businesses and Native entrepreneurs from the 1 or more reservation communities to be served; and

(II) siting the business incubator in the identified location will serve the interests of the 1 or more reservation communities to be served.

(3) SITE EVALUATION.—

(A) IN GENERAL.—Before making a grant to an eligible applicant, the Secretary shall conduct a site visit, evaluate a video submission, or evaluate a written site proposal (if the applicant is not yet in possession of the site) of the proposed site to ensure the proposed site will permit the eligible applicant to meet the requirements of the program.

(B) WRITTEN SITE PROPOSAL.—A written site proposal shall meet the requirements described in paragraph (1)(E) and contain—

(i) sufficient detail for the Secretary to ensure in the absence of a site visit or video submission that the proposed site will permit the eligible applicant to meet the requirements of the program; and

(ii) a timeline describing when the eligible applicant will be—

(I) in possession of the proposed site; and

(II) operating the business incubator at the proposed site.

(C) FOLLOWUP.—Not later than 1 year after awarding a grant to an eligible applicant that submits an application with a written site proposal, the Secretary shall conduct a site visit or evaluate a video submission of the site to ensure the site is consistent with the written site proposal.

(d) ADMINISTRATION.—

(1) DURATION.—Each grant awarded under the program shall be for a term of 3 years.

(2) PAYMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall disburse grant funds awarded to an eligible applicant in annual installments.

(B) MORE FREQUENT DISBURSEMENTS.—On request by the applicant, the Secretary may make disbursements of grant funds more frequently than annually, on the condition that disbursements shall be made not more frequently than quarterly.

(3) NON-FEDERAL CONTRIBUTIONS FOR INITIAL ASSISTANCE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an eligible applicant that receives a grant under the program shall provide non-Federal contributions in an amount equal to not less than 25 percent of the grant amount disbursed each year.

(B) WAIVER.—The Secretary may waive, in whole or in part, the requirements of subparagraph (A) with respect to an eligible applicant if, after considering the ability of the eligible applicant to provide non-Federal contributions, the Secretary determines that—

(i) the proposed business incubator will provide quality business incubation services; and

(ii) the 1 or more reservation communities to be served are unlikely to receive similar services because of remoteness or other reasons that inhibit the provision of business and entrepreneurial development services.

(4) RENEWALS.—

(A) IN GENERAL.—The Secretary may renew a grant award under the program for a term not to exceed 3 years.

(B) CONSIDERATIONS.—In determining whether to renew a grant award, the Secretary shall consider with respect to the eligible applicant—

(i) the results of the annual evaluations of the eligible applicant under subsection (f)(1);

(ii) the performance of the business incubator of the eligible applicant, as compared to the performance of other business incubators receiving assistance under the program;

(iii) whether the eligible applicant continues to be eligible for the program; and

(iv) the evaluation considerations for initial awards under subsection (c)(2).

(C) NON-FEDERAL CONTRIBUTIONS FOR RENEWALS.—An eligible applicant that receives a grant renewal under subparagraph (A) shall provide non-Federal contributions in an amount equal to not less than 33 percent of the total amount of the grant.

(5) NO DUPLICATIVE GRANTS.—An eligible applicant shall not be awarded a grant under the program that is duplicative of existing Federal funding from another source.

(e) PROGRAM REQUIREMENTS.—

(1) USE OF FUNDS.—An eligible applicant receiving a grant under the program may use grant amounts—

(A) to provide physical workspace and facilities for Native businesses and Native entrepreneurs participating in the business incubator;

(B) to establish partnerships with other institutions and entities to provide comprehensive business incubation services to Native businesses and Native entrepreneurs participating in the business incubator; and

(C) for any other uses typically associated with business incubators that the Secretary determines to be appropriate and consistent with the purposes of the program.

(2) MINIMUM REQUIREMENTS.—Each eligible applicant receiving a grant under the program shall—

(A) offer culturally tailored incubation services to Native businesses and Native entrepreneurs;

(B) use a competitive process for selecting Native businesses and Native entrepreneurs to participate in the business incubator;

(C) provide physical workspace that permits Native businesses and Native entrepreneurs to conduct business and collaborate with other Native businesses and Native entrepreneurs;

(D) provide entrepreneurship and business skills training and education to Native businesses and Native entrepreneurs including—

(i) financial education, including training and counseling in—

(I) applying for and securing business credit and investment capital;

(II) preparing and presenting financial statements; and

(III) managing cash flow and other financial operations of a business;

(ii) management education, including training and counseling in planning, organization, staffing, directing, and controlling each major activity or function of a business or startup; and

(iii) marketing education, including training and counseling in—

(I) identifying and segmenting domestic and international market opportunities;

(II) preparing and executing marketing plans;

(III) locating contract opportunities;

(IV) negotiating contracts; and

(V) using varying public relations and advertising techniques;

(E) provide direct mentorship or assistance finding mentors in the industry in which the Native business or Native entrepreneur operates or intends to operate; and

(F) provide access to networks of potential investors, professionals in the same or similar fields, and other business owners with similar businesses.

(3) TECHNOLOGY.—Each eligible applicant shall leverage technology to the maximum extent practicable to provide Native businesses and Native entrepreneurs with access to the connectivity tools needed to compete and thrive in 21st-century markets.

(f) OVERSIGHT.—

(1) ANNUAL EVALUATIONS.—Not later than 1 year after the date on which the Secretary awards a grant to an eligible applicant under the program, and annually thereafter for the duration of the grant, the Secretary shall conduct an evaluation of, and prepare a report on, the eligible applicant, which shall—

(A) describe the performance of the eligible applicant; and

(B) be used in determining the ongoing eligibility of the eligible applicant.

(2) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date on which the Secretary awards a grant to an eligible applicant under the program, and annually thereafter for the duration of the grant, each eligible applicant receiving an award under the program shall submit to the Secretary a report describing the services the eligible applicant provided under the program during the preceding year.

(B) REPORT CONTENT.—The report described in subparagraph (A) shall include—

(i) a detailed breakdown of the Native businesses and Native entrepreneurs receiving services from the business incubator, including, for the year covered by the report—

(I) the number of Native businesses and Native entrepreneurs participating in or receiving services from the business incubator and the types of services provided to those Native businesses and Native entrepreneurs;

(II) the number of Native businesses and Native entrepreneurs established and jobs created or maintained; and

(III) the performance of Native businesses and Native entrepreneurs while participating in the business incubator and after graduation or departure from the business incubator; and

(ii) any other information the Secretary may require to evaluate the performance of a business incubator to ensure appropriate implementation of the program.

(C) LIMITATIONS.—To the maximum extent practicable, the Secretary shall not require an eligible applicant to report under subparagraph (A) information provided to the Secretary by the eligible applicant under other programs.

(D) COORDINATION.—The Secretary shall coordinate with the heads of other Federal agencies to ensure that, to the maximum extent practicable, the report content and form under subparagraphs (A) and (B) are consistent with other reporting requirements for Federal programs that provide business and entrepreneurial assistance.

(3) REPORT TO CONGRESS.—

(A) IN GENERAL.—Not later than 2 years after the date on which the Secretary first

awards funding under the program, and biennially thereafter, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report on the performance and effectiveness of the program.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall—

(i) account for each program year; and

(ii) include with respect to each business incubator receiving grant funds under the program—

(I) the number of Native businesses and Native entrepreneurs that received business incubation or other services;

(II) the number of businesses established with the assistance of the business incubator;

(III) the number of jobs established or maintained by Native businesses and Native entrepreneurs receiving business incubation services, including a description of where the jobs are located with respect to reservation communities;

(IV) to the maximum extent practicable, the amount of capital investment and loan financing accessed by Native businesses and Native entrepreneurs receiving business incubation services; and

(V) an evaluation of the overall performance of the business incubator.

SEC. 5. REGULATIONS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations to implement the program.

SEC. 6. SCHOOLS TO BUSINESS INCUBATOR PIPELINE.

The Secretary shall facilitate the establishment of relationships between eligible applicants receiving funds through the program and educational institutions serving Native American communities, including tribal colleges and universities.

SEC. 7. AGENCY PARTNERSHIPS.

The Secretary shall coordinate with the Secretary of Agriculture, the Secretary of Commerce, the Secretary of the Treasury, and the Administrator of the Small Business Administration to ensure, to the maximum extent practicable, that business incubators receiving grant funds under the program have the information and materials needed to provide Native businesses and Native entrepreneurs with the information and assistance necessary to apply for business and entrepreneurial development programs administered by the Department of Agriculture, the Department of Commerce, the Department of the Treasury, and the Small Business Administration.

SEC. 8. AUTHORIZATIONS OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the program $5,000,000 for each of fiscal years 2020 through 2024.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Mexico (Ms. HAALAND) and the gentlewoman from Wyoming (Ms. CHENEY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Mexico.

GENERAL LEAVE

Ms. HAALAND. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the measure under consideration.

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

There was no objection.

Ms. HAALAND. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 294, introduced by Senator TOM UDALL from the great State of New Mexico, will establish a business incubators program within the Department of the Interior to promote entrepreneurship and economic development on Indian reservations.

Indian Tribes face many unique obstacles in their mission to bring industry and economic development to Indian Country. The end result is an increased cost of doing business in Indian Country, which stifles outside investment.

Moreover, every entrepreneur faces challenges when transforming ideas into a profitable business. However, there are specific and unique challenges associated with establishing a business in Indian Country that put native entrepreneurs at a disadvantage.

For example, much of the land in Indian Country is held in trust by the Federal Government. Consequently, the Secretary of the Interior must approve activities on these lands as part of the Federal trust responsibility, which creates added expenses and uncertainty for Native entrepreneurs and their potential business partners.

Additionally, since trust land cannot be alienated and cannot be used as collateral to obtain financing, Native entrepreneurs must look to other methods of raising capital to start and grow their businesses.

Finally, many Indian nations and reservations are located in rural, often remote, areas. The lack of infrastructure in these areas, including access to high-speed broadband, is another roadblock that prevents Native entrepreneurs from succeeding.

Enactment of S. 294 will enhance Indian Country's ability to become more self-reliant by giving Native entrepreneurs the tools they need to develop their businesses and create jobs in reservation communities.

These incubators will provide essential services, such as a workspace, a collaborative environment, comprehensive business skills, training, and opportunities to build professional networks.

Also, by involving institutions of higher learning in the incubator program, including Tribal colleges and universities, the bill will establish the vital school-to-business pipeline that has been proven to be so successful for startups.

I am proud to be the sponsor of the House version of this legislation, along with members of the Congressional Native American Caucus, Representatives TOM COLE, DON YOUNG, and NORMA TORRES, and I hope that my colleagues will join me in supporting S. 294.

Madam Speaker, I reserve the balance of my time.

Ms. CHENEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 294 recognizes the important role that business incubators can play in generating economic growth and economic activity and supporting our Tribal businesses. I thank my colleague very much for bringing this legislation to the floor here in the House.

As defined in this bill, Madam Speaker, a business incubator is an organization that provides physical workspace and facilities resources to startups and established businesses.

As my colleague has pointed out, there are many challenges that are unique to our Tribal communities that this bill will help to focus on and help members of our Tribes overcome.

By offering services that range from workplace enhancement, comprehensive skills training, and networking assistance, business incubators have been a reliable and consistent solution to many of the challenges startup businesses face around the country and to many of the challenges that continue to plague Indian Country.

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

□ 1245

Ms. HAALAND. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, because I won't be here this afternoon, I would like to take a moment to speak on two significant missing and murdered indigenous women bills coming to the floor today: S. 982, the Not Invisible Act, and S. 227, Savanna's Act.

Madam Speaker, I thank the majority leader, Mr. HOYER, for ensuring these bills are heard today and highlighting this critical issue that has been overlooked for too long.

First, S. 982, the Not Invisible Act, introduced by Senator CORTEZ MASTO of Nevada, will help combat the longstanding missing and murdered indigenous women crisis. This bill will establish an advisory committee on violent crime to make recommendations to the Department of the Interior and Department of Justice to establish best practices to combat the epidemic of missing persons, murder, and trafficking of Native Americans and Alaska Natives. It will also create a point person within the Bureau of Indian Affairs charged with improving coordination of violent crime prevention efforts across Federal agencies.

All this work will be undertaken with an understanding of the unique challenges faced by Tribal communities when combating crime, violence, and human trafficking. The advisory committee will be comprised of local law enforcement, Federal partners, service providers, and, most importantly, survivors and Tribal leaders.

This bill is about including indigenous voices by putting Native American survivors in the driver's seat on the crisis of missing and murdered indigenous women that has plagued Tribal communities for centuries. The Not Invisible Act is about elevating indigenous voices, because survivors of these

horrific crimes and Tribal leaders know what is best for their own communities.

Throughout history, the Federal Government has told Tribes and Native people how they should approach issues on their own lands without intentionally including their voices. Often, these one-sided solutions have fallen short or no real action was taken. I am here today to tell you that photo ops and empty promises are no longer enough.

While there are many Federal programs and resources that can be used to combat violent crimes in Indian Country, there is no overarching plan or strategy to do so. There is little awareness or coordination of services, and Federal resources may not consider the actual needs of American Indians and Alaska Natives. These unique cultural considerations and the complex framework of criminal jurisdiction on Tribal lands simply cannot be navigated by a one-size-fits-all approach. More importantly, a real solution will never be found without the voices of indigenous survivors, which is what is so special about this bill.

The crisis of missing, murdered, and trafficked Native women has devastated families and communities but has gone unaddressed throughout history. These losses are an open wound in our Tribal communities and add to the generational trauma facing Native American families that many of us have experienced.

That is why my dear friends and colleagues, Representatives TOM COLE, SHARICE DAVIDS, and MARKWAYNE MULLIN, helped me introduce this bill in the House as the first bill in history to be sponsored by four federally recognized Tribal members of the Pueblo of Laguna, the Chickasaw Nation, the Ho-Chunk Nation, and the Cherokee Nation, respectively.

Enactment of S. 982 will be one step toward finally acknowledging the pain that our families have felt and giving our survivors the platform that they need to begin healing the open wound Native American people, especially our women, have felt in this country for so long.

My hope is that, together, we can use the Not Invisible Act to do just that: not be invisible anymore.

The second bill that I would like to highlight is S. 227, Savanna's Act. This bill was introduced by Senator MURKOWSKI and is named in honor of Savanna Greywind, who was a 22-year-old member of the Spirit Lake Tribe.

Savanna was 8 months pregnant when she was tragically murdered in August of 2017. At the time of her death, she had recently gotten a job as a nursing assistant and was looking forward to starting her family by welcoming her first child with her partner, Ashton, in North Dakota. However, this ended abruptly when Savanna was brutally strangled after having her child removed from her belly in a violent attack.

Savanna was just one of the many Native American women who have been victims of the silent crisis of missing and murdered indigenous women in the United States. Native women experience murder rates 10 times higher than the national average, and murder is the third leading cause of death for American Indians and Alaska Natives. Eighty-four percent of Native women endure violence during their lifetime, and they are twice as likely to experience sexual assault or rape in their lifetimes than any other group. This is unacceptable.

Even though these alarming rates persist, there are no reliable systems available to track this data or know exactly how many Native American women and girls go missing each year, because the databases that hold statistics of these cases are outdated and there is a lack of coordination between local, State, and Tribal law enforcement agencies.

Savanna's Act addresses these discrepancies to find practical solutions to address the epidemic of missing and murdered indigenous women by approving Tribes' access to Federal crime information databases, requiring the United States to track and publish data relating to the disappearance of our women, and providing training and technical assistance to Tribal law enforcement agencies to adequately respond to these cases.

Madam Speaker, I thank Representative NORMA TORRES for inviting me to colead this critical piece of legislation to help improve data collection of indigenous women where none exists to help law enforcement follow-up rates and response times for cases that take place on and off Tribal lands.

Most importantly, this bill will help develop new guidelines to improve law enforcement communications with families of victims to disseminate information of cases involving their loved ones, which is crucial, because many times no efforts are made to update families currently.

To the former partner of Savanna, Ashton Matheny, and her daughter, Haisley Jo, who turned 3, 1 month ago today, I would like to send my sincerest condolences to their family. While the passage of this bill will never make up for their devastating loss, I hope that it brings honor to Haisley's mother, and know that it will impact generations to come.

I am proud to be the sponsor and colead of the House versions of S. 982, the Not Invisible Act, and S. 227, Savanna's Act, to help address the crisis of missing and murdered indigenous women.

Madam Speaker, I urge my colleagues to join me in supporting both of these bills.

Madam Speaker, I urge my colleagues to support the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Mexico (Ms. HAALAND) that the House suspend the rules and pass the bill, S. 294.

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

A motion to reconsider was laid on the table.

NULLIFYING SUPPLEMENTAL TREATY BETWEEN UNITED STATES OF AMERICA AND CONFEDERATED TRIBES AND BANDS OF INDIANS OF MIDDLE OREGON

Ms. HAALAND. Madam Speaker, I move to suspend the rules and pass the bill (S. 832) to nullify the Supplemental Treaty Between the United States of America and the Confederated Tribes and Bands of Indians of Middle Oregon, concluded on November 15, 1865.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 832

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

SECTION 1. NULLIFICATION OF TREATY.

The Supplemental Treaty Between the United States of America and the Confederated Tribes and Bands of Indians of Middle Oregon, concluded on November 15, 1865, and entered into pursuant to the Senate resolution of ratification dated March 2, 1867 (14 Stat. 751), shall have no force or effect.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Mexico (Ms. HAALAND) and the gentlewoman from Wyoming (Ms. CHENEY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Mexico.

GENERAL LEAVE

Ms. HAALAND. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the measure under consideration.

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

There was no objection.

Ms. HAALAND. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 832, introduced by Senator MERKLEY of Oregon, will nullify the supplemental treaty of 1865 between the United States and the Confederated Tribes and Bands of Indians of Middle Oregon.

The Warm Springs Confederated Tribe signed a treaty with the United States in 1855 in which they relinquished millions of acres of their land but reserved the Warm Springs Reservation for their exclusive use, as well as off-reservation fishing, hunting, and gathering rights.

After the treaty's signing, the Tribes maintained their accustomed practice of traveling regularly to the Columbia River to harvest salmon. However, non-Indian settlers in the area convinced the Oregon Superintendent of Indian Affairs to pursue efforts to keep the Tribes away.

As a result, in 1865, a small number of Warm Springs members were fraudulently made to sign a supplemental treaty that claimed to strip the Tribe's off-reservation rights and to prohibit their members from leaving the reservation without a written permit issued by the Federal Indian agent.

Both the Indians of the Warm Springs Reservation and the United States Government recognized that this was a deceptive action and have consistently ignored the 1865 agreement while also reaffirming the Tribes' off-reservation treaty rights. Passage of S. 832 will finally officially correct this historic injustice and nullify the 1865 treaty.

Madam Speaker, I thank and congratulate Senator MERKLEY for his work on moving this bill through the Senate. I also want to thank our colleague from Oregon, Representative GREG WALDEN, for his work on the House version of the legislation.

Madam Speaker, I urge quick adoption of this bill, and I reserve the balance of my time.

Ms. CHENEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of S. 832.

As my colleague has described, the bill would nullify an 1865 supplement to the Confederated Tribes of the Umatilla Reservation. It was signed after the original 1855 treaty.

This supplemental treaty further restricted the rights of Tribal members to the extent that, among other things, they could not leave the reservation without written permission from the Federal agency superintendent.

According to the Tribe, this supplemental treaty was in response to non-Indian settler concerns with Tribal members using their usual and accustomed areas to hunt and fish.

The State of Oregon has indicated it has no intention of enforcing this antiquated and discriminatory treaty, but it does remain on the books, Madam Speaker, and I support the Tribes' request to have it struck.

Madam Speaker, I thank the sponsor of the House companion of this bill, Energy and Commerce Committee Ranking Member WALDEN, for his efforts to see this offensive provision removed.

Madam Speaker, I urge the adoption of this measure, and I yield back the balance of my time.

Ms. HAALAND. Madam Speaker, I urge my colleagues to support the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Mexico (Ms. HAALAND) that the House suspend the rules and pass the bill, S. 832.

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

A motion to reconsider was laid on the table.

SPRINGFIELD RACE RIOT STUDY ACT

Ms. HAALAND. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 139) to establish the Springfield Race Riot National Historic Monument in the State of Illinois, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 139

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 ''Springfield Race Riot Study Act''.

SEC. 2. RESOURCE STUDY OF SPRINGFIELD RACE RIOT.

(a) DEFINITIONS.—In this section:

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

(2) STUDY AREA.—The term ''study area'' means the archeological site near Madison Street and the 10th Street Rail Corridor, and other sites in Springfield, Illinois associated with the 1908 Springfield Race Riot.

(b) SPECIAL RESOURCE STUDY.—

(1) STUDY.—The Secretary shall conduct a special resource study of the study area.

(2) CONTENTS.—In conducting the study under paragraph (1), the Secretary shall—

(A) evaluate the national significance of the study area;

(B) determine the suitability and feasibility of designating the study area as a unit of the National Park System;

(C) consider other alternatives for preservation, protection, and interpretation of the study area by the Federal Government, State or local government entities, or private and nonprofit organizations;

(D) consult with interested Federal agencies, State or local governmental entities, private and nonprofit organizations, or any other interested individuals; and

(E) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives.

(3) APPLICABLE LAW.—The study required under paragraph (1) shall be conducted in accordance with section 100507 of title 54, United States Code.

(4) REPORT.—Not later than 3 years after the date on which funds are first made available for the study under paragraph (1), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(A) the results of the study; and

(B) any conclusions and recommendations of the Secretary.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Mexico (Ms. HAALAND) and the gentlewoman from Wyoming (Ms. CHENEY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Mexico.

GENERAL LEAVE

Ms. HAALAND. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the measure under consideration.

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

There was no objection.

Ms. HAALAND. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 139, the Springfield Race Riot Study Act, introduced by Representative RODNEY DAVIS of Illinois.

In August 1908, Springfield, Illinois, was the site of a multiday riot, with violence directed at the African-American community.

The mob shot innocent people, burned almost 50 homes, looted and destroyed two dozen stores, and mutilated and lynched two elderly Black men who were merely innocent bystanders.

□ 1300

All of this violence came about because two other African-American men were wrongly accused; one accused of attacking a White woman who, not long after the riots, admitted that her attacker was a White man; and one accused on slight evidence of attacking a White girl and of murdering her father.

In part, as a response to the riot, the NAACP was formed in 1909 to work to end segregation, discrimination, and ensure African Americans are provided their constitutional rights.

This was the one bright light that emerged out of that dark moment in our history, and it is an origin story that certainly resonates today as the Nation continues to grapple with race relations and social justice.

This bill will authorize the National Park Service to conduct a full, special resource study to determine the most appropriate method to preserve, interpret, and protect the resources associated with the riot and the founding of the NAACP.

I want to thank Representative DAVIS for his efforts on this bill, and I urge all of my colleagues to support its adoption.

I reserve the balance of my time.

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

Mr. Speaker, H.R. 139, the Springfield Race Riot Study Act, which was sponsored by our colleague, Congressman RODNEY DAVIS, authorizes the Secretary of the Interior to conduct a special resource study of the site of the Springfield race riots of 1908.

As my colleague has just described, on the evening of August 14, 1908, racial tensions ignited in the Illinois capital of Springfield. The riot was incited by a White mob who wanted to lynch two Black inmates housed at the county jail. One had been charged with murdering a White man, the other with raping a White woman, an allegation that was later recanted.

After the two inmates were spirited away for their safety, the mob destroyed Black neighborhoods and lynched two innocent Black men. Soon after this horrific weekend of violence and racial strife, a prominent group of social reformers came together in February 1909 and established the National Association for the Advancement of Colored People.

Recently, archeologists uncovered the physical remains of five houses and their associated artifacts that burned in the 1908 riot. Last year, the National Park Service completed a reconnaissance survey of the site and concluded it was likely the site that would meet criteria for inclusion in the National Park System if fully analyzed through a congressionally authorized special resources study.

In August, Secretary of the Interior David Bernhardt visited the site of the 1908 riot to declare it part of the recently established African American Civil Rights Network. One goal of this network is to ensure that we accurately tell the complete and often painful story of the struggle for civil rights in our country.

I commend Representative DAVIS on his work to highlight this tragic event in our Nation's history. I urge adoption of the measure, and I yield back the balance of my time.

Ms. HAALAND. Mr. Speaker, I urge my colleagues to support the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TAKANO). The question is on the motion offered by the gentlewoman from New Mexico (Ms. HAALAND) that the House suspend the rules and pass the bill, H.R. 139, as amended.

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

The title of the bill was amended so as to read: ''A bill to direct the Secretary of the Interior to conduct a special resource study of the site associated with the 1908 Springfield Race Riot in the State of Illinois.''.

A motion to reconsider was laid on the table.

FREE VETERANS FROM FEES ACT

Ms. HAALAND. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1702) to waive the application fee for any special use permit for veterans demonstrations and special events at war memorials on Federal land, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1702

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 ''Free Veterans from Fees Act''.

SEC. 2. WAIVER OF SPECIAL USE PERMIT APPLICATION FEE FOR VETERANS' SPECIAL EVENTS.

(a) WAIVER.—The application fee for any special use permit solely for a veterans' special event at war memorials on land administered by the National Park Service in the District of Columbia and its environs shall be waived.

(b) DEFINITIONS.—In this section:

(1) DISTRICT OF COLUMBIA AND ITS ENVIRONS.—The term ''the District of Columbia and its environs'' has the meaning given that term in section 8902(a) of title 40, United States Code.

(2) GOLD STAR FAMILIES.—The term ''Gold Star Families'' includes any individual described in section 3.2 of Department of Defense Instruction 1348.36.

(3) SPECIAL EVENT.—The term ''special events'' has the meaning given that term in section 7.96 of title 36, Code of Federal Regulations.

(4) VETERAN.—The term ''veteran'' has the meaning given that term in section 101(2) of title 38, United States Code.

(5) VETERANS' SPECIAL EVENT.—The term ''veterans' special event'' means a special event of which the majority of attendees are veterans or Gold Star Families.

(6) WAR MEMORIAL.—The term ''war memorial'' means any memorial or monument which has been erected or dedicated to commemorate a military unit, military group, war, conflict, victory, or peace.

(c) APPLICABILITY.—This section shall apply to any special use permit application submitted after the date of the enactment of this Act.

(d) APPLICABILITY OF EXISTING LAWS.—Permit applicants remain subject to all other laws, regulations, and policies regarding the application, issuance and execution of special use permits for a veterans' special event at war memorials on land administered by the National Park Service in the District of Columbia and its environs.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Mexico (Ms. HAALAND) and the gentlewoman from Wyoming (Ms. CHENEY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Mexico.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 1702, the Free Veterans from Fees Act introduced by Representative GREG STEUBE.

This bill seeks to honor the sacrifices made by our veterans and their families by waiving application fees for veterans' special events at war memorials in our Nation's Capital for veterans and Gold Star families.

Although the National Park Service has a longstanding practice of waiving application fees for special use permits for most veterans' events at war memorials, oftentimes, veterans' organizations have to pay administrative fees and processing costs to obtain permits for events such as Honor Buses.

By codifying a version of this routine practice and policy in law, we can help honor the sacrifices made by our veterans and Gold Star families by ensuring that they are not required to pay when visiting national war memorials built to commemorate their bravery and our fallen heroes.

I thank Representative STEUBE for introducing this legislation and urge my colleagues to support it.

I reserve the balance of my time.

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

Mr. Speaker, in recognition of the significant and unparalleled sacrifices veterans have made for our country, my colleague Mr. STEUBE introduced H.R. 1702 to waive the application fee associated with special use permits for veterans' organizations and our Gold Star families at war memorials on Federal lands.

Special use permits are required by the National Park Service for activities that provide a benefit to an individual group or organization and for activities that require the use of a designated park location for a specific purpose and length of time.

When those who have served our Nation, Mr. Speaker, including Gold Star families, want to hold an event whose primary purpose is to commemorate or honor the service of veterans, they should not be subject to application fees. This bill removes a potential barrier and ensures our veterans are not discouraged from planning, hosting, or organizing events on our public lands.

With this bill, Mr. Speaker, we show in one more way our respect for our Nation's veterans, and we support the special events that honor the men and women of our Armed Forces.

I commend my colleague Congressman STEUBE for his work on behalf of our servicemen and -women.

Mr. Speaker, this bill's sponsor, Congressman STEUBE, was unable to be here today to speak on his bill because of commitments in his district.

Mr. Speaker, I urge adoption of this measure and since I have no further speakers, I yield back the balance of my time.

Ms. HAALAND. Mr. Speaker, I urge my colleagues to support the legislation, and I yield back the balance of my time.

Mr. STEUBE. Mr. Speaker, I urge my colleagues in the House to vote in favor of my bill, H.R. 1702, the Free Veterans from Fees Act of 2019.

To help foster a culture in America in which all veterans are valued for their service to our nation, we need to do our part to assist those who have served in our military. One way we can honor our nation's heroes is to assist them when they visit national war memorials as they remember all those who fought and are not here today.

Throughout the year, several veterans' groups and Gold Star Families visit national war memorials here in Washington, D.C. by honor buses and honor flights through various veterans' organizations. To obtain a permit for their visit, oftentimes veterans' groups must pay administrative fees and other processing costs related to visiting memorials that have been built not only as a testament of their sacrifice, but also to honor those who paid the ultimate sacrifice for our nation.

This common sense bill would waive the application fee for any special use permits for veterans' demonstration and special events at war memorials on land administrated by the National Park Service in the District of Columbia.

The Free Veterans from Fees Act has bipartisan support and has been endorsed by AMVETS, a veteran organization that represents 250,000 members nationwide.

I thank the House Committee on Natural Resources for holding a hearing on this bill and I am pleased to see it on the legislative calendar. You may also remember this bill was passed through the Committee and through suspension on the House floor last Congress, and we hope that we can get this bill passed under suspension this Congress.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Mexico (Ms. HAALAND) that the House suspend the rules and pass the bill, H.R. 1702, as amended.

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

The title of the bill was amended so as to read: ''A bill waive the application fee for any special use permit for veterans' special events at war memorials on land administered by the National Park Service in the District of Columbia and its environs, and for other purposes.''.

A motion to reconsider was laid on the table.

B–47 RIDGE DESIGNATION ACT

Ms. HAALAND. Mr. Speaker, I move to suspend the rules and pass the bill (S. 490) to designate a mountain ridge in the State of Montana as ''B–47 Ridge''.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 490

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 ''B–47 Ridge Designation Act''.

SEC. 2. DESIGNATION OF B–47 RIDGE, MONTANA.

(a) DESIGNATION.—

(1) IN GENERAL.—The unnamed mountain ridge located at 45°14′40.89″ N., 110°43′38.75″ W. that runs south and west of Emigrant Peak in the Absaroka Range in the State of Montana, which is the approximate site of a crash of a B–47, shall be known and designated as ''B–47 Ridge''.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the ridge described in paragraph (1) shall be deemed to be a reference to ''B–47 Ridge''.

(b) AUTHORIZATION FOR PLAQUE.—

(1) IN GENERAL.—The Secretary of Agriculture may authorize the installation and maintenance of a plaque on B–47 Ridge that—

(A) memorializes the 1962 crash of the B–47 aircraft at the site; and

(B) may include the names of the victims of the crash.

(2) AUTHORIZED TERMS AND CONDITIONS.—The Secretary of Agriculture may include any terms and conditions in the authorization for a plaque under paragraph (1) that the Secretary of Agriculture determines to be necessary.

(3) FUNDING.—No Federal funds may be used to design, procure, install, or maintain the plaque authorized under paragraph (1).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Mexico (Ms. HAALAND) and the gentlewoman from Wyoming (Ms. CHENEY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Mexico.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise in support of S. 490 the B–47 Ridge Designation Act.

One of our priorities on the House Natural Resources Committee this Congress has been to enhance public lands access for veterans and servicemembers and that includes allowing our public lands to honor those who have made the ultimate sacrifice for our country.

This bill would designate an unnamed mountain range near Emigrant Peak in the State of Montana as ''B–47 Ridge'' and allow the installation of a commemorative plaque at the site.

The name and plaque would memorialize the tragic end to a routine training flight on the night of July 23, 1962. Four U.S. Air Force servicemembers lost their lives when their B–47 strategic bomber crashed at 8,500 feet. Debris from the crash can still be seen on the ridge today.

This bill appropriately honors the memory and sacrifice of Captain Faulconer, Lieutenant Lloyd Sawyers, Lieutenant David Sutton, and Lieutenant Hixenbaugh.

I urge its immediate adoption, and I reserve the balance of my time.

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

Mr. Speaker, S. 490 designates the mountain ridge where an Air Force B–47 strategic bomber crashed while on a training mission in Montana in 1962 as the ''B–47 Ridge.''

This bill is the Senate companion to H.R. 1267, which our Congressman GIANFORTE led here in the House. Nearly 60 years have passed since that U.S. Air Force B–47 bomber left Texas and crashed into Montana's Emigrant Peak just north of Yellowstone National Park in the Paradise Valley. Debris remains on the ridge where the plane crashed. S. 490 will rename the area the ''B–47 Ridge'' to honor the four-man crew who perished in the wreck.

Those brave airmen who died that day on the southwestern slope of Emigrant Peak during a training mission were: Captain Bill Faulconer, Lieutenant Lloyd Sawyers, Lieutenant David Sutton, and Lieutenant Fred Hixenbaugh.

This legislation will also allow for the placement of a memorial plaque which will be paid for by the crew's families and the local community.

This is a good and important bill honoring the sacrifice of those airmen and I applaud Congressman GIANFORTE and the entire Montana delegation for their efforts to get this lasting tribute signed into law.

Mr. Speaker, I urge adoption of this measure, and I yield back the balance of my time.

Ms. HAALAND. Mr. Speaker, I urge my colleagues to support the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Mexico (Ms. HAALAND) that the House suspend the rules and pass the bill, S. 490.

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

A motion to reconsider was laid on the table.

TRIBAL SCHOOL FEDERAL INSURANCE PARITY ACT

Ms. HAALAND. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 895) to allow tribal grant schools to participate in the Federal Employee Health Benefits program.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 895

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 ''Tribal School Federal Insurance Parity Act''.

SEC. 2. AMENDMENT TO THE INDIAN HEALTH CARE IMPROVEMENT ACT.

Section 409 of the Indian Health Care Improvement Act (25 U.S.C. 1647b) is amended by inserting ''or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.)'' after ''(25 U.S.C. 450 et seq.)''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Mexico (Ms. HAALAND) and the gentlewoman from Wyoming (Ms. CHENEY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Mexico.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 895, introduced by Representative DUSTY JOHNSON of South Dakota, authorizes Indian Tribes and Tribal organizations operating Tribally controlled schools the ability to access the Federal Employees Health Benefits Program.

□ 1315

Prior to 2010, Tribal employees generally lacked access to the FEHB program. To fix this, Congress passed the Indian Healthcare Improvement Act in 2010.

However, eligibility for Federal health benefits was granted only to the Tribal nations that utilized the Indian Self-Determination and Education Assistance Act, leaving behind the tribally controlled schools that operate pursuant to the Tribally Controlled Schools Act.

This gap has resulted in significant financial strains on 126 tribally controlled schools and has made it difficult for them to recruit and maintain quality educators. Passage of H.R. 895 will remove this disparity and ensure that all BIE-operated and BIE-funded tribally operated schools' employees have access to the FEHB program.

Mr. Speaker, I want to thank our colleague, Representative JOHNSON, for championing this legislation. I urge my colleagues to support H.R. 895, and I reserve the balance of my time.

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

Mr. Speaker, I rise in support of H.R. 895. As my colleague from New Mexico described it, this bill would enable Tribal grant school employees to participate in the Federal Health Benefits Program.

Under current law, the Bureau of Indian Education employees and tribally managed schools operating under a self-determination contract are already eligible for this benefit. It is time that we helped Tribal grant schoolteachers.

This bill will not only provide parity for the benefits that employees receive at other schools serving Native children, but it will help keep essential moneys focused on education itself.

I want to thank the sponsor of this legislation, my colleague Congressman DUSTY JOHNSON, for his thoughtful leadership on this issue.

This stand-alone legislation will go a long way to help Tribal grant schools during the COVID–19 recovery period and beyond.

I am disappointed, however, Mr. Speaker, that the Democrat majority has refused to act on S. 886, the Indian Water Rights Settlement Extension Act. S. 886 includes the text of this bill and would also help Tribes in one of the hardest hit COVID–19 regions of the country, the Navajo Nation, which has cited lack of water as a complication for fending off and defeating this deadly virus.

S. 886 addresses this very issue by ensuring better access to water for the Tribe. Unfortunately, the majority has let this water settlement agreement for the Navajo collect dust. It has been 90 days since the Senate passed this bipartisan bill. Despite repeated requests for its consideration, the Democrats have taken no action to see this critical agreement enacted into law.

Mr. Speaker, I include in the RECORD a letter from Navajo President Nez asking Speaker PELOSI to schedule a vote on final passage on S. 886.

THE NAVAJO NATION,
Window Rock, AZ, July 28, 2020.

Hon. NANCY PELOSI,
Speaker of the House of Representatives, Washington, DC.
Hon. KEVIN MCCARTHY,
Republican Leader, Washington, DC.

DEAR SPEAKER PELOSI AND LEADER MCCARTHY: We respectfully request that you schedule a vote on final passage of S. 886, the Navajo Utah Water Rights Settlement Act (NUWRSA), before the House leaves for the August recess. As discussed and explained in our June 22, 2020 letter to the House, nearly 40 percent of the Navajo Nation lacks running water or adequate sanitation in their homes. To make matters worse, the Navajo Nation's COVID–19 infection rate on a per capita basis is one of the highest in the country and the Navajo Nation has more COVID–19 deaths than many states. The House has an opportunity to take immediate action to mitigate future COVID–19 outbreaks and address the drinking water crisis on the Navajo Reservation by passing S. 886. Although the Senate unanimously passed S. 886, the House of Representatives has so not acted on it, further delaying the relief that it will ultimately bring to the Navajo people.

The Navajo Nation has over 300,000 enrolled members and is the largest Indian reservation spanning portions of Arizona, New Mexico, and Utah. The conditions on Navajo are dire and the pandemic only compounds our needs. With so few watering points across the Navajo Nation, families must travel hours to reach these points and must ration their water accordingly. Without access to clean drinking water, the Navajo Nation will continue to struggle, and its members will be more susceptible to deadly illnesses such as COVID–19.

S. 886 would provide the means to begin to address these critical needs. Through NUWRSA, the Navajo Nation would receive approximately $220 million in federal and state funding for desperately needed drinking water infrastructure on the Reservation in exchange for the Nation waiving its water-related claims against the United States and State of Utah. In 2016, Congress first introduced the settlement legislation and on June 4, 2020, the Senate unanimously passed S. 886, demonstrating the broad bipartisan support for the legislation.

The Navajo Nation recognizes that there is more to be done for Indian Country and we stand ready to assist you on this work, but S. 886 is ready for final passage. The House's inaction on S. 886 or sending it back to the Senate for further consideration will only delay addressing the basic human needs of the Navajo people. Therefore, we respectfully request that you schedule a vote on final passage of S. 886 before the House recesses in August.

Sincerely,

JONATHAN NEZ, *President.*
MYRON LIZER, *Vice President.*

Ms. CHENEY. Again, Mr. Speaker, we support the passage of Congressman JOHNSON's bill, H.R. 895, and would also prefer to enact this provision into law along with measures that will help the Navajo Nation with their broader water shortages.

Mr. Speaker, I yield 4 minutes to the gentleman from South Dakota (Mr. JOHNSON).

Mr. JOHNSON of South Dakota. Mr. Speaker, I will begin by thanking Ranking Member CHENEY and Congresswoman HAALAND for their support and for their warm words of support for this measure.

They are right. H.R. 895 is about fairness; it is about equity; and it is about improving Tribal school outcomes across this country.

Now, I don't know that it matters where you live in this country, and I don't know that it matters where you are in the political spectrum, it seems like one of the things you should be able to recognize is that one of our most difficult and most important challenges in this country is ensuring quality education for our Native students.

Unintentionally, a few years ago, Congress complicated those efforts. We passed the Indian Healthcare Improvement Act. As a part of that act, we made it clear that section 638 Tribal schools could access the Federal employee health insurance benefits. But we denied that same treatment—again, unintentionally—for the section 297 schools. In the decade since we have done that, millions of dollars have flown out of the classroom and, instead, toward these health insurance benefits.

Our bill, my bill, the Tribal School Federal Insurance Parity Act, fixes that oversight, closes that loophole, and addresses this problem without costing our Federal Government a nickel.

I have visited Tribal grant schools, most recently just a few weeks ago. I will tell you, Mr. Speaker, Superintendent Whirlwind Horse and her team work hard every single day. They are at Wounded Knee School on the Pine Ridge Indian Reservation in South Dakota. They work hard to provide these educational opportunities even with incredibly scarce resources.

My friend, Cecilia Fire Thunder, the president of the Oglala Lakota Nation Education Consortium, understands those challenges, which is why she has been focused on this issue for a long time.

If we pass this bill, we will make their jobs just a little bit easier as they work to shift those dollars into the classroom to focus them on student education, to focus them on student outcomes, and to focus them on improving the lives of young people in Indian Country.

So, I ask my colleagues, Mr. Speaker, for a ''yes'' vote, and I ask us all to work with the Senate to pass H.R. 895 before the end of the 116th Congress.

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

Ms. HAALAND. Mr. Speaker, I urge my colleagues to support the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Mexico (Ms. HAALAND) that the House suspend the rules and pass the bill, H.R. 895.

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

A motion to reconsider was laid on the table.

JUSTICE FOR JUVENILES ACT

Ms. SCANLON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5053) to exempt juveniles from the requirements for suits by prisoners, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5053

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 ''Justice for Juveniles Act''.

SEC. 2. EXEMPTION OF JUVENILES FROM THE REQUIREMENTS FOR SUITS BY PRISONERS.

Section 7 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e) is amended—

(1) in subsection (h), by striking ''sentenced for, or adjudicated delinquent for,'' and inserting ''or sentenced for''; and

(2) by adding at the end the following:

''(i) EXEMPTION OF JUVENILE PRISONERS.—This section shall not apply to an action pending on the date of enactment of the Justice for Juveniles Act or filed on or after such date if such action is—

''(1) brought by a prisoner who has not attained 22 years of age; or

''(2) brought by any prisoner with respect to a prison condition that occurred before the prisoner attained 22 years of age.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Pennsylvania (Ms. SCANLON) and the gentleman from Ohio (Mr. JORDAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Pennsylvania.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 5053, the Justice for Juveniles Act. This bipartisan bill, which I introduced along with my colleagues Mr. ARMSTRONG, Mr. RESCHENTHALER, and Mr. JEFFRIES, would eliminate the administrative exhaustion requirement for incarcerated youth before they may file a lawsuit challenging the conditions of their incarceration.

By passing this bill today, the House will advance a measure to correct a manifest wrong currently present in Federal law and continue bipartisan efforts to support incarcerated youth.

This bill recognizes the same conclusion that has been embraced by the Supreme Court and experts for decades—that incarcerated young people have different cognitive abilities than adults, that they are less mature, and that they have a higher chance of being assaulted while incarcerated.

In recent years, our Nation has finally come to the realization that youth and adults have fundamentally different decisionmaking abilities. The Supreme Court has repeatedly cited adolescents' lack of maturity as a reason why they are not as culpable as adults for their actions or able to recognize either certain consequences or dangers. Yet, in current law, there are no allowances for these differences in cognitive abilities when it comes to addressing deficiencies in conditions of confinement.

Pursuing claims under the Prison Litigation Reform Act, which requires an understanding of detailed grievance procedures and timelines, is nearly impossible for incarcerated youth, particularly when courts have been exacting in their requirements that the exhaustion requirements be followed, no matter how sympathetic the situation.

Understanding the grievance process is made even more challenging by the educational deficits faced by a substantial number of incarcerated juveniles. According to one study, among incarcerated youth, 85 percent are functionally illiterate, and the baseline reading levels vary from grade 1 to grade 6. In addition, approximately 70 percent of incarcerated juveniles have at least one learning disability. Youth are, furthermore, less likely than adults to recognize as risks the circumstances they face in a correctional facility.

Compounding these challenges, incarcerated youth, as a group, experience extraordinarily high rates of mental illness. Nearly 50 percent of incarcerated 16- to 18-year-olds suffer from a mental illness. Juveniles housed with adults are 10 times more likely to have psychotic episodes and have a suicide rate that is 7.7 times higher than those housed in juvenile facilities.

In recent years, the public has become more aware of the many dangers that lurk in correctional facilities. Hurricanes have flooded facilities; cold snaps have left prisoners freezing to death; and heat waves have killed prisoners when they lack proper ventilation or air-conditioning.

Of course, the 2019 expose by The Philadelphia Inquirer exposed a longstanding pattern of abuse of adolescents committed to the Glen Mills School, which was thereafter closed.

Incarceration or detention poses a special danger to youth who often don't have the ability to experience or recognize that they are in immediate danger. Adolescents incarcerated with adults are also more prone to both physical and mental abuse. Youth are 50 percent more likely to be physically assaulted when they are housed in adult facilities than in juvenile facilities.

Taken together, incarcerated youth are simply not able to recognize or to effectively communicate when their prison conditions become dangerous or unconstitutionally deficient. There remains little doubt that the current process needs to be changed.

That is why this bill proposes a modest reform to the Prison Litigation Reform Act. It simply exempts youth in correctional facilities from having to comply with technical grievance procedures before they can go to court to challenge the unconstitutional conditions of their confinement.

While I would like to see us do much, much more, this bill is a necessary first step, which I ask that my colleagues support today.

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

The SPEAKER pro tempore. Without objection, the gentleman from North Dakota (Mr. ARMSTRONG) will control the minority's time.

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 5053, the Justice for Juveniles Act. This bill eliminates some of the obstacles for juvenile prisoners seeking relief from our correctional facilities in Federal court.

Juvenile offenders often lack the knowledge to pursue and exhaust all the complex administrative rules and grievance procedures in our correctional facilities. H.R. 5053 will provide juvenile offenders quicker access to courts when they feel they are being abused or mistreated.

President Trump has been a leader on criminal justice reform. He signed into law the bipartisan First Step Act in December 2018. The President has also commuted the lengthy prison sentences of several nonviolent offenders and, more recently, pardoned Alice Johnson, who served 22 years of a life sentence for nonviolent drug trafficking.

This bill is another important step in criminal justice reform. I was honored to be the Republican lead on this bill. It was a pleasure to work with Ms. SCANLON from Pennsylvania, the bill's primary sponsor.

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

□ 1330

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

Mr. ARMSTRONG. Mr. Speaker, this bill is a good piece of bipartisan legislation.

I agree with Ms. SCANLON; it is an important first step. But I also think it is important to recognize that, when we do place juvenile offenders in the adult criminal justice system, we are doing some things in a different way, and they have unique challenges that they face in those systems.

This is neither the time, necessarily, nor the place for the larger debate, but I think the least we can do is exhaust some of those administrative remedies, given what we know.

I was proud to be the Republican colead on this bill, and I look forward to its passage.

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

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

I thank Mr. ARMSTRONG for his help in moving this bill forward.

Mr. Speaker, this legislation is supported by a bipartisan coalition of groups, including, #cut50, the Campaign for Youth Justice, the Juvenile Law Center, the National Legal Aid and Defender Association, and R Street Institute. These organizations, as well as health and legal experts, acknowledge that simplifying the legal process and making it less complex is consistent with the developmental needs of adolescents.

Therefore, H.R. 5053 was developed as a bipartisan bill to protect young people from abuse in institutions by exempting them from the administrative grievance requirements that stand in the way of their getting relief from abusive practices.

Mr. Speaker, I ask my colleagues to join me in supporting this legislation today, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, as a senior member of the Committees on the Judiciary and on Homeland Security, and the Congressional Black Caucus, and as a cosponsor, I rise in strong support of H.R. 5053, the ''Justice for Juveniles Act,'' introduced by Congresswoman SCANLON which I am proud to cosponsor.

I want to thank Chairman NADLER for his tremendous leadership during this Congress and the past several months of hardship, stress, and disruption not only of the regular normalized operations of this Committee but of the Congress and more importantly, the lives of the American people.

It has been said of Americans that we do the difficult immediately, and the impossible takes a little longer.

The legislative session today is a testament to the determination of this Committee that despite the coronavirus pandemic that has claimed the life of over 200,000 Americans, that legislation to improve the lives of the people we represent and the communities we serve will not be halted.

The problems facing ordinary Americans due to flaws and inequities in the criminal justice system, the immigration system, the health care system, the economy, the trademark system and others do not take a timeout because of the pandemic and neither does this Congress, and for that I commend Speaker PELOSI, the House Democratic leadership, and my colleagues on both sides of the aisle.

The bipartisan H.R. 5053, the Justice for Juveniles Act protects young people from abuse in institutions by exempting them from the administrative grievance provision of the Prison Litigation Reform Act (PLRA) by enabling them to file a lawsuit concerning physical injury, sexual assault or mental abuse without first having to file an administrative grievance.

The proposed legislation is supported by a bipartisan coalition of groups including cut5o, Campaign for Youth Justice, Juvenile Law Center, National Legal Aid & Defender Association, and R Street Institute.

The administrative grievance procedure, established by the Prison Litigation Reform Act (PLRA), requires inmates at federal, state, and local facilities to file administrative complaints through the prison in which they are detained.

Under the Justice For Juveniles Act, youth could initiate legal action to address prison conditions without first filing administrative complaints.

The PLRA was designed to address the problem of the large numbers of pro se prisoner lawsuits that were being filed and inundating the federal courts.

Before the enactment of the PLRA, the overwhelming majority of prisoner cases were civil rights cases filed by state prisoners in federal district courts and were filed prose.

The vast majority of the pre-PLRA pro se cases were filed under 42 U.S.C. §1983; incarcerated juveniles filed very few lawsuits.

Generally, to establish a claim under 42 U.S.C. §1983, a plaintiff must show that a person acting under color of state law deprived him of a right secured by the Constitution or the laws of the United States.

Pursuant to the changes brought on by the PLRA, before an incarcerated individual can file a lawsuit, he or she must take the complaint through all levels of a correctional facility's grievance system.

If a person fails to comply with these requirements, including missing a filing deadline that can be as short as a few days, he or she may no longer be able to bring a lawsuit.

This administrative remedy requirement is a high burden for a juvenile to meet, as it requires a sophisticated understanding of how to navigate technical procedures.

Held to an adult standard, minors are unduly prevented from litigating their abuses and thus deprived of a critical tool for improving their conditions of incarceration.

Moreover, the problem is made worse because grievance procedures tend to rely on written communication and juveniles in the justice system typically have serious education deficits.

Cases from around the country make clear that juveniles facing serious harm are deprived of legal protections because of the PLRA exhaustion requirements.

For example, in Hunter v. Corr. Corp., a 17-year-old was sexually assaulted in an adult facility but the case was dismissed because the court ruled he should have exhausted his administrative remedies first.

In another case, from Kentucky, a juvenile filed a lawsuit alleging that staff had hit him, shocked him with a stun gun, and then led him down the hall by his testicles to an isolation cell.

Although the juvenile's lawyer had discussed the incident with the jail administrator, the Federal Bureau of Investigation, the State Police, and the Kentucky Department of Juvenile Justice, the court ruled that this did not satisfy the PLRA and the suit was dismissed for failure to exhaust administrative remedies.

Mr. Speaker, exempting youth from administrative grievances acknowledges that children do not know how to protect themselves from practices or conduct that is unconstitutional.

The Justice For Children Act makes it easier for juveniles who are physically assaulted or abused to seek immediate redress in federal court.

In addition, simplifying the legal process and making it more readily available to these juveniles is also in keeping with the Supreme Court's conclusions regarding the developmental needs of adolescents.

I strongly support this legislation and urge all Members to join me in voting for its passage.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Pennsylvania (Ms. SCANLON) that the House suspend the rules and pass the bill, H.R. 5053.

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

A motion to reconsider was laid on the table.

COMPETITIVE HEALTH INSURANCE REFORM ACT OF 2020

Ms. SCANLON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1418) to restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1418

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 ''Competitive Health Insurance Reform Act of 2020''.

SEC. 2. RESTORING THE APPLICATION OF ANTITRUST LAWS TO THE BUSINESS OF HEALTH INSURANCE.

(a) AMENDMENT TO MCCARRAN-FERGUSON ACT.—Section 3 of the Act of March 9, 1945 (15 U.S.C. 1013), commonly known as the McCarran-Ferguson Act, is amended by adding at the end the following:

''(c)(1) Nothing contained in this Act shall modify, impair, or supersede the operation of any of the antitrust laws with respect to the business of health insurance (including the business of dental insurance and limited-scope dental benefits).

''(2) Paragraph (1) shall not apply with respect to making a contract, or engaging in a combination or conspiracy—

''(A) to collect, compile, or disseminate historical loss data;

''(B) to determine a loss development factor applicable to historical loss data;

''(C) to perform actuarial services if such contract, combination, or conspiracy does not involve a restraint of trade; or

''(D) to develop or disseminate a standard insurance policy form (including a standard addendum to an insurance policy form and standard terminology in an insurance policy form) if such contract, combination, or conspiracy is not to adhere to such standard form or require adherence to such standard form.

''(3) For purposes of this subsection—

''(A) the term 'antitrust laws' has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section 5 applies to unfair methods of competition;

''(B) the term 'business of health insurance (including the business of dental insurance and limited-scope dental benefits)' does not include—

''(i) the business of life insurance (including annuities); or

''(ii) the business of property or casualty insurance, including but not limited to—

''(I) any insurance or benefits defined as 'excepted benefits' under paragraph (1), subparagraph (B) or (C) of paragraph (2), or

paragraph (3) of section 9832(c) of the Internal Revenue Code of 1986 (26 U.S.C. 9832(c)) whether offered separately or in combination with insurance or benefits described in paragraph (2)(A) of such section; and

''(II) any other line of insurance that is classified as property or casualty insurance under State law;

''(C) the term 'historical loss data' means information respecting claims paid, or reserves held for claims reported, by any person engaged in the business of insurance; and

''(D) the term 'loss development factor' means an adjustment to be made to reserves held for losses incurred for claims reported by any person engaged in the business of insurance, for the purpose of bringing such reserves to an ultimate paid basis.''.

(b) RELATED PROVISION.—For purposes of section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section applies to unfair methods of competition, section 3(c) of the McCarran-Ferguson Act shall apply with respect to the business of health insurance without regard to whether such business is carried on for profit, notwithstanding the definition of ''Corporation'' contained in section 4 of the Federal Trade Commission Act.

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Pennsylvania (Ms. SCANLON) and the gentleman from North Dakota (Mr. ARMSTRONG) each will control 20 minutes.

The Chair recognizes the gentlewoman from Pennsylvania.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 1418, the Competitive Health Insurance Reform Act.

This commonsense legislation repeals a longstanding antitrust exemption for the health insurance industry under the McCarran-Ferguson Act. It does so for price-fixing, bid-rigging, and market allocation—the most egregious kinds of anticompetitive conduct. There is absolutely no justification for this broad antitrust exemption for the business of health insurance.

Congress passed the McCarran-Ferguson Act in response to a 1944 Supreme Court decision finding that the antitrust laws applied to the business of insurance. Both insurance companies and the States expressed concern about that decision. Insurance companies worried that it could jeopardize certain collective practices, like joint rate-setting and the pooling of historical data, and the States were concerned about losing their authority to regulate and tax the business of insurance.

To address these issues, McCarran-Ferguson provides that Federal antitrust laws apply to the business of insurance only to the extent that it is not regulated by State law. Unfortunately, this resulted in a broad antitrust exemption. Industry and State revenue concerns, rather than the vital goals of protecting competition and consumers, were the primary drivers of the act.

In passing McCarran-Ferguson, Congress initially intended to provide only a temporary exemption and, unfortunately, gave little consideration to competition concerns.

Not surprisingly, there is broad support for ending this safe harbor for antitrust violations that are criminally illegal. As the Antitrust Modernization Commission Report noted in 2007, the McCarran-Ferguson exemption should be repealed because it has outlived any utility it may have had and is among the most ill-conceived and egregious examples.

Furthermore, it is far from clear that the McCarran-Ferguson antitrust exemption was ever justified in the first place. Antitrust exemption should be exceedingly rare and should be enacted only where there are strong policy reasons for such exemption.

Carving out an entire part of a healthcare system from the antitrust laws should be unthinkable, particularly when healthcare costs are so high for many families. That is why it is time to repeal the special exemption for the insurance industry.

Mr. Speaker, I thank my colleague, Chairman DEFAZIO, for his leadership on this important legislation. I urge my colleagues to support this bill, which previously passed the House with an overwhelming bipartisan vote of 416–7, and I reserve the balance of my time.

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

Mr. Speaker, under current law, the health and dental insurance industries are exempt from some Federal competition laws and related enforcement actions.

Congress established this exemption in 1945 at a time when Federal antitrust law was less developed and more likely to disrupt procompetitive practices in the insurance industry under State laws.

H.R. 1418 would update antitrust law and apply it to the business of health insurance in ways designed to better protect consumers. At the same time, H.R. 1418 would still permit the health insurance industry to engage in procompetitive collaboration that benefits customers.

Mr. Speaker, this bill represents another small step designed to improve America's healthcare system. I encourage my colleagues to support this bill, and I reserve the balance of my time.

Ms. SCANLON. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, this bill, H.R. 1418, has 51 cosponsors in the House: 26 Democrats, 25 Republicans. It is endorsed by 23 national organizations, including Consumer Reports, which estimates it will save consumers billions of dollars a year in health insurance costs, other consumer rights groups, the American Dental Association, Hospital Association, and more.

There are only two for-profit industries in America that have an exemption from antitrust law: One is professional baseball, dating from the 1920s, and the other is the vital area of health insurance, dating to the 1940s. This bill will take away that exemption.

What does that mean? Well, right now, insurance companies can and do get together and collude. Before COVID, they would go to some fancy resorts, get together, and say: How about you stay out of North Dakota; we will stay out of South Dakota? You stay out of Oregon; we will stay out of Washington. Let's divide up the pie here. You decide where you are selling, and we will decide where we are selling. Oh, and by the way, here are the things we don't want to cover. Here are the people we want to redline and exclude.

That is all legal. That is all legal.

What does it do? It drives up the cost and the availability is diminished for Americans. And now here we are in the midst of COVID and the estimates are that 5 million people have lost their health insurance during COVID—5 million people—yet, last year, the health insurance industry made an eye-popping $33 billion in profits. This year, the reports are they are doing even better, with more and more people uninsured.

How are they doing that? Well, they are jacking up copays. They are jacking up deductibles. They are excluding all sorts of treatments from coverage. And it is all legal, and they can all get together and say: Hey, if you won't cover this, we won't cover it. That way we won't lose customers; you won't lose customers.

What a sweet deal. What a sweet deal.

Well, one in four Americans hesitated to go to the doctor—people who were insured—or to fill a prescription, get needed treatment because of the extraordinary copays and high deductibles. So a lot of people are paying 2,000, 3,000, 4,000, 5,000 bucks before they get any coverage on these so-called policies.

What is this about? It is about greed. And it is time to end.

This is a vital service for the American people. This bill was part of the original Affordable Care Act in the House—my provision. It was stripped

out in the Senate at the behest of a former insurance executive—good old Senate—so it didn't get into the final version of ACA. They took out a lot of other good things, too. The House bill was way preferable with national exchanges, not-for-profit, et cetera. But, in any case, it was stripped out.

So the House held another vote after the passage of the Affordable Care Act in 2010. Tom Perriello, then-Representative for Virginia, offered my bill on the floor and it passed by 406–19.

What kind of bills pass 406–19?

And then my colead on the bill, Representative GOSAR, introduced the bill in 2017, and it passed 416–7 in the most bitterly partisan atmosphere in Congress since post-Civil War—416–7.

It is time to get this done.

Finally, we are seeing some action in the Senate. Senator LEAHY has introduced a bill, ranking member of the Committee on the Judiciary, and Senator DAINES. So there are three Democrats, three Republicans on the bill. Hopefully, the Senate will see the wisdom in helping Americans afford health insurance, lowering their deductibles, lowering their copays, lowering their exclusions on prescription drugs.

Mr. Speaker, even under Medicare part D, they are always jacking people around: Oh, sorry, you can't have that medication anymore. We just took it off the list last week.

They can do it any time they want. And they can talk to the other insurers, and say: Hey, we are taking that drug off our list. Will you take it off your list, because we don't want people to switch to your plan.

That is all legal now.

Mr. Speaker, after this bill passes, it will no longer be legal. This will be a tremendous service to the American people at any time in history, but particularly now in times of COVID and crisis.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. ARMSTRONG. Mr. Speaker, this is a good bill. I urge my colleagues to support it, and I yield back the balance of my time.

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

Healthy competition in health insurance markets is one of the most critical elements for ensuring that Americans have access to high-quality, affordable healthcare. When insurance companies are forced to compete, the American people win.

Unfortunately, too many families are still paying higher premiums and out-of-pocket costs, in part, because of anticompetitive practices that health insurance giants are allowed to engage in under existing law.

What is more, there is a statutory loophole for this conduct that allows insurers to engage in egregious actions like price-fixing, bid-rigging, and market allocation with total impunity so long as they are engaged in the business of insurance and it is regulated by a State.

There should be no safe harbor whatsoever for this conduct which allows insurers to increase the cost of health insurance and impose additional burdens on families across our Nation when they are already struggling to make ends meet.

Health insurance companies should be subject to antitrust liability to the extent that they collude or otherwise engage in anticompetitive behavior. H.R. 1418 would achieve this result.

Mr. Speaker, I thank Chairman DEFAZIO for his leadership on this bill, and I urge my colleagues to vote in favor of this legislation that is long overdue.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Pennsylvania (Ms. SCANLON) that the House suspend the rules and pass the bill, H.R. 1418, as amended.

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

A motion to reconsider was laid on the table.

SAVANNA'S ACT

Ms. SCANLON. Mr. Speaker, I move to suspend the rules and pass the bill (S. 227) to direct the Attorney General to review, revise, and develop law enforcement and justice protocols appropriate to address missing and murdered Indians, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 227

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 ''Savanna's Act''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to clarify the responsibilities of Federal, State, Tribal, and local law enforcement agencies with respect to responding to cases of missing or murdered Indians;

(2) to increase coordination and communication among Federal, State, Tribal, and local law enforcement agencies, including medical examiner and coroner offices;

(3) to empower Tribal governments with the resources and information necessary to effectively respond to cases of missing or murdered Indians; and

(4) to increase the collection of data related to missing or murdered Indian men, women, and children, regardless of where they reside, and the sharing of information among Federal, State, and Tribal officials responsible for responding to and investigating cases of missing or murdered Indians.

SEC. 3. DEFINITIONS.

In this Act:

(1) CONFER.—The term ''confer'' has the meaning given the term in section 514 of the Indian Health Care Improvement Act (25 U.S.C. 1660d).

(2) DATABASES.—The term ''databases'' means—

(A) the National Crime Information Center database;

(B) the Combined DNA Index System;

(C) the Next Generation Identification System; and

(D) any other database relevant to responding to cases of missing or murdered Indians, including that under the Violent Criminal Apprehension Program and the National Missing and Unidentified Persons System.

(3) INDIAN.—The term ''Indian'' means a member of an Indian Tribe.

(4) INDIAN COUNTRY.—The term ''Indian country'' has the meaning given the term in section 1151 of title 18, United States Code.

(5) INDIAN LAND.—The term ''Indian land'' means Indian lands, as defined in section 3 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4302).

(6) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term ''Indian tribe'' in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(7) LAW ENFORCEMENT AGENCY.—The term ''law enforcement agency'' means a Tribal, Federal, State, or local law enforcement agency.

SEC. 4. IMPROVING TRIBAL ACCESS TO DATABASES.

(a) TRIBAL ENROLLMENT INFORMATION.—The Attorney General shall provide training to law enforcement agencies regarding how to record the Tribal enrollment information or affiliation, as appropriate, of a victim in Federal databases.

(b) CONSULTATION.—

(1) CONSULTATION.—Not later than 180 days after the date of enactment of this Act, the Attorney General, in cooperation with the Secretary of the Interior, shall complete a formal consultation with Indian Tribes on how to further improve Tribal data relevance and access to databases.

(2) INITIAL CONFER.—Not later than 180 days after the date of enactment of this Act, the Attorney General, in coordination with the Secretary of the Interior, shall confer with Tribal organizations and urban Indian organizations on how to further improve American Indian and Alaska Native data relevance and access to databases.

(3) ANNUAL CONSULTATION.—Section 903(b) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (34 U.S.C. 20126) is amended—

(A) by striking paragraph (2) and inserting the following:

''(2) enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, homicide, stalking, and sex trafficking;'';

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) improving access to local, regional, State, and Federal crime information databases and criminal justice information systems.''.

(c) NOTIFICATION.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall—

(1) develop and implement a dissemination strategy to educate the public of the National Missing and Unidentified Persons System; and

(2) conduct specific outreach to Indian Tribes, Tribal organizations, and urban Indian organizations regarding the ability to publicly enter information, through the National Missing and Unidentified Persons System or other non-law enforcement sensitive portal, regarding missing persons, which may include family members and other known acquaintances.

SEC. 5. GUIDELINES FOR RESPONDING TO CASES OF MISSING OR MURDERED INDIANS.

(a) IN GENERAL.—Not later than 60 days after the date on which the consultation described in section 4(b)(1) is completed, the Attorney General shall direct United States attorneys to develop regionally appropriate guidelines to respond to cases of missing or murdered Indians that shall include—

(1) guidelines on inter-jurisdictional cooperation among law enforcement agencies at the Tribal, Federal, State, and local levels, including inter-jurisdictional enforcement of protection orders and detailing specific responsibilities of each law enforcement agency;

(2) best practices in conducting searches for missing persons on and off Indian land;

(3) standards on the collection, reporting, and analysis of data and information on missing persons and unidentified human remains, and information on culturally appropriate identification and handling of human remains identified as Indian, including guidance stating that all appropriate information related to missing or murdered Indians be entered in a timely manner into applicable databases;

(4) guidance on which law enforcement agency is responsible for inputting information into appropriate databases under paragraph (3) if the Tribal law enforcement agency does not have access to those appropriate databases;

(5) guidelines on improving law enforcement agency response rates and follow-up responses to cases of missing or murdered Indians; and

(6) guidelines on ensuring access to culturally appropriate victim services for victims and their families.

(b) CONSULTATION.—United States attorneys shall develop the guidelines required under subsection (a) in consultation with Indian Tribes and other relevant partners, including—

(1) the Department of Justice;

(2) the Federal Bureau of Investigation;

(3) the Department of the Interior;

(4) the Bureau of Indian Affairs;

(5) Tribal, State, and local law enforcement agencies;

(6) medical examiners;

(7) coroners;

(8) Tribal, State, and local organizations that provide victim services; and

(9) national, regional, or urban Indian organizations with relevant expertise.

(c) COMPLIANCE.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the United States attorneys shall implement, by incorporating into office policies and procedures, the guidelines developed under subsection (a).

(2) MODIFICATION.—Each Federal law enforcement agency shall modify the guidelines, policies, and protocols of the agency to incorporate the guidelines developed under subsection (a).

(3) DETERMINATION.—Not later than the end of each fiscal year beginning after the date the guidelines are established under this section and incorporated under this subsection, upon the request of a Tribal, State, or local law enforcement agency, the Attorney General shall determine whether the Tribal, State, or local law enforcement agency seeking recognition of compliance has incorporated guidelines into their respective guidelines, policies, and protocols.

(d) ACCOUNTABILITY.—Not later than 30 days after compliance determinations are made each fiscal year in accordance with subsection (c)(3), the Attorney General shall—

(1) disclose and publish, including on the website of the Department of Justice, the name of each Tribal, State, or local law enforcement agency that the Attorney General has determined has incorporated guidelines in accordance with subsection (c)(3);

(2) disclose and publish, including on the website of the Department of Justice, the name of each Tribal, State, or local law enforcement agency that has requested a determination in accordance with subsection (c)(3) that is pending;

(3) collect the guidelines into a resource of examples and best practices that can be used by other law enforcement agencies seeking to create and implement such guidelines.

(e) TRAINING AND TECHNICAL ASSISTANCE.—The Attorney General shall use the National Indian Country Training Initiative to provide training and technical assistance to Indian Tribes and law enforcement agencies on—

(1) implementing the guidelines developed under subsection (a) or developing and implementing locally specific guidelines or protocols for responding to cases of missing or murdered Indians; and

(2) using the National Missing and Unidentified Persons System and accessing program services that will assist Indian Tribes with responding to cases of missing or murdered Indians.

(f) GUIDELINES FROM INDIAN TRIBES.—

(1) IN GENERAL.—Indian Tribes may submit their own guidelines to respond to cases of missing or murdered Indians to the Attorney General.

(2) PUBLICATION.—Upon receipt of any guidelines from an Indian Tribe, the Attorney General shall publish the guidelines on the website of the Department of Justice in 1 centralized location to make the guidelines available as a resource to any Federal agency, State, or Tribal government.

SEC. 6. ANNUAL REPORTING REQUIREMENTS.

(a) ANNUAL REPORTING.—Beginning in the first fiscal year after the date of enactment of this Act, the Attorney General shall include in its annual Indian Country Investigations and Prosecutions report to Congress information that—

(1) includes known statistics on missing Indians in the United States, available to the Department of Justice, including—

(A) age;

(B) gender;

(C) Tribal enrollment information or affiliation, if available;

(D) the current number of open cases per State;

(E) the total number of closed cases per State each calendar year, from the most recent 10 calendar years; and

(F) other relevant information the Attorney General determines is appropriate;

(2) includes known statistics on murdered Indians in the United States, available to the Department of Justice, including—

(A) age;

(B) gender;

(C) Tribal enrollment information or affiliation, if available;

(D) the current number of open cases per State;

(E) the total number of closed cases per State each calendar year, from the most recent 10 calendar years; and

(F) other relevant information the Attorney General determines is appropriate;

(3) maintains victim privacy to the greatest extent possible by excluding information that can be used on its own or with other information to identify, contact, or locate a single person, or to identify an individual in context; and

(4) includes—

(A) an explanation of why the statistics described in paragraph (1) may not be comprehensive; and

(B) recommendations on how data collection on missing or murdered Indians may be improved.

(b) COMPLIANCE.—

(1) IN GENERAL.—Beginning in the first fiscal year after the date of enactment of this Act, and annually thereafter, for the purpose of compiling accurate data for the annual report required under subsection (a), the Attorney General shall request all Tribal, State, and local law enforcement agencies to submit to the Department of Justice, to the fullest extent possible, all relevant information pertaining to missing or murdered Indians collected by the Tribal, State, and local law enforcement agency, and in a format provided by the Department of Justice that ensures the streamlining of data reporting.

(2) DISCLOSURE.—The Attorney General shall disclose and publish annually, including on the website of the Department of Justice, the name of each Tribal, State, or local law enforcement agency that the Attorney General has determined has submitted the information requested under paragraph (1) for the fiscal year in which the report was published.

(c) INCLUSION OF GENDER IN MISSING AND UNIDENTIFIED PERSONS STATISTICS.—Beginning in the first calendar year after the date of enactment of this Act, and annually thereafter, the Federal Bureau of Investigation shall include gender in its annual statistics on missing and unidentified persons published on its public website.

SEC. 7. IMPLEMENTATION AND INCENTIVE.

(a) GRANT AUTHORITY.—Section 2101(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10461(b)) is amended by adding at the end the following:

''(23) To develop, strengthen, and implement policies, protocols, and training for law enforcement regarding cases of missing or murdered Indians, as described in section 5 of Savanna's Act.

''(24) To compile and annually report data to the Attorney General related to missing or murdered Indians, as described in section 6 of Savanna's Act.''.

(b) GRANTS TO INDIAN TRIBAL GOVERNMENTS.—Section 2015 of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10452(a)) is amended—

(1) in paragraph (9), by striking ''and'' at the end;

(2) in paragraph (10), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(11) develop, strengthen, and implement policies, protocols, and training for law enforcement regarding cases of missing or murdered Indians, as described in section 5 of Savanna's Act; and

''(12) compile and annually report data to the Attorney General related to missing or murdered Indians, as described in section 6 of Savanna's Act.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Pennsylvania (Ms. SCANLON) and the gentleman from North Dakota (Mr. ARMSTRONG) each will control 20 minutes.

The Chair recognizes the gentlewoman from Pennsylvania.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, S. 227, Savanna's Act, responds to the epidemic of missing and murdered Native Americans. This crisis is appalling and threatens millions of innocent people living both on Tribal lands and beyond.

This bill is a bipartisan effort introduced by Alaska Senator LISA MURKOWSKI and passed by the Senate by unanimous consent last March.

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I want to especially commend the leadership of Representative NORMA TORRES, who introduced the House companion in 2019 and has been a constant champion for Savanna's Act here in the House.

The available data indicates that violence against Native Americans is particularly high. In some Tribal communities, Native American women experience murder rates that are more than 10 times the national average. This is unacceptable.

Savanna's Act is named in honor of Savanna LaFontaine-Greywind, a member of the Spirit Lake Tribe, who vanished from her apartment in Fargo, North Dakota, while 8 months pregnant. Eight days after she disappeared, her body was found wrapped in plastic in the Red River.

This legislation empowers Tribal governments with the resources and information necessary to respond to cases of missing or murdered Native Americans like Savanna and to increase the collection of data in such cases. It also increases coordination and communication among the Federal, State, and Tribal officials responsible for investing these cases in a variety of ways.

This legislation provides best practices in conducting searches for missing persons on and off Native American land; establishes standards on the collection, reporting, and analysis of data and information on missing persons and unidentified human remains; and will lead to the culturally appropriate identification and handling of human remains identified as Native Americans.

Savanna's Act provides guidance on which law enforcement agency is responsible for inputting information into databases, guidance on improving agency response rates and followup to cases of missing and murdered Native Americans, and guidance on ensuring access to culturally appropriate victim services.

Lastly and most importantly, Savanna's Act adds two new purpose areas to two existing grant programs administered by the Justice Department, specifically, allowing grantees to use funds to implement policies, protocols, and training for law enforcement regarding cases of missing or murdered Native Americans, and to compile and report data to the Attorney General.

In short, this important legislation will help address the alarming cases of missing and murdered Native Americans in a robust and effective way. I strongly urge my colleagues to support it.

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

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

Mr. Speaker, I rise in support of S. 227, Savanna's Act.

Savanna's Act is named after Savanna LaFontaine-Greywind, a 22-year-old member of the Spirit Lake Tribe, who was murdered in my district in August of 2017. Her disappearance and murder devastated the community and the entire State of North Dakota.

Tragically, Savanna was found dead 8 days after she was reported missing. Thankfully, her baby was found alive, despite being cut from Savanna's womb. Savanna's story brought to light the fact that the data regarding missing and murdered indigenous people, particularly women and girls, is scattered across various government databases, if it even exists at all.

Savanna's heartbreaking story, unfortunately, is not unique. A woman named Olivia Lone Bear disappeared from the Fort Berthold Reservation just a month later, in October of 2017. She was found in a submerged truck in Lake Sakakawea in July of 2018.

These are just two recent examples from my State. There are hundreds more across the Nation.

Savanna's Act will begin to help address this crisis of missing and murdered indigenous people. The bill will establish guidelines and best practices for law enforcement agencies across the country. It will also improve coordination amongst those agencies. Finally, it will enhance reporting, recordkeeping, and communication for law enforcement and families of victims.

This legislation is needed because Native American and Alaska Native women face a murder rate 10 times higher than the national average. Shockingly, 84 percent of women in these communities experience some form of violence in their lifetime.

The rural nature of most Native American communities, increased levels of poverty and addiction, and other circumstances pose unique challenges. Because of outdated databases and lack of coordination between law enforcement agencies, there is no reliable way of knowing how many indigenous women actually do go missing each year.

Savanna's Act addresses this disturbing increase in missing and murdered Native American women by creating new guidelines for investigation of these cases and by incentivizing the implementation of these new guidelines.

I urge my colleagues to join me in supporting S. 227, and I reserve the balance of my time.

Ms. SCANLON. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Mrs. TORRES).

Mrs. TORRES of California. Mr. Speaker, I stand here today in honor of Savanna LaFontaine-Greywind and the Native American women missing and murdered with no justice in sight.

Savanna was just 22, a member of the Spirit Lake Tribe. She was 8 months pregnant and expecting her baby any day when she was murdered in August of 2017. A neighbor in her apartment building lured her next door and attacked her. When her body was found, the coroner could not determine if the cause of death was the loss of blood from the vicious wounds on her body or strangulation from the rope around her neck.

Instead of getting to hold her brand-new baby in her arms and imagining a bright future for herself and her little one, Savanna's future was cut short.

Savanna's death shines a light on a horrific reality in this country where Native American women face a murder rate 10 times higher than the national average.

The statistics should shock everyone listening to this debate. Eighty-four percent of Native women experience some form of violence in their lifetime—84 percent. Think of your 50 closest friends and family members, and now imagine 42 out of those 50 experiencing some type of violence.

We cannot stand silent. We stand together, heartbroken, disgusting, and horrified, but we cannot stand back and do nothing.

I introduced the House version of Savanna's Act to address the disturbing rates of missing and murdered Native American women, and I was very honored to have the opportunity to work with my good friend, Ms. HAALAND, across the aisle with Mr. NEWHOUSE, and with Senator MURKOWSKI and Senator CORTEZ MASTO on the Senate version. We came together as Democrats and Republicans. We met many, many, many times to ensure that this was a bill that all of our colleagues could stand for and support and right a wrong for Native American women.

To date, there is no reliable way of knowing how many Native women go missing each year because the databases that hold statistics of these cases are outdated. A lack of coordination between law enforcement agencies only adds to the confusion, and, as a result, murderers get away with killing Native American women.

This bill will finally ensure the Department of Justice, State and local law enforcement agencies, and our communities can work together to address this violence.

Because of this bill, the Department of Justice will develop regionally appropriate guidelines for response to cases of missing and murdered Native Americans, and the DOJ will provide training and technical assistance to Tribes and law enforcement agencies for implementation of the developed guidelines.

In addition, this bill will authorize grants to ensure that all members of

our community are effectively working together to stop the kidnapping and murdering of Native women.

Native women have endured horrific rates of assault, rape, and murder for far too long, and I hope this bill brings some closure to Savanna's family and the countless family members in Native communities who live with the pain of a lost loved one every day.

Let me be clear: It is their unwavering advocacy that made this day a reality, and an untold number of lives will be saved as a result.

Mr. ARMSTRONG. Mr. Speaker, I yield 10 minutes to the gentleman from Washington (Mr. NEWHOUSE).

Mr. NEWHOUSE. Mr. Speaker, this is a monumental day. I am proud to rise alongside my colleagues on both sides of the aisle to speak out in support of our legislation, which aims to address a crisis afflicting our Nation: that of missing and murdered indigenous women.

I hail from the State of Washington, and I am very familiar with how Native American Tribes are deeply integrated into the culture of the Pacific Northwest, as well as our whole country.

I was raised just across the river from the Yakama Nation reservation in central Washington, but I have got to say, I, like many others, was not aware of the disproportionate murder rate indigenous women suffer, 10 times the national average.

At the end of 2018, this crisis and the need for a solution was brought to me by the Tribal communities that I represent, and I was made aware of just how devastating the shortfalls of our justice system are for Native American and Alaska Native women and girls.

While the statistics we have are absolutely staggering—and you have heard them—the fact of the matter is we don't even know the full extent of the crisis.

In my home State of Washington, Native Americans make up about 2 percent of the State's population, but a recent report by the Washington State Patrol shows that indigenous women account for 7 percent of the State's reported missing women. The families of dozens of women still await answers as cases of missing or murdered indigenous women remain open or turn cold.

Yet this crisis has gone on for decades, with little to no action by the Federal Government. Complicated law enforcement jurisdictions have caused many problems throughout these investigations, and far too many Tribal law enforcement agencies lack the resources or access to critical databases to help solve these cases, which is why, when Savanna's Act failed to receive a vote on the House floor in the 115th Congress, I was determined to bring forward solutions in order to get this bill signed into law.

I was very proud to work with Representatives TORRES and HAALAND and others, in collaboration with Tribes, the Department of Justice, and many others, to improve upon that legislation. The product is a broadly bipartisan bill that has passed unanimously in both the House Judiciary Committee as well as the United States Senate.

We worked to create legislation that will bring focus to this crisis and improve the coordination between Federal, State, local, and Tribal law enforcement agencies.

This legislation aims to provide a sense of hope to the loved ones of these women by developing guidelines and best practices for Tribes and law enforcement agencies across the country, by enhancing reporting and record-keeping of crimes against indigenous women, and by improving communication between law enforcement and the families of these victims.

This bill and this effort to bring awareness to the missing and murdered Native women across the country will go a long way to finally delivering justice to our communities.

Tribes across the country, including those that I represent, have thrown their support behind this legislation. In fact, last year, I walked alongside the then-chairman of the Yakama Tribe, as well as Councilwoman Lottie Sam, through the Halls of Congress, visiting Chairman GRIJALVA, Subcommittee Chairman GALLEGO, as well as Subcommittee Chairwoman BASS. These Yakama Nation officials traveled across the country, Mr. Speaker, more than 2,500 miles, to advocate for the passage of Savanna's Act and other legislation to address this crisis.

The bill is named, as you have heard the story, in honor of Savanna LaFontaine-Greywind, who was a 22-year-old member of the Spirit Lake Tribe, pregnant with her first child, who was murdered in August of 2017.

Since the introduction of Savanna's Act in the House, the remains of a Yakama Nation woman, Rosenda Strong, were found on the reservation. Her horrific murder, today, remains unsolved.

Thankfully, justice was served upon Savanna's murderers. We owe the same justice to Rosenda and all of the missing and murdered indigenous women across this country.

The passage of this bill today will demonstrate a long-awaited and necessary change. As I mentioned, this crisis has been going on for decades. Politicians on both sides of the aisle have promised action and failed to deliver.

□ 1400

I have been asked: What is different now? Why do you think progress can be made?

And I can honestly tell you, the main difference I have seen is that our Native communities are leading the charge. They have had enough, and they no longer will suffer in silence.

Throughout central Washington and across the country, the families of loved ones of thousands of missing or murdered indigenous women are awaiting justice.

It is because of their voices and their strong advocacy that I am here today, urging my colleagues throughout this legislative body to support passage of Savanna's Act. And, finally, Mr. Speaker, we can send this legislation to President Trump's desk to be signed into law.

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

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

Mr. Speaker, I thank Mrs. TORRES, Mr. NEWHOUSE, and my colleagues in the Senate, Senator CRAMER and Senator HOEVEN. This is not the first time in my short time in Congress that I have been on the floor talking about this bill, and I think it is also important to remember people who came before us. Senator Heitkamp was a champion of this in the last Congress. And through this process we have gotten a more targeted and workable solution.

This bill allows U.S. Attorneys in Indian Country more autonomy and authority that is important to law enforcement, and that is particularly important in missing cases. And I think it is also important to recognize that these don't always happen in rural areas or actually on the reservation.

Savanna Greywind, while a member of the Spirit Lake Tribe, was in Fargo, North Dakota, the largest city in my State when this incident occurred.

So this is a good bill, it has been a long time coming, and I really appreciate everybody's hard work. With that, I recommend we pass it, and I yield back the balance of my time.

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

Mr. Speaker, Savanna's Act is an important measure to ensure the safety of Native American women and men in communities across the United States, for all of the reasons discussed here today.

We are so grateful to Representative TORRES, Representative NEWHOUSE, Representative ARMSTRONG, and Representative HAALAND, for moving this legislation forward.

Mr. Speaker, I urge my colleagues to join me in supporting this bipartisan legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Pennsylvania (Ms. SCANLON) that the House suspend the rules and pass the bill, S. 227.

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

A motion to reconsider was laid on the table.

EFFECTIVE ASSISTANCE OF COUNSEL IN THE DIGITAL ERA ACT

Ms. SCANLON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5546) to regulate monitoring of electronic communications between an incarcerated person in a Bureau of Prisons facility and that person's attorney or other legal representative, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5546

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 ''Effective Assistance of Counsel in the Digital Era Act''.

SEC. 2. ELECTRONIC COMMUNICATIONS BETWEEN AN INCARCERATED PERSON AND THE PERSON'S ATTORNEY.

(a) PROHIBITION ON MONITORING.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall create a program or system, or modify any program or system that exists on the date of enactment of this Act, through which an incarcerated person sends or receives an electronic communication, to exclude from monitoring the contents of any privileged electronic communication. In the case that the Attorney General creates a program or system in accordance with this subsection, the Attorney General shall, upon implementing such system, discontinue using any program or system that exists on the date of enactment of this Act through which an incarcerated person sends or receives a privileged electronic communication, except that any program or system that exists on such date may continue to be used for any other electronic communication.

(b) RETENTION OF CONTENTS.—A program or system or a modification to a program or system under subsection (a) may allow for retention by the Bureau of Prisons of, and access by an incarcerated person to, the contents of electronic communications, including the contents of privileged electronic communications, of the person until the date on which the person is released from prison.

(c) ATTORNEY-CLIENT PRIVILEGE.—Attorney-client privilege, and the protections and limitations associated with such privilege (including the crime fraud exception), applies to electronic communications sent or received through the program or system established or modified under subsection (a).

(d) ACCESSING RETAINED CONTENTS.—Contents retained under subsection (b) may only be accessed by a person other than the incarcerated person for whom such contents are retained under the following circumstances:

(1) ATTORNEY GENERAL.—The Attorney General may only access retained contents if necessary for the purpose of creating and maintaining the program or system, or any modification to the program or system, through which an incarcerated person sends or receives electronic communications. The Attorney General may not review retained contents that are accessed pursuant to this paragraph.

(2) INVESTIGATIVE AND LAW ENFORCEMENT OFFICERS.—

(A) WARRANT.—

(i) IN GENERAL.—Retained contents may only be accessed by an investigative or law enforcement officer pursuant to a warrant issued by a court pursuant to the procedures described in the Federal Rules of Criminal Procedure.

(ii) APPROVAL.—No application for a warrant may be made to a court without the express approval of a United States Attorney or an Assistant Attorney General.

(B) PRIVILEGED INFORMATION.—

(i) REVIEW.—Before retained contents may be accessed pursuant to a warrant obtained under subparagraph (A), such contents shall be reviewed by a United States Attorney to ensure that privileged electronic communications are not accessible.

(ii) BARRING PARTICIPATION.—A United States Attorney who reviews retained contents pursuant to clause (i) shall be barred from—

(I) participating in a legal proceeding in which an individual who sent or received an electronic communication from which such contents are retained under subsection (b) is a defendant; or

(II) sharing the retained contents with an attorney who is participating in such a legal proceeding.

(3) MOTION TO SUPPRESS.—In a case in which retained contents have been accessed in violation of this subsection, a court may suppress evidence obtained or derived from access to such contents upon motion of the defendant.

(e) DEFINITIONS.—In this Act—

(1) the term ''agent of an attorney or legal representative'' means any person employed by or contracting with an attorney or legal representative, including law clerks, interns, investigators, paraprofessionals, and administrative staff;

(2) the term ''contents'' has the meaning given such term in 2510 of title 18, United States Code;

(3) the term ''electronic communication'' has the meaning given such term in section 2510 of title 18, United States Code, and includes the Trust Fund Limited Inmate Computer System;

(4) the term ''monitoring'' means accessing the contents of an electronic communication at any time after such communication is sent;

(5) the term ''incarcerated person'' means any individual in the custody of the Bureau of Prisons or the United States Marshals Service who has been charged with or convicted of an offense against the United States, including such an individual who is imprisoned in a State institution; and

(6) the term ''privileged electronic communication'' means—

(A) any electronic communication between an incarcerated person and a potential, current, or former attorney or legal representative of such a person; and

(B) any electronic communication between an incarcerated person and the agent of an attorney or legal representative described in subparagraph (A).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Pennsylvania (Ms. SCANLON) and the gentleman from North Dakota (Mr. ARMSTRONG) each will control 20 minutes.

The Chair recognizes the gentlewoman from Pennsylvania.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 5546, the Effective Assistance of Counsel in the Digital Era Act would require the Federal Bureau of Prisons to establish a system to exempt from monitoring any privileged electronic communications between incarcerated individuals and their attorneys or legal representatives.

The Sixth Amendment to the U.S. Constitution provides the right to counsel to assist in the defense of those accused of criminal offenses. In order to represent their clients in an effective manner, defense attorneys must have the ability to communicate candidly with their clients.

The attorney-client privilege, which keeps communications between individuals and their attorneys confidential, exists, in part, to foster this sort of open communication.

This privilege, of course, does not protect communications between a client and an attorney made in furtherance of, or in order to cover up a crime or fraud, also known as the crime-fraud exception. But to ensure free and open communication between individuals and their attorneys—a fundamental component of the effective assistance of counsel guaranteed by the Constitution—other communications between them may remain private.

It goes without saying that defendants who are not in custody are less constrained in their ability to have candid conversations with their attorneys than those defendants who are in custody.

Generally speaking, out-of-custody defendants can go to their attorneys' offices, speak with them freely on the phone, or write letters back and forth with their attorneys without fear of interference. To an extent, in-custody defendants also have these protections: Bureau of Prisons regulations ensure that inmates are able to meet with their attorneys without auditory supervision, and that they can talk on the phone and exchange letters with their attorneys without monitoring.

But these same protections do not apply to email communications for the nearly 150,000 individuals currently in the Bureau of Prisons' custody, many of whom are in pretrial detention and have not been convicted of any crime.

Since 2009, email communications have been available for Bureau of Prisons inmates through a system known as TRULINCS. TRULINCS requires inmates and their contacts to consent to monitoring, however, even in the case of communications between inmates and their attorneys.

Over a decade ago, BOP clearly recognized the growing importance of email for purposes of efficiency and speed of communication between inmates and their outside contacts. Over time, email has rapidly grown into a primary means of communication between inmates and their attorneys, but without a system in place to maintain attorney-client privilege. Without that system, the Bureau of Prisons risks severely hindering the effective representation of inmates. It is even more important for us to enable these confidential communications at this point in time, given that the pandemic has severely hampered the ability of attorneys to meet with their clients in person.

It is well past time to rectify this problem. I am pleased that H.R. 5546 would do just that, by requiring BOP to put in place a system that will exempt

from monitoring any privileged electronic communications between incarcerated individuals and their attorneys or legal representatives.

The bill also includes additional protections, including the requirement that the contents of electronic communications be destroyed when an inmate is released from prison, as well as authorizing the suppression of evidence obtained or derived from access to information in violation of provisions set forth in this bill.

This is an important bill, and one that has been needed for quite some time. I commend our colleagues, Representatives HAKEEM JEFFRIES and DOUG COLLINS, for their efforts and leadership in developing this bipartisan piece of legislation.

Mr. Speaker, I urge all of my colleagues to join me in support of this bill today, and I reserve the balance of my time.

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

Mr. Speaker, I rise today in support of H.R. 5546, the Effective Assistance of Counsel in the Digital Era Act.

As a defense attorney, I cannot overemphasize the importance of protecting attorney-client privilege. The ability to have confidential discussions with a client for the purpose of providing legal advice is foundational to providing effective assistance of counsel.

This bill will help modernize our criminal justice system by extending attorney-client privilege to electronic communications sent or received through the Bureau of Prisons' email system.

This will allow incarcerated individuals to communicate with their attorneys efficiently and privately. And it would prohibit the Bureau of Prisons from monitoring privileged email communications.

We all agree that attorney-client privilege is a vital component of our legal system, as it helps to ensure that a criminal defendant has an effective advocate in the courtroom.

Emails between incarcerated individuals and their attorneys should absolutely fall under attorney-client protections. This bill would protect the rights of incarcerated men and women to speak openly and honestly with their attorneys via email without fear that the prosecution is monitoring those communications.

Other methods of communication, such as in-person meetings and letters, can be particularly burdensome and time consuming. Even if an attorney is in close proximity to the incarcerated client, it could take hours to travel to a detention facility and visit with that client.

H.R. 5546 requires the Attorney General to ensure that BOP's email system excludes the contents of electronic communications between an incarcerated person and his or her attorney.

The bill stipulates that the protections and limitations associated with attorney-client privilege, including the crime-fraud exception, apply to electronic communications. It does permit BOP to retain electronic communications until the incarcerated person is released but specifies that the contents may only be accessed under very limited circumstances.

Finally, it allows a court to suppress evidence obtained or derived from access to the retained contents if such access were granted in violation of the act.

Congress must continually address the application of existing law to emerging technology. This is a commonsense application of existing law to a technology that is decades old. It is time we act.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 5546, and I reserve the balance of my time.

Ms. SCANLON. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. JEFFRIES).

Mr. JEFFRIES. Mr. Speaker, I thank the distinguished gentlewoman from the Commonwealth of Pennsylvania for her leadership and for yielding.

Mr. Speaker, I rise in support of H.R. 5546, the Effective Assistance of Counsel in the Digital Era Act.

The Sixth Amendment to the United States Constitution provides that in all criminal prosecutions the accused shall have the assistance of counsel for his defense.

To effectively represent a client and provide the best possible legal advice, an attorney must be fully informed about the facts of the case. But this can only be achieved through confidential communication between the attorney and their client. That is why the attorney-client privilege is so critical.

The Supreme Court stated in Lanza v. New York that ''even in a jail, or perhaps especially there, the relationships which the law has endowed with particularized confidentiality must continue to receive unceasing protection.''

There are nearly 127,000 individuals currently in BOP custody, many of whom are in pretrial detention and have not been convicted of a crime. These Americans are innocent until proven guilty. Like any person involved in a criminal proceeding, these individuals need to be able to confidentially communicate with their attorneys in order to vindicate their rights under law.

The bipartisan Effective Assistance of Counsel in the Digital Era Act will enable incarcerated individuals to communicate with their legal representatives privately, efficiently, and safely by prohibiting the Bureau of Prisons from monitoring privileged electronic communications.

While BOP regulations place protections on attorney visits, phone calls, and traditional mail, no such protections currently exist in the context of email communications sent through BOP's electronic mail service, the Trust Fund Limited Inmate Computer System, otherwise known as TRULINCS. The TRULINCS email system has become the easiest, fastest, and most efficient method of communication available to incarcerated individuals and their attorneys.

Even a brief client visit can take hours, as the distinguished gentleman from North Dakota pointed out, hours out of an attorney's day when you include travel and wait times. Confidential phone calls are often subject to time limitations and cannot usually be scheduled immediately.

□ 1415

Postal mail can take an especially long time to reach an incarcerated individual because it must first be opened and screened. These delays should be unnecessary in a prison system that currently permits electronic communications and would be if the attorney-client privilege was consistently applied to email communication.

The situation has become even more urgent in light of BOP's decision to suspend legal visits as part of its COVID–19 Modified Operations Plan.

To solve this challenge, H.R. 5546 would require the Attorney General to ensure that the BOP email system excludes from monitoring the contents of electronic communications between an incarcerated person and their attorney.

BOP would, of course, be allowed to retain the contents of those messages up until the incarcerated person is released, but they would be accessible only under very limited circumstances. The bill also allows a court to suppress evidence that is obtained or derived from illegal access to the retained contents.

Our criminal justice system depends on the attorney-client privilege to ensure that lawyers are able to effectively represent their clients. That is why this legislation is so critical.

I thank my good friend, Representative DOUG COLLINS, Chairman JERRY NADLER, and Ranking Member JIM JORDAN for their leadership, as well as Members on both sides of the aisle.

I also thank the ACLU, the American Bar Association, Americans for Prosperity, #cut50, Due Process Institute, Faith and Freedom Coalition, Families Against Mandatory Minimums, Federal Defenders, FreedomWorks, National Action Network, National Association of Criminal Defense Lawyers, Prison Fellowship, and Right on Crime for their support of this legislation.

Mr. Speaker, I urge my colleagues to vote ''yes'' on H.R. 5546.

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

I do appreciate this bill, and the only question I sometimes have is that it seems like email has been around for a long time, and we are just getting to it, but better later than never.

But I also think it is really important to recognize a lot of these cases are public defense cases. You will have public defenders who have bigger caseloads than we would like sometimes

and clients that don't necessarily trust the system.

This is good for defendants. This is good for lawyers. This is good for overall faith in the criminal justice system. It protects people, and it doesn't just protect the client who that public defender is recognizing. It helps all of his other clients if he or she can communicate with all of their clients quicker and more efficiently.

This is a really good bill. I urge everybody to support it, and I yield back the balance of my time.

Ms. SCANLON. Mr. Speaker, H.R. 5546 is an important measure to reinforce the attorney-client privilege, an issue that is essential to the fair administration of our criminal justice system and one that is even more urgent in this pandemic.

For all the reasons discussed here today, I urge my colleagues to join me in supporting this bipartisan legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Pennsylvania (Ms. SCANLON) that the House suspend the rules and pass the bill, H.R. 5546.

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

A motion to reconsider was laid on the table.

NOT INVISIBLE ACT OF 2019

Ms. SCANLON. Mr. Speaker, I move to suspend the rules and pass the bill (S. 982) to increase intergovernmental coordination to identify and combat violent crime within Indian lands and of Indians.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 982

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 ''Not Invisible Act of 2019''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''Commission'' means the Department of the Interior and the Department of Justice Joint Commission on Reducing Violent Crime Against Indians under section 4;

(2) the term ''human trafficking'' means act or practice described in paragraph (9) or paragraph (10) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102);

(3) the term ''Indian'' means a member of an Indian tribe;

(4) the terms ''Indian lands'' and ''Indian tribe'' have the meanings given the terms in section 3 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4302); and

(5) the terms ''urban centers'' and ''urban Indian organization'' have the meanings given the terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

SEC. 3. COORDINATOR OF FEDERAL EFFORTS TO COMBAT VIOLENCE AGAINST NATIVE PEOPLE.

(a) COORDINATOR DESIGNATION.—The Secretary of the Interior shall designate an official within the Office of Justice Services in the Bureau of Indian Affairs who shall—

(1) coordinate prevention efforts, grants, and programs related to the murder of, trafficking of, and missing Indians across Federal agencies, including—

(A) the Bureau of Indian Affairs; and

(B) the Department of Justice, including—

(i) the Office of Justice Programs;

(ii) the Office on Violence Against Women;

(iii) the Office of Community Oriented Policing Services;

(iv) the Federal Bureau of Investigation; and

(v) the Office of Tribal Justice;

(2) ensure prevention efforts, grants, and programs of Federal agencies related to the murder of, trafficking of, and missing Indians consider the unique challenges of combating crime, violence, and human trafficking of Indians and on Indian lands faced by Tribal communities, urban centers, the Bureau of Indian Affairs, Tribal law enforcement, Federal law enforcement, and State and local law enforcement;

(3) work in cooperation with outside organizations with expertise in working with Indian tribes and Indian Tribes to provide victim centered and culturally relevant training to tribal law enforcement, Indian Health Service health care providers, urban Indian organizations, Tribal community members and businesses, on how to effectively identify, respond to and report instances of missing persons, murder, and trafficking within Indian lands and of Indians; and

(4) report directly to the Secretary of the Interior.

(b) REPORT.—The official designated in subsection (a) shall submit to the Committee on Indian Affairs and the Committee on the Judiciary of the Senate and the Committee on Natural Resources and the Committee on the Judiciary of the House of Representatives a report to provide information on Federal coordination efforts accomplished over the previous year that includes—

(1) a summary of all coordination activities undertaken in compliance with this section;

(2) a summary of all trainings completed under subsection (a)(3); and

(3) recommendations for improving coordination across Federal agencies and of relevant Federal programs.

SEC. 4. ESTABLISHMENT OF THE DEPARTMENT OF INTERIOR AND THE DEPARTMENT OF JUSTICE JOINT COMMISSION ON REDUCING VIOLENT CRIME AGAINST INDIANS.

(a) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior, in coordination with the Attorney General, shall establish and appoint all members of a joint commission on violent crime on Indian lands and against Indians.

(b) MEMBERSHIP.—

(1) COMPOSITION.—

(A) IN GENERAL.—The Commission shall be composed of members who represent diverse experiences and backgrounds that provide balanced points of view with regard to the duties of the Commission.

(B) DIVERSITY.—To the greatest extent practicable, the Secretary of the Interior shall ensure the Commission includes Tribal representatives from diverse geographic areas and of diverse sizes.

(2) APPOINTMENT.—The Secretary of the Interior, in coordination with the Attorney General, shall appoint the members to the Commission, including representatives from—

(A) tribal law enforcement;

(B) the Office of Justice Services of the Bureau of Indian Affairs;

(C) State and local law enforcement in close proximity to Indian lands, with a letter of recommendation from a local Indian Tribe;

(D) the Victim Services Division of the Federal Bureau of Investigation;

(E) the Department of Justice's Human Trafficking Prosecution Unit;

(F) the Office of Violence Against Women of the Department of Justice;

(G) the Office of Victims of Crime of the Department of Justice;

(H) a United States attorney's office with experience in cases related to missing persons, murder, or trafficking of Indians or on Indian land;

(I) the Administration for Native Americans of the Office of the Administration for Children & Families of the Department of Health and Human Services;

(J) the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services;

(K) a Tribal judge with experience in cases related to missing persons, murder, or trafficking;

(L) not fewer than 3 Indian Tribes from diverse geographic areas, including 1 Indian tribe located in Alaska, selected from nominations submitted by the Indian Tribe;

(M) not fewer than 2 health care and mental health practitioners and counselors and providers with experience in working with Indian survivors of trafficking and sexual assault, with a letter of recommendation from a local tribal chair or tribal law enforcement officer;

(N) not fewer than 3 national, regional, or urban Indian organizations focused on violence against women and children on Indian lands or against Indians;

(O) at least 2 Indian survivors of human trafficking;

(P) at least 2 family members of missing Indian people;

(Q) at least 2 family members of murdered Indian people;

(R) the National Institute of Justice; and

(S) the Indian Health Service.

(3) PERIODS OF APPOINTMENT.—Members shall be appointed for the duration of the Commission.

(4) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made and shall not affect the powers or duties of the Commission.

(5) COMPENSATION.—Commission members shall serve without compensation.

(6) TRAVEL EXPENSES.—The Secretary of the Interior, in coordination with the Attorney General, shall consider the provision of travel expenses, including per diem, to Commission members when appropriate.

(c) DUTIES.—

(1) IN GENERAL.—The Commission may hold such hearings, meet and act at times and places, take such testimony, and receive such evidence as the Commission considers to be advisable to carry out the duties of the Commission under this section.

(2) RECOMMENDATIONS FOR THE DEPARTMENT OF INTERIOR AND DEPARTMENT OF JUSTICE.—

(A) IN GENERAL.—The Commission shall develop recommendations to the Secretary of the Interior and Attorney General on actions the Federal Government can take to help combat violent crime against Indians and within Indian lands, including the development and implementation of recommendations for—

(i) identifying, reporting, and responding to instances of missing persons, murder, and human trafficking on Indian lands and of Indians;

(ii) legislative and administrative changes necessary to use programs, properties, or other resources funded or operated by the Department of the Interior and Department of Justice to combat the crisis of missing or murdered Indians and human trafficking on Indian lands and of Indians;

(iii) tracking and reporting data on instances of missing persons, murder, and human trafficking on Indian lands and of Indians;

(iv) addressing staff shortages and open positions within relevant law enforcement agencies, including issues related to the hiring and retention of law enforcement officers;

(v) coordinating tribal, State, and Federal resources to increase prosecution of murder and human trafficking offenses on Indian lands and of Indians; and

(vi) increasing information sharing with tribal governments on violent crime investigations and prosecutions in Indian lands that were terminated or declined.

(B) SUBMISSION.—Not later than 18 months after the enactment of this Act, the Commission shall make publicly available and submit all recommendations developed under this paragraph to—

(i) the Secretary of the Interior;

(ii) the Attorney General;

(iii) the Committee on the Judiciary of the Senate;

(iv) the Committee on Indian Affairs of the Senate;

(v) the Committee on Natural Resources of the House of Representatives; and

(vi) the Committee on the Judiciary of the House of Representatives.

(C) SECRETARIAL RESPONSE.—Not later than 90 days after the date on which the Secretary of the Interior and the Attorney General receive the recommendations under paragraph (2), the Secretary and the Attorney General shall each make publicly available and submit a written response to the recommendations to—

(i) the Commission;

(ii) the Committee on the Judiciary of the Senate;

(iii) the Committee on Indian Affairs of the Senate;

(iv) the Committee on Natural Resources of the House of Representatives; and

(v) the Committee on the Judiciary of the House of Representatives.

(d) FACA EXEMPTION.—The Commission shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

(e) SUNSET.—The Commission shall terminate on the date that is 2 years after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Pennsylvania (Ms. SCANLON) and the gentleman from North Dakota (Mr. ARMSTRONG) each will control 20 minutes.

The Chair recognizes the gentlewoman from Pennsylvania.

GENERAL LEAVE

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

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

There was no objection.

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

S. 982, the Not Invisible Act of 2019, introduced by Nevada Senator CATHERINE CORTEZ MASTO and passed by the Senate last March, addresses the crisis of violence and sexual violence committed against American Indian and Alaska Native men and women in two concrete ways, by directing the appointment within the Bureau of Indian Affairs of a coordinator of Federal efforts to combat violence against Native people and by establishing a commission on reducing violent crime against Indians.

I commend my colleague, Representative DEBRA HAALAND from New Mexico, for introducing the companion bill here in the House and for her efforts in advancing this important legislation.

For decades, Native American and Alaska Native communities have struggled with high rates of assault, abduction, and murder of women. Community advocates describe the crisis as a legacy of generations of government policies promoting forced removal, land seizures, and violence inflicted on Native peoples.

Advocates and victims' families also complain, and rightly so, that the investigation and monitoring of disappearances and killings of members of their communities have gotten lost in bureaucratic gaps generated by a system that lacks clarity on whether local or Federal agencies should investigate. The Federal Government must do something to address these problems.

The statistics on violence in Native American communities are staggering. More than four in five American Indian and Alaska Native women have experienced violence in their lifetime, including 56.1 percent who have experienced sexual violence. American Indian and Alaska Native men also have high victimization rates, with 81.6 percent having experienced violence in their lifetime. This problem is, in large part, the result of decades of neglect by the Federal Government.

This crisis has particularly affected Native American women, scores of whom have gone missing and have been found murdered. Recently, these women's stories have begun to be told to a wider audience. But these stories are not new, and it is long overdue that we address them.

The Not Invisible Act of 2019 is an important step for the Federal Government in finding an adequate response to the problem of violence against Native Americans. By making a permanent position within the Bureau of Indian Affairs that reports directly to the Secretary of the Interior and who will submit an annual report to Congress, we will greatly improve the Federal response to combating violence in Native communities.

Significantly, this bill also directs the BIA coordinator to take into consideration the unique challenges faced by Native American communities, both on and off Tribal lands, and to work in cooperation with outside organizations to train Tribal law enforcement, Indian Health Service care providers, and other Tribal community members on identifying, responding to, and reporting on cases of missing persons, murder, and human trafficking.

For 2 years, a joint commission on reducing violent crimes against Indians will be tasked with preparing recommendations on concrete actions the Department of the Interior and the Department of Justice can take to help combat violent crimes against Native Americans and on Native American lands. These include the development and implementation of strategies for identifying, reporting, and responding to instances of missing persons, murder, and human trafficking; tracking and reporting relevant data; and increasing prosecutions in this neglected arena. These are long-overdue critical measures.

It is well past the time to help rectify these problems, and I am pleased that the Not Invisible Act will go a long way in that process. Therefore, I urge all of my colleagues to join me in support of this bill today.

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

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

I rise in support of S. 982, the Not Invisible Act of 2019.

We just discussed the appalling extent of missing and murdered indigenous women and how Savanna's Act will begin to address this issue. The Not Invisible Act is another step to solve this abhorrent problem.

This bill provides an opportunity for the Federal Government to improve its efforts to combat the growing crisis of murder and trafficking and the disappearance of indigenous men and women.

While there are many Federal programs tasked with addressing violent crime, the agencies that operate these programs do not have an overarching strategy to properly deploy these resources in Indian Country and in urban Indian communities. Program implementation often takes place without considering the unique needs of Native American communities in this context.

S. 982 will require the appropriate agencies to coordinate prevention efforts, grants, and programs across the Bureau of Indian Affairs and the Department of Justice, among other stakeholders.

I urge my colleagues to join me in supporting S. 982, and I reserve the balance of my time.

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

Mr. ARMSTRONG. Mr. Speaker, I yield 10 minutes to the gentleman from Washington (Mr. NEWHOUSE), my good friend.

Mr. NEWHOUSE. Mr. Speaker, I thank my friend from North Dakota (Mr. ARMSTRONG) for yielding to me on this important issue.

Mr. Speaker, I rise today to urge my colleagues to support a bipartisan piece of legislation that will finally foster progress toward addressing the crisis

that we know is plaguing our Native communities across the country.

Despite unparalleled rates of violence, there is still no reliable way of knowing how many indigenous women go missing each year nor whose fate hangs in the balance of an unsolved murder case.

My congressional district in central Washington has been particularly affected by this crisis. Since the year 2013, there have been 13 cases of missing or murdered indigenous women on or around the Yakama Reservation alone.

This number accounts only for the land surrounding one of the 29 federally recognized Tribes in Washington State, let alone the hundreds of others across the country. This information is available only due to the efforts and activism of local communities.

Tribal and community leaders have held multiple marches, vigils, and community forums to raise awareness and demand action.

The diligent reporting of the Yakima Herald-Republic, our local newspaper, has highlighted the response and activism on the ground by creating an online hub to list open cases involving missing and murdered women and providing resources for the community to report such disappearances.

Recently passed State laws in Olympia have enhanced data collection and improved communication between Tribal leaders, law enforcement, and various State agencies.

These local leaders have given a voice to the crisis, and I am heartened to see that the Federal Government is finally taking action. For too long, indigenous women and Native communities have faced this crisis all alone and suffered in silence.

The Trump administration has worked to bring this crisis to light, creating an interagency task force between the Departments of Justice and the Interior called Operation Lady Justice.

I was proud to welcome Assistant Secretary for Indian Affairs Tara Sweeney to central Washington last December, where she highlighted the administration's effort to deliver justice to Native American communities. But Secretary Sweeney echoed the concerns of local leaders and myself by pointing out the need for congressional action.

By sending this bill to President Trump's desk, we are signaling that we have heard them and that they are no longer invisible.

As Congress takes long-overdue action to address the crisis of missing and murdered indigenous women, I urge my colleagues to join me in supporting the Not Invisible Act.

Mr. ARMSTRONG. Mr. Speaker, I don't think I could close any better than that, so I yield back the balance of my time.

Ms. SCANLON. Mr. Speaker, the Not Invisible Act does precisely what its title aims to do. It ensures that the Federal Government dedicates proper attention and gives visibility to the crisis of violence and sexual violence committed against American Indian and Alaska Native men and women. Indeed, these communities have been subjected to invisibility and neglect for far too long.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Pennsylvania (Ms. SCANLON) that the House suspend the rules and pass the bill, S. 982.

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

A motion to reconsider was laid on the table.

□ 1430

DEFENDING THE INTEGRITY OF VOTING SYSTEMS ACT

Ms. JACKSON LEE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1321) to amend title 18, United States Code, to prohibit interference with voting systems under the Computer Fraud and Abuse Act.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1321

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 ''Defending the Integrity of Voting Systems Act''.

SEC. 2. PROHIBITION ON INTERFERENCE WITH VOTING SYSTEMS.

Section 1030(e) of title 18, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) in subparagraph (B), by adding ''or'' at the end; and

(C) by adding at the end the following:

''(C) that—

''(i) is part of a voting system; and

''(ii)(I) is used for the management, support, or administration of a Federal election; or

''(II) has moved in or otherwise affects interstate or foreign commerce;'';

(2) in paragraph (11), by striking ''and'' at the end;

(3) in paragraph (12), by striking the period and inserting a semicolon; and

(4) by adding at the end the following:

''(13) the term 'Federal election' means any election (as defined in section 301(1) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101(1))) for Federal office (as defined in section 301(3) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101(3))); and

''(14) the term 'voting system' has the meaning given the term in section 301(b) of the Help America Vote Act of 2002 (52 U.S.C. 21081(b)).''.

The SPEAKER pro tempore (Mr. CUELLAR). Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON LEE) and the gentleman from North Dakota (Mr. ARMSTRONG) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise in strong support of S. 1321, the Defending the Integrity of Voting Systems Act.

We are on the verge of a significant, historic, and, really, life-or-death Presidential Federal election. This is an important legislative initiative. This important and timely legislation would strengthen Federal criminal laws related to interference with voting systems used in a Federal election.

All of us want a fair and just election system. Voting is an essential part of our democracy. We must ensure that our citizens have confidence in our electoral systems.

As we know too well from the last Presidential election and from evidence that we continue to learn, our adversaries, Russians and others, are conducting cyber operations to interfere with our elections. We are well aware of the Russian bots that interfered with the elections in 2016. We need to do all that we can to protect voting machines and the related infrastructure as we head to November.

The integrity and legitimacy of our elections is at stake. That is why this bill was developed: to ensure that our law concerning the unauthorized accessing of computer systems can also be used to prosecute those who hack into computer voting systems.

Led by Senator BLUMENTHAL and by our former colleague Mr. Ratcliffe in the House, this bipartisan legislation responds to a concerning report by the Justice Department's Cyber-Digital Task Force in 2018. The report concluded that current law is inadequate, given all the potential threats to our Nation's election security and voting systems. Specifically, the report identified a gap in current Federal criminal law relating to hacking of voting machines, especially when the machines are offline.

The Computer Fraud and Abuse Act is a key tool for the prosecution of computer crimes and the protection of property rights and computers, but the law is generally limited to certain devices connected to the internet. However, researchers have repeatedly demonstrated that ballot recording machines and other voting systems are susceptible to tampering based on physical or close access.

In order to reduce the risk of attack, more jurisdictions are adopting important and recommended measures to

keep these voting systems off the internet. Therefore, S. 1321, this Senate bill, would expand the definition of the term ''protected computer'' under the Computer Fraud and Abuse Act to include computers, even if offline, that are a part of any voting system used in a Federal election.

It is so crucial that the American people know that we have taken this action today to protect them and to ensure the sanctity of the process of voting and democracy. By expanding the definition of computers that are protected under current law, we will enhance the ability of law enforcement and prosecutors to bring appropriate charges in instances in which computer voting systems are hacked.

The Senate passed this legislation with unanimous support, and it is now our turn to join our colleagues to adopt this important bill so that it may become law as quickly as possible. Therefore, Mr. Speaker, I ask all of my colleagues today to join me in this bipartisan, crucial legislation which upholds democracy and assures the sanctity of one vote, one person.

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

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

Mr. Speaker, I rise in support of S. 1321, the Defending the Integrity of Voting Systems Act.

This bill will protect our Nation's most sacred democratic process by making it a Federal crime to hack any voting system used in a Federal election.

Protecting our Nation's election process from bad actors must be a top priority of Congress.

In 2018, the Department of Justice's Cyber-Digital Task Force issued a report finding that election systems were not adequately protected by Federal law. This bill is a bipartisan response to address the problems identified by the task force.

Bad actors who attempt to interfere in our elections must be punished for their actions. As someone who spends a lot of time here talking about where crimes fit in the State and Federal place, and oftentimes I think we overreact as a Federal Government and interfere in things that I believe should be left to the States, I think this is the opposite of that. An election in North Dakota can have consequences across the country. An election in Texas can have consequences across the country.

This is written in a way that it deals with Federal elections and any machines used in those. It is a good piece of legislation. It is a bipartisan piece of legislation. It is based off of task force findings. It is narrow, and it does what we need it to do.

Mr. Speaker, I urge my colleagues to join me in supporting this bill, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I thank the gentleman from the Judiciary Committee and on the Crime, Terrorism, and Homeland Security Subcommittee for his leadership, and I thank the sponsors for their leadership. I thank our chairman and ranking member for the bipartisanship of this legislation.

Again, Mr. Speaker, let me remind my colleagues how important this change is. It doesn't speak to mistakes or innocent mistakes, but what it does is it makes sure that a computer that is offline is subject to the laws of hacking that may occur when a computer is online or active.

We know how creative those who want to undermine and distract from a fair, just election are. They may not just have an inclination to hack an active computer. So under the Computer Fraud and Abuse Act, this is to include computers, even if they are offline, that are part of a voting system used in a Federal election.

Again, we understand how many people are engaged in making sure we have a secure and just election, and we know that this legislation focuses on the bad actors, and that is what we want to do.

The integrity, Mr. Speaker, of the upcoming elections is essential to the foundation of our democracy. The right to vote is the most fundamental right of citizenship in our democracy, and this issue touches every voter in every community across America.

We know that people are now voting as we stand here on the floor of the House. We know that mail balloting will continue or start in many jurisdictions. Some have already started. We know many States are engaged in early voting, where millions of people will be voting. This is an important initiative that needs to be signed immediately into law.

We need to do all that we can to address current threats and to ensure public confidence in our elections. This legislation will help advance that goal. That is why I ask all of my colleagues to join me in supporting passage of S. 1321 today.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON LEE) that the House suspend the rules and pass the bill, S. 1321.

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

A motion to reconsider was laid on the table.

DUE PROCESS PROTECTIONS ACT

Ms. JACKSON LEE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1380) to amend the Federal Rules of Criminal Procedure to remind prosecutors of their obligations under Supreme Court case law.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1380

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 ''Due Process Protections Act''.

SEC. 2. REMINDER OF PROSECUTORIAL OBLIGATIONS.

Rule 5 of the Federal Rules of Criminal Procedure is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

''(f) REMINDER OF PROSECUTORIAL OBLIGATION.—

''(1) IN GENERAL.—In all criminal proceedings, on the first scheduled court date when both prosecutor and defense counsel are present, the judge shall issue an oral and written order to prosecution and defense counsel that confirms the disclosure obligation of the prosecutor under Brady v. Maryland, 373 U.S. 83 (1963) and its progeny, and the possible consequences of violating such order under applicable law.

''(2) FORMATION OF ORDER.—Each judicial council in which a district court is located shall promulgate a model order for the purpose of paragraph (1) that the court may use as it determines is appropriate.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON LEE) and the gentleman from North Dakota (Mr. ARMSTRONG) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

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

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

There was no objection.

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

S. 1380, the Due Process Protection Act, introduced by Senators DAN SULLIVAN and DICK DURBIN and passed by unanimous consent in the Senate this past May, is a narrowly tailored, bipartisan bill that would reinforce the government's already existing constitutional obligation to disclose exculpatory evidence. Sometimes, of course, that evidence can be the difference between innocence and conviction and fairness to both the government and the defendant.

The Due Process Clause of the United States Constitution requires that prosecutors disclose to the accused all favorable evidence that is material. Unfortunately, at this time, there are inadequate safeguards in Federal law to ensure that this practice is followed across the country.

According to the National Registry of Exonerations, from 1989 to 2017, prosecutors concealed exculpatory evidence at trial in half of all murder exonerations. Although this statistic includes State prosecutions, we know that exculpatory evidence is concealed in Federal cases as well.

Mr. Speaker, I have been involved in criminal justice reform for a very long time, and I have seen the damage that

not exposing or disclosing exculpatory evidence can do and how it is an imbalance as it relates to defendants who happen to be Brown or Black. That is unfair, and I know the America that I have come to know and love understands that justice should be equal for all.

Again, one prominent example of the failure to disclose exculpatory evidence was in the 2008 trial of then-Senator Ted Stevens. When it was later revealed that the Justice Department had committed misconduct by failing to turn over exculpatory evidence, the judge in that case concluded that he could not sanction the prosecutors because he had not issued a direct written court order requiring them to abide by their ethical and constitutional obligations to disclose favorable evidence.

Many of us who knew that case, who knew Senator Stevens, knew, of course, that he had experienced an injustice.

Following the Stevens case, in June 2018, the District Court for the District of Columbia, where the case was tried, amended its local rules to require prosecutors to comply with their disclosure obligations. Other Federal districts had already and have since issued specific local rules or standing orders that govern these obligations.

A 2011 survey by the Federal Judicial Center indicated that 38 of the 94 Federal districts had a local rule or standing order confirming the government's obligation to disclose exculpatory and/or questioning the credibility of witnesses, which is known as impeachment, material.

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To address this issue, the Due Process Protections Act would do three things, three very vital things to the scales of justice: One, amend the Federal Rules of Criminal Procedure to require that a judge issue an order to prosecution and defense counsel that confirms the disclosure obligation of the prosecutors in every criminal case;

Two, require each judicial council in which a district court is located to issue a model order that its courts can use at their discretion; and,

Three, leave it to the courts in each district to detail the parameters of their order.

Mr. Speaker, I have had the opportunity to meet with our Federal judges in our jurisdiction over the years, and I know that our discussions always fall on how we can enhance justice and be fair to all parties in the courthouse.

Criminal justice winds up with the defendant, if convicted, to lose their due process rights. Clearly, this is an important and significant legislation that protects all parties, but particularly when someone is subject to losing their due process rights or their freedom.

And so I support this legislation because, significantly, the bill would not impose any new requirements on prosecutors. It would simply require them to follow the Constitution or risk being sanctioned by the court.

It is a breath of fresh air to see the Constitution being raised over and over again for the good aspects of what American democracy is all about. The pillars upon which it is built are clearly that of justice and equality and fairness in our judicial system.

Accordingly, this is a straightforward and bipartisan measure that would help our criminal justice system operate in a more effective and fair manner.

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

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

Mr. Speaker, I rise in support of S. 1380, the Due Process Protections Act.

This is a commonsense, bipartisan bill that will reinforce constitutional protections for criminal defendants.

This bill amends the Federal Rules of Criminal Procedure to require a judge to issue a Brady order, reminding prosecutors of their obligation to disclose all evidence that is material to the case, especially exculpatory evidence.

Although some judges already have a practice of issuing Brady orders, this bill will require all judges to issue it in all criminal proceedings.

Our criminal justice system falls short when key evidence is withheld by prosecutors and revealed years later at a conviction. Due process is a fundamental right of all Americans; so is the right to a fair trial, protected by the Constitution and this bill helps guarantee that fundamental right.

I urge my colleagues to join me in supporting this bill, and I yield back the balance of my time.

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

I thank my friend and colleague from North Dakota for his leadership.

I thank, again, the chairman and ranking member of the full committee and our subcommittee chairpersons and ranking members.

Mr. Speaker, let me just say that, as I indicated, it is with an enormous sense of pride and recognition and a breath of fresh air when we talk about the Constitution in this hallowed place, because this House and the other body are grounded in our appreciation and adherence to the Constitution.

That is what this bill is: due process protections and dealing with the Bill of Rights, and the right to due process that we find in the 14th Amendment and the Fifth Amendment. So I am delighted that the Due Process Protections Act is now recognized, and it is a commonsense, bipartisan measure.

How much better we will be when all of the judicial districts require exculpatory evidence to be presented, because then you know that you have given all parties their fair chance, and someone who might lose their liberty, you give them a fair chance by putting forward all of the evidence that may be exculpatory.

So it is narrowly tailored to ensure that Federal prosecutors simply follow the law, as they already should, in every case.

I strongly urge my colleagues to support this breath of fresh air in the recounting of the Constitution, a document that continues to live in 2020 so that it will become law and order.

Again, I ask my colleagues to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON LEE) that the House suspend the rules and pass the bill, S. 1380.

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

A motion to reconsider was laid on the table.

DOMESTIC TERRORISM PREVENTION ACT OF 2020

Ms. JACKSON LEE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5602) to authorize dedicated domestic terrorism offices within the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation to analyze and monitor domestic terrorist activity and require the Federal Government to take steps to prevent domestic terrorism, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5602

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Domestic Terrorism Prevention Act of 2020''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Recent reports have demonstrated that White supremacists and other far-right-wing extremists are the most significant domestic terrorism threat facing the United States, including—

(A) a February 22, 2019, New York Times op-ed, by a Trump Administration United States Department of Justice official, who wrote that ''white supremacy and far-right extremism are among the greatest domestic-security threats facing the United States. Regrettably, over the past 25 years, law enforcement, at both the Federal and State levels, has been slow to respond. . . . Killings committed by individuals and groups associated with far-right extremist groups have risen significantly.'';

(B) an April 2017 Government Accountability Office report on the significant, lethal threat posed by domestic violent extremists, which—

(i) explained that ''[s]ince September 12, 2001, the number of fatalities caused by domestic violent extremists has ranged from 1 to 49 in a given year.''; and

(ii) noted that ''[F]atalities resulting from attacks by far right wing violent extremists have exceeded those caused by radical Islamist violent extremists in 10 of the 15 years, and were the same in 3 of the years since September 12, 2001. Of the 85 violent extremist incidents that resulted in death

since September 12, 2001, far right wing violent extremist groups were responsible for 62 (73 percent) while radical Islamist violent extremists were responsible for 23 (27 percent).''; and

(C) an unclassified May 2017 joint intelligence bulletin from the Federal Bureau of Investigation and the Department of Homeland Security, which found that ''white supremacist extremism poses [a] persistent threat of lethal violence,'' and that White supremacists ''were responsible for 49 homicides in 26 attacks from 2000 to 2016 . . . more than any other domestic extremist movement''.

(2) Recent domestic terrorist attacks include—

(A) the August 5, 2012, mass shooting at a Sikh gurdwara in Oak Creek, Wisconsin, in which a White supremacist shot and killed 6 members of the gurdwara;

(B) the April 13, 2014, mass shooting at a Jewish community center and a Jewish assisted living facility in Overland Park, Kansas, in which a neo-Nazi shot and killed 3 civilians, including a 14-year-old teenager;

(C) the June 8, 2014, ambush in Las Vegas, Nevada, in which 2 supporters of the far-right-wing ''patriot'' movement shot and killed 2 police officers and a civilian;

(D) the June 17, 2015, mass shooting at the Emanuel AME Church in Charleston, South Carolina, in which a White supremacist shot and killed 9 members of the church;

(E) the November 27, 2015, mass shooting at a Planned Parenthood clinic in Colorado Springs, Colorado, in which an anti-abortion extremist shot and killed a police officer and 2 civilians;

(F) the March 20, 2017, murder of an African-American man in New York City, allegedly committed by a White supremacist who reportedly traveled to New York ''for the purpose of killing black men'';

(G) the May 26, 2017, attack in Portland, Oregon, in which a White supremacist allegedly murdered 2 men and injured a third after the men defended 2 young women whom the individual had targeted with anti-Muslim hate speech;

(H) the August 12, 2017, attacks in Charlottesville, Virginia, in which—

(i) a White supremacist killed one and injured nineteen after driving his car through a crowd of individuals protesting a neo-Nazi rally, and of which former Attorney General Jeff Sessions said, ''It does meet the definition of domestic terrorism in our statute.''; and

(ii) a group of 6 men linked to militia or White supremacist groups assaulted an African-American man who had been protesting the neo-Nazi rally in a downtown parking garage;

(I) the July 2018 murder of an African-American woman from Kansas City, Missouri, allegedly committed by a White supremacist who reportedly bragged about being a member of the Ku Klux Klan;

(J) the October 24, 2018, shooting in Jeffersontown, Kentucky, in which a White man allegedly murdered 2 African Americans at a grocery store after first attempting to enter a church with a predominantly African-American congregation during a service;

(K) the October 27, 2018, mass shooting at the Tree of Life Synagogue in Pittsburgh, Pennsylvania, in which a White nationalist allegedly shot and killed 11 members of the congregation;

(L) the April 27, 2019, shooting at the Chabad of Poway synagogue in California, in which a man yelling anti-Semitic slurs allegedly killed a member of the congregation and wounded 3 others;

(M) the August 3, 2019, mass shooting at a Walmart in El Paso, Texas, in which a White supremacist with anti-immigrant views killed 22 people and injured 26 others;

(N) the December 10, 2019, shooting at a Kosher supermarket in Jersey City, New Jersey, in which 2 men with anti-Semitic views killed 3 people in the store and a law enforcement officer in an earlier encounter; and

(O) the December 28, 2019, machete attack at a Hanukkah celebration in Monsey, New York, in which a man who had expressed anti-Semitic views stabbed 5 individuals.

(3) In November 2019, the Federal Bureau of Investigation released its annual hate crime incident report, which found that in 2018, violent hate crimes reached a 16-year high. Though the overall number of hate crimes decreased slightly after three consecutive years of increases, the report found a 4-percent increase in aggravated assaults, a 15-percent increase in simple assaults, and a 13-percent increase in intimidation. There was also a nearly 6-percent increase in hate crimes directed at LGBTQ individuals and a 14-percent increase in hate crimes directed at Hispanic and Latino individuals. Nearly 60 percent of the religion-based hate crimes reported targeted American Jews and Jewish institutions. The previous year's report found that in 2017, hate crimes increased by approximately 17 percent, including a 23-percent increase in religion-based hate crimes, an 18-percent increase in race-based crimes, and a 5-percent increase in crimes directed against LGBTQ individuals. The report analyzing 2016 data found that hate crimes increased by almost 5 percent that year, including a 19-percent rise in hate crimes against American Muslims. Similarly, the report analyzing 2015 data found that hate crimes increased by 6 percent that year. Much of the 2015 increase came from a 66-percent rise in attacks on American Muslims and a 9-percent rise in attacks on American Jews. In all 4 reports, race-based crimes were most numerous, and those crimes most often targeted African Americans.

(4) On March 15, 2019, a White nationalist was arrested and charged with murder after allegedly killing 50 Muslim worshippers and injuring more than 40 in a massacre at the Al Noor Mosque and Linwood Mosque in Christchurch, New Zealand. The alleged shooter posted a hate-filled, xenophobic manifesto that detailed his White nationalist ideology before the massacre. Prime Minister Jacinda Ardern labeled the massacre a terrorist attack.

(5) In January 2017, a right-wing extremist who had expressed anti-Muslim views was charged with murder for allegedly killing 6 people and injuring 19 in a shooting rampage at a mosque in Quebec City, Canada. It was the first-ever mass shooting at a mosque in North America, and Prime Minister Trudeau labeled it a terrorist attack.

(6) On February 15, 2019, Federal authorities arrested U.S. Coast Guard Lieutenant Christopher Paul Hasson, who was allegedly planning to kill a number of prominent journalists, professors, judges, and ''leftists in general''. In court filings, prosecutors described Lieutenant Hasson as a ''domestic terrorist'' who in an email ''identified himself as a White Nationalist for over 30 years and advocated for 'focused violence' in order to establish a white homeland.''.

(7) On November 3rd, 2019 a 24 year old man who authorities say was among masked Antifa supporters attacking conservatives at a June Demonstration in Portland, Oregon, was sentenced Friday to nearly six years in prison in connection with brutal assault. Gage Halupowski pleaded guilty to second-degree assault after authorities accused him of using a weapon against a conservative demonstrator who suffered blows to the head that the victim claims left him with a concussion and cuts that required 25 staples to close.

(8) On December 12, 2019, an assailant involved in the prolonged firefight in Jersey City, NJ, that left six people dead, including one police officer, was linked on Wednesday to the Black Hebrew Israelite movement, and had public anti-Semitic posts online, a law enforcement official said.

(9) On February 8, 2020, A gunman stormed a NYPD precinct after firing at police van, wounding 2. The police commissioner called the Bronx rampage an ''assassination attempt,'' on law enforcement.

(10) In August 2020, a juvenile armed with a semi-automatic rifle heeded the online call posted by a self-proclaimed militia group on Facebook to confront protestors in Kenosha, Wisconsin. He allegedly shot and killed two protestors and wounded a third. After the shootings, local police officers waved the alleged murderer through their lines, even after bystanders identified him as the shooter. The armed juvenile then traveled across State lines to his home.

SEC. 3. DEFINITIONS.

In this Act—

(1) the term ''Director'' means the Director of the Federal Bureau of Investigation;

(2) the term ''domestic terrorism'' has the meaning given the term in section 2331 of title 18, United States Code, except that it does not include acts perpetrated by individuals associated with or inspired by—

(A) a foreign person or organization designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189);

(B) an individual or organization designated under Executive Order 13224 (50 U.S.C. 1701 note); or

(C) a state sponsor of terrorism as determined by the Secretary of State under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 4605), section 40 of the Arms Export Control Act (22 U.S.C. 2780), or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);

(3) the term ''Domestic Terrorism Executive Committee'' means the committee within the Department of Justice tasked with assessing and sharing information about ongoing domestic terrorism threats;

(4) the term ''hate crime incident'' means an act described in section 241, 245, 247, or 249 of title 18, United States Code, or in section 901 of the Civil Rights Act of 1968 (42 U.S.C. 3631);

(5) the term ''Secretary'' means the Secretary of Homeland Security; and

(6) the term ''uniformed services'' has the meaning given the term in section 101(a) of title 10, United States Code.

SEC. 4. OFFICES TO COMBAT DOMESTIC TERRORISM.

(a) AUTHORIZATION OF OFFICES TO MONITOR, ANALYZE, INVESTIGATE, AND PROSECUTE DOMESTIC TERRORISM.—

(1) DOMESTIC TERRORISM UNIT.—There is authorized a Domestic Terrorism Unit in the Office of Intelligence and Analysis of the Department of Homeland Security, which shall be responsible for monitoring and analyzing domestic terrorism activity.

(2) DOMESTIC TERRORISM OFFICE.—There is authorized a Domestic Terrorism Office in the Counterterrorism Section of the National Security Division of the Department of Justice—

(A) which shall be responsible for investigating and prosecuting incidents of domestic terrorism; and

(B) which shall be headed by the Domestic Terrorism Counsel.

(3) DOMESTIC TERRORISM SECTION OF THE FBI.—There is authorized a Domestic Terrorism Section within the Counterterrorism

Division of the Federal Bureau of Investigation, which shall be responsible for investigating domestic terrorism activity.

(4) STAFFING.—The Secretary, the Attorney General, and the Director shall each ensure that each office authorized under this section in their respective agencies shall—

(A) have adequate number of employees to perform the required duties;

(B) have not less than 1 employee dedicated to ensuring compliance with civil rights and civil liberties laws and regulations; and

(C) require that all employees undergo annual anti-bias training.

(5) SUNSET.—The offices authorized under this subsection shall terminate on the date that is 10 years after the date of enactment of this Act.

(b) JOINT REPORT ON DOMESTIC TERRORISM.—

(1) BIANNUAL REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, and each 6 months thereafter for the 10-year period beginning on the date of enactment of this Act, the Secretary of Homeland Security, the Attorney General, and the Director of the Federal Bureau of Investigation shall submit a joint report authored by the domestic terrorism offices authorized under paragraphs (1), (2), and (3) of subsection (a) to—

(A) the Committee on the Judiciary, the Committee on Homeland Security and Governmental Affairs, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on the Judiciary, the Committee on Homeland Security, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) an assessment of the domestic terrorism threat posed by White supremacists and neo-Nazis, including White supremacist and neo-Nazi infiltration of Federal, State, and local law enforcement agencies and the uniformed services; and

(B)(i) in the first report, an analysis of incidents or attempted incidents of domestic terrorism that have occurred in the United States since April 19, 1995, including any White-supremacist-related incidents or attempted incidents; and

(ii) in each subsequent report, an analysis of incidents or attempted incidents of domestic terrorism that occurred in the United States during the preceding 6 months, including any White-supremacist-related incidents or attempted incidents; and

(C) a quantitative analysis of domestic terrorism for the preceding 6 months, including—

(i) the number of—

(I) domestic terrorism related assessments initiated by the Federal Bureau of Investigation, including the number of assessments from each classification and subcategory, with a specific classification or subcategory for those related to White supremacism;

(II) domestic terrorism-related preliminary investigations initiated by the Federal Bureau of Investigation, including the number of preliminary investigations from each classification and subcategory, with a specific classification or subcategory for those related to White supremacism, and how many preliminary investigations resulted from assessments;

(III) domestic terrorism-related full investigations initiated by the Federal Bureau of Investigation, including the number of full investigations from each classification and subcategory, with a specific classification or subcategory for those related to White supremacism, and how many full investigations resulted from preliminary investigations and assessments;

(IV) domestic terrorism-related incidents, including the number of incidents from each classification and subcategory, with a specific classification or subcategory for those related to White supremacism, the number of deaths and injuries resulting from each incident, and a detailed explanation of each incident;

(V) Federal domestic terrorism-related arrests, including the number of arrests from each classification and subcategory, with a specific classification or subcategory for those related to White supremacism, and a detailed explanation of each arrest;

(VI) Federal domestic terrorism-related indictments, including the number of indictments from each classification and subcategory, with a specific classification or subcategory for those related to White supremacism, and a detailed explanation of each indictment;

(VII) Federal domestic terrorism-related prosecutions, including the number of incidents from each classification and subcategory, with a specific classification or subcategory for those related to White supremacism, and a detailed explanation of each prosecution;

(VIII) Federal domestic terrorism-related convictions, including the number of convictions from each classification and subcategory, with a specific classification or subcategory for those related to White supremacism, and a detailed explanation of each conviction; and

(IX) Federal domestic terrorism-related weapons recoveries, including the number of each type of weapon and the number of weapons from each classification and subcategory, with a specific classification or subcategory for those related to White supremacism; and

(ii) an explanation of each individual case that progressed through more than 1 of the stages described under clause (i), including the specific classification or subcategory for each case.

(3) HATE CRIMES.—In compiling a joint report under this subsection, the domestic terrorism offices authorized under paragraphs (1), (2), and (3) of subsection (a) shall, in consultation with the Civil Rights Division of the Department of Justice and the Civil Rights Unit of the Federal Bureau of Investigation, review each hate crime incident reported during the preceding 6 months to determine whether the incident also constitutes a domestic terrorism-related incident.

(4) CLASSIFICATION AND PUBLIC RELEASE.—Each report submitted under paragraph (1) shall be—

(A) unclassified, to the greatest extent possible, with a classified annex only if necessary; and

(B) in the case of the unclassified portion of the report, posted on the public websites of the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation.

(5) NONDUPLICATION.—If two or more provisions of this subsection or any other law impose requirements on an agency to report or analyze information on domestic terrorism that are substantially similar, the agency shall construe such provisions as mutually supplemental, so as to provide for the most extensive reporting or analysis, and shall comply with each such requirement as fully as possible.

(c) DOMESTIC TERRORISM EXECUTIVE COMMITTEE.—There is authorized a Domestic Terrorism Executive Committee, which shall—

(1) meet on a regular basis, and not less regularly than 4 times each year, to coordinate with United States Attorneys and other key public safety officials across the country to promote information sharing and ensure an effective, responsive, and organized joint effort to combat domestic terrorism; and

(2) be co-chaired by—

(A) the Domestic Terrorism Counsel authorized under subsection (a)(2)(B);

(B) a United States Attorney or Assistant United States Attorney;

(C) a member of the National Security Division of the Department of Justice; and

(D) a member of the Federal Bureau of Investigation.

(d) FOCUS ON GREATEST THREATS.—The domestic terrorism offices authorized under paragraphs (1), (2), and (3) of subsection (a) shall focus their limited resources on the most significant domestic terrorism threats, as determined by the number of domestic terrorism-related incidents from each category and subclassification in the joint report for the preceding 6 months required under subsection (b).

SEC. 5. TRAINING TO COMBAT DOMESTIC TERRORISM.

(a) REQUIRED TRAINING AND RESOURCES.—The Secretary, the Attorney General, and the Director shall review the anti-terrorism training and resource programs of their respective agencies that are provided to Federal, State, local, and Tribal law enforcement agencies, including the State and Local Anti-Terrorism Program that is funded by the Bureau of Justice Assistance of the Department of Justice, and ensure that such programs include training and resources to assist State, local, and Tribal law enforcement agencies in understanding, detecting, deterring, and investigating acts of domestic terrorism and White supremacist and neo-Nazi infiltration of law enforcement and corrections agencies. The domestic-terrorism training shall focus on the most significant domestic terrorism threats, as determined by the quantitative analysis in the joint report required under section 4(b).

(b) REQUIREMENT.—Any individual who provides domestic terrorism training required under this section shall have—

(1) expertise in domestic terrorism; and

(2) relevant academic, law enforcement, or other community-based experience in matters related to domestic terrorism.

(c) REPORT.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act and twice each year thereafter, the Secretary, the Attorney General, and the Director shall each submit a biannual report to the committees of Congress described in section 4(b)(1) on the domestic terrorism training implemented by their respective agencies under this section, which shall include copies of all training materials used and the names and qualifications of the individuals who provide the training.

(2) CLASSIFICATION AND PUBLIC RELEASE.—Each report submitted under paragraph (1) shall be—

(A) unclassified, to the greatest extent possible, with a classified annex only if necessary; and

(B) in the case of the unclassified portion of each report, posted on the public website of the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation.

SEC. 6. INTERAGENCY TASK FORCE.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General, the Director, the Secretary, and the Secretary of Defense shall establish an interagency task force to analyze and combat White supremacist and neo-Nazi infiltration of the uniformed services and Federal law enforcement agencies.

(b) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the interagency task force is established

under subsection (a), the Attorney General, the Director, the Secretary, and the Secretary of Defense shall submit a joint report on the findings of the task force and the response of the Attorney General, the Director, the Secretary, and the Secretary of Defense to such findings, to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

(C) the Select Committee on Intelligence of the Senate;

(D) the Committee on Armed Services of the Senate;

(E) the Committee on the Judiciary of the House of Representatives;

(F) the Committee on Homeland Security of the House of Representatives;

(G) the Permanent Select Committee on Intelligence of the House of Representatives; and

(H) the Committee on Armed Services of the House of Representatives.

(2) CLASSIFICATION AND PUBLIC RELEASE.—The report submitted under paragraph (1) shall be—

(A) submitted in unclassified form, to the greatest extent possible, with a classified annex only if necessary; and

(B) in the case of the unclassified portion of the report, posted on the public website of the Department of Defense, the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation.

SEC. 7. DEPARTMENT OF JUSTICE SUPPORT FOR HATE CRIME INCIDENTS WITH A NEXUS TO DOMESTIC TERRORISM.

(a) COMMUNITY RELATIONS SERVICE.—The Community Relations Service of the Department of Justice, authorized under section 1001(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000g), may offer the support of the Service to communities where the Department of Justice has brought charges in a hate crime incident that has a nexus to domestic terrorism.

(b) FEDERAL BUREAU OF INVESTIGATION.—Section 249 of title 18, United States Code, is amended by adding at the end the following:

''(e) FEDERAL BUREAU OF INVESTIGATION.—The Attorney General, acting through the Director of the Federal Bureau of Investigation, shall assign a special agent or hate crimes liaison to each field office of the Federal Bureau of Investigation to investigate hate crimes incidents with a nexus to domestic terrorism (as such term is defined in section 3 of the Domestic Terrorism Prevention Act of 2020).''.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Justice, the Federal Bureau of Investigation, the Department of Homeland Security, and the Department of Defense such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON LEE) and the gentleman from North Dakota (Mr. ARMSTRONG) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

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

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

There was no objection.

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

First, I certainly want to thank all of the sponsors of this bill, and I thank Mr. SCHNEIDER for all of the important work that has been done on this legislation.

With the consideration of H.R. 5602, the Domestic Terrorism Prevention Act, the House takes affirmative steps in this time to address the rising menace of domestic terrorism and white supremacy.

This bill creates three offices, one each within the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation to monitor, investigate, and prosecute cases of domestic terrorism.

These newly created offices would focus their resources based on data collected on the most significant threats with specific emphasis on white supremacist terrorism. Additionally, pursuant to this bill, DOJ and DHS would issue joint biennial reports to Congress assessing the state of domestic terrorism threats.

Let me say, Mr. Speaker, that this legislation is not based on a whim. It is not based on someone's taste or distaste; likes or dislikes. This is based on facts. And as we continue to view the modeling of domestic terrorism, we will begin to continue to respond to it legislatively. But now we have a solid base of information dealing with the issues of growing white supremacy.

The creation of these offices and congressional reporting are much-needed measures to refocus the Federal Government's domestic terrorism efforts on the greatest threat to the American people: white supremacy and white nationalism.

In April of last year, the Judiciary Committee held a hearing titled: ''Hate Crimes and the Rise of White Nationalism.'' Sadly, since then there have been countless domestic terrorism attacks.

The shooting spree at a Walmart in El Paso, Texas, in August of 2019 was the deadliest attack in modern times against the Latino community in the United States and the third deadliest act of violence by domestic terrorism extremists in more than 50 years.

I joined my colleagues who represented that area, and the pain that they experienced was without comparison. I went to a funeral. I went to the memorial. I went to where the place was that had been set up as a temporary place of honor. The pain was unceasing in that community. And just a few months ago, they had to commemorate the bitterness of 1 year.

I also went to the hospital and visited individuals who had put themselves in the line of fire to protect others. I think since that time one person, in particular, has passed away.

This was a painful experience, and I can imagine that it will be painful for a very long time.

In the last decade, places of worship, a Sikh temple in Milwaukee, the Emanuel African Methodist Episcopal Church, Mother Emanuel, where the victims who remained alive actually forgave the perpetrator who came and sat down and prayed; sat among people who were praying, who welcomed him. They lost a distinguished pastor and people who were so kind. People could not understand why they lost their lives. Thousands came to the memorial, and, of course, our President at that time, President Obama. That is how painful it was for this Nation.

Then, of course, Pittsburgh's Tree of Life synagogue. I visited Pittsburgh, Pennsylvania, and met individuals who had been impacted by this horrific tragedy. In the midst of Rosh Hashanah, to our friends who are in the midst of their holiday, it is more than fitting that we acknowledge how domestic terrorism can divide so many communities, so many innocent communities, whether they happen to be of a particular faith, a particular ethnicity, or a particular status.

We have seen all of this become tragic symbols of deadly threats a white supremacist poses even to the faith community.

Just last Thursday in a committee that I participated in, FBI Director Christopher Wray—the Homeland Security Committee—once again stated that white supremacists constitute the largest portion of racially motivated violent extremists.

In the same vein, before the House Homeland Security Committee, Director Wray testified that antigovernment and antiauthority groups have been responsible for the most lethal attacks this year. We know that. So we want to be sure that we are protecting the American people.

None of us adhere to extremism or violence. We understand peaceful protests, but we stand for the principles of democracy of this Nation that has kept us a democracy for all of these many years.

Just a few weeks ago our Nation was reminded how dangerous violent extremism can be. A rightwing militia boasting 3,000 members promoted an event on Facebook calling for patriots willing to take up arms and travel to Kenosha, Wisconsin, to confront protesters.

Tragically, hours later, a 17-year-old youth heeded the call, traveled across State lines, and is alleged to have murdered two protesters and injured a third. He has yet to be brought to justice because he is still waiting on an extradition procedure.

Yet, local police allowed this young man to safely pass through their lines and go home, despite the fact that bystanders had identified him as the shooter. That was one incident.

We have seen law enforcement take up the issues of protecting our neighbors across the Nation and in those instances, of course, we recognize good policing and we thank them for it.

The tragic events in Kenosha are yet another example of how rightwing militia groups continue to pose a present threat. Indeed, over the last decade, rightwing extremists have been responsible for 76 percent of all domestic extremist-related murders. The time for Congress to act is now.

The key elements of the Domestic Terrorism Prevention Act seek to address fundamental deficiencies highlighted at the April 2019 Judiciary Committee hearing in the Federal Government's response to domestic terrorism and specifically white supremacy.

Let me be very clear. We want a comprehensive response to terrorism. We want to rely upon our intelligence communities as it relates to international terrorism.

□ 1500

We have done so because I have been on the Homeland Security Committee for a very long time and, as well, have seen the work of the Judiciary Committee. But we must be comprehensive in looking at terrorism; we must be responsive; and we must secure and make sure the American people are safe.

Currently, the Federal Government has a number of statutory authorities to bring charges against domestic terrorists, including those who are white supremacists. Yet, it is clear that the Department of Justice has not initiated a sufficient number of these prosecutions. H.R. 5602 creates offices within the DOJ and DHS aimed at pooling the resources from all parts of each respective Department to focus them on the greatest threat of white supremacy.

The reporting elements of this bill aim to keep Congress better informed of the domestic terrorism threats presented so that Congress can more readily assess what resources and authorities are necessary to protect the country against domestic terrorist activities.

I am well aware of the work that was done in the last administration of trying to neutralize the idea of radicalizing individuals who were dealing with ISIS, al-Qaida, and others. Unfortunately, even that has been taken away from the work that we have been doing. This may be a time that that work begins to rise up as it relates to white supremacy and white nationalism.

This legislation is a necessary and measured response to the real threats this country faces.

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

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

Mr. Speaker, at a time when violent extremists are destroying cities nationwide, our Democratic colleagues here in the House continue to ignore this violence. The chairman of the Judiciary Committee even called Antifa violence a myth and imaginary. Instead of addressing violent leftwing extremism head-on, my colleagues across the aisle only want to use this bill for political purposes. They are not interested in passing legislation that would make any real difference in rooting out violence in our communities.

Democrats are unable to call out the violent anarchists who are burning down cities all around the country. Instead, they seem to want to paint a picture that ties only conservatives to domestic terrorism. Not only is this bill blatantly political on its face, but it increases our already bloated bureaucracy by adding three new separate offices to do the exact same thing. That is the very definition of duplication and government waste.

We already have dedicated law enforcement who fight domestic terrorism every day, and we should recognize them, commend them, and let them do their jobs. Unfortunately, my colleagues across the aisle likely will not do that either.

Democrats must end the partisan charades. Democrats must stop ignoring the leftwing violence and crime that has taken over American cities. Instead of this biased approach in this bill, we should pass legislation that roots out all kinds of domestic terrorism, not just the type that is politically convenient for Democrats.

Mr. Speaker, I urge my colleagues to join me in opposing H.R. 5602, and I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, just one point that I want to make as I yield to the author and leader on this bill is that we are continuously fighting a known, recognized domestic terrorism. This vital bill will provide the reporting for a roadmap to do the right thing. That is what the Federal Government is challenged and charged to do.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. SCHNEIDER). Congressman SCHNEIDER is a member of the Judiciary Committee and is the author of this legislation.

Mr. SCHNEIDER. Mr. Speaker, I thank my friend, the gentlewoman from Texas, for yielding.

Mr. Speaker, I am proud to rise in support of my bill, H.R. 5602, the Domestic Terrorism Prevention Act of 2020.

White supremacists and other far-right extremists are the most significant domestic terrorism threat facing the United States. Don't take my word for it. Making that point last week in testimony to the House Homeland Security Committee, FBI Director Christopher Wray stated that domestic violence extremists, DVEs, ''pose a steady and evolving threat of violence and economic harm to the United States.''

He notes in his next paragraph: ''The top threat we face from domestic violent extremists stems from those we identify as racially/ethnically motivated violent extremists (RMVE).''

RMVEs were the primary source of ideologically motivated lethal incidents and violence in 2018 and 2019. From the Tree of Life synagogue to Walmart in El Paso, Texas, we have all tragically seen the deadly effect.

According to the Southern Poverty Law Center, the number of white nationalist groups rose by 55 percent since 2017. Last November, the FBI reported violent hate crimes reached a 16-year high in 2018, and that number went up in 2019.

Groups like the boogaloos, Rise Above Movement, and white nationalist militias across the country are organizing, and so must we. Therefore, we need to equip our law enforcement officials, the FBI, and the Departments of Justice and Homeland Security with the tools necessary to identify, monitor, and prevent acts of violent terrorism.

The bill before us today does just that. It establishes offices within the FBI, the Department of Justice, and the Department of Homeland Security and empowers them to coordinate their efforts with each other. It requires them to report to Congress twice a year on the assessment of the threats, ranking them and allocating the resources based on their assessed threats.

Congress must, with a single voice, definitively state that if you or your group is plotting violence or taking weapons—be they guns or knives or otherwise—into a crowd to intimidate or coerce others to further your ideological goals, you are a terrorist and will be treated as such.

This is not a partisan issue but one that affects all Americans' personal and economic security. This bill passed out of committee with bipartisan support overwhelmingly, 24–2.

Mr. Speaker, I urge all of my colleagues to vote ''yes.'' This bill will make a real difference. Again, I thank the chairman and the Speaker for bringing my bill to the House today.

Ms. JACKSON LEE. Mr. Speaker, I reserve the balance of my time.

Mr. ARMSTRONG. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. JORDAN), the ranking member of the Judiciary Committee.

Mr. JORDAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, Republicans denounce all violent extremism. Why won't the Democrats?

Weeks ago in the committee, the Attorney General of the United States asked the chairman of the Judiciary Committee, asked the Democrats, why won't you speak out against the mob? Why won't you speak out against the violence that is taking place in our great cities all across the country this past summer?

Guess what he got. Total, total silence.

We have a bill on domestic terrorism, but a bill that barely mentions Antifa, one reference.

Mr. Speaker, do you know why the one reference is in there? Because Republicans on the committee, through

Mr. STEUBE, offered an amendment in the committee.

Not mentioned in the bill are two things that have happened in the last 30 days. The cold-blooded murder of a Trump supporter by an Antifa member was not mentioned in the resolution and is not mentioned in the bill. Not mentioned in the bill is the assassination attempt on two police officers sitting in their patrol car just 2 weeks ago.

Let's condemn all violent extremism. Maybe they won't do that because, as my good friend from North Dakota said, the chairman of the House Judiciary Committee, the committee with that storied history of defending the rule of law, maybe because that individual said that Antifa is imaginary and that Antifa is a myth.

Ask Andy Ngo that, Mr. Speaker. Ask the journalist who was attacked by Antifa a year ago. Ask the people in Portland, Oregon. For over 100 days, their city has been under siege. There has been a siege on the Federal court building there by Antifa, but one reference only in their legislation, and that is only there because Mr. STEUBE offered the amendment in committee.

For over 100 days, this organization has been targeting the business owners, the people, and the residents in Portland, Oregon, and in other cities around our country. Democrats can call what has been happening to our cities all summer peaceful protests, but calling rioting, looting, and arson peaceful protests doesn't make it so.

Let's condemn all of it. We should speak out against all domestic terrorism. We should denounce the violence—the rioting, the looting, and the arson—that is taking place in our cities. We should not have another political messaging bill, which is exactly what this is.

Ms. JACKSON LEE. Mr. Speaker, would you share the time remaining, please.

The SPEAKER pro tempore. The gentlewoman from Texas has 8 minutes remaining. The gentleman from North Dakota has 16 minutes remaining.

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

Mr. Speaker, let me thank my good friend from Ohio for bringing to our attention something that I think is very important. Then, it allows me to say that I don't know one single person in this body who condones violent protests. I have not run into anyone in the Judiciary Committee, and I have not seen anyone on the floor on either side of the aisle. That is why this legislation is so crucial because it generated bipartisan support on the work that the Congress should do.

What is it that the Congress should do? Find a way for our agencies to work together.

In the Judiciary Committee, we had a hearing with the Attorney General on the question of domestic terrorism. In the Homeland Security Committee, we had a hearing on the question of domestic terrorism. I think we found some, if you will, collegiality in recognizing that white supremacy and white nationalism were the greatest threat to domestic security.

I remember in this legislation the generosity of Mr. SCHNEIDER and my commitment when the committee added Mr. STEUBE's—a Republican's—amendment at markup that included findings that addressed antigovernment actors and violence against police. We passed that in a bipartisan way. I want to remind my colleagues that the legislation itself was passed in a bipartisan manner.

We have seen what happens when we undermine coordination. We see what happens when the pandemic office was dismissed out of the White House that was coordinating with agencies on COVID–19 or other pandemics. We see the confusion that we have.

This legislation is simply trying to make sure that our very fine public servants who are fighting domestic terrorism are fighting it with the best informational tools they can get.

How do they do that? With this very fine legislation that allows us to be able to get the right kind of data.

I want to just indicate a lot of things have been happening. I have watched peaceful protesters be subjected to violence. My heart goes out. Those are someone's children; they are young people; and they have a right to be protesting. They have a right, as our dear beloved colleague has always said, to speak up. John Robert Lewis always said to speak up and get into good trouble to make this Nation better.

I have not heard any Member of this body not condemn, in the strongest terms, the shooting of Los Angeles deputies and are pleased to hear that they are recovering.

I would just indicate that we need to adhere to what is right. This legislation is laying us on a pathway of getting facts and information so that we can do what is right to secure the American people.

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

Mr. ARMSTRONG. Mr. Speaker, I was in the committee when we did this and when we accepted Republican amendments and garnered some support from people on my side of the aisle in committee. I have no doubt that my friends on the other side of the aisle condemn all kinds of violence, but somewhere between committee and here things got added to the bill.

Mr. Speaker, do you know what didn't get added? Not one mention of the horrific attack against two police officers shot at pointblank range in their patrol car. The bill did not mention the murder of a Trump supporter in Portland. But we did manage to mention the juvenile from Kenosha.

So, while the gentlewoman says she supports a certain thing or nobody condones certain things, their actions on how this occurs show us where their priorities are. The priorities are political because we could have added all of these things.

I find it interesting and odd on the same day that we are talking about due process, rights to effective assistance of counsel, justice for juveniles, and all the election integrity and voting, we don't condemn the burning down of the post office in Minneapolis. We don't talk about these other things, but we will make sure we mention a juvenile offender in Kenosha prior to any of his court hearings being held.

We can talk about delaying justice and the administration of justice, but that is not how it reads in the bill, and that is not how it was spoken to on the floor.

Mr. Speaker, if we are going to do this, all I ask is that we are consistent. The gentlewoman can stand here and say that we condemn all forms of violence, but only one made it into the bill after committee. That is because it fits a particular political narrative, and we have no interest in actually rooting out domestic terrorism wherever it exists. We want to make sure it fits a particular narrative. That is what this bill is about, and that is why we should oppose it.

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

□ 1515

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

I thank the gentleman for his commentary, but I am going to rise and ask my colleagues to support this legislation in a bipartisan manner.

As indicated—I would correct my friend's interpretation—Mr. STEUBE's amendment was added in the markup and the findings at that time addressed antigovernment actors and violence against police. We made it very clear, and it was bipartisan, that we condemn violence of any kind.

But what I would say as well is that the simple addition as it relates to Kenosha was in sharp contrast to the visual, the video, of a direct skin contact shooting of an individual whose back was turned, and then the call across the Nation for white supremacists and white nationalists to come and defend.

Defend what?

There was law enforcement there. I think the governor had even asked for the Wisconsin National Guard to safeguard everyone.

But here was someone that came—a teenager. I am grateful that he remained alive; grateful. But he walked with guns, and is alleged to have killed, harmed, three people at least, never was confronted by officers, of course, to our knowledge, and got home to sleep in his bed.

On the other hand, Jacob Blake, whose father I met, wound up in ICU, wound up paralyzed, a victim in the Kenosha shootings.

And so it is crucial that we get the facts of what this legislation wants to

do, and that we don't get a young man from Illinois versus another young man from Ohio, who was 12 years old—Tamir Rice—who didn't get to go home. We want to make sure that we have fairness.

Mr. Speaker, as I said, I am very concerned about the shootings of these individuals, the Los Angeles deputies. We don't know the motives of the assailants. It remains unknown. But we continue to seek justice for them, and we want to make sure that the threat of white supremacists and domestic terrorism is known.

Mr. Speaker, this bill directs that directly and I think it will provide for a very important tool for our law enforcement—unbiased—without any effort to try and stigmatize anyone.

Mr. Speaker, in closing, domestic terrorism is a serious threat to our country. We must take real action to address the rise of hate crimes and white supremacy. This legislation would address the rising tide of white supremacy without impinging on constitutional rights.

It reflects a careful balance between empowering the investigatory agencies of the Federal Government to curb hateful and dangerous incidents of domestic terrorism and protecting the rights of free speech and assembly.

Mr. Speaker, I thank Representative BRAD SCHNEIDER for his leadership and his diligent work on this important legislation during this Congress. We will be better for the passage of this legislation. The Nation will be better. It is critical that we adopt this bill.

Mr. Speaker, I ask my colleagues to support this bipartisan legislation, passed out of the Committee on the Judiciary in a bipartisan vote, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON LEE) that the House suspend the rules and pass the bill, H.R. 5602, as amended.

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

A motion to reconsider was laid on the table.

STRENGTHENING THE OPPOSITION TO FEMALE GENITAL MUTILATION ACT OF 2020

Ms. JACKSON LEE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6100) to amend title 18, United States Code, to clarify the criminalization of female genital mutilation, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6100

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Strengthening the Opposition to Female Genital Mutilation Act of 2020'' or the ''STOP FGM Act of 2020''.

SEC. 2. CONGRESSIONAL FINDINGS AND PURPOSE.

The Congress finds the following:

(1) Female genital mutilation is recognized internationally as a human rights violation and a form of child abuse, gender discrimination, and violence against women and girls. Female genital mutilation is a global problem whose eradication requires international cooperation and enforcement at the national level. The United States should demonstrate its commitment to the rights of women and girls by leading the way in the international community in banning this abhorrent practice.

(2) Congress has previously prohibited the commission of female genital mutilation on minors. Female genital mutilation is a heinous practice that often inflicts excruciating pain on its victims and causes them to suffer grave physical and psychological harm.

(3) Congress has the power under article I, section 8 of the Constitution to make all laws which shall be necessary and proper for carrying into execution treaties entered into by the United States.

(4) Congress also has the power under the Commerce Clause to prohibit female genital mutilation. An international market for the practice exists, and persons who perform female genital mutilation in other countries typically earn a living from doing so.

(5) Those who perform this conduct often rely on a connection to interstate or foreign commerce, such as interstate or foreign travel, the transmission or receipt of communications in interstate or foreign commerce, the use of instruments traded in interstate or foreign commerce, or payments of any kind in furtherance of this conduct.

(6) Amending the statute to specify a link to interstate or foreign commerce would confirm that Congress has the affirmative power to prohibit this conduct.

SEC. 3. AMENDMENTS TO CURRENT LAW ON FEMALE GENITAL MUTILATION.

Section 116 of title 18, United States Code, is amended—

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

''(a) Except as provided in subsection (b), whoever, in any circumstance described in subsection (d), knowingly—

''(1) performs, attempts to perform, or conspires to perform female genital mutilation on another person who has not attained the age of 18 years;

''(2) being the parent, guardian, or caretaker of a person who has not attained the age of 18 years facilitates or consents to the female genital mutilation of such person; or

''(3) transports a person who has not attained the age of 18 years for the purpose of the performance of female genital mutilation on such person,

shall be fined under this title, imprisoned not more than 10 years, or both.'';

(2) by amending subsection (c) to read as follows:

''(c) It shall not be a defense to a prosecution under this section that female genital mutilation is required as a matter of religion, custom, tradition, ritual, or standard practice.'';

(3) by striking subsection (d); and

(4) by adding at the end the following:

''(d) For the purposes of subsection (a), the circumstances described in this subsection are that—

''(1) the defendant or victim traveled in interstate or foreign commerce, or traveled using a means, channel, facility, or instrumentality of interstate or foreign commerce, in furtherance of or in connection with the conduct described in subsection (a);

''(2) the defendant used a means, channel, facility, or instrumentality of interstate or foreign commerce in furtherance of or in connection with the conduct described in subsection (a);

''(3) any payment of any kind was made, directly or indirectly, in furtherance of or in connection with the conduct described in subsection (a) using any means, channel, facility, or instrumentality of interstate or foreign commerce or in or affecting interstate or foreign commerce;

''(4) the defendant transmitted in interstate or foreign commerce any communication relating to or in furtherance of the conduct described in subsection (a) using any means, channel, facility, or instrumentality of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means or in manner, including by computer, mail, wire, or electromagnetic transmission;

''(5) any instrument, item, substance, or other object that has traveled in interstate or foreign commerce was used to perform the conduct described in subsection (a);

''(6) the conduct described in subsection (a) occurred within the special maritime and territorial jurisdiction of the United States, or any territory or possession of the United States; or

''(7) the conduct described in subsection (a) otherwise occurred in or affected interstate or foreign commerce.

''(e) For purposes of this section, the term 'female genital mutilation' means any procedure performed for non-medical reasons that involves partial or total removal of, or other injury to, the external female genitalia, and includes—

''(1) a clitoridectomy or the partial or total removal of the clitoris or the prepuce or clitoral hood;

''(2) excision or the partial or total removal (with or without excision of the clitoris) of the labia minora or the labia majora, or both;

''(3) infibulation or the narrowing of the vaginal opening (with or without excision of the clitoris); or

''(4) other procedures that are harmful to the external female genitalia, including pricking, incising, scraping, or cauterizing the genital area.''.

SEC. 4. REPORT.

Not later than one year after the date of the enactment of this Act, and annually thereafter, the Attorney General, in consultation with the Secretary of Homeland Security, the Secretary of State, the Secretary of Health and Human Services, and the Secretary of Education, shall submit to Congress a report that includes—

(1) an estimate of the number of women and girls in the United States at risk of or who have been subjected to female genital mutilation;

(2) the protections available and actions taken, if any, by Federal, State, and local agencies to protect such women and girls; and

(3) the actions taken by Federal agencies to educate and assist communities and key stakeholders about female genital mutilation.

SEC. 5. SENSE OF THE CONGRESS.

It is the sense of the Congress that the United States District Court for the Eastern District of Michigan erred in invalidating the prior version of such section 116 (See United States v. Nagarwala, 350 F. Supp. 3d 613, 631 (E.D. Mich. 2018)). The commercial nature of female genital mutilation (hereinafter in this section referred to as ''FGM'') is ''self-evident,'' meaning that the ''absence of

particularized findings'' about the commercial nature of FGM in the predecessor statute did not ''call into question Congress's authority to legislate'' (Gonzales v. Raich, 545 U.S. 1, 21 (2005)). Nevertheless, the Congress has elected to amend the FGM statute to clarify the commercial nature of the conduct that this statute regulates. But, by doing so, Congress does not hereby ratify the district court's erroneous interpretation in Nagarwala.

SEC. 6. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON LEE) and the gentleman from North Dakota (Mr. ARMSTRONG) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, this bill is a long time in coming. And I extend a general thank you for all of the legislative bills on the Committee of the Judiciary that have come before us today, and the staff, and the excellent work they have done. And let me particularly thank the Subcommittee on Crime for the great work they have done on this legislation, strengthening the opposition to Female Genital Mutilation Act, or STOP FGM Act, to amend current law to ensure that the horrific practice of female genital mutilation is Federally prohibited consistent with constitutional restraints.

Let me indicate that we have been asked to engage. It is always good to know that the Congress can do things to fix a skewed system that harms individuals every single day, and in this instance, it is many young people.

Mr. Speaker, the bill would ensure that it is a Federal crime to knowingly:

One, perform, attempt to perform, or conspire to perform female genital mutilation or FGM on a minor;

Two, while being a parent, guardian, or caretaker of a minor, facilitate or consent to the female genital mutilation of the minor; or

Three, transport a minor for the purpose of the performance of female genital mutilation on the minor.

The bill would also increase the statutory maximum term of imprisonment for a violation of the statute from 5 years to 10 years, though these are not mandatory minimums.

The bill is necessary because a district court in Michigan recently dismissed the first Federal prosecution under the existing FGM statute, finding that the acts prohibited did not have a significant nexus to interstate commerce. We had to engage in fixing this issue.

Mr. Speaker, H.R. 6100 addresses this issue by explicitly requiring that one or more of the following circumstances must exist. The defendant or victim's travel in interstate or foreign commerce, the defendant's use of a means of interstate or foreign commerce, payment of any kind made using any means, channel, facility or instrumentality of interstate or foreign commerce, and the defendant's use of a means of communication affecting interstate or foreign commerce. We are therefore confident that this updated prohibition will pass constitutional muster and it is critical that we take these steps to update this statute.

Mr. Speaker, the one thing I will say is, we cannot let what is a technical, legal act by the court to continue to provide no protection for young, innocent victims. In the United States, approximately 500,000 women and girls were at risk for FGM or its consequences, and more than 3 million girls are estimated to be at risk for FGM annually, worldwide.

The U.S. Government has acknowledged the international implications of FGM. For instance, in 2018 U.S. Immigration and Customs Enforcement initiated Operation Limelight USA, an outreach program designed by ICE's Homeland Security Investigations Human Rights Violators and War Crimes Unit, and I thank them for their work to educate travelers on the dangers and consequences of FGM.

Yes, it is being done here in the United States, in pockets around the Nation, where these women are mutilated for life. These girls, at a very young age, are mutilated for life in the United States, where we have been discussing on this floor your due process, the sanctity of your own body, your privacy rights under the Ninth Amendment.

In addition, both the FBI and the Human Rights and Special Prosecutions Section of the Criminal Division of the Department of Justice work domestically to prosecute and investigate cases involving FGM. We want to give them the tools that they can use to get it right.

Federal law enforcement agencies acknowledge that FGM is a global issue and they work with international partners to eliminate this horrific practice. FGM, therefore, is considered to have a substantial effect on interstate commerce because, although illegal, there is an established interstate and international market for the practice.

I include in the RECORD an article about female genital mutilation.

[From CNN Health, May 11, 2017]

3 US WOMEN SHARE THE HORRORS OF FEMALE GENITAL MUTILATION

(By Sonia Moghe)

EAST LANSING, MICHIGAN (CNN)—Rahel Musa Aron was just 7 days old when the elders of her community in the African nation of Eritrea performed a centuries-old ritual on her tiny body, cutting off her clitoris and burying it.

Nearly six decades later, the Christian church leader and mother of three daughters sits at home in this Midwestern city and wonders.

What would the small sliver of skin have meant for her life? Would childbirth have been different? Has she been missing out on a deeper level of intimacy with her husband of 40 years?

''I'm sure that it has affected my feeling,'' Aron, 58, told CNN. ''If it was not cut, maybe I would have enjoyed whatever I would have enjoyed. It's a very sensitive area. So if that's cut, imagine—imagine what I miss.''

Often discussed in whispers, the issue of female genital mutilation grabbed headlines last month when, for the first time, US prosecutors used a decades-old law that bans the practice to charge two Detroit-area doctors and a medical office manager in a case involving two 7-year-old girls. Now, several women in the United States who endured the procedure when they were young are sharing their stories—all with elements that mirror the Michigan case—in hopes of ending it for good.

When her own daughters were born, Aron decided the custom endured by her mother and her grandmother would die with her.

''What I believe is, if (the clitoris) wasn't necessary, God wouldn't have put it there,'' said Aron, a deaconess at St. Luke Lutheran in Lansing, Michigan. ''If it was not important, it would have not been there. It's part of our body. It is there for a reason.''

Aron's scars aren't as severe as those borne by many of the 200 million women and girls around the globe—nearly a quarter of them younger than 15—who have undergone the practice, dubbed FGM or, to some survivors who dislike that phrase, female ritual cutting.

The procedure, in which genital organs are altered or injured for non-medical reasons to suppress sexuality, long has been deemed a human rights violation. It's practiced at all educational levels and social classes and among people of many faiths, including Muslims and Christians, though no religious text calls for it.

Though often undertaken as a cleansing custom, experts roundly agree it has no medical benefits—and carries myriad health risks, from childbirth and menstrual complications to severe infections, post-traumatic stress, even death.

Still, the practice persists, mostly in African and Middle Eastern nations—and in the United States, where the estimated number of girls and women who have undergone it or are at risk has tripled since 1990 to more than 500,000. The increase reflects rapid growth in immigration from countries where FGM is common.

While anti-cutting advocates hail efforts to hold offenders accountable, this case also raises questions about whether the accused—all members of the Dawoodi Bohra sect of Shia Islam—are being targeted because of their faith. Meanwhile, some worry that high-profile prosecutions could drive the practice deeper underground, further endangering the very girls and women the law aims to protect.

As the issue has gained attention, Immigration and Customs Enforcement and the FBI opened national tip lines where anyone

can report their experience or suspicions. But as several advocates told CNN, the most important conversations may be happening in homes and places of worship, as survivors share their stories and work to end FGM.

''This thing,'' Aron said, ''needs to be talked about.''

'SPECIAL GIRLS' TRIP'

The FBI started looking into the Detroit-area case in October, when investigators learned that female genital mutilation was being performed at the Burhani Medical Clinic. Investigators in February learned that two 7-year-old girls from Minnesota went to the clinic with their mothers for a ''special girls' trip'' that they weren't to tell anyone about, documents show. One girl told the FBI their mothers took them to the clinic because ''our tummies hurt'' and a doctor would ''get the germs out.''

There were three people in the office, ''one to clean up and two to hold (the child's) hands,'' the girl later told investigators. The FBI says they were local emergency room physician Dr. Jumana Nagarwala, clinic director Dr. Fakhruddin Attar and his wife, Farida Attar, who managed the office in Livonia, Michigan, court records show.

The girl said she took off her pants and underwear and laid on an exam table with her knees near her chest and legs spread apart, documents show.

Nagarwala then gave her a ''little pinch'' in the area ''where we go pee.'' She said the doctor told her and her friend ''no bikes and no splits for three days,'' and the day after the procedure, the area ''hurted a lot.''

The girl said she and her friend got cake afterward because ''they were doing good,'' documents show. An exam found the girl's labia minora removed or altered, her clitoral hood looking abnormal, plus scar tissue and small healing cuts, court records show.

The Attars and Nagarwala each face two counts of female genital mutilation, one count of conspiracy to commit female genital mutilation, and one count of conspiracy to obstruct an official proceeding. The physicians could face life in prison if convicted.

''This brutal practice is conducted on girls for one reason: to control them as women,'' Daniel Lemisch, acting US Attorney for the Eastern District of Michigan, said in a statement. ''FGM will not be tolerated in the United States.''

But attorneys for the accused say their clients are being persecuted for practicing their religion. Nagarwala has pleaded not guilty on all counts; the Attars have not entered pleas, but their attorneys argue they are not guilty of all the charges.

CLEANSING RITUAL NOT ILLEGAL, LAWYER SAYS

Nagarwala acknowledges performing a procedure on both girls, her lawyer, Shannon Smith, said. But it wasn't female genital mutilation, she said, according to court documents; it was a non-invasive, religious cleansing ritual in the Dawoodi Bohra tradition, rooted in India.

Nagarwala, who has been terminated from her job at Henry Ford Health System in light of this case, claims she used a long scraper-like tool to wipe a small portion of mucus membrane from the girls' clitorises, then put the membrane onto gauze for their parents to bury, Smith said, adding that her client denies removing tissue and says there was no blood, documents show.

The political environment surrounding the federal prosecution concerns Dina Francesca Haynes, a human rights attorney who has worked on hundreds of FGM cases.

''During a time when vigilantism and xenophobia (are) high, the likelihood that doctors of particular national origins would be targeted seems to also be an additional risk,'' Haynes told CNN. ''It makes me uncomfortable that the first prosecution here looks like it's focusing on a particular community of people.''

Haynes doesn't like when ''my human rights issues are used for a bigger agenda,'' she said.

Leaders of the Dawoodi Bohra mosque in Michigan, one of several hubs of the sect in the United States, said in a statement that they offered to help investigators.

''Any violation of US law is counter to instructions to our community members,'' they said. ''It is an important rule of the Dawoodi Bohras that we respect the laws of the land, wherever we live. This is precisely what we have done for several generations in America. We remind our members regularly of their obligations.''

CNN's calls to mosques attended by the girls' parents and the defendants were not returned.

'NEVER TALK ABOUT IT'

This case has caught the attention of FGM survivors across the country, who share a common story: They were cut at a young age and told not to speak of it.

In 1947, Renee Bergstrom was 3, living with her white, fundamentalist Christian family in rural Minnesota. When her mother saw her toddler touching herself, she worried.

''So, she took me to a doctor who said, 'I can fix that,' and removed my clitoris,'' Bergstrom told CNN.

Bergstrom remembers seeing her mother at the end of the table. She remembers the pain. And she remembers feeling betrayed.

''Later the day it happened, . . . she carried me around until I quit crying,'' Bergstrom said. ''Even when I was very little, she told me it was a mistake, but I was to never talk about it.''

Now, nearly 70 years later, Bergstrom said the procedure affected her entire life. Severe scarring fused part of her labia; the skin wouldn't stretch when it came time to deliver her three children.

Now Bergstrom has teamed up with another survivor in Minnesota, a Somali woman, to spread awareness in the area's large Somali community. They give pamphlets to expectant mothers who survived the procedure so they can help their doctors understand birthing options.

As she works to help immigrants from a country where FGM is almost universal and where Islam is the law, Bergstrom said she is concerned about Muslims being targeted in the United States over the practice.

''This was done (to me) in white America by a fundamentalist Christian doctor who practiced his religion with a scalpel,'' she said. ''I am disturbed by the anti-Muslim sentiment throughout the United States. I didn't want this to be another form of discrimination against Muslims.''

'COMPLICATED FORM OF VIOLENCE'

The father of one girl in the federal case told investigators, ''If they knew what would come of it, this would never have happened,'' documents show.

None of the parents in this case faces charges—and it's possible they never will.

''The reality is, if you want children to report this . . . some people would argue that it would deter young girls and young women from seeking health care,'' Haynes said. ''Children tend to rally around their parents and other adults in their life that they trust and wouldn't think to report any kind of abuse until later.''

For many survivors, coming to terms with their mothers' decisions to promote the practice is complex.

Mariya Taher was 7 when she went on vacation to Mumbai, India, with her parents. She remembers walking into an apartment with her mother. The atmosphere felt relaxed, with older aunties there, too. She even laughed. She was the only little girl there.

''Then, I remember, I was on the floor and my dress was pushed in,'' Taher recalled. ''I remember feeling something sharp and crying afterwards. One of the older women gave me a soda. That's all I remember of it.''

Taher, now 34, said it wasn't until she was a teenager that she read about FGM in Africa and realized what had happened to her. Her scarring was minimal. All the same, she said, it was a violation.

''I honestly had a great childhood, so it's really hard for me to talk about this,'' she said. ''I feel that people paint me as the picture of a victim, and I hate that. Yes, that was a violent thing that was done to me, but it's also such a complicated form of violence.''

Taher, whose mother and grandmother also endured cutting, lives in Massachusetts and co-founded Sahiyo, an organization that works to end the practice in the Dawoodi Bohra community. She helps women tell their stories—of being cut, of deciding not to cut, of pretending to have been cut in order to fit in—through social media.

Years later, she also has realized perhaps the most personal achievement of her work: She convinced her mother to oppose FGM.

''We've had continual conversations,'' Taher said. ''I've never blamed her.''

Ms. JACKSON LEE. Congress has the power under the Commerce Clause to prohibit FGM, and that is why I was very glad to be the author and sponsor of this legislation by introducing this—what the cosponsors and I believe—is an important bipartisan bill.

My former colleague, Congressman Crowley of New York, worked with me on this for many, many years. Our goal is to protect all women and girls from the practice of FGM and to provide the Justice Department with an effective means of prosecuting those who commit this terrible act. That is why I support this legislation and authored this legislation at the same time.

Mr. Speaker, as a senior member of the Committees on the Judiciary and on Homeland Security, and the Congressional Black Caucus, and as the bill sponsor, I rise in strong support of H.R. 6100, the ''*Strengthening the Opposition to Female Genital Mutilation Act of 2020,*'' which I introduced with the Congressman BACON of Nebraska, the lead cosponsor.

I want thank Chairman NADLER for his tremendous leadership during this Congress and the past several months of hardship, stress, and disruption not only of the regular normalized operations of this Committee but of the Congress and more importantly, the lives of the American people.

It has been said of Americans that we do the difficult immediately, and the impossible takes a little longer.

The legislative session today is a testament to the determination of this Committee that despite the coronavirus pandemic that has claimed the life of over 200,000 Americans, that legislation to improve the lives of the people we represent and the communities we serve will not be halted.

The problems facing ordinary Americans due to flaws and inequities in the criminal justice system, the immigration system, the health care system, the economy, the trademark system and others do not take a timeout because of the pandemic and neither does

this Congress, and for that I commend Speaker PELOSI, the House Democratic leadership, and my colleagues on both sides of the aisle.

Mr. Speaker, female genital mutilation (FGM) is an abhorrent practice and a recognizable international human rights violation.

H.R. 6100, the *STOP FGM Act* is necessary remedial legislative modifying current law to aid women in several important respects.

Specifically, the legislation would:

1. Amend 18 U.S.C. §116 by setting forth three groups of persons who can be prosecuted under the statute: (1) anyone who performs, attempts to perform, or conspires to perform, female genital mutilation on a minor; (2) a parent, guardian, or caretaker of a minor who facilitates or consents to the female genital mutilation of the minor; and (3) anyone who transports a minor for the purpose of performance of female genital mutilation on the minor;

2. Increase the statutory maximum for a violation of the statute, from 5 years to 10 years;

3. Prohibit a defendant charged with this offense from using as a defense the argument that they were compelled to commit the offense because of religion, custom, tradition, ritual, or standard practice; and

4. Amend the existing statute to more explicitly define what types of procedures constitute female genital mutilation.

Most significantly, the STOP FGM Act enables us to better address FGM more comprehensively in the United States by requiring the Attorney General, in consultation with other federal agencies, to submit an annual report to Congress, to include the number of women and girls in the United States at risk of FGM; the protections available and actions taken; and the education and assistance provided to communities about FGM.

Mr. Speaker, according to the World Health Organization (WHO) there are no positive health benefits from practice of FGM and the procedure can have severe long-term impacts on the physical, psychological, sexual, and reproductive health of girls and women.

Earlier this year, on Sunday, March 8, we celebrated International Women's Day, which is designed to help nations worldwide eliminate discrimination against women.

International Women's Day focuses on helping women gain full and equal participation in global development.

The practice of FGM violates girls' and women's rights to sexual and reproductive health, security and physical integrity, their right to be free from torture and cruel, inhuman or degrading treatment, and their right to life when the procedure results in death.

In order for little girls to live their best lives as strong, empowered women, we must protect them now as girls, to give them a fighting chance.

The bipartisan STOP FGM Act takes a big and positive step in that direction.

Mr. Speaker, in 2017, Dr. Nagarwala, a Michigan doctor performed this brutal act on several minors.

The U.S. Department of Justice then prosecuted her and others for violating the law.

It was the first federal case of its kind brought under the existing statute.

Nagarwala challenged the law, and the district court agreed and found that the statute was unconstitutional and that FGM is a 'purely local crime.'

However, according to the World Health Organization, it is estimated that more than 200 million girls and women alive today have undergone female genital mutilation.

Further, there are an estimated 3 million girls at risk of undergoing female genital mutilation every year.

Because of the manner in which female genital mutilation is being practiced in the United States, it affects interstate and foreign commerce, the regulation of which the Constitution entrusts to the Congress in Article I, section 8, clause 3.

Therefore, Congress has the authority under the Commerce Clause, as well as Necessary and Proper Clause contained in Article I, section 8, clause 17, to regulate, restrict, and even prohibit the practice of FGM.

H.R. 6100 is a comprehensive response to addressing FGM more effectively, and it includes input from a wide array of stakeholders, including DOJ, anti-FGM advocates, clinicians, and CDC experts.

I strongly support this bipartisan legislation and ask my colleagues to do the same.

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

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

Mr. Speaker, I rise in support of H.R. 1600, the Stop FGM Act of 2020.

This bill outlaws a practice that is recognized internationally as a human rights violation, and even torture. It is an extreme form of discrimination against women and girls. Unfortunately, half a million girls and women worldwide are subject to this torture or at risk for it.

I am sure most people assumed that FGM was already illegal. It was.

In 1996, Congress prohibited the practice of FGM. But in 2018, a Federal judge in Michigan dismissed charges against a doctor and others from a local Indian Dawoodi Bohra community involved in the mutilation of nine young girls. The judge ruled that the Federal Government does not have the power to regulate FGM.

Since that time, the Justice Department has been able to stop these acts of violence against America's young girls.

This bill will amend title 18 to make FGM that is performed for nonmedical reasons a crime and overturn the judge's decision by explicitly describing the constitutional basis for banning FGM under the Commerce Clause of the United States Constitution.

Mr. Speaker, I think all my colleagues can come together and support this important bipartisan bill, and I urge my colleagues to join me in supporting H.R. 6100.

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

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

Mr. Speaker, I emphasize that the practice of FGM violates girls' and women's rights to sexual and reproductive health, security, and physical integrity, their right to be free from torture and cruel or inhumane or degrading treatment, and their right to life when the procedure results in death.

Let me be very clear: This is international, but it is happening in the United States, and I think it is important for this Nation to stand up to this dastardly act.

According to the World Health Organization, it is estimated that more than 200 million girls and women alive today have undergone female genital mutilation. Further, there are an estimated 3 million girls at risk of undergoing female genital mutilation every year.

And because of the manner in which female genital mutilation is being practiced in the United States, it affects interstate and foreign commerce, the regulation which the Constitution entrusts in the Constitution in Article 1, Section 8, Clause 3.

Mr. Speaker, I am very grateful to the Committee on the Judiciary's staff for working together with me and my office, making this legislation a real fix. Therefore, Congress has the authority under the Commerce Clause, as well as the necessary and proper clause contained in Article I, Section 8, to fix this, and that is what we have done.

Again, let me thank the chairman and ranking member of the full committee and of the subcommittees, and all of the Members, for supporting this legislation.

The STOP FGM Act is a critical measure to protect the health and safety of girls in our communities and to ensure that those who would engage in this horrific practice do not go unpunished.

This is bipartisan legislation, and I urge my colleagues to join me in supporting this legislation and voting to stop these dastardly acts.

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

□ 1530

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON LEE) that the House suspend the rules and pass the bill, H.R. 6100, as amended.

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

A motion to reconsider was laid on the table.

CREATING A RESPECTFUL AND OPEN WORLD FOR NATURAL HAIR ACT OF 2020

Ms. JACKSON LEE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5309) to prohibit discrimination based on an individual's texture or style of hair, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5309

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 ''Creating a Respectful and Open World for Natural Hair Act of 2020'' or the ''CROWN Act of 2020''.

SEC. 2. FINDINGS; SENSE OF CONGRESS; PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Throughout United States history, society has used (in conjunction with skin color) hair texture and hairstyle to classify individuals on the basis of race.

(2) Like one's skin color, one's hair has served as a basis of race and national origin discrimination.

(3) Racial and national origin discrimination can and do occur because of longstanding racial and national origin biases and stereotypes associated with hair texture and style.

(4) For example, routinely, people of African descent are deprived of educational and employment opportunities because they are adorned with natural or protective hairstyles in which hair is tightly coiled or tightly curled, or worn in locs, cornrows, twists, braids, Bantu knots, or Afros.

(5) Racial and national origin discrimination is reflected in school and workplace policies and practices that bar natural or protective hairstyles commonly worn by people of African descent.

(6) For example, as recently as 2018, the United States Armed Forces had grooming policies that barred natural or protective hairstyles that servicewomen of African descent commonly wear and that described these hairstyles as ''unkempt''.

(7) In 2018, the United States Armed Forces rescinded these policies and recognized that this description perpetuated derogatory racial stereotypes.

(8) The United States Armed Forces also recognized that prohibitions against natural or protective hairstyles that African-American servicewomen are commonly adorned with are racially discriminatory and bear no relationship to African-American servicewomen's occupational qualifications and their ability to serve and protect the Nation.

(9) As a type of racial or national origin discrimination, discrimination on the basis of natural or protective hairstyles that people of African descent are commonly adorned with violates existing Federal law, including provisions of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), section 1977 of the Revised Statutes (42 U.S.C. 1981), and the Fair Housing Act (42 U.S.C. 3601 et seq.). However, some Federal courts have misinterpreted Federal civil rights law by narrowly interpreting the meaning of race or national origin, and thereby permitting, for example, employers to discriminate against people of African descent who wear natural or protective hairstyles even though the employment policies involved are not related to workers' ability to perform their jobs.

(10) Applying this narrow interpretation of race or national origin has resulted in a lack of Federal civil rights protection for individuals who are discriminated against on the basis of characteristics that are commonly associated with race and national origin.

(11) In 2019 and 2020, State legislatures and municipal bodies throughout the United States have introduced and passed legislation that rejects certain Federal courts' restrictive interpretation of race and national origin, and expressly classifies race and national origin discrimination as inclusive of discrimination on the basis of natural or protective hairstyles commonly associated with race and national origin.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Federal Government should acknowledge that individuals who have hair texture or wear a hairstyle that is historically and contemporarily associated with African Americans or persons of African descent systematically suffer harmful discrimination in schools, workplaces, and other contexts based upon longstanding race and national origin stereotypes and biases;

(2) a clear and comprehensive law should address the systematic deprivation of educational, employment, and other opportunities on the basis of hair texture and hairstyle that are commonly associated with race or national origin;

(3) clear, consistent, and enforceable legal standards must be provided to redress the widespread incidences of race and national origin discrimination based upon hair texture and hairstyle in schools, workplaces, housing, federally funded institutions, and other contexts;

(4) it is necessary to prevent educational, employment, and other decisions, practices, and policies generated by or reflecting negative biases and stereotypes related to race or national origin;

(5) the Federal Government must play a key role in enforcing Federal civil rights laws in a way that secures equal educational, employment, and other opportunities for all individuals regardless of their race or national origin;

(6) the Federal Government must play a central role in enforcing the standards established under this Act on behalf of individuals who suffer race or national origin discrimination based upon hair texture and hairstyle;

(7) it is necessary to prohibit and provide remedies for the harms suffered as a result of race or national origin discrimination on the basis of hair texture and hairstyle; and

(8) it is necessary to mandate that school, workplace, and other applicable standards be applied in a nondiscriminatory manner and to explicitly prohibit the adoption or implementation of grooming requirements that disproportionately impact people of African descent.

(c) PURPOSE.—The purpose of this Act is to institute definitions of race and national origin for Federal civil rights laws that effectuate the comprehensive scope of protection Congress intended to be afforded by such laws and Congress' objective to eliminate race and national origin discrimination in the United States.

SEC. 3. FEDERALLY ASSISTED PROGRAMS.

(a) IN GENERAL.—No individual in the United States shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance, based on the individual's hair texture or hairstyle, if that hair texture or that hairstyle is commonly associated with a particular race or national origin (including a hairstyle in which hair is tightly coiled or tightly curled, locs, cornrows, twists, braids, Bantu knots, and Afros).

(b) ENFORCEMENT.—Subsection (a) shall be enforced in the same manner and by the same means, including with the same jurisdiction, as if such subsection was incorporated in title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), and as if a violation of subsection (a) was treated as if it was a violation of section 601 of such Act (42 U.S.C. 2000d).

(c) DEFINITIONS.—In this section—

(1) the term ''program or activity'' has the meaning given the term in section 606 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–4a); and

(2) the terms ''race'' and ''national origin'' mean, respectively, ''race'' within the meaning of the term in section 601 of that Act (42 U.S.C. 2000d) and ''national origin'' within the meaning of the term in that section 601.

SEC. 4. HOUSING PROGRAMS.

(a) IN GENERAL.—No person in the United States shall be subjected to a discriminatory housing practice based on the person's hair texture or hairstyle, if that hair texture or that hairstyle is commonly associated with a particular race or national origin (including a hairstyle in which hair is tightly coiled or tightly curled, locs, cornrows, twists, braids, Bantu knots, and Afros).

(b) ENFORCEMENT.—Subsection (a) shall be enforced in the same manner and by the same means, including with the same jurisdiction, as if such subsection was incorporated in the Fair Housing Act (42 U.S.C. 3601 et seq.), and as if a violation of subsection (a) was treated as if it was a discriminatory housing practice.

(c) DEFINITION.—In this section—

(1) the terms ''discriminatory housing practice'' and ''person'' have the meanings given the terms in section 802 of the Fair Housing Act (42 U.S.C. 3602); and

(2) the terms ''race'' and ''national origin'' mean, respectively, ''race'' within the meaning of the term in section 804 of that Act (42 U.S.C. 3604) and ''national origin'' within the meaning of the term in that section 804.

SEC. 5. PUBLIC ACCOMMODATIONS.

(a) IN GENERAL.—No person in the United States shall be subjected to a practice prohibited under section 201, 202, or 203 of the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.), based on the person's hair texture or hairstyle, if that hair texture or that hairstyle is commonly associated with a particular race or national origin (including a hairstyle in which hair is tightly coiled or tightly curled, locs, cornrows, twists, braids, Bantu knots, and Afros).

(b) ENFORCEMENT.—Subsection (a) shall be enforced in the same manner and by the same means, including with the same jurisdiction, as if such subsection was incorporated in title II of the Civil Rights Act of 1964, and as if a violation of subsection (a) was treated as if it was a violation of section 201, 202, or 203, as appropriate, of such Act.

(c) DEFINITION.—In this section, the terms ''race'' and ''national origin'' mean, respectively, ''race'' within the meaning of the term in section 201 of that Act (42 U.S.C. 2000e) and ''national origin'' within the meaning of the term in that section 201.

SEC. 6. EMPLOYMENT.

(a) PROHIBITION.—It shall be an unlawful employment practice for an employer, employment agency, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining (including on-the-job training programs) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against an individual, based on the individual's hair texture or hairstyle, if that hair texture or that hairstyle is commonly associated with a particular race or national origin (including a hairstyle in which hair is tightly coiled or tightly curled, locs, cornrows, twists, braids, Bantu knots, and Afros).

(b) ENFORCEMENT.—Subsection (a) shall be enforced in the same manner and by the same means, including with the same jurisdiction, as if such subsection was incorporated in title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), and as if a violation of subsection (a) was treated as if it was a violation of section 703 or 704, as appropriate, of such Act (42 U.S.C. 2000e–2, 2000e–3).

(c) DEFINITIONS.—In this section the terms ''person'', ''race'', and ''national origin'' have the meanings given the terms in section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e).

SEC. 7. EQUAL RIGHTS UNDER THE LAW.

(a) IN GENERAL.—No person in the United States shall be subjected to a practice prohibited under section 1977 of the Revised Statutes (42 U.S.C. 1981), based on the person's hair texture or hairstyle, if that hair

texture or that hairstyle is commonly associated with a particular race or national origin (including a hairstyle in which hair is tightly coiled or tightly curled, locs, cornrows, twists, braids, Bantu knots, and Afros).

(b) ENFORCEMENT.—Subsection (a) shall be enforced in the same manner and by the same means, including with the same jurisdiction, as if such subsection was incorporated in section 1977 of the Revised Statutes, and as if a violation of subsection (a) was treated as if it was a violation of that section 1977.

SEC. 8. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to limit definitions of race or national origin under the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.), the Fair Housing Act (42 U.S.C. 3601 et seq.), or section 1977 of the Revised Statutes (42 U.S.C. 1981).

SEC. 9. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON LEE) and the gentleman from North Dakota (Mr. ARMSTRONG) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

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

Mr. Speaker, I rise in strong support of H.R. 5309, the Creating a Respectful and Open World for Natural Hair Act of 2020, or CROWN Act of 2020.

This important bill explicitly prohibits discrimination on the basis of hair texture and hairstyles commonly associated with a particular race or national origin in employment, housing, federally funded programs, public accommodations, and the making and enforcement of contracts.

I rise to thank the sponsor of this bill, Congressman CEDRIC RICHMOND of Louisiana, for his leadership and his vision and, really, gathering all of the proponents with all of their efforts to be able to get this bill to move as quickly as it has done.

To be clear, it is my view that existing civil rights statutes that prohibit discrimination on the basis of race or natural origin may already make such kinds of hair-based discrimination unlawful, but it is crucial that we are absolutely sure.

The Equal Employment Opportunity Commission agrees, having issued guidance interpreting title VII of the Civil Rights Act of 1964 to prohibit discrimination based on hairstyle or texture as a form of race discrimination in certain instances. Unfortunately, several Federal courts have erroneously rejected this interpretation, which is why we must pass H.R. 5309.

Personally, coming from the State of Texas, I am aware of a heinous, devastating impact on a young man who had dreadlocks. Apparently, the school district could not find title VII, did not understand the law, and he did not experience the benefit of the law, being suspended and not being able to graduate. That was a dastardly action, and we are all sufferers for that happening to that young man who didn't deserve it.

This legislation will leave no ambiguity that, in key areas where Federal law prohibits race and national origin discrimination, discrimination based on an individual's hair texture or hairstyle, if they are commonly associated with a particular race or national origin, is unlawful.

The history of discrimination based on race and national origin in this country is, sadly, older than the country itself, and we are still living with the consequences today.

Congress took a pivotal step in the fight against racism and discrimination when it passed the Civil Rights Act of 1964, prohibiting discrimination on the basis of race and national origin, as well as other characteristics in key areas of life.

This law did not eliminate discrimination entirely. One cannot legislate away hate. But it provided critical recourse for those who face discrimination, and it made clear that the government has a compelling interest in fighting discrimination.

Even Dr. Martin Luther King said that he might not be able to change hearts, but he could change laws. This is what we are doing today.

We cannot fool ourselves into thinking that discrimination is no longer alive and well; however, the recent protests over police brutality, systemic racism, and institutional racism have forced many who would rather look the other way to confront the continuing and pervasive legacy of racism in our country.

While racism and discrimination still take many blatantly obvious forms, they also manifest themselves in more subtle ways. One form is discrimination based on natural hairstyles and hair textures associated with people of African descent.

I think you can take a national survey, go across the country in all 50 States and find someone who is of African descent, and they will tell you about the response to either their beards and hairstyles, as relates to men, and to women and their hairstyles.

According to a 2019 study of Black and non-Black women conducted by the JOY Collective, Black people are disproportionately burdened by policies and practices in public places, including the workplace, that target, profile, or single them out for natural hairstyles and other hairstyles traditionally associated with their race, like braids, locs, and twists.

Often, those hairstyles are protective hairstyles—hairstyles that tuck the ends of one's hair away and minimize manipulation and exposure to the weather—and can play an important role in helping to keep one's hair healthy. They can be utilitarian, and we are denied that right to have a hairstyle that is utilitarian. That may be dreadlocks and braids and various other styles that are neatly placed on one's head, the crown.

These findings are bolstered by numerous reports of incidents in recent years showing that this form of discrimination is common. For example, in 2017, a Banana Republic employee was told by a manager that she had violated the company's dress code because her box braids were too urban and unkempt.

A year later, a New Jersey high school student was forced by a White referee to either have his dreadlocks cut or forfeit a wrestling match, ultimately leading to a league official humiliatingly cutting the student's hair in public immediately before the match.

Let me just pause for a moment. Any of us who raised children, a son or a daughter, has that image in our heart, in our DNA. That picture has gone viral. It is still there. That young man can be 30 or 40 or 50, and you will see his commitment to wrestling on behalf of his school and his team. And in the public eye, he is having one of the most sacred parts of anyone's experience—your hair—being cut publicly for the world to view. I just feel a pain right now seeing that young man do that. His parents were not there, or had no ability to respond, but he had the courage to get it done so that he could compete with his teammates.

In that same year, an 11-year-old Black girl was asked to leave class at a school near New Orleans because her braided hair extensions violated the school's policy.

Unfortunately, research shows that such discrimination is pervasive. The JOY Collective study found that Black women are more likely than non-Black women to have received formal grooming policies in the workplace and that Black women's hairstyles were consistently rated to be lower or ''less ready'' for job performance than non-Black hairstyles by substantial margins.

In view of these disturbing facts, seven States—California, New York, New Jersey, Virginia, Colorado, Washington, and Maryland—have enacted State versions of the CROWN Act, in every case with bipartisan support, sometimes even with unanimous support of both parties. I know my State is finally going to attempt to do so in the next legislative session in the State house.

While I applaud these States for taking this necessary step, this is a matter of basic justice that deals with Federal law, civil rights, title VII, that demands a national solution by this Congress. I am glad that we are where we are today.

Additionally, the United States military has recognized the racially disparate impact of seemingly neutral

grooming policies on persons of African ancestry, particularly Black women. For this reason, in 2017, the Army repealed a grooming regulation prohibiting women servicemembers from wearing their hair in dreadlocks, and, in 2015, the Marine Corps issued regulations to permit loc and twist hairstyles. None of that impacts your service to this Nation.

I thank the gentleman from Louisiana again, Representative CEDRIC RICHMOND, for introducing and championing this important bill and for his leadership on this issue.

I urge my colleagues to pass H.R. 5309, and I reserve the balance of my time.

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

I watched the wrestling video and I hear the stories from a school in Texas or Banana Republic, and I find these things horrible. I don't think you can find any Member in this Chamber who doesn't find racial discrimination to be repugnant and inconsistent with basic standards of human decency.

What Democrats and Republicans also agree on is that using hairstyles as an excuse for engaging in racial discrimination is wrong and is already illegal under Federal civil rights law, and I think that is where we come to a little bit of a disagreement. If a school administrator in Texas can't find title VII, he is not going to find this language in addition to title VII.

In 1973, the Supreme Court held that using a pretextual reason as cover for undertaking an action prohibited by Federal civil rights laws is, nonetheless, a violation of Federal civil rights laws. As early as 1976, Federal courts held that discrimination on the basis of a hairstyle associated with a certain race or national origin may constitute racial discrimination.

Looking at both this bill and the law, it appears to me that the behavior that we are seeking to make illegal is already illegal. However, both at markup and on the floor, our colleagues have made impassioned arguments about why this bill is necessary, even though we all agree that the activity that we are already talking about is already illegal.

That doesn't take anything away from the discrimination or the embarrassment that any of those young men or women have felt in any of those incidents, but I am not sure the bill solves the problem, and that is why I wish the committee had taken time to examine whether the bill is either redundant or necessary.

Our committee should have held a hearing with alleged victims of the sort of discrimination that the Democrats argue this bill is designed to help. Our committee should have had a hearing with some legal scholars and individuals responsible for enforcing our Nation's civil rights laws to determine if this bill will achieve what it is intended to do.

Schools, employers, and other entities covered by Federal civil rights laws can have race-neutral policies that everyone must follow. They can also have race-neutral policies that have a disparate racial impact, and those are the places we need to address.

This is particularly true when the policy is necessary for critical functions of the job. There is a reason firefighters have mustaches but not beards, and that is because you have to wear an SCBA. You can't wear the mask if you have a beard.

Our committee should have examined how this bill would affect the ability of schools, employers, and other entities to maintain such policies. But we never had a hearing; we just had a markup. Chairman NADLER brought this bill straight to markup, and now we are on the floor today without any legislative hearing.

I am not even sure it is a bad idea. But I would like to know if it is not redundant. I would like to know what the unintended consequences are. And there are real reasons why, when you are dealing with civil rights law, particularly on something that has already been agreed on that is illegal—enforcement and legality are two different things, and we just don't know enough about what we are doing or why it is necessary.

So, I would ask that we oppose this bill, and I reserve the balance of my time.

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

Mr. Speaker, let me indicate that I want to thank the previous speaker for raising his concerns.

I think what I would like to offer to him is that people have been suffering these indignities for decades. Natural hair is coming back. We called it Afros. And anyone who wore an Afro in a certain era knows how they were confronted and looked at. There were vast numbers of people wearing Afros, whether males or females, individuals of African descent. I am a living witness, and we are living witnesses to that.

So I do want to make the point that it is not redundant. I will make this point again. But in 2016, the Eleventh Circuit rejected the EEOC's argument that existing law prohibits hair discrimination as a proxy for race discrimination.

What I did say, as we worked together, Mr. ARMSTRONG—I appreciate his commentary and his leadership—is that we are here to fix things, and here we have that the Eleventh Circuit would not accept that.

So I thank the gentleman for raising the concern, and I think Chairman NADLER looked at this carefully and subcommittee chairpersons looked at this carefully and knew that we had to proceed.

Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. LEE), who is a distinguished senior member on the Appropriations Committee but, more importantly, has, I think, had her own life experience and has fought throughout her life for civil rights, civil justice, and ensuring that the most vulnerable will have a voice.

□ 1545

Ms. LEE of California. Mr. Speaker, I thank Representative JACKSON LEE for yielding and also for her tremendous work in advancing this bill to the floor, and also to Chairman NADLER and his support for this legislation. Also, I want to thank and acknowledge Representatives RICHMOND, FUDGE, and PRESSLEY for their tremendous leadership and vision for putting this bill together, and I am in strong support of it.

Mr. Speaker, this morning I thought about our beloved John Lewis and how he made good trouble all of his life. He was an original cosponsor of this bill, and this bill is an example of how we make good trouble to end discrimination.

This bill will prohibit, finally, discrimination based on an individual's style or texture of hair, commonly associated with the race or national origin in the definition of racial discrimination. It is really hard for me to believe that we have to introduce this bill in the 21st century, and so I just want to thank our advocates who have worked so hard to bring this bill to the floor.

As one who has worn her hair as I chose, including natural, I have had many unpleasant encounters with people who told me I did not look like a Member of Congress because of my hair, over and over again. Discrimination against African Americans in schools and in the workplace is real, and it is a continued barrier to equality in our country.

Black men and women continue to face workplace stereotypes and are pressured to adopt White standards of beauty and professionalism. Our daughters are penalized in school for natural hairstyles deemed as messy and unruly in juxtaposition to the treatment of their White counterparts. That is a fact.

Students have been humiliated and suspended for having beautifully braided extensions or forced to cut their locks before a high school wrestling match because it was a violation of some dress code. And across the country people of African descent have been required to cut or change the natural style or texture of their hair just to get a job.

Now, when I was in college, in the day, I was told that I looked too militant and should change my hairstyle if I wanted to be successful in the workplace.

In 2014, the women of the Congressional Black Caucus urged the Army to rescind Army regulations—and Congresswoman JACKSON LEE signed my letter—this was regulation 670–1, which prohibited many hairstyles worn by African-American women and other

women of color. After months of building support, I led an amendment and it was included in the fiscal year 2015 Defense Appropriations Bill to ban funding for this discriminatory rule. A few years later, the United States Navy removed their discriminatory policy.

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

Ms. JACKSON LEE. Mr. Speaker, I yield an additional 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Mr. Speaker, with reference to the amendment that I got into the fiscal year 2015 Defense Appropriations Bill funding, to deny funding for this discriminatory rule. We moved forward, and later the U.S. Navy removed their discriminatory policy. They knew it was discriminatory, and finally permitted women, specifically women of color, to wear their hair in dreadlocks, large buns, braids, and ponytails.

This laid the groundwork for my home State, California, to become the first State to ban discrimination against African Americans for wearing natural hairstyles at school or in the workplace with the passage of California's CROWN Act. And I am thankful and so proud of Senator Holly Mitchell for her bold leadership in getting this done.

We owe it to our children to take action in Congress to break down these barriers and make sure that they know that, yes, Black is still beautiful. And, yes, Mr. Speaker, Ms. JACKSON LEE's crown and braids are beautiful.

Our young people see that with this bill we don't want them to be penalized. And they are being penalized if they wear their hair like I wear my hair or like Congresswoman JACKSON LEE wears her hair, they are penalized.

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

Ms. JACKSON LEE. Mr. Speaker, I yield an additional 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Mr. Speaker, I want to make the point how important this is to let our young children know that it is okay and that we honor them for being who they are by wearing their hair the way that they choose. They won't be penalized. They won't be kicked out of school. They won't be dehumanized or demeaned by just doing that. It is finally time, in this 21st century, to say enough is enough.

Mr. ARMSTRONG. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. JORDAN), the ranking member of the Judiciary Committee.

Mr. JORDAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, a few minutes ago we had a bill on domestic terrorism, Democrats wouldn't add language about the murder of a President Trump supporter by a member of Antifa. On that same bill, Democrats wouldn't add language about an assassination attempt on two police officers just 2 weeks ago, but now we have a bill to Federalize hairstyles. Federalize hairstyles.

Democrats are doing nothing to address the violence and unrest in the streets of our cities, attacks on law enforcement officers across the country. Portland and other cities continue to surrender their streets to violent left-wing agitators, placing their residences and businesses at risk—residents and businesses and business owners across the country from—you have got Asian Americans, African Americans, you got all kinds—all Americans—can't deal with that, but we can Federalize hair.

Racial discrimination is terrible, it is wrong, and it is already illegal under the law, as the gentleman from North Dakota pointed out. You go ask any American right now, September 2020: What should the United States House of Representatives be focused on? Lots of important issues we have got to deal with.

But a policy that I think is redundant, as the gentleman pointed out, that is already covered under Federal law. We don't want any discrimination and we should rightly deal with it when it raises its ugly head. But this, come on. We can't add language to a domestic terrorism bill about two terrible things that have happened in the last month, but we are going to spend time on Federalizing a hairstyle.

Mr. Speaker, I think we should vote against this.

Ms. JACKSON LEE. Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, in closing, I will say that the stories we hear, and the things are terrible, but this is a problem of education and not legislation. And it is more than that.

Without having these hearings, without understanding this, without understanding where in our current law that we don't already make this conduct and this pretextual racial conduct illegal, we essentially are saying that we are—I mean, making something illegal twice isn't going to change somebody's mind if it was already illegal once, and I think that is the mistake we are making here. It is not about the conduct and the underlying conduct and those types of things, it is about what we are trying to accomplish, how we are doing it, and the process in which we do it.

The sentiment is there, and I can't disagree with any of these stories, I just don't think this bill solves the problem they are trying to solve. And I don't think we have nearly enough evidence to show that it does. So with that, I would urge my colleagues to vote against this legislation, and I yield back the balance of my time.

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

Mr. Speaker, I appreciate the comments of my good friend from North Dakota, and even my good friend from Ohio. But as I close, let me, first of all, indicate this couldn't be a more important bill. I heard on the floor someone talk about this being redundant.

Whenever we can have civil rights, equal rights, and equality as being redundant, then America is doing the right thing. Whenever we can clarify the 11th Circuit that rejected the EEOC's argument that existing law prohibits hair discrimination as a proxy for race discrimination, whenever we can clarify that—whenever we can save the dignity, the hurt, and sometimes the ruination of people who simply because of the color of their skin and the kind of hair that they have, ruins their life or disallows them from graduating or have a public shedding of their hair for the world to see so that they can support their team.

Whenever we are able to fix that on the floor of the House, I think we should do it.

And I take issue with my good friend from Ohio, we have the legislative RECORD. We have condemned any violence against law enforcement officers, and we mourn and ensure that the world knows that we are praying for and have indicated our condemnation of the shooting of the two officers in California and wish for their speedy recovery. And, as well, I want to make sure that all those who are shown to have done this are quickly brought to justice. That is in the legislative history.

We also recognize that the issues dealing with Kenosha are unique and, therefore, we are sorry that Tamir Rice did not get the opportunity as a young boy, just as this 17-year-old, who was clearly engaged with white supremacy and white nationalism, came to this place to do harm, which he did. Tamir Rice was just a 12-year-old boy in a park.

So I don't think you can equate the two, and I don't think you can suggest that we are not supposed to respond to domestic terrorism.

So let me indicate, Mr. Speaker, that I do want to thank Mr. RICHMOND, Ms. FUDGE, Ms. PRESSLEY, and as my colleague mentioned, the late John Robert Lewis, who was always looking for good trouble and to do what is right as a cosponsor of this legislation.

H.R. 5309 is an important piece of legislation that will help further ensure that hairstyles and hair extremes commonly associated with a particular race or national origin cannot be used as proxies for race or national origin discrimination.

Such discrimination should already be prohibited by Federal civil rights statutes, but unfortunately some Federal courts have interpreted these statutes so narrowly as to effectively permit using hair discrimination as a proxy for race or national origin discrimination. H.R. 5309 corrects this erroneous interpretation and further extends justice and equality for all.

Mr. Speaker, I just want to put into the RECORD the plight of two students in the Barbers Hill Independent School District in my State where these two outstanding students, athletes, good academic students, were humiliated because their tradition was to wear dreadlocks, and they were suspended. And one or maybe two of them were not able to walk with their class. Humiliation. Discrimination that never got corrected. So today, for them we correct it. DeAndre Arnold, we correct it. We acknowledge that you deserve your civil rights.

Mr. Speaker, I urge the House to pass H.R. 5309, and I yield back the balance of my time.

GENERAL LEAVE

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

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

There was no objection.

Ms. FUDGE. Mr. Speaker, I rise today in support of H.R. 5309, the Creating a Respectful and Open World for Natural Hair Act—also known as the C.R.O.W.N. Act.

Too often African Americans are required to meet unreasonable standards of grooming in the workplace and in the classroom with respect to our hair. Most of those standards are cultural norms that coincide with the texture and style of Black hair.

In 2014, my Congressional Black Caucus colleagues and I successfully pushed the U.S. military to reverse its rules classifying hairstyles often worn by female soldiers of color as ''unauthorized''. The military's regulation used words like ''unkempt'' and ''matted'' when referring to traditional African American hairstyles.

To require anyone to change their natural appearance to further their career or education is a clear violation of their civil rights.

A 2019 study by Dove found Black women are 30 percent more likely to receive a formal grooming policy in the workplace. Black women are also 1.5 times more likely to report being forced to leave work or know of a Black woman who was forced to leave work because of her hair.

This is unacceptable.

Seven states agree, including California, New York, New Jersey, Virginia, Colorado, Washington, and Maryland. All have enacted laws banning racial hair discrimination. It is past time we ban the practice at the federal level.

The CROWN Act does that—by federally prohibiting discrimination based on hair styles and hair textures commonly associated with a particular race or national origin.

I was proud to introduce this bill with my friend Congressman RICHMOND, which ensures African Americans no longer have to be afraid to show up to work or the classroom as anything other than who they are.

I urge my colleagues to vote in favor of the CROWN Act.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON LEE) that the House suspend the rules and pass the bill, H.R. 5309, as amended.

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

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Neiman, one of his secretaries.

□ 1600

ENSURING DIVERSITY IN COMMUNITY BANKING ACT OF 2019

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5322) to establish or modify requirements relating to minority depository institutions, community development financial institutions, and impact banks, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5322

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Ensuring Diversity in Community Banking Act''.

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

SEC. 2. SENSE OF CONGRESS ON FUNDING THE LOAN-LOSS RESERVE FUND FOR SMALL DOLLAR LOANS.

The sense of Congress is the following:

(1) The Community Development Financial Institutions Fund (the ''CDFI Fund'') is an agency of the Department of the Treasury, and was established by the Riegle Community Development and Regulatory Improvement Act of 1994. The mission of the CDFI Fund is ''to expand economic opportunity for underserved people and communities by supporting the growth and capacity of a national network of community development lenders, investors, and financial service providers''. A community development financial institution (a ''CDFI'') is a specialized financial institution serving low-income communities and a Community Development Entity (a ''CDE'') is a domestic corporation or partnership that is an intermediary vehicle for the provision of loans, investments, or financial counseling in low-income communities. The CDFI Fund certifies CDFIs and CDEs. Becoming a certified CDFI or CDE allows organizations to participate in various CDFI Fund programs as follows:

(A) The Bank Enterprise Award Program, which provides FDIC-insured depository institutions awards for a demonstrated increase in lending and investments in distressed communities and CDFIs.

(B) The CDFI Program, which provides Financial and Technical Assistance awards to CDFIs to reinvest in the CDFI, and to build the capacity of the CDFI, including financing product development and loan loss reserves.

(C) The Native American CDFI Assistance Program, which provides CDFIs and sponsoring entities Financial and Technical Assistance awards to increase lending and grow the number of CDFIs owned by Native Americans to help build capacity of such CDFIs.

(D) The New Market Tax Credit Program, which provides tax credits for making equity investments in CDEs that stimulate capital investments in low-income communities.

(E) The Capital Magnet Fund, which provides awards to CDFIs and nonprofit affordable housing organizations to finance affordable housing solutions and related economic development activities.

(F) The Bond Guarantee Program, a source of long-term, patient capital for CDFIs to expand lending and investment capacity for community and economic development purposes.

(2) The Department of the Treasury is authorized to create multi-year grant programs designed to encourage low-to-moderate income individuals to establish accounts at federally insured banks, and to improve low-to-moderate income individuals' access to such accounts on reasonable terms.

(3) Under this authority, grants to participants in CDFI Fund programs may be used for loan-loss reserves and to establish small-dollar loan programs by subsidizing related losses. These grants also allow for the providing recipients with the financial counseling and education necessary to conduct transactions and manage their accounts. These loans provide low-cost alternatives to payday loans and other nontraditional forms of financing that often impose excessive interest rates and fees on borrowers, and lead millions of Americans to fall into debt traps. Small-dollar loans can only be made pursuant to terms, conditions, and practices that are reasonable for the individual consumer obtaining the loan.

(4) Program participation is restricted to eligible institutions, which are limited to organizations listed in section 501(c)(3) of the Internal Revenue Code and exempt from tax under 501(a) of such Code, federally insured depository institutions, community development financial institutions and State, local, or Tribal government entities.

(5) Since its founding, the CDFI Fund has awarded over $3,300,000,000 to CDFIs and CDEs, allocated $54,000,000,000 in tax credits,

and $1,510,000,000 in bond guarantees. According to the CDFI Fund, some programs attract as much as $10 in private capital for every $1 invested by the CDFI Fund. The Administration and the Congress should prioritize appropriation of funds for the loan loss reserve fund and technical assistance programs administered by the Community Development Financial Institution Fund.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term ''community development financial institution'' has the meaning given under section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702).

(2) MINORITY DEPOSITORY INSTITUTION.—The term ''minority depository institution'' has the meaning given under section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note), as amended by this Act.

SEC. 4. INCLUSION OF WOMEN'S BANKS IN THE DEFINITION OF MINORITY DEPOSITORY INSTITUTION.

Section 308(b)(1) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(2) by striking ''means any'' and inserting the following: ''means—

''(A) any''; and

(3) in clause (iii) (as so redesignated), by striking the period at the end and inserting ''; or''; and

(4) by inserting at the end the following new subparagraph:

''(B) any bank described in clause (i), (ii), or (iii) of section 19(b)(1)(A) of the Federal Reserve Act—

''(i) more than 50 percent of the outstanding shares of which are held by 1 or more women; and

''(ii) the majority of the directors on the board of directors of which are women.''.

SEC. 5. ESTABLISHMENT OF IMPACT BANK DESIGNATION.

(a) IN GENERAL.—Each Federal banking agency shall establish a program under which a depository institution with total consolidated assets of less than $10,000,000,000 may elect to be designated as an impact bank if the total dollar value of the loans extended by such depository institution to low-income borrowers is greater than or equal to 50 percent of the assets of such bank.

(b) NOTIFICATION OF ELIGIBILITY.—Based on data obtained through examinations of depository institutions, the appropriate Federal banking agency shall notify a depository institution if the institution is eligible to be designated as an impact bank.

(c) APPLICATION.—Regardless of whether or not it has received a notice of eligibility under subsection (b), a depository institution may submit an application to the appropriate Federal banking agency—

(1) requesting to be designated as an impact bank; and

(2) demonstrating that the depository institution meets the applicable qualifications.

(d) LIMITATION ON ADDITIONAL DATA REQUIREMENTS.—The Federal banking agencies may only impose additional data collection requirements on a depository institution under this section if such data is—

(1) necessary to process an application submitted by the depository institution to be designated an impact bank; or

(2) with respect to a depository institution that is designated as an impact bank, necessary to ensure the depository institution's ongoing qualifications to maintain such designation.

(e) REMOVAL OF DESIGNATION.—If the appropriate Federal banking agency determines that a depository institution designated as an impact bank no longer meets the criteria for such designation, the appropriate Federal banking agency shall rescind the designation and notify the depository institution of such rescission.

(f) RECONSIDERATION OF DESIGNATION; APPEALS.—Under such procedures as the Federal banking agencies may establish, a depository institution may—

(1) submit to the appropriate Federal banking agency a request to reconsider a determination that such depository institution no longer meets the criteria for the designation; or

(2) file an appeal of such determination.

(g) RULEMAKING.—Not later than 1 year after the date of the enactment of this Act, the Federal banking agencies shall jointly issue rules to carry out the requirements of this section, including by providing a definition of a low-income borrower.

(h) REPORTS.—Each Federal banking agency shall submit an annual report to the Congress containing a description of actions taken to carry out this section.

(i) FEDERAL DEPOSIT INSURANCE ACT DEFINITIONS.—In this section, the terms ''depository institution'', ''appropriate Federal banking agency'', and ''Federal banking agency'' have the meanings given such terms, respectively, in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

SEC. 6. MINORITY DEPOSITORIES ADVISORY COMMITTEES.

(a) ESTABLISHMENT.—Each covered regulator shall establish an advisory committee to be called the ''Minority Depositories Advisory Committee''.

(b) DUTIES.—Each Minority Depositories Advisory Committee shall provide advice to the respective covered regulator on meeting the goals established by section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note) to preserve the present number of covered minority institutions, preserve the minority character of minority-owned institutions in cases involving mergers or acquisitions, provide technical assistance, and encourage the creation of new covered minority institutions. The scope of the work of each such Minority Depositories Advisory Committee shall include an assessment of the current condition of covered minority institutions, what regulatory changes or other steps the respective agencies may be able to take to fulfill the requirements of such section 308, and other issues of concern to covered minority institutions.

(c) MEMBERSHIP.—

(1) IN GENERAL.—Each Minority Depositories Advisory Committee shall consist of no more than 10 members, who—

(A) shall serve for one two-year term;

(B) shall serve as a representative of a depository institution or an insured credit union with respect to which the respective covered regulator is the covered regulator of such depository institution or insured credit union; and

(C) shall not receive pay by reason of their service on the advisory committee, but may receive travel or transportation expenses in accordance with section 5703 of title 5, United States Code.

(2) DIVERSITY.—To the extent practicable, each covered regulator shall ensure that the members of the Minority Depositories Advisory Committee of such agency reflect the diversity of covered minority institutions.

(d) MEETINGS.—

(1) IN GENERAL.—Each Minority Depositories Advisory Committee shall meet not less frequently than twice each year.

(2) NOTICE AND INVITATIONS.—Each Minority Depositories Advisory Committee shall—

(A) notify the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate in advance of each meeting of the Minority Depositories Advisory Committee; and

(B) invite the attendance at each meeting of the Minority Depositories Advisory Committee of—

(i) one member of the majority party and one member of the minority party of the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(ii) one member of the majority party and one member of the minority party of any relevant subcommittees of such committees.

(e) NO TERMINATION OF ADVISORY COMMITTEES.—The termination requirements under section 14 of the Federal Advisory Committee Act (5 U.S.C. app.) shall not apply to a Minority Depositories Advisory Committee established pursuant to this section.

(f) DEFINITIONS.—In this section:

(1) COVERED REGULATOR.—The term ''covered regulator'' means the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the National Credit Union Administration.

(2) COVERED MINORITY INSTITUTION.—The term ''covered minority institution'' means a minority depository institution (as defined in section 308(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note)).

(3) DEPOSITORY INSTITUTION.—The term ''depository institution'' has the meaning given under section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(4) INSURED CREDIT UNION.—The term ''insured credit union'' has the meaning given in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

(g) TECHNICAL AMENDMENT.—Section 308(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note) is amended by adding at the end the following new paragraph:

''(3) DEPOSITORY INSTITUTION.—The term 'depository institution' means an 'insured depository institution' (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) and an insured credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).''.

SEC. 7. FEDERAL DEPOSITS IN MINORITY DEPOSITORY INSTITUTIONS.

(a) IN GENERAL.—Section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note) is amended—

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

''(d) FEDERAL DEPOSITS.—The Secretary of the Treasury shall ensure that deposits made by Federal agencies in minority depository institutions and impact banks are collateralized or insured, as determined by the Secretary. Such deposits shall include reciprocal deposits as defined in section 337.6(e)(2)(v) of title 12, Code of Federal Regulations (as in effect on March 6, 2019).''; and

(2) in subsection (b), as amended by section 6(g), by adding at the end the following new paragraph:

''(4) IMPACT BANK.—The term 'impact bank' means a depository institution designated by the appropriate Federal banking agency pursuant to section 5 of the Ensuring Diversity in Community Banking Act.''.

(b) TECHNICAL AMENDMENTS.—Section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note) is amended—

(1) in the matter preceding paragraph (1), by striking ''section—'' and inserting ''section:''; and

(2) in the paragraph heading for paragraph (1), by striking ''FINANCIAL'' and inserting ''DEPOSITORY''.

SEC. 8. MINORITY BANK DEPOSIT PROGRAM.

(a) IN GENERAL.—Section 1204 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note) is amended to read as follows:

''SEC. 1204. EXPANSION OF USE OF MINORITY DEPOSITORY INSTITUTIONS.

''(a) MINORITY BANK DEPOSIT PROGRAM.—

''(1) ESTABLISHMENT.—There is established a program to be known as the 'Minority Bank Deposit Program' to expand the use of minority depository institutions.

''(2) ADMINISTRATION.—The Secretary of the Treasury, acting through the Fiscal Service, shall—

''(A) on application by a depository institution or credit union, certify whether such depository institution or credit union is a minority depository institution;

''(B) maintain and publish a list of all depository institutions and credit unions that have been certified pursuant to subparagraph (A); and

''(C) periodically distribute the list described in subparagraph (B) to—

''(i) all Federal departments and agencies;

''(ii) interested State and local governments; and

''(iii) interested private sector companies.

''(3) INCLUSION OF CERTAIN ENTITIES ON LIST.—A depository institution or credit union that, on the date of the enactment of this section, has a current certification from the Secretary of the Treasury stating that such depository institution or credit union is a minority depository institution shall be included on the list described under paragraph (2)(B).

''(b) EXPANDED USE AMONG FEDERAL DEPARTMENTS AND AGENCIES.—

''(1) IN GENERAL.—Not later than 1 year after the establishment of the program described in subsection (a), the head of each Federal department or agency shall develop and implement standards and procedures to prioritize, to the maximum extent possible as permitted by law and consistent with principles of sound financial management, the use of minority depository institutions to hold the deposits of each such department or agency.

''(2) REPORT TO CONGRESS.—Not later than 2 years after the establishment of the program described in subsection (a), and annually thereafter, the head of each Federal department or agency shall submit to Congress a report on the actions taken to increase the use of minority depository institutions to hold the deposits of each such department or agency.

''(c) DEFINITIONS.—For purposes of this section:

''(1) CREDIT UNION.—The term 'credit union' has the meaning given the term 'insured credit union' in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

''(2) DEPOSITORY INSTITUTION.—The term 'depository institution' has the meaning given in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

''(3) MINORITY DEPOSITORY INSTITUTION.—The term 'minority depository institution' has the meaning given that term under section 308 of this Act.''.

(b) CONFORMING AMENDMENTS.—The following provisions are amended by striking ''1204(c)(3)'' and inserting ''1204(c)'':

(1) Section 808(b)(3) of the Community Reinvestment Act of 1977 (12 U.S.C. 2907(b)(3)).

(2) Section 40(g)(1)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1831q(g)(1)(B)).

(3) Section 704B(h)(4) of the Equal Credit Opportunity Act (15 U.S.C. 1691c–2(h)(4)).

SEC. 9. DIVERSITY REPORT AND BEST PRACTICES.

(a) ANNUAL REPORT.—Each covered regulator shall submit to Congress an annual report on diversity including the following:

(1) Data, based on voluntary self-identification, on the racial, ethnic, and gender composition of the examiners of each covered regulator, disaggregated by length of time served as an examiner.

(2) The status of any examiners of covered regulators, based on voluntary self-identification, as a veteran.

(3) Whether any covered regulator, as of the date on which the report required under this section is submitted, has adopted a policy, plan, or strategy to promote racial, ethnic, and gender diversity among examiners of the covered regulator.

(4) Whether any special training is developed and provided for examiners related specifically to working with depository institutions and credit unions that serve communities that are predominantly minorities, low income, or rural, and the key focus of such training.

(b) BEST PRACTICES.—Each Office of Minority and Women Inclusion of a covered regulator shall develop, provide to the head of the covered regulator, and make publicly available best practices—

(1) for increasing the diversity of candidates applying for examiner positions, including through outreach efforts to recruit diverse candidate to apply for entry-level examiner positions; and

(2) for retaining and providing fair consideration for promotions within the examiner staff for purposes of achieving diversity among examiners.

(c) COVERED REGULATOR DEFINED.—In this section, the term ''covered regulator'' means the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the National Credit Union Administration.

SEC. 10. INVESTMENTS IN MINORITY DEPOSITORY INSTITUTIONS AND IMPACT BANKS.

(a) CONTROL FOR CERTAIN INSTITUTIONS.—Section 7(j)(8)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)(8)(B)) is amended to read as follows:

''(B) 'control' means the power, directly or indirectly—

''(i) to direct the management or policies of an insured depository institution; or

''(ii)(I) with respect to an insured depository institution, of a person to vote 25 per centum or more of any class of voting securities of such institution; or

''(II) with respect to an insured depository institution that is an impact bank (as designated pursuant to section 5 of the Ensuring Diversity in Community Banking Act) or a minority depository institution (as defined in section 308(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989), of an individual to vote 30 percent or more of any class of voting securities of such an impact bank or a minority depository institution.''.

(b) RULEMAKING.—The Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) shall jointly issue rules for de novo minority depository institutions and de novo impact banks (as designated pursuant to section 5) to allow 3 years to meet the capital requirements otherwise applicable to minority depository institutions and impact banks.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Federal banking agencies shall jointly submit to Congress a report on—

(1) the principal causes for the low number of de novo minority depository institutions during the 10-year period preceding the date of the report;

(2) the main challenges to the creation of de novo minority depository institutions and de novo impact banks; and

(3) regulatory and legislative considerations to promote the establishment of de novo minority depository institutions and de novo impact banks.

SEC. 11. REPORT ON COVERED MENTOR-PROTEGE PROGRAMS.

(a) REPORT.—Not later than 6 months after the date of the enactment of this Act and annually thereafter, the Secretary of the Treasury shall submit to Congress a report on participants in a covered mentor-protege program, including—

(1) an analysis of outcomes of such program;

(2) the number of minority depository institutions that are eligible to participate in such program but do not have large financial institution mentors; and

(3) recommendations for how to match such minority depository institutions with large financial institution mentors.

(b) DEFINITIONS.—In this section:

(1) COVERED MENTOR-PROTEGE PROGRAM.—The term ''covered mentor-protege program'' means a mentor-protege program established by the Secretary of the Treasury pursuant to section 45 of the Small Business Act (15 U.S.C. 657r).

(2) LARGE FINANCIAL INSTITUTION.—The term ''large financial institution'' means any entity—

(A) regulated by the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, or the National Credit Union Administration; and

(B) that has total consolidated assets greater than or equal to $50,000,000,000.

SEC. 12. CUSTODIAL DEPOSIT PROGRAM FOR COVERED MINORITY DEPOSITORY INSTITUTIONS AND IMPACT BANKS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of the Treasury shall issue rules establishing a custodial deposit program under which a covered bank may receive deposits from a qualifying account.

(b) REQUIREMENTS.—In issuing rules under subsection (a), the Secretary of the Treasury shall—

(1) consult with the Federal banking agencies;

(2) ensure each covered bank participating in the program established under this section—

(A) has appropriate policies relating to management of assets, including measures to ensure the safety and soundness of each such covered bank; and

(B) is compliant with applicable law; and

(3) ensure, to the extent practicable that the rules do not conflict with goals described in section 308(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note).

(c) LIMITATIONS.—

(1) DEPOSITS.—With respect to the funds of an individual qualifying account, an entity may not deposit an amount greater than the insured amount in a single covered bank.

(2) TOTAL DEPOSITS.—The total amount of funds deposited in a covered bank under the custodial deposit program described under this section may not exceed the lesser of—

(A) 10 percent of the average amount of deposits held by such covered bank in the previous quarter; or

(B) $100,000,000 (as adjusted for inflation).

(d) REPORT.—Each quarter, the Secretary of the Treasury shall submit to Congress a report on the implementation of the program established under this section including information identifying participating covered

banks and the total amount of deposits received by covered banks under the program.

(e) DEFINITIONS.—In this section:

(1) COVERED BANK.—The term ''covered bank'' means—

(A) a minority depository institution that is well capitalized, as defined by the appropriate Federal banking agency; or

(B) a depository institution designated pursuant to section 5 of the Ensuring Diversity in Community Banking Act that is well capitalized, as defined by the appropriate Federal banking agency.

(2) INSURED AMOUNT.—The term ''insured amount'' means the amount that is the greater of—

(A) the standard maximum deposit insurance amount (as defined in section 11(a)(1)(E) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)(E))); or

(B) such higher amount negotiated between the Secretary of the Treasury and the Federal Deposit Insurance Corporation under which the Corporation will insure all deposits of such higher amount.

(3) FEDERAL BANKING AGENCIES.—The terms ''appropriate Federal banking agency'' and ''Federal banking agencies'' have the meaning given those terms, respectively, under section 3 of the Federal Deposit Insurance Act.

(4) QUALIFYING ACCOUNT.—The term ''qualifying account'' means any account established in the Department of the Treasury that—

(A) is controlled by the Secretary; and

(B) is expected to maintain a balance greater than $200,000,000 for the following 24-month period.

SEC. 13. STREAMLINED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION APPLICATIONS AND REPORTING.

(a) APPLICATION PROCESSES.—Not later than 12 months after the date of the enactment of this Act and with respect to any person having assets under $3,000,000,000 that submits an application for deposit insurance with the Federal Deposit Insurance Corporation that could also become a community development financial institution, the Federal Deposit Insurance Corporation, in consultation with the Administrator of the Community Development Financial Institutions Fund, shall—

(1) develop systems and procedures to record necessary information to allow the Administrator to conduct preliminary analysis for such person to also become a community development financial institution; and

(2) develop procedures to streamline the application and annual certification processes and to reduce costs for such person to become, and maintain certification as, a community development financial institution.

(b) IMPLEMENTATION REPORT.—Not later than 18 months after the date of the enactment of this Act, the Federal Deposit Insurance Corporation shall submit to Congress a report describing the systems and procedures required under subsection (a).

(c) ANNUAL REPORT.—

(1) IN GENERAL.—Section 17(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1827(a)(1)) is amended—

(A) in subparagraph (E), by striking ''and'' at the end;

(B) by redesignating subparagraph (F) as subparagraph (G);

(C) by inserting after subparagraph (E) the following new subparagraph:

''(F) applicants for deposit insurance that could also become a community development financial institution (as defined in section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994), a minority depository institution (as defined in section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989), or an impact bank (as designated pursuant to section 5 of the Ensuring Diversity in Community Banking Act); and''.

(2) APPLICATION.—The amendment made by this subsection shall apply with respect to the first report to be submitted after the date that is 2 years after the date of the enactment of this Act.

SEC. 14. TASK FORCE ON LENDING TO SMALL BUSINESS CONCERNS.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Administrator of the Small Business Administration shall establish a task force to examine methods for improving relationships between the Small Business Administration and community development financial institutions, minority depository institutions, and Impact Banks to increase the volume of loans provided by such institutions to small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)).

(b) REPORT TO CONGRESS.—Not later than 18 months after the establishment of the task force described in subsection (a), the Administrator of the Small Business Administration shall submit to Congress a report on the findings of such task force.

SEC. 15. DISCRETIONARY SURPLUS FUNDS.

(a) IN GENERAL.—Subparagraph (A) of section 7(a)(3) of the Federal Reserve Act (12 U.S.C. 289(a)(3)(A)) is amended by reducing the dollar figure described in such subparagraph by $1,400,000,000.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on September 30, 2030.

SEC. 16. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore (Mr. BEYER). Pursuant to the rule, the gentleman from California (Mr. SHERMAN) and the gentleman from South Carolina (Mr. TIMMONS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

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

I rise in strong support of H.R. 5322, the Ensuring Diversity in Community Banking Act of 2019. I would like to thank Mr. MEEKS, the chairman of the Consumer Protection and Financial Institutions Subcommittee for his leadership on this important issue.

For over 22 years I have worked and watched Mr. MEEKS as he has devoted prodigious quantities of his time and his considerable talents to the matters of the Financial Services Committee, and H.R. 5322 reflects that kind of skill and effort.

The Financial Services Committee under the chairmanship of Ms. WATERS and Chairman MEEKS of the subcommittee have prioritized examining the important role of minority depository institutions, MDIs, and the role they play in our financial system, and we have worked on developing policies to support their efforts.

Over the course of a series of hearings in this Congress, the committee has engaged with bank and credit union CEOs, with consumer groups, with experts and regulators all about how Congress can help or reverse the decline in our Nation's minority depository institutions, MDIs, particularly Black-owned banks.

This is important because the data shows that MDIs serve the credit needs of low-income areas and serve them well and that these areas have a high percentage of the unbanked and underbanked.

Unfortunately, these institutions have shrunk in numbers in recent years. The number peaked in 2008 at 215 MDI banks. Now that number is at just 143 MDI banks as of the second quarter of 2020, representing less than 3 percent of all FDIC-insured institutions.

In 2008 we had 41 Black-owned banks, and today we have 18. This calls for congressional action.

Furthermore, during this pandemic, low-income and minority communities have been hit the hardest. MDIs along with community development financial institutions, CDFIs, have delivered relief to these low-income communities during this pandemic. After Chairwoman WATERS and the other members of this committee fought hard to ensure that MDIs and CDFIs could participate in the Paycheck Protection Program, MDIs and CDFIs were able to provide some $16 billion of loans to over 220,000 small businesses and minority-owned businesses across the country.

But Congress must do more to support these institutions. Toward that end, H.R. 5322 provides a series of reforms that will preserve, grow, and encourage the chartering of new MDIs, as well as promote the effective engagement between MDIs and prudential regulators.

This bill will encourage investments in MDIs, in part by strengthening a minority bank deposit program so that Treasury deposits Federal funds, funds which it manages in MDIs, thus providing MDIs with more funds that they can then lend.

Furthermore, the bill encourages more partnerships between MDIs and large banks through the Department of Treasury's mentor-protege program, which should promote information sharing and more investments in MDIs.

The bill also creates a new category of small banks called ''impact banks'' that provide most of their lending to

low-income borrowers and would also benefit from some of the bill's provisions to ensure that we can do all we can to support low-income and minority communities.

We also appreciate the collaboration demonstrated by ranking member of the full committee Mr. MCHENRY and other committee Republicans, as this bill was voted out of the committee in December by a unanimous vote of 52–0.

This bill has broad support, including from the National Bankers Association, the Independent Community Bankers of America, the American Bankers Association, the Credit Union National Association, and the National Association of Federally-Insured Credit Unions.

Mr. Speaker, I urge Members to support H.R. 5322, and I reserve the balance of my time.

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

Mr. Speaker, I thank the gentleman from New York for introducing this bill. He has worked in good faith with Republican Members over the past year to reach a bipartisan solution on this important issue.

The Financial Services Committee has held several hearings over the past year on the state of minority depository institutions, or MDIs, and community development financial institutions, or CDFIs.

Both MDIs and CDFIs provide critical services and support to their communities. Unfortunately, the number of these institutions has been declining at an alarming rate.

Burdensome regulations and a lack of access to capital have caused many of these MDIs to either consolidate or be forced to shut their doors for good. It is simply too hard for these smaller institutions to remain viable in the current environment.

The bill we are considering today promotes policies and establishes programs to support MDIs and CDFIs and the customers and communities they serve.

Importantly, the bill seeks to promote engagement in the Department of the Treasury's mentor-protege program to encourage collaboration between MDIs and institutions that act as financial agents for the Federal Government.

The bill also directs each of the Federal banking regulators to establish MDI advisory councils to ensure MDI voices are heard without weakening or duplicating current efforts.

The bill also allows banks to be designated as an impact bank. This allows any bank that serves a majority of low-income borrowers to be considered as an option to hold government deposits. This program will bolster the ability of banks to serve their communities.

Finally, the bill streamlines the application reporting requirements to become and remain a CDFI.

I appreciate the gentleman from New York for his willingness to work with committee Republicans so that we can bring a strong bipartisan bill to the floor that supports communities in need.

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

Mr. SHERMAN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. MEEKS), the author of this legislation.

Mr. MEEKS. Mr. Speaker, I thank the gentleman for yielding. Let me just say how proud I am that the House is taking up my bill today, the Ensuring Diversity in Community Banking Act.

I am especially grateful for the support from Financial Services Chairwoman MAXINE WATERS and for her guidance and for working with me to make sure that we progress and move this bill.

I am likewise eternally grateful to Ranking Member MCHENRY, who worked with us very closely to make sure that this bill had true, strong bipartisan support. As a result, it passed the House Financial Services Committee unanimously. Without that partnership, this would not have happened.

So, I thank both the chair and the ranking member, and all the members of this committee, for doing this. This bill passed in committee unanimously and has gained the support of consumer advocacy groups, civil rights organizations, and the financial services industry. We tried to bring everybody together on this, and we did come up with a consensus bill.

Communities of color have borne a disproportionate burden of the COVID pandemic, as measured by the infection and mortality rates, as well as jobs lost and wealth destroyed. This pandemic and the economic crisis it triggered devastated communities that had yet to fully recover from the financial crisis of 2008.

Minority banks, credit unions, and community development financial institutions have remained the bright spot during this pandemic, given their focus of providing financial services to communities of color and low- and moderate-income communities. However, despite their success serving these communities, minority depository institutions have been disappearing at an alarming rate, leading to expanding banking deserts and a growing share of the population vulnerable to payday lenders and other predatory financial institutions.

To address this, this bill does the following:

Number one, minority depository institutions are smaller than their peers, pose no credible systemic risk, and focus overwhelmingly on underbanked communities of color, investing in homeownership and small business lending, helping to close the wealth gap. My bill makes it easier for MDIs that are also community development organizations to raise capital from private investors and directs the Federal Government to deposit funds that are fully insured with these institutions which can on-lend the money in communities that need it.

Number two, the bill calls on regulators to take greater ownership of their own failings in the area of diversity by auditing the diversity of the bank examiner corps, publishing the data, and considering how their own lack of diversity and lack of special training harms their effectiveness.

Number three, the bill establishes a new impact bank designation for those institutions that lend primarily to low-income communities and provides these banks access to the deposits programs established by this bill.

Number four, the bill also calls on the Congress to continue supporting the CDFI Fund of the Treasury Department.

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

Mr. SHERMAN. Mr. Speaker, I yield an additional 1 minute to the gentleman from New York.

Mr. MEEKS. Mr. Speaker, the CDFI Fund leverages limited government funding to crowd-in significant private sector capital and foster innovation, investments, and market-oriented solutions to tackle some of our Nation's most persistent challenges in poverty alleviation. This program has earned strong bipartisan support historically and proven itself immensely valuable during this pandemic.

Let me also say that what this does is it also helps our small businesses in the communities and helps create wealth in communities where it is not. With the homeownership aspect, it encourages individuals to buy, to own the home and to rent the car because the home becomes an appreciating asset and the car the depreciating asset. It brings us all together so we can enjoy what has become the American Dream.

Let me close by once again thanking my colleagues for their bipartisan support for this important legislation. I thank all of my colleagues for working together to make this a better place, and I urge all of my colleagues to vote in support of this bill.

Mr. TIMMONS. Mr. Speaker, I urge my colleagues to support H.R. 5322, and I yield back the balance of my time.

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

MDIs face several challenges, including the ability to raise capital despite overall strong financial performance. They face challenges experienced as a result of servicing communities that are often first and hardest hit by economic downcycles. This decline is contributing to a growing incidence of banking deserts in minority communities.

This bill will help turn this dangerous tide so that individuals in more ZIP Codes will have access to safe banking.

I again thank Mr. MEEKS for authoring this legislation and for all of his dedication to the Financial Services Committee. I also thank Chairwoman

WATERS and Ranking Member MCHENRY and the other members of the committee.

Mr. Speaker, I urge Members to support H.R. 5322, and I yield back the balance of my time.

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

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

A motion to reconsider was laid on the table.

□ 1615

UNIFORM TREATMENT OF NRSROS ACT

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6934) to amend the CARES Act to require the uniform treatment of nationally recognized statistical rating organizations under certain programs carried out in response to the COVID–19 emergency, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6934

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 ''Uniform Treatment of NRSROs Act''.

SEC. 2. UNIFORM TREATMENT OF NRSROS.

(a) IN GENERAL.—Section 4003 of the CARES Act (15 U.S.C. 9042), as amended by section 902, is further amended by adding at the end the following:

''(m) UNIFORM TREATMENT OF NRSROS.—

''(1) IN GENERAL.—If, in carrying out this section or any other program making use of a facility established under section 13(3) of the Federal Reserve Act in response to the COVID–19 emergency, the Secretary of the Treasury or the Board of Governors of the Federal Reserve System establishes a requirement for an entity, security, or other instrument to carry a minimum credit rating, the Secretary or the Board of Governors shall accept credit ratings provided by any nationally recognized statistical rating organization with respect to such entity, security, or other instrument, if the nationally recognized statistical rating organization is registered with the Securities and Exchange Commission to issue credit ratings with respect to the applicable asset class of the entity, security, or other instrument.

''(2) EXCEPTION.—

''(A) IN GENERAL.—The Secretary or the Board of Governors may exclude a nationally recognized statistical rating organization from the application of paragraph (1) if, in consultation with the Securities and Exchange Commission, the Secretary or Board of Governors, as applicable, determines that the nationally recognized statistical rating organization is unable to provide reliable and accurate ratings for a particular asset class and that such exclusion is in the public interest.

''(B) REPORT.—If the Secretary or the Board of Governors excludes a nationally recognized statistical rating organization from the application of paragraph (1) pursuant to subparagraph (A), the Secretary or Board of Governors, as applicable, shall, as soon as practicable after such exclusion, disclose to the public the reasoning for such exclusion.

''(3) NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATION.—In this subsection, the term 'nationally recognized statistical rating organization' has the meaning given that term under section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).''.

(b) GAO STUDY.—

(1) STUDY.—The Comptroller General of the United States shall carry out a study on—

(A) the quality of credit ratings across nationally recognized statistical ratings organizations (as defined under section 3 of the Securities Exchange Act of 1934), including during the 2008 economic crisis;

(B) the effect of competition on the quality of credit ratings and on the ability of small- and mid-size companies and financial institutions to access the capital markets; and

(C) the implementation of the amendment made by subsection (a).

(2) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall issue a report to the Congress containing all finding and determinations made in carrying out the study required under paragraph (1).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. SHERMAN) and the gentleman from South Carolina (Mr. TIMMONS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 6934, the Uniform Treatment of NRSROs, which is sponsored by Congresswoman DEAN from Pennsylvania.

This important legislation from Congresswoman DEAN will ensure that qualified issuers have fair access to lending facilities, and it will ensure that these facilities are granted on clear terms.

This is not a time where agencies such as the Federal Reserve should just make it up as they go along, especially when these policies disproportionately harm small and mid-sized companies. Thus, my colleague, Ms. DEAN, introduced, and I was pleased to cosponsor, legislation to provide clarity in the lending process by ensuring that nationally recognized statistical rating organizations, also referred to as NRSROs, are treated uniformly.

More specifically, the Federal Reserve and Treasury often require a credit rating to apply for participation in a lending facility. When there is such a requirement, the Federal Reserve has, at times, required that the rating be issued by a specific credit rating agency or has required that the rating be from a specific category of NRSROs, such as the so-called major NRSROs.

Often, these categories are self-created by the Federal Reserve and have been undefined and unclear to issuers. These requirements act as an obstacle between issuers and these lending facilities. This clearly was not Congress' intent, as it goes against Dodd-Frank, which mandates that we foster competition among NRSROs rather than trying to make sure that companies rely only on an oligarchy of three NRSROs.

As chair of the Subcommittee on Investor Protection, Entrepreneurship, and Capital Markets, I am quite familiar with the work that has been done in the last decade to end overreliance on the big three credit agencies, which led us into the 2008 crisis. It is those big three that gave AAA ratings to Alt-A lendings, which I believe is what caused the 2008 crisis.

Decisions by the Fed and Treasury with respect to many lending facilities have threatened to undo our work to try to diversify the availability of different NRSROs.

H.R. 6934, which is limited to facilities which have been stood up in response to the COVID–19 pandemic, will set clear credit rating standards for both the Federal Reserve and its issuers. It also clarifies Congress' intent and will ensure that its legislative objectives are carried out at the agency level.

Most importantly, however, the legislation will result in more issuers having access to these lending facilities, an important objective during this pandemic and economic downturn, while it will still ensure that there are standards in effect that will adequately protect the facility and the interests of the taxpayer.

Mr. Speaker, I greatly appreciate Congresswoman DEAN's leadership in bringing forth this important legislation, and I reserve the balance of my time.

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

Mr. Speaker, I would like to thank the gentlewoman from Pennsylvania (Ms. DEAN) for introducing this bipartisan bill.

Since the early days of the pandemic, the Federal Reserve has acted swiftly to ensure liquidity is available to companies of all sizes across the country. The emergency facilities support businesses and, in turn, their workers and customers.

The committee has continually called for a broad-based approach to aid our businesses and communities throughout this economic crisis. H.R. 6934 simply encourages the Federal Reserve to include companies that have credit ratings from all SEC-registered and supervised NRSROs as participants in its emergency facilities.

Though the Federal Reserve revised some of the requirements for companies with credit ratings from smaller

NRSROs, there are still companies left on the sidelines. This bill will ensure small and mid-sized businesses have access to the facilities that provide necessary support.

An open and transparent process is essential to the success of the emergency facilities. This bill supports that process.

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

Mr. SHERMAN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Pennsylvania (Ms. DEAN), the author of this legislation.

Ms. DEAN. Mr. Speaker, I thank my colleague and friend and chair for yielding, and I thank my colleague on the other side of the aisle for his support for this bill.

Mr. Speaker, I rise in support of H.R. 6934, the Uniform Treatment of NRSROs Act.

NRSROs are nationally recognized statistical rating agencies. This is a bipartisan bill that addresses businesses' need for greater access to Federal lending facilities in the time of COVID and a uniform treatment of credit rating agencies in the application process for these much-needed loans.

In response to the economic crisis resulting from the COVID–19 pandemic, several lending facilities have been created to assist struggling businesses at this difficult time. The Federal Reserve and Treasury, however, have limited access to these facilities to businesses whose assets have been rated by only a select few credit rating agencies, making it unnecessarily difficult for many businesses to access much-needed resources.

In Pennsylvania alone, several small and mid-sized companies as well as municipal bond issuers have been excluded from the facilities or have their ratings from nonapproved rating agencies called into question by the market.

This legislation seeks to remove these barriers by amending the CARES Act to require that the Federal Reserve and Treasury accept ratings from any nationally recognized statistical rating organization, or NRSRO. This would have the effect of opening up access to the facilities to issuers with a rating from any duly recognized NRSRO that has been approved in the relevant asset class by the SEC.

This legislation would also require the Comptroller General to issue, within 1 year of enactment, a study on the quality of credit rating agencies across NRSROs, including during the 2008 crisis. The study would also explore the effect of competition on the quality of credit ratings and on the ability of small and mid-sized companies and financial institutions to access the capital markets.

At a time of unprecedented economic uncertainty, we need to make sure that small and mid-sized businesses have access to capital markets needed to survive and recover. By expanding eligible NRSROs, this legislation opens up access, transparency, and healthy competition, without compromising quality, at a time when it is needed most.

Mr. Speaker, I thank Chairwoman WATERS, the Financial Services Committee staff, and, importantly, my Republican colead, Representative ANDY BARR, for their work on this legislation to help struggling businesses get the capital they need.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. TIMMONS. Mr. Speaker, I am prepared to close.

I would simply urge my colleagues to support H.R. 6934, and I yield back the balance of my time.

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

Mr. Speaker, I again would like to thank my colleague from Pennsylvania (Ms. DEAN) for introducing, supporting, and, in effect, passing this legislation here today. It will help qualified issuers have access to lending facilities; it will ensure that that access to facilities is granted on terms that are clear; and it will ensure that Congress' legislative intent is carried out and is consistent with the policy of Congress that we have focused on in the Investor Protection, Entrepreneurship, and Capital Markets Subcommittee to make sure that we are not overly reliant on just three credit rating agencies.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. SHERMAN) that the House suspend the rules and pass the bill, H.R. 6934, as amended.

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

A motion to reconsider was laid on the table.

STOPPING TRAFFICKING, ILLICIT FLOWS, LAUNDERING, AND EXPLOITATION ACT OF 2020

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7592) to require the Comptroller General of the United States to carry out a study on trafficking, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7592

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 ''Stopping Trafficking, Illicit Flows, Laundering, and Exploitation Act of 2020'' or the ''STIFLE Act of 2020''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Trafficking is a national-security threat and an economic drain of our resources.

(2) As the U.S. Department of the Treasury's recently released ''2020 National Strategy for Combating Terrorist and Other Illicit Financing'' concludes, ''While money laundering, terrorism financing, and WMD proliferation financing differ qualitatively and quantitatively, the illicit actors engaging in these activities can exploit the same vulnerabilities and financial channels.''.

(3) Among those are bad actors engaged in trafficking, whether they trade in drugs, arms, cultural property, wildlife, natural resources, counterfeit goods, organs, or, even, other humans.

(4) Their illegal (or ''dark'') markets use similar and sometimes related or overlapping methods and means to acquire, move, and profit from their crimes.

(5) In a March 2017, report from Global Financial Integrity, ''Transnational Crime and the Developing World'', the global business of transnational crime was valued at $1.6 trillion to $2.2 trillion annually, resulting in crime, violence, terrorism, instability, corruption, and lost tax revenues worldwide.

SEC. 3. GAO STUDY.

(a) STUDY.—The Comptroller General of the United States shall carry out a study on—

(1) the major trafficking routes used by transnational criminal organizations, terrorists, and others, and to what extent the trafficking routes for people (including children), drugs, weapons, cash, child sexual exploitation materials, or other illicit goods are similar, related, or cooperative;

(2) commonly used methods to launder and move the proceeds of trafficking;

(3) the types of suspicious financial activity that are associated with illicit trafficking networks, and how financial institutions identify and report such activity;

(4) the nexus between the identities and finances of trafficked persons and fraud;

(5) the tools, guidance, training, partnerships, supervision, or other mechanisms that Federal agencies, including the Department of the Treasury's Financial Crimes Enforcement Network, the Federal financial regulators, and law enforcement, provide to help financial institutions identify techniques and patterns of transactions that may involve the proceeds of trafficking;

(6) what steps financial institutions are taking to detect and prevent bad actors who are laundering the proceeds of illicit trafficking, including data analysis, policies, training procedures, rules, and guidance;

(7) what role gatekeepers, such as lawyers, notaries, accountants, investment advisors, logistics agents, and trust and company service providers, play in facilitating trafficking networks and the laundering of illicit proceeds; and

(8) the role that emerging technologies, including artificial intelligence, digital identity technologies, blockchain technologies, virtual assets, and related exchanges and online marketplaces, and other innovative technologies, can play in both assisting with and potentially enabling the laundering of proceeds from trafficking.

(b) CONSULTATION.—In carrying out the study required under subsection (a), the Comptroller General shall solicit feedback and perspectives to the extent practicable from survivor and victim advocacy organizations, law enforcement, research organizations, private-sector organizations (including financial institutions and data and technology companies), and any other organization or entity that the Comptroller General determines appropriate.

(c) REPORT.—The Comptroller General shall issue one or more reports to the Congress containing the results of the study required under subsection (a). The first report shall be issued not later than the end of the 15-month period beginning on the date of the enactment of this Act. The reports shall contain—

(1) all findings and determinations made in carrying out the study required under subsection (a); and

(2) recommendations for any legislative or regulatory changes necessary to combat trafficking or the laundering of proceeds from trafficking.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. SHERMAN) and the gentleman from South Carolina (Mr. TIMMONS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and insert extraneous material thereon.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 7592, the Stopping Trafficking, Illicit Flows, Laundering, and Exploitation Act of 2020, the STIFLE Act, introduced by Representatives MCADAMS and GONZALEZ.

This bill would commission the Government Accountability Office to study and analyze the converging attributes of transnational trafficking networks. These shared or overlapping characteristics and methods, such as supply chains, facilitators, or gatekeepers, and the movement of finances make it possible for traffickers in a host of different areas to move their illicit proceeds and evade detection.

By better understanding the ''business models'' that underlie these networks, we can better combat their terrible acts in a host of different areas, ranging from selling illicit drugs to trafficking in modern slavery. We have focused on illicit trafficking—human trafficking, drug trafficking, et cetera—in the Foreign Affairs Committee.

Mr. Speaker, I commend the members of the Financial Services Committee for focusing on this issue, since the linchpin, the Achilles heel, of many of these trafficking networks is their financial movements, their access to the financial system, and this may be the way to accomplish an awful lot to stop this illicit trafficking.

The STIFLE Act is part of the House Financial Services Committee's bipartisan Counter-Trafficking Initiative, introduced in March to address this pervasive issue that is a threat to all of our constituents and communities.

Human trafficking, drug trafficking, wildlife trafficking, and the proliferation of weapons of mass destruction are just a few examples of the illicit markets that generate an estimated $2.2 trillion, annually. The resulting proceeds and instability benefit bad actors, while threatening the environment, civil society, individuals on our streets, our economy, our national security, and, of course, the human rights of so many thousands of people who are trafficked around the world.

Mr. Speaker, I thank Mr. MCADAMS and Mr. GONZALEZ for introducing this bill to help identify concrete opportunities for action to combat these criminals and terrorists who engage in this illicit trade by focusing on our financial system. For these reasons, I urge my colleagues to support H.R. 7592.

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

□ 1630

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

Mr. Speaker, I rise in support of H.R. 7592, the STIFLE Act of 2020.

Mr. Speaker, in March of 2020, the Financial Services Committee launched its bipartisan Counter-Trafficking Initiative to explore and expose the breadth of transnational trafficking networks and their illicit financial systems.

As we learned during our additional counter-trafficking hearing, transnational criminal organizations rarely limit their trafficking to one sector. Often, these criminals will acquire and traffic anything that will bring them a profit. Needless to say, these criminals have been successful in their efforts.

Global Financial Integrity, an NGO that studies illicit financial flows, estimates that the global business of transnational crime is valued between $1.6 trillion to $2.2 trillion annually. To be frank, Mr. Speaker, we have a lot of work to do.

Following our counter-trafficking hearing this Congress, Mr. MCADAMS and Mr. GONZALEZ worked diligently and across party lines to craft a thoughtful piece of legislation to help to answer some of the outstanding questions trafficking experts brought before the committee in March.

H.R. 7592 instructs the Comptroller General to carry out a detailed study on trafficking issues. This would range from the major routes trafficking networks use, how these criminals launder and move the proceeds of their crimes, suspicious activity that law enforcement can focus on when investigating these crimes, and the steps financial institutions are taking to detect and prevent bad actors who are laundering the proceeds of trafficking.

H.R. 7592 is exactly the type of bill we as policymakers need, to learn how these illicit activities are being carried out and what we must do to make it as hard as possible for these criminals to succeed.

I would like to thank both Congressman MCADAMS as well as Congressman GONZALEZ for taking the Counter-Trafficking Initiative seriously and coming away from our initial hearing with an understanding that there is more work that needs to be done to deal with illicit trafficking.

I look forward to working with both of them as we continue in our efforts to end trafficking once and for all.

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

Mr. SHERMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Utah (Mr. MCADAMS).

Mr. MCADAMS. Mr. Speaker, I rise in support of the Stopping Trafficking, Illicit Flows, Laundering and Exploitation Act of 2020, or the STIFLE Act of 2020, bipartisan legislation that I introduced with my colleague, Representative ANTHONY GONZALEZ, from Ohio.

Trafficking is a scourge on society, leaving millions of victims in its wake. Recent reports show that the global business of transnational crime is valued at between $1.6 to $2.2 trillion annually, resulting in crime, violence, terrorism, corruption, and human suffering.

Illicit actors engaged in trafficking—whether in drugs, arms, wildlife, organs, or humans—use dark markets to finance and hide their horrific activities and their profits. We need to identify, disrupt, and prosecute these financial networks to stop these abhorrent crimes. And that is what the STIFLE Act does.

The STIFLE Act activates tools, partnerships, and guidance of a number of Federal agencies to help financial institutions identify techniques and patterns of transactions that may involve the proceeds of trafficking.

The legislation requires a report to Congress with recommended actions necessary to combat trafficking or money laundering of the proceeds.

We must attack trafficking networks from all sides, using any effective approach. Targeting the finances of these networks is a key way that we can crack down on these illicit activities.

The STIFLE Act is just one component of the bipartisan Counter-Trafficking Initiative that the Financial Services Committee launched earlier this year. The long-term committee effort is designed to explore and expose the breadth and reach of international transnational trafficking networks and their illicit finances.

I thank Chairwoman WATERS and Ranking Member MCHENRY for focusing our committee on this important work.

Mr. Speaker, we must do more to protect innocent victims of trafficking and take down the trafficking networks that prey upon our most vulnerable. This bipartisan bill is a step in that direction.

Mr. Speaker, I urge my colleagues to support this important legislation.

Mr. TIMMONS. Mr. Speaker, I simply urge my colleagues to support H.R. 7592, and I yield back the balance of my time.

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

Mr. Speaker, in closing, understanding the business of trafficking—

whether it be illicit drugs, whether it be human trafficking, whether it be terrorism, et cetera—is fundamental to stopping transnational crime, and the harm that it causes and the victims it creates in communities worldwide.

The House Financial Services Committee's bipartisan Counter-Trafficking Initiative is a comprehensive approach to this challenge and is a very important adjunct to the Foreign Affairs Committee's work to stop illicit trafficking, particularly human trafficking.

We need to examine these illicit networks as a whole, whether they engage in narcotics, timber, endangered species, rare earths, or, tragically, human trafficking of men and women—modern slavery.

So I look forward to all of the committees of this Congress focusing on these criminal traffickers. H.R. 7592, the STIFLE Act, is a significant piece of that effort, tapping into the knowledge from survivor and victim advocacy organizations, law enforcement, regulators, research organizations, and the private sector to be able to focus on the financial system and make sure that we keep these traffickers at bay and out of the financial system as much as possible.

Mr. Speaker, I urge my colleagues to support this legislation which is an important step to protecting our citizens, our economy, and our national security.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. SHERMAN) that the House suspend the rules and pass the bill, H.R. 7592.

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

A motion to reconsider was laid on the table.

COVID–19 FRAUD PREVENTION ACT

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6735) to establish the Consumer and Investor Fraud Working Group to help protect consumers and investors from fraud during the COVID–19 pandemic, to assist consumers and investors affected by such fraud, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6735

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''COVID–19 Fraud Prevention Act''.

SEC. 2. CONSUMER AND INVESTOR FRAUD WORKING GROUP.

(a) ESTABLISHMENT.—Not later than the end of the 30-day period beginning on the date of enactment of this Act, the Director of the Bureau of Consumer Financial Protection and the Securities and Exchange Commission shall, jointly, establish a working group to be known as the ''Consumer and Investor Fraud Working Group'' (the ''Working Group'').

(b) DUTIES.—The Working Group shall facilitate collaboration between the Bureau of Consumer Financial Protection and the Securities and Exchange Commission on—

(1) providing resources to consumers and investors to avoid fraud during the COVID–19 pandemic;

(2) providing resources, including information on the availability of legal aid resources, to consumers and investors who have been adversely impacted by such fraud; and

(3) such other topics as the Working Group determines appropriate.

(c) COORDINATION WITH OTHER AGENCIES.—In carrying out the duties described under subsection (b), the Working Group shall coordinate and collaborate with other Federal and State government agencies, as appropriate.

(d) QUARTERLY REPORT.—The Working Group shall issue a quarterly report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the progress of the Working Group and summarizing—

(1) the resources made publicly available to consumers by the Working Group;

(2) any public enforcement action taken jointly or individually by any member of the Working Group;

(3) the number and description of consumer complaints received by the Bureau of Consumer Financial Protection and the Securities and Exchange Commission regarding fraud related to the COVID–19 pandemic; and

(4) any other actions of the Working Group.

(e) SUNSET.—This section shall cease to have any force or effect on and after December 31, 2021.

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. SHERMAN) and the gentleman from South Carolina (Mr. TIMMONS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and insert extraneous material thereon.

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

There was no objection.

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

Mr. Speaker, I rise to commend the gentleman from Utah on the passage of his bill, and I rise to support H.R. 6735, the COVID–19 Fraud Prevention Act, which is authored and put forward by Congresswoman CINDY AXNE.

I support this legislation and I thank my colleague from Iowa for her leadership in bringing it forward. Congresswoman AXNE's legislation will mark a major step in improving efforts to protect consumers and investors alike by requiring the Consumer Financial Protection Bureau, the CFPB, and the Securities and Exchange Commission, the SEC, to establish a joint working group with the purpose of addressing and preventing predatory and deceptive financial practices during this COVID–19 crisis.

Under this bill, this joint CFPB-SEC working group will be required to consult and collaborate with other Federal and State agencies, where appropriate, to ensure fraud does not slip through the cracks during this COVID–19 pandemic and appropriately report their efforts to Congress.

As we know, unfortunately, in times of uncertainty like the one we face today, predatory actors can and have sought to take advantage of confusion and financial vulnerability, and to take advantage even of desperation from struggling consumers and struggling homeowners who need help. These actors cause even further damage to communities that are already hit by the crisis of the pandemic and the economic downturn.

The 2008 crisis is an example of how much financial devastation that predatory and deceitful actors can wreak on our communities, especially when Federal regulators don't have the tools to cooperate and put a stop to it. Families that are still impacted by that phase of unchecked, toxic lending now have yet another crisis to contend to as we must deal with the COVID crisis.

As chair of the Subcommittee on Investor Protection, Entrepreneurship, and Capital Markets, I note that investors, too, are at risk of being defrauded and mislead by fraudulent investment schemes.

As during other times of crises, investors are at risk of being defrauded and mislead by so-called investment opportunities claiming to have some novel information, cures, or vaccines, but are really part of a pump-and-dump scheme where fraudsters intentionally use false and misleading information to boost the price of a stock or other investment and then sell the shares when the stock rises but before the manipulation is detected.

Congresswoman AXNE's legislation will help ensure that the CFPB and the SEC, as well as other Federal and State agencies they work with, will work collaboratively to identify problematic patterns and work to prevent future schemes where consumers and investors get ripped off.

I commend Mrs. AXNE for her work in drafting this legislation, and if I may be a little premature, I also commend the gentlewoman on getting this legislation passed through the House today.

I urge Members to support this legislation, and I reserve the balance of my time.

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

Mr. Speaker, I thank the gentlewoman from Iowa for introducing this bill.

At the beginning of the pandemic I was concerned about COVID–19-related fraudulent schemes, particularly those targeting seniors who have been disproportionately impacted by the virus.

The Federal regulators tasked with weeding out fraud and providing resources for consumers impacted by scams—the CFPB, SEC, and FTC—have been particularly supportive of consumers during this time.

To further support this coordinated effort, H.R. 6735 establishes the Consumer and Investor Fraud Working Group, which will include representatives from the CFPB and SEC, among others.

The working group will work to provide resources to consumers and investors to avoid fraud during the COVID–19 pandemic and to those who have been impacted by these types of scams.

In addition, the working group is required to produce a quarterly report to the House Financial Services Committee and Senate Committee on Banking, Housing, and Urban Affairs so that Congress can monitor its actions and resources made available to the public.

Finally, the bill will ensure robust government coordination to protect consumers and investors from fraudsters looking to take advantage of the crisis.

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

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

Mr. Speaker, I thank the gentleman from South Carolina for his work on all of these bills and his work here today.

In closing, Congress must do more to ensure that communities are protected from deceitful actors during the COVID–19 period. As we have seen in our immediate past, bad actors often try to take advantage of people in crisis and the consequences can be significant unless the Federal Government, working with the States, actively monitors and prevents such deceitful practices.

H.R. 6735 will encourage key regulators to share information and work together to identify scams while keeping Congress informed as to how these agencies are addressing fraud during the pandemic.

This bill has the support of consumer and investor advocate organizations including: Americans for Financial Reform, Center for Responsible Lending, Consumer Federation of America, National Consumer Law Center, and Public Citizen.

I would like to thank the author of this bill, Representative AXNE, for her efforts. I urge all Members to support H.R. 6735, and I yield back the balance of my time.

□ 1645

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

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

A motion to reconsider was laid on the table.

PROMOTING SECURE 5G ACT OF 2020

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5698) to direct the Secretary of the Treasury to instruct the United States Executive Directors at the international financial institutions on United States policy regarding international financial institution assistance with respect to advanced wireless technologies.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5698

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 ''Promoting Secure 5G Act of 2020''.

SEC. 2. UNITED STATES POLICY REGARDING INTERNATIONAL FINANCIAL INSTITUTION ASSISTANCE WITH RESPECT TO ADVANCED WIRELESS TECHNOLOGIES.

(a) IN GENERAL.—The Secretary of the Treasury (in this section referred to as the ''Secretary'') shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) that it is the policy of the United States to—

(1) support assistance by the institution with respect to advanced wireless technologies (such as 5th generation wireless technology for digital cellular networks and related technologies) only if the technologies provide appropriate security for users;

(2) proactively encourage assistance with respect to infrastructure or policy reforms that facilitate the use of secure advanced wireless technologies; and

(3) cooperate, to the maximum extent practicable, with member states of the institution, particularly with United States allies and partners, in order to strengthen international support for such technologies.

(b) WAIVER AUTHORITY.—The Secretary may waive subsection (a) on a case-by-case basis, on reporting to the Committee on Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate that the waiver—

(1) will allow the United States to effectively promote the objectives of the policy described in subsection (a); or

(2) is in the national interest of the United States, with an explanation of the reasons therefor.

(c) PROGRESS REPORT.—The Chairman of the National Advisory Council on International Monetary and Financial Policies shall include in the annual report required by section 1701 of the International Financial Institutions Act a description of progress made toward advancing the policy described in subsection (a) of this section.

(d) SUNSET.—The preceding provisions of this section shall have no force or effect after the earlier of—

(1) the date that is 7 years after the date of the enactment of this Act; or

(2) the date that the Secretary reports to the committees specified in subsection (b) that terminating the effectiveness of the provisions is important to the national interest of the United States, with a detailed explanation of the reasons therefor.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. SHERMAN) and the gentleman from South Carolina (Mr. TIMMONS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials thereon.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 5698, the Promoting Secure 5G Act of 2020, which establishes that at the international financial institutions, known as IFIs, such as the World Bank, it will be U.S. policy that supports the financing for advanced wireless communication technologies, including next-generation 5G networks only if the technologies to be financed provide adequate security for users.

Cybersecurity has been an important concern of this House, and it is an important concern of this country. We see that in the recent action taken with regard to TikTok, we see that in the steps that this House is taking with regard to cybersecurity, and it makes sense that our voice and vote at the international financial institutions be used to ensure that the world moves forward with secure 5G networks.

This legislation establishes a U.S. position at the IFIs in support of infrastructure or policy reforms that facilitate the use of secure advanced wireless technologies, and it encourages U.S. cooperation with our allies and partners to strengthen international support for such secure technologies.

I support this legislation because I think it reflects a good policy goal and a good example of how central international cooperation is for our own economic and national security goals.

This legislation seeks to use our voice at the IFIs to counter China's efforts to expands its 5G influence internationally and to expand the use of Chinese technology with back doors and other devices that can be used by the Chinese Communist Party. This is especially important with regard to developing countries. By placing an important strategic U.S. policy goal within the system of the international financial institutions, this legislation recognizes that sustained international

cooperation is important for advancing a range of U.S. economic security and foreign policy interest, and I welcome that recognition.

5G is the next generation of wireless communications networks. It may very well be the most extraordinary remaking of the system, controls, and use of the airwaves that make up today's internet since the internet first came into existence. 5G networks, we are told, will transform the way we live.

In the global race for 5G, where the U.S. and China are among the main contenders, the competition is fierce, and from that frame certainly the core of this bill's proposal—to have the international financial institutions support 5G infrastructure only if it is from trusted vendors—makes sense. We would not want to see this kind of policy cause problems for the missions of the IFIs if they get further caught up in any rivalry between the United States and China. But if our money is involved in these international financial institutions, then it needs to be American policy that those funds be used only to finance secure 5G networks.

That said, the success of such a U.S. policy at the IFIs will depend in large part on the state of U.S. leadership worldwide not only in those institutions but around the world. Let's face it. Over the last 3 years America has squandered its role as a world leader, and we have stretched almost to the breaking point our alliances with our traditional allies.

I look forward to working with everyone in Congress over the next few years to recement our international alliances and put us in a position so that when we speak at the international financial institutions that we are listened to as a world leader and not mocked as a nation that has one tweet one day and another tweet another day.

Mr. Speaker, I look forward to the passage of this legislation, and I urge my colleagues to support H.R. 5798.

I reserve the balance of my time.

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

Mr. Speaker, when many of us think of 5G technology, we immediately think of our cell phones. What many of us do not think about is the impact 5G will have on the global economy once the technology is deployed.

Fifth generation cellular technology, or 5G, will truly transform the way we live. It has the power to fuel self-driving autonomous vehicles, increase the use of artificial intelligence, replace Wi-Fi and broadband, and provide speeds expected to be as fast as 100 times greater than current 4G technology. Once widespread, 5G will touch nearly every aspect of our lives.

As with any new technology, there is now a global race for 5G market share. In this global race to 5G, it is not just economic challenges we face. There are also great national security concerns from foreign bad actors who seek to exploit the technology. This is why the United States must have sound policy when it comes to financing and protecting wireless technologies around the world.

My legislation before the House today, the Promoting Secure 5G Act, would establish a U.S. policy at all international financial institutions, including the IMF and World Bank. This policy would require all countries seeking any financing from those institutions for any purpose to prove their 5G network is secure.

Securing multilateral financing for 5G technology is the first step in facilitating equitable competition in the global economy. This will eliminate backdoor vulnerabilities that private companies and other nations may seek to exploit. One of the biggest offenders is Huawei, a Chinese-based company with direct links to China's Communist Party.

It is not just the U.S. that shares these concerns regarding the security of 5G technology. Recently, the U.K. reversed course and outright banned Huawei by 2027. France announced it will no longer renew licenses for Huawei. Denmark and Singapore have taken steps to avoid the company, and India is moving in the same direction with the potential of an outright ban in the near future.

Our intelligence community has repeatedly warned of the consequences of handing over the world's 5G systems to Huawei and the CCP. We would be wise to heed their warning.

Combating aggression from the Chinese Communist Party will take a whole-of-government approach, and my Promoting Secure 5G Act is a good first step to ensuring every nation conforms to the standards of the global economy when it comes to 5G technology.

I want to thank Ranking Member MCHENRY and my other colleagues who have joined me in this effort.

Mr. Speaker, I urge my colleagues to support this legislation to ensure the secure and competitive deployment of 5G technology around the world, and I reserve the balance of my time.

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

Mr. Speaker, I commend the gentleman from South Carolina for authoring this legislation. Also, again, I commend him for spending time this afternoon to pass all the legislation that is here before us.

Mr. Speaker, the United States has often looked to the international financial institutions to meet strategic objectives at critical moments, and this legislation is a good example of that.

The World Bank and others are currently focused on helping developing nations deal with the coronavirus, but soon, they will return to other development goals. The basic principle of this legislation is important because it establishes not only what U.S. policy is going to be in a particular area, but it also directs the administration to pursue that policy. It provides flexibility in the implementation of that policy and keeps Congress informed.

It is important to keep in mind that our ability to influence the direction of the IFIs, the international financial institutions, and to prioritize global objectives in the areas that we think are critically important depend in large part on the degree to which the United States maintains and exercises strong leadership in these international financial institutions and in the world writ large.

We on the Foreign Affairs Committee have focused on the importance of rebuilding our relationships and rebuilding America's status and leadership in the world, and we will only be as effective in carrying out the intent of this legislation as we are in rehabilitating America's image.

For U.S. policy to be effectively advanced in the international financial institutions, other member states at these institutions need to believe that the policies we pursue are not based exclusively out of a narrow self-interest but are policies that will help the entire world move forward.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. SHERMAN) that the House suspend the rules and pass the bill, H.R. 5698.

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

A motion to reconsider was laid on the table.

IMPROVING EMERGENCY DISEASE RESPONSE VIA HOUSING ACT OF 2020

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6294) to require data sharing regarding protecting the homeless from coronavirus, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6294

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 ''Improving Emergency Disease Response via Housing Act of 2020''.

SEC. 2. DATA SHARING BETWEEN HUD AND HHS.

(a) IN GENERAL.—For the purpose of increasing the ability of the Secretary of Health and Human Services to target outreach to populations vulnerable to contracting coronavirus, the Secretary of Housing and Urban Development shall share with the Secretary of Health and Human Services information regarding the location of projects for supportive housing for the elderly assisted under section 202 of the Housing

Act of 1959 (12 U.S.C. 1701q) and the location of Continuums of Care with high concentration of unsheltered homelessness.

(b) REMOVAL OF PERSONALLY IDENTIFIABLE INFORMATION.—In sharing the information required under subsection (a), the Secretary of Housing and Urban Development shall ensure that appropriate administrative and physical safeguards are in place to remove all personally identifiable information.

(c) CONSULTATION.—The Secretary of Housing and Urban Development shall consult with the Secretary of Health and Human Services promptly after the date of the enactment of this Act to provide for the sharing of the information required under subsection (a).

(d) LIMITATION.—Information shared pursuant to this Act shall not be shared beyond the Department of Health and Human Services or used for purposes beyond those intended in the Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. SHERMAN) and the gentleman from South Carolina (Mr. TIMMONS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 6294, the Improving Emergency Disease Response via Housing Act, which will help the Federal Government better identify and serve populations particularly at risk from COVID–19.

This bill will require the Department of Housing and Urban Development, HUD, to share with the Department of Health and Human Services the locations of HUD senior housing properties and local continuums of care with high concentrations of people experiencing unsheltered homelessness. The bill also includes important protections to ensure people's privacy and to prevent the misuse of this information.

Early in this pandemic, we learned the devastating impact COVID–19 has on seniors. Seniors often have underlying health conditions, which make them particularly vulnerable to the virus. Making matters worse, many seniors live in large multifamily buildings, including HUD-subsidized properties, where the risk of contagion is particularly high.

This constellation of factors—close living quarters, advanced age, higher prevalence of underlying health conditions—puts this population at substantial risk for contracting and at a higher risk for dying from COVID–19.

According to The New York Times, as of last month, 40 percent of COVID–19-related deaths have occurred in senior communities, not just to those who have reached senior age but that subset of seniors who live in these senior communities.

People experiencing homelessness are also particularly vulnerable to COVID–19 because they are disproportionately likely to have underlying conditions and because they often do not have the means to follow CDC guidelines around handwashing, social distancing, mask-wearing, et cetera.

People experiencing homelessness who contract COVID–19 are twice as likely to be hospitalized, two to four times as likely to require critical care, and two to three times as likely to die as others in the general public.

So, Mr. Speaker, I thank Mr. TIPTON for introducing this bill to help us better protect some of this country's most vulnerable people, and I reserve the balance of my time.

□ 1700

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

Mr. Speaker, I rise in support of H.R. 6294.

Back in the early days of COVID–19, the Republicans on the Committee on Financial Services anticipated some of the biggest threats the virus posed and moved to protect those who were most vulnerable. Representative TIPTON introduced H.R. 6294 so that the Department of Health and Human Services and the Department of Housing and Urban Development would be better able to coordinate and target treatment to folks like the elderly and the disabled. We knew that these were going to be the highest risk, most vulnerable populations affected by the pandemic and wanted to make sure States had all the tools they needed to protect these citizens.

Sadly, in some places, we saw the disastrous effect of what happened when local officials failed to act quickly to make sure our seniors were kept safe from the preventable spread of the pandemic. To ensure that we do not repeat such mistakes, H.R. 6294 would allow for data-sharing between HHS and HUD regarding the location of section 202 affordable housing properties while keeping residents' personal information protected.

Mr. Speaker, I commend Representative TIPTON for his leadership in this area, and I will miss working with him. This is a commonsense bill to cut through red tape and allow for greater assistance to vulnerable populations.

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

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

Mr. Speaker, I, again, thank my colleague, Mr. TIPTON, for introducing this bill to help us better protect seniors and people experiencing homelessness from COVID–19.

We have lost too many people to this terrible virus. While it is important that we ensure the safety of those who are particularly vulnerable to the coronavirus, I hope that we can all work together this month to provide a comprehensive response to this public crisis, modeled after the HEROES Act, which this House passed in May of this year.

Our constituents want us to act on major legislation, but in the meantime, it is good to pass this bill to help those who are particularly impacted by COVID.

Mr. Speaker, I urge my colleagues to join me in supporting this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. SHERMAN) that the House suspend the rules and pass the bill, H.R. 6294, as amended.

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

A motion to reconsider was laid on the table.

NATIONAL SUICIDE HOTLINE DESIGNATION ACT OF 2020

Mr. MCNERNEY. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2661) to amend the Communications Act of 1934 to designate 9–8–8 as the universal telephone number for the purpose of the national suicide prevention and mental health crisis hotline system operating through the National Suicide Prevention Lifeline and through the Veterans Crisis Line, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2661

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Suicide Hotline Designation Act of 2020''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) According to the American Foundation for Suicide Prevention, on average, there are 129 suicides per day in the United States.

(2) To prevent future suicides, it is critical to transition the cumbersome, existing 10-digit National Suicide Hotline to a universal, easy-to-remember, 3-digit phone number and connect people in crisis with life-saving resources.

(3) It is essential that people in the United States have access to a 3-digit national suicide hotline across all geographic locations.

(4) The designated suicide hotline number will need to be both familiar and recognizable to all people in the United States.

SEC. 3. UNIVERSAL TELEPHONE NUMBER FOR NATIONAL SUICIDE PREVENTION AND MENTAL HEALTH CRISIS HOTLINE SYSTEM.

(a) IN GENERAL.—Section 251(e) of the Communications Act of 1934 (47 U.S.C. 251(e)) is amended by adding at the end the following:

''(4) UNIVERSAL TELEPHONE NUMBER FOR NATIONAL SUICIDE PREVENTION AND MENTAL HEALTH CRISIS HOTLINE SYSTEM.—9–8–8 is designated as the universal telephone number within the United States for the purpose of the national suicide prevention and mental health crisis hotline system operating

through the National Suicide Prevention Lifeline maintained by the Assistant Secretary for Mental Health and Substance Use under section 520E–3 of the Public Health Service Act (42 U.S.C. 290bb–36c) and through the Veterans Crisis Line maintained by the Secretary of Veterans Affairs under section 1720F(h) of title 38, United States Code.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 1 year after the date of enactment of this Act.

(c) REQUIRED REPORT.—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary for Mental Health and Substance Use and the Secretary of Veterans Affairs shall jointly submit a report that details the resources necessary to make the use of 9–8–8, as designated under paragraph (4) of section 251(e) of the Communications Act of 1934 (47 U.S.C. 251(e)), as added by subsection (a) of this section, operational and effective across the United States to—

(1) the Committee on Commerce, Science, and Transportation of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Energy and Commerce of the House of Representatives; and

(4) the Committee on Appropriations of the House of Representatives.

SEC. 4. STATE AUTHORITY OVER FEES.

(a) AUTHORITY.—

(1) IN GENERAL.—Nothing in this Act, any amendment made by this Act, the Communications Act of 1934 (47 U.S.C. 151 et seq.), or any Commission regulation or order may prevent the imposition and collection of a fee or charge applicable to a commercial mobile service or an IP-enabled voice service specifically designated by a State, a political subdivision of a State, an Indian Tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) for 9–8–8 related services, if the fee or charge is held in a sequestered account to be obligated or expended only in support of 9–8–8 services, or enhancements of such services, as specified in the provision of State or local law adopting the fee or charge.

(2) USE OF 9–8–8 FUNDS.—A fee or charge collected under this subsection shall only be imposed, collected, and used to pay expenses that a State, a political subdivision of a State, an Indian Tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) is expected to incur that are reasonably attributed to—

(A) ensuring the efficient and effective routing of calls made to the 9–8–8 national suicide prevention and mental health crisis hotline to an appropriate crisis center; and

(B) personnel and the provision of acute mental health, crisis outreach and stabilization services by directly responding to the 9–8–8 national suicide prevention and mental health crisis hotline.

(b) FEE ACCOUNTABILITY REPORT.—To ensure efficiency, transparency, and accountability in the collection and expenditure of a fee or charge for the support or implementation of 9–8–8 services, not later than 2 years after the date of the enactment of this Act, and annually thereafter, the Commission shall submit to the Committees on Commerce, Science, and Transportation and Appropriations of the Senate and the Committees on Energy and Commerce and Appropriations of the House of Representatives a report that—

(1) details the status in each State, political subdivision of a State, Indian Tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) of the collection and distribution of such fees or charges; and

(2) includes findings on the amount of revenues obligated or expended by each State, political subdivision of a State, Indian Tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) for any purpose other than the purpose for which any such fees or charges are specified.

(c) DEFINITIONS.—In this section:

(1) COMMERCIAL MOBILE SERVICE.—The term ''commercial mobile service'' has the meaning given that term under section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)).

(2) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(3) IP-ENABLED VOICE SERVICE.—The term ''IP-enabled voice service'' shall include—

(A) an interconnected VoIP service, as defined in section 9.3 of the title 47 of the Code of Federal Regulations, or any successor thereto; and

(B) a one-way interconnected VoIP service.

(4) STATE.—The term ''State'' has the meaning given that term in section 7 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615b).

SEC. 5. LOCATION IDENTIFICATION REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Federal Communications Commission shall submit to the appropriate committees a report that examines the feasibility and cost of including an automatic dispatchable location that would be conveyed with a 9–8–8 call, regardless of the technological platform used and including with calls from multi-line telephone systems (as defined in section 6502 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1471)).

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES.—The term ''appropriate committees'' means the following:

(A) The Committee on Commerce, Science, and Transportation of the Senate.

(B) The Committee on Health, Education, Labor, and Pensions of the Senate.

(C) The Committee on Energy and Commerce of the House of Representatives.

(2) DISPATCHABLE LOCATION.—The term ''dispatchable location'' means the street address of the calling party and additional information such as room number, floor number, or similar information necessary to adequately identify the location of the calling party.

SEC. 6. REPORT ON CERTAIN TRAINING PROGRAMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) youth who are lesbian, gay, bisexual, transgender, or queer (referred to in this section as ''LGBTQ'') are more than 4 times more likely to contemplate suicide than their peers, with 1 in 5 LGBTQ youth and more than 1 in 3 transgender youth reporting attempting suicide;

(2) American Indian and Alaska Natives have the highest rate of suicide of any racial or ethnic group in the United States with a suicide rate over 3.5 times higher than the racial or ethnic group with the lowest rate, with the suicide rate increasing, since 1999, by 139 percent for American Indian women and 71 percent for men;

(3) between 2001 and 2015, the suicide death rate in rural counties in the United States was 17.32 per 100,000 individuals, which is significantly greater than the national average, and the data shows that between that same time period, suicide rates increased for all age groups across all counties in the United States, with the highest rates and the greatest increases being in more rural counties; and

(4) the Substance Abuse and Mental Health Services Administration must be equipped to provide specialized resources to these and other high-risk populations.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary for Mental Health and Substance Use shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives a report that—

(1) details a strategy, to be developed in consultation with the Centers for Disease Control and Prevention, the National Institute of Mental Health, and organizations capable of providing nationwide suicide prevention and crisis services for LGBTQ youth, minorities, rural individuals, or other high-risk populations, for the Substance Abuse and Mental Health Services Administration to offer, support, or provide technical assistance to training programs for National Suicide Prevention Lifeline counselors to increase competency in serving high-risk populations; and

(2) includes recommendations regarding—

(A) the facilitation of access to services that are provided to specially trained staff and partner organizations for LGBTQ youth, minorities, rural individuals, and other high-risk populations; and

(B) a strategy for optimally implementing an Integrated Voice Response, or other equally effective mechanism, to allow National Suicide Prevention Lifeline callers who are LGBTQ youth, minorities, rural individuals, or members of other high-risk populations to access specialized services.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCNERNEY) and the gentleman from Montana (Mr. GIANFORTE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. MCNERNEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 2661.

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

There was no objection.

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

Mr. Speaker, last Congress, the House took up the National Suicide Hotline Improvement Act, which directed the FCC to study and consider whether it is technically feasible to establish a three-digit number for calling the National Suicide Prevention Lifeline.

I am proud that today, during Suicide Prevention Month, the House is taking up the National Suicide Hotline Designation Act to expand our previous efforts. The legislation before us directs the FCC to designate ''988'' as the number for accessing the lifeline. The FCC, in response to our previous legislation, is already taking steps to accomplish this, but the legislation goes further.

Critically, this measure paves the way to create a sustainable funding stream for our suicide prevention call-takers, something that we desperately need. These seemingly small changes will make finding help immensely easier for Americans who are experiencing suicide or mental health crises.

The National Suicide Prevention Lifeline, which is accessible today by calling 1–800–273–TALK, received more than 2.2 million calls in 2018. As hard as it is to believe, that figure is expected to go up when 988 is fully implemented and becomes accessible to the public. But designating a short three-digit code that is easier to remember than a cumbersome 1–800 number is supposed to reach more people. That is the point. But that is also why it is so important that the lifeline be able to fund its operations.

Because of this legislation, it is likely that the lifeline will receive more calls and save more lives than it does today. Luckily, the lifeline has a proven track record, successfully deescalating almost 98 percent of interactions with callers experiencing suicidal or mental health crises.

We have no reason to expect different outcomes when the number changes to 988 because the bill ensures that the lifeline network call centers will have the resources necessary to handle the increase in volume that they are anticipating. It is undeniably one of the most effective tools at our disposal to address the crisis of suicide in America.

An analysis of 1,500 calls from just over 1,400 individuals showed that callers who utilized the lifeline's assistance were significantly more likely to feel less depressed, less suicidal, less overwhelmed, and more hopeful by the end of the call. It is clear that people who can access help when they need it have better outcomes than those who can't.

That is why our immediate goal with this legislation is to reach the people who need help but aren't getting it, and there are far too many folks who fit that description. More than 47,000 Americans died by suicide, and more than 1.4 million Americans attempted suicide in 2017. In 2018, 48,000 Americans died by suicide. Sadly, the numbers are even worse for certain at-risk populations.

More than 6,000 veterans died by suicide each year from 2008 to 2017. Young LGBTQ adults are four times more likely to contemplate suicide than their heterosexual peers, and 39 percent of LGBTQ youths reported seriously considering suicide in the past 12 months.

Mr. Speaker, that is why this bill ensures that the lifeline and the good people on the other end of the call have the tools and resources they need to reach people who need it the most.

Mr. Speaker, the National Suicide Hotline Designation Act is a necessary step to reducing suicide in the United States and will ultimately save lives. I thank Representatives MOULTON and STEWART for drafting this measure and the Senate for introducing a companion bill.

Mr. Speaker, I also thank the chairs and ranking members of the Communications and Technology Subcommittee and the full Committee on Energy and Commerce for their bipartisan work to bring this measure to the floor. I look forward to the legislation passing the House today and its signature by the President.

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

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

Mr. Speaker, I rise in support of the bill, S. 2661, the National Suicide Hotline Designation Act by Senators GARDNER, BALDWIN, MORAN, and REED. It is the Senate companion of legislation I introduced with Representatives STEWART, MOULTON, and EDDIE BERNICE JOHNSON.

It designates ''988'' as the universal telephone number for the National Suicide Prevention Lifeline system. This means no matter where you are in the country, just like when you call 911, when you call 988, you will be connected to mental health resources.

This legislation also authorizes States to collect a fee limited to supporting local crisis call centers that are affiliated with the national network or enhancement of such services. It also sets a 1-year deadline to complete technical upgrades to enable the number.

Mr. Speaker, I am glad we have been able to work together on this measure and others to improve the network of services that make up the suicide prevention lifeline and to educate Americans about suicide prevention. These bills are badly needed by a Nation working to emerge from an unprecedented health and economic crisis, and it is badly needed in Montana where, tragically, we have one of the highest rates of suicide in the country.

Mr. Speaker, I ask my colleagues to come together here today to advance these bills, and I reserve the balance of my time.

Mr. MCNERNEY. Mr. Speaker, I have no additional speakers, and I reserve the balance of my time.

Mr. GIANFORTE. Mr. Speaker, I yield 3 minutes to the gentleman from Utah (Mr. STEWART).

Mr. STEWART. Mr. Speaker, I thank my colleague from Montana, as well as others who have supported this.

Mr. Speaker, the sad reality is, here in the United States, we are in the middle of a tragedy. It is a tragedy that is particularly painful for our youth and our veterans, as so many of them have experienced suicide and left tragedies behind for them and their families.

If you are in the middle of a mental health crisis and you need help, if you are worried about one of your children, your son, a daughter, a roommate, a friend, you need to know who to call. But the problem is, no one knows the number.

The second problem is, the number is different. If you are calling in Salt Lake City, it is a different number than if you are calling in New York or if you are calling from California or even another part of Utah.

This fixes it, which is why I rise to support the bill, S. 2661.

Mr. Speaker, I am so pleased, working with, again, my colleagues, that after 4 years of working on designating this three-digit number—legislation which, by the way, was based on something that we did in Utah about 4 years ago—we are finally going to pass this bill to do just that.

Imagine this: Every 11 minutes, somebody in the United States commits suicide—not attempts suicide, actually commits suicide—leaving behind devastation of broken hearts and broken families and friends. It used to be that if I spoke to a group of 100 and said, ''How many of you have been impacted by someone you know or love and you care about who has attempted suicide or committed suicide?'' 5 or 6 years ago, maybe a few hands would come up. Now, in those settings, almost everyone raises their hands.

That is good because we are more willing to acknowledge and recognize the problem and to discuss it. But the truth is, most of us have been affected in one way or another by someone we know, someone we care about.

It is heartbreaking, as I said, not only for the lives that are taken but the family and the friends who are left behind to mourn that terrible loss. Too many of us have been impacted by suicide and the very real need to do something about it, and this bill does.

By designating ''988'' as a nationwide hotline number, we increase the accessibility.

If your house is on fire, call 911.

If you need the police, call 911.

If you are in the middle of a mental health crisis, 988 is going to get you help. It is going to immediately give you someone to talk with and, in special cases where intervention is necessary, to give you that resource as well.

Mr. Speaker, I ask my colleagues here in the House, and I thank my colleagues in the Senate, to join with them in helping those people who need our help—the most vulnerable, again, as I started out by saying, particularly among our youth and our veterans.

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

Mr. Speaker, I thank the gentleman from Utah for his leadership. I urge adoption of this, and I yield back the balance of my time.

Mr. MCNERNEY. Mr. Speaker, I thank the gentleman from Utah (Mr. STEWART) for his leadership on this issue. It is an issue that can affect families and tear them apart, and I appreciate the work.

The National Suicide Hotline Designation Act is a necessary step in reducing suicide in the United States and will ultimately save lives.

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

Ms. JOHNSON of Texas. Mr. Speaker, today I rise in support of the National Suicide Hotline Designation Act, which I have led in the House with my colleagues Congressmen CHRIS STEWART, SETH MOULTON, and GREG GIANFORTE. I am so pleased that we are considering this critical legislation on the floor today, in honor of September as Suicide Prevention Month.

As a former chief psychiatric nurse, I have spent my legislative career advocating for more accessible mental health resources in our communities, especially considering the significant needs in these difficult times. The Centers for Disease Control and Prevention reported that in late June, 40 percent of American adults struggled with mental health or substance abuse during the COVID–19 pandemic. Specifically, it reported that communities of color, essential workers, younger adults, and unpaid caregivers had disproportionately worse mental health outcomes and elevated suicidal ideation.

This is exactly why I am determined to pass this bill, as it directs the Federal Communications Commission to designate 9–8–8 for the national suicide prevention and mental health crisis hotline system. It also provides the necessary state funding guidance, federal reporting, and specialized service training to effectively implement the new dialing code. This three-digit phone number—instead of a full ten-digit number—is much easier to remember, especially when you or a loved one are in a crisis and in need of help. As such, this redesigned and upgraded suicide prevention lifeline will save lives.

As the country's mental health and suicide crises have worsen during the COVID–19 pandemic, Congress has an urgent responsibility to fulfill the promise of 9–8–8 and develop a modern mental health and suicide prevention crisis hotline system. I am especially proud of the efforts in this legislation to support communities at higher risk of suicide, including veterans and LGBTQ youth. This new system will include the Veterans Crisis Line to specifically support veterans seeking mental health support. The bill also authorizes states to collect a fee designated solely to supporting local crisis call centers affiliated within the national network, which includes the Suicide and Crisis Center of North Texas in my district. This provision will ensure that the local call centers experiencing increased call volume due to the more accessible dialing code will have the financial resources needed to expand their operations and serve all who are seeking help.

We must not allow the tragedies of this coronavirus to be compounded by preventable losses of life due to mental health distress. As a former mental health professional, I am proud to support the passage of the National Suicide Hotline Designation Act, and I thank my colleagues for their collaboration on such a critical and timely effort. I urge my colleagues to vote in favor of this bill.

□ 1715

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. MCNERNEY) that the House suspend the rules and pass the bill, S. 2661.

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

A motion to reconsider was laid on the table.

DIRECTING FEDERAL COMMUNICATIONS COMMISSION TO ISSUE REPORTS AFTER ACTIVATION OF DISASTER INFORMATION REPORTING SYSTEM

Mr. MCNERNEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5918) to direct the Federal Communications Commission to issue reports after activation of the Disaster Information Reporting System and to make improvements to network outage reporting, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5918

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

SECTION 1. REPORTS AFTER ACTIVATION OF DISASTER INFORMATION REPORTING SYSTEM; IMPROVEMENTS TO NETWORK OUTAGE REPORTING.

(a) REPORTS AFTER ACTIVATION OF DISASTER INFORMATION REPORTING SYSTEM.—

(1) PRELIMINARY REPORT.—

(A) IN GENERAL.—Not later than 6 weeks after the deactivation of the Disaster Information Reporting System with respect to an event for which the System was activated for at least 7 days, the Commission shall issue a preliminary report on, with respect to such event and to the extent known—

(i) the number and duration of any outages of—

(I) broadband internet access service;

(II) interconnected VoIP service;

(III) commercial mobile service; and

(IV) commercial mobile data service;

(ii) the approximate number of users or the amount of communications infrastructure potentially affected by an outage described in clause (i);

(iii) the number and duration of any outages at public safety answering points that prevent public safety answering points from receiving emergency calls and routing such calls to emergency service personnel; and

(iv) any additional information determined appropriate by the Commission.

(B) DEVELOPMENT OF REPORT.—The Commission shall develop the report required by subparagraph (A) using information collected by the Commission, including information collected by the Commission through the System.

(2) PUBLIC FIELD HEARINGS.—

(A) REQUIREMENT.—Not later than 8 months after the deactivation of the Disaster Information Reporting System with respect to an event for which the System was activated for at least 7 days, the Commission shall hold at least 1 public field hearing in the area affected by such event.

(B) INCLUSION OF CERTAIN INDIVIDUALS IN HEARINGS.—For each public field hearing held under subparagraph (A), the Commission shall consider including—

(i) representatives of State government, local government, or Indian Tribal governments in areas affected by such event;

(ii) residents of the areas affected by such event, or consumer advocates;

(iii) providers of communications services affected by such event;

(iv) faculty of institutions of higher education;

(v) representatives of other Federal agencies;

(vi) electric utility providers;

(vii) communications infrastructure companies; and

(viii) first responders, emergency managers, or 9–1–1 directors in areas affected by such event.

(3) FINAL REPORT.—Not later than 12 months after the deactivation of the Disaster Information Reporting System with respect to an event for which the System was activated for at least 7 days, the Commission shall issue a final report that includes, with respect to such event—

(A) the information described under paragraph (1)(A); and

(B) any recommendations of the Commission on how to improve the resiliency of affected communications or networks recovery efforts.

(4) DEVELOPMENT OF REPORTS.—In developing a report required under this subsection, the Commission shall consider information collected by the Commission, including information collected by the Commission through the System, and any public hearing described in paragraph (2) with respect to the applicable event.

(5) PUBLICATION.—The Commission shall publish each report, excluding information that is otherwise exempt from public disclosure under the rules of the Commission, issued under this subsection on the website of the Commission upon the issuance of such report.

(b) IMPROVEMENTS TO NETWORK OUTAGE REPORTING.—Not later than 1 year after the date of the enactment of this Act, the Commission shall conduct a proceeding and, after public notice and an opportunity for comment, adopt rules to—

(1) determine the circumstances under which to require service providers subject to the 9–1–1 regulations established under part 9 of title 47, Code of Federal Regulations, to submit a timely notification, (in an easily accessible format that facilities situational awareness) to public safety answering points regarding communications service disruptions within the assigned territories of such public safety answering points that prevent—

(A) the origination of 9–1–1 calls;

(B) the delivery of Automatic Location Information; or

(C) Automatic Number Identification;

(2) require such notifications to be made; and

(3) specify the appropriate timing of such notification.

(c) DEFINITIONS.—In this section:

(1) AUTOMATIC LOCATION INFORMATION; AUTOMATIC NUMBER IDENTIFICATION.—The terms ''Automatic Location Information'' and ''Automatic Number Identification'' have the meaning given those terms in section 9.3 of title 47, Code of Federal Regulations, or any successor regulation.

(2) BROADBAND INTERNET ACCESS SERVICE.—The term ''broadband internet access service'' has the meaning given such term in section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation.

(3) COMMERCIAL MOBILE SERVICE.—The term ''commercial mobile service'' has the meaning given such term in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)).

(4) COMMERCIAL MOBILE DATA SERVICE.—The term ''commercial mobile data service'' has the meaning given such term in section 6001 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1401).

(5) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(6) INDIAN TRIBAL GOVERNMENT; LOCAL GOVERNMENT.—The terms ''Indian Tribal government'' and ''Indian Tribal Government'' have the meaning given those terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121).

(7) INTERCONNECTED VOIP SERVICE.—The term ''interconnected VoIP service'' has the meaning given such term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

(8) PUBLIC SAFETY ANSWERING POINT.—The term ''public safety answering point'' has the meaning given such term in section 222 of the Communications Act of 1934 (47 U.S.C. 222).

(9) STATE.—The term ''State'' has the meaning given such term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCNERNEY) and the gentleman from Montana (Mr. GIANFORTE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. MCNERNEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5918.

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

There was no objection.

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

Mr. Speaker, I rise to speak in support of H.R. 5918.

In times of crisis, Americans rely on communications systems to stay informed, check on loved ones, and access emergency assistance. As the agency in charge of overseeing our Nation's communications systems, it is the responsibility of the FCC, the Federal Communications Commission, to ensure that Americans stay connected when it matters most and that the communications providers are prepared for whatever disasters may come their way.

Keeping networks online through the course of a hurricane or a wildfire is a difficult task, but the fact of the matter is network outages occur far too frequently. That reality is due in large part to climate change. According to the National Climate Assessment, the recent trends of increasingly severe storms and disasters are only expected to continue.

While we are not here asking the FCC or even the communications providers to solve the problem of climate change, we do expect them, as stewards of our communications systems and networks, to adapt with the times. To make progress in this regard we need to start with data.

The Disaster Information Reporting System, or DIRS, was launched by the FCC in 2007 so that communications providers could report the status of communications systems during disasters. In some cases, DIRS is activated in advance of a potential storm or as a precautionary measure.

In more extreme cases, DIRS is activated in the lead-up to a disaster and stays active for days on end. That is because a network can go on and offline even after a storm's end. It is usually a sign that the event is so severe that it knocks out commercial power, takes down lines and poles, or some combination of the two.

Those are the storms that are expected to continue and grow with each year, and that is why this bill comes at a crucial time. Under this bill, the FCC would be required to conduct a deep and thorough analysis of any disaster or event for which DIRS is activated by the FCC and stays active for a minimum of 7 days.

First, the FCC would be required to issue a preliminary report within 6 weeks after the date DIRS is deactivated. This report would include detailed information about the number of outages, whether communications infrastructure was affected, and how many 911 centers were affected by service outages.

This bill would then require the FCC to hold a field hearing no later than 8 months after the Commission deactivates DIRS. By requiring the FCC to get out of Washington and see and hear real stories on the ground, the FCC will get an opportunity to examine these events, the outages they cause, and how we can prevent them from happening in the future.

Last week, the Subcommittee on Communications and Technology held a productive and informative FCC oversight hearing. At the hearing, Commissioner Jessica Rosenworcel stressed to the committee that we need to update our playbook for communications in disasters. She is right, and this bill is how we move forward to get that goal.

We rely on our devices, and we count on having a signal or connection in our time of need. In fact, right now in California, folks are using their devices to track fast-moving wildfires, ready to drop everything and evacuate if there is an unexpected shift in the fire's path.

In our world today, connectivity is not a luxury; it is essential to ensuring our collective safety. Often it can make a difference between life and death.

I commend Representative DORIS MATSUI for her leadership on this bill, especially as her constituents and mine all across California continue to grapple with these fires.

I also want to thank Ranking Member WALDEN and subcommittee Ranking Member LATTA for working with us to move this bill through the Energy and Commerce Committee on a bipartisan basis. And, of course, I would like to thank Communications and Technology Subcommittee Chairman MIKE DOYLE and full committee Chairman FRANK PALLONE for their leadership in getting us all there.

This is a good bill that will help us make our communications systems more resilient in the future. I look forward to its consideration by the Senate and the President.

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

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

Mr. Speaker, I rise today in support of H.R. 5918, the Emergency Reporting Act, which was introduced by Representatives MATSUI, ESHOO, THOMPSON, and HUFFMAN.

Today's legislation will allow 911 centers across the country to have access to confidential information on potential 911 outages, subject to appropriate safeguards.

In times of disaster, 911 public safety answering points do not always know that 911 calls may not be going through. The FCC currently collects information on the status of communications infrastructure and communications network outage information. They make that information available to the Department of Homeland Security to coordinate overall emergency response efforts within a State between State and local first responders.

Given the sensitive nature of this data to both national security and commercial competitiveness, this information is confidential. However, as first responders work to ensure the 911 system can seamlessly get back online and route calls to neighboring call centers, access to this confidential information is important.

This bill would help make timely outage information available to help first responders on the ground restore service as quickly as possible. The bill also requires the FCC to hold a field hearing in areas in which the Commission's Disaster Information Reporting System was activated for 7 or more days and to provide an initial and final report on the status of communications networks.

The FCC only activates the DIRS system for significant natural disasters, such as Hurricane Sally or the wildfires out West. The bill limits these types of reports to only areas where damage was significant and sustained.

This is an important bill to the resiliency of our public safety networks, and I urge my colleagues to support the measure.

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

Mr. MCNERNEY. Mr. Speaker, as California has grappled with devastating wildfires, we must do everything possible to help them stay connected during these events, when connectivity can mean the difference between life and death.

H.R. 5918 is a critical part of this effort. I urge my colleagues to support it, and I yield back the balance of my time.

Ms. ESHOO. Mr. Speaker, I rise in support of H.R. 5918, the Emergency Reporting Act.

The human impacts of natural disasters are worsened when our communications infrastructure is not resilient, and this is an issue Californians know all too well.

On October 28, 2019, 874 cell towers were out in California, caused by wildfires and power shutoffs. My constituents were worried they wouldn't be able to call 9–1–1 during emergencies, receive emergency alerts, download evacuation maps, or check-in on loved ones. This horrific situation led my good friend, Congresswoman MATSUI, and me to work on this legislation.

H.R. 5918, the Emergency Reporting Act, requires the Federal Communications Commission (FCC) to hold field hearings after disasters, issue preliminary and final reports about each disaster, and ensure 9–1–1 centers know when outages will impact calls they may receive.

Wildfires are becoming more intense and more frequent because of climate change, and this wildfire season is now a historic one, with the expected peak of the season yet to occur. Over a month ago a siege of lightning strikes ignited the CZU Lightning Complex fire in my congressional district, and it is now the tenth most destructive wildlife in California's history. The fire has destroyed nearly a thousand homes in my district and forced 77,000 of my constituents to evacuate.

Last year, I asked FCC Chairman Ajit Pai to visit California and hold a field hearing following the fires and associated power shutoffs in California, and many of my colleagues from California did the same. The Chairman agreed to do so at the request of Republican Leader KEVIN MCCARTHY. While Chairman Pai never visited California, learning about communications outages shouldn't be a matter of political pressure. At a Hearing of the House Subcommittee on Communications and Technology on September 17, 2020, I reissued my request of Chairman Pai to visit California and hear directly from the people impacted by the wildfires.

We need to learn from every disaster, especially by listening to and learning from local public safety leaders, municipal, county, and state officials, and members of the communities impacted. This should be required.

H.R. 5918 is critical legislation for Californians impacted by wildfires. It will also help those on the Gulf Coast victimized by hurricanes, Midwesterners who've had their communities destroyed by tornadoes, and those in the Northeast who have experienced far too many superstorms.

The Emergency Reporting Act is important legislation, and I urge my colleagues to support it.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. MCNERNEY) that the House suspend the rules and pass the bill, H.R. 5918, as amended.

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

A motion to reconsider was laid on the table.

MEASURING THE ECONOMICS DRIVING INVESTMENTS AND ACCESS FOR DIVERSITY ACT OF 2020

Mr. MCNERNEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5567) to amend the Communications Act of 1934 to require the Federal Communications Commission to consider market entry barriers for socially disadvantaged individuals in the communications marketplace report under section 13 of such Act.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5567

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 ''Measuring the Economics Driving Investments and Access for Diversity Act of 2020'' or the ''MEDIA Diversity Act of 2020''.

SEC. 2. CONSIDERING MARKET ENTRY BARRIERS FOR SOCIALLY DISADVANTAGED INDIVIDUALS.

Section 13(d) of the Communications Act of 1934 (47 U.S.C. 163(d)) is amended by adding at the end the following:

''(4) CONSIDERING SOCIALLY DISADVANTAGED INDIVIDUALS.—In assessing the state of competition under subsection (b)(1) and regulatory barriers under subsection (b)(3), the Commission, with the input of the Office of Communications Business Opportunities of the Commission, shall consider market entry barriers for socially disadvantaged individuals in the communications marketplace in accordance with the national policy under section 257(b).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCNERNEY) and the gentleman from Montana (Mr. GIANFORTE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. MCNERNEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5567.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 5567, the Measuring the Economics Driving Investments and Access for Diversity Act of 2020, or, simply, the MEDIA Diversity Act of 2020.

This bill promotes much-needed diversity in the communications marketplace, and I commend Representatives VEASEY and LONG and their staffs for all their efforts towards this bipartisan bill.

I also, of course, want to thank Communications and Technology Subcommittee Chairman MIKE DOYLE, full committee Chairman PALLONE, Ranking Member WALDEN, and Ranking Member LATTA for their work in bringing this bipartisan legislation to the floor.

This bill requires the FCC to consider, with the input of its Office of Communications Business Opportunities, market entry barriers for socially disadvantaged individuals in the communications marketplace.

When Representatives LONG and VEASEY first introduced this bill in January of this year, it was, of course, a different time. The murder of George Floyd has since led to protests across the country, highlighting decades of racial inequalities.

Those inequalities exist in our communications marketplace. For example, the owners of broadcast and cable media outlets do not reflect our diverse population. These media outlets can influence people's opinions and perceptions through educational, political, entertainment, and news programming.

Diversity in ownership of media outlets helps to ensure that programming offers different perspectives and that viewers have access to programming that is relevant to them.

Experts have also found that ownership diversity can provide financial and competitive benefits. But in a concentrated communications marketplace, barriers for entry still exist, and the Federal Communications Commission is already tasked with studying what those barriers are. This bill simply asks the FCC to also consider market entry barriers for socially disadvantaged individuals.

Creating ownership parity to reflect the country's diversity is a worthy goal, and this bipartisan effort is just a small step that can have a genuine impact in identifying market entry barriers.

To be clear, there is so much more that we need to do, and the Energy and Commerce Committee, 2 weeks ago, reported out two additional bills that also take important steps to diversify our media market, one of which my Republican colleagues unfortunately objected to.

I would call on my Republican colleagues to support those measures as well when they come to the floor. This is no time to say that our work is done. We must recognize that Americans need transformative change to meet this moment.

While incremental steps are crucial, we must do more. These additional measures that were just reported by the committee, like this one, are modest changes that will help begin the task of comprehensive reform.

I am proud of the good work done by the members of the committee, and I am proud of this bill. I hope we can come together as a committee and as a Congress and do the additional work that is needed.

Mr. Speaker, I urge all of my colleagues to support the MEDIA Diversity Act of 2020, and I reserve the balance of my time.

□ 1730

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

Mr. Speaker, I rise today in support of H.R. 5567, the MEDIA Diversity Act, introduced by my friend from Missouri, Representative LONG.

This legislation represents another step forward to uplift minority voices and promote media diversity. I understand how important it is to serve communities with local programming that accurately reflects a community's population.

I have also seen the media industry make great strides to promote diversity and create new content to appeal

to communities that they serve. Many programs and initiatives have been established to promote opportunities for women, minorities, veterans, and other socially disadvantaged individuals to participate in the media marketplace.

Of course, the media industry is only one small part of the vast communications marketplace that also includes mobile wireless providers, online video distributors, fixed broadband providers, and so on.

There are also new entrants in the tech industry who are providing additional opportunities for minorities, women, veterans, and underrepresented groups that make their voices heard. There is still work to do to make sure these voices and underserved communities are represented in traditional media and all other areas of the large communications marketplace, and this legislation will help.

I am glad to support this piece of bipartisan legislation that will allow the FCC to evaluate the market barriers socially disadvantaged individuals face in the communications marketplace.

Mr. Speaker, I urge my colleagues to support this important legislation to make sure all voices are heard, and I yield back the balance of my time.

Mr. MCNERNEY. Mr. Speaker, H.R. 5567 promotes much needed diversity in the communications marketplace. As the Member who represents the most racially and ethnically diverse city in the country, Stockton, California, I want to make sure that the owners of broadcast and cable media outlets reflect our diverse population. H.R. 5567 is a step toward achieving that goal.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. MCNERNEY) that the House suspend the rules and pass the bill, H.R. 5567.

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

A motion to reconsider was laid on the table.

DON'T BREAK UP THE T-BAND ACT OF 2020

Mr. MCNERNEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 451) to repeal the section of the Middle Class Tax Relief and Job Creation Act of 2012 that requires the Federal Communications Commission to reallocate and auction the T-Band spectrum, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 451

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 ''Don't Break Up the T-Band Act of 2020''.

SEC. 2. REPEAL OF REQUIREMENT TO REALLOCATE AND AUCTION T-BAND SPECTRUM.

(a) REPEAL.—Section 6103 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1413) is repealed.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by striking the item relating to section 6103.

SEC. 3. CLARIFYING ACCEPTABLE 9–1–1 OBLIGATIONS OR EXPENDITURES.

Section 6 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a–1) is amended—

(1) in subsection (f)—

(A) in paragraph (1), by striking ''as specified in the provision of State or local law adopting the fee or charge'' and inserting ''consistent with the purposes and functions designated in the final rules issued under paragraph (3) as purposes and functions for which the obligation or expenditure of such a fee or charge is acceptable'';

(B) in paragraph (2), by striking ''any purpose other than the purpose for which any such fees or charges are specified'' and inserting ''any purpose or function other than the purposes and functions designated in the final rules issued under paragraph (3) as purposes and functions for which the obligation or expenditure of any such fees or charges is acceptable''; and

(C) by adding at the end the following:

''(3) ACCEPTABLE OBLIGATIONS OR EXPENDITURES.—

''(A) RULES REQUIRED.—In order to prevent diversion of 9–1–1 fees or charges, the Commission shall, not later than 180 days after the date of the enactment of this paragraph, issue final rules designating purposes and functions for which the obligation or expenditure of 9–1–1 fees or charges, by any State or taxing jurisdiction authorized to impose such a fee or charge, is acceptable.

''(B) PURPOSES AND FUNCTIONS.—The purposes and functions designated under subparagraph (A) shall be limited to the support and implementation of 9–1–1 services provided by or in the State or taxing jurisdiction imposing the fee or charge and operational expenses of public safety answering points within such State or taxing jurisdiction. In designating such purposes and functions, the Commission shall consider the purposes and functions that States and taxing jurisdictions specify as the intended purposes and functions for the 9–1–1 fees or charges of such States and taxing jurisdictions, and determine whether such purposes and functions directly support providing 9–1–1 services.

''(C) CONSULTATION REQUIRED.—The Commission shall consult with public safety organizations and States and taxing jurisdictions as part of any proceeding under this paragraph.

''(D) DEFINITIONS.—In this paragraph:

''(i) 9–1–1 FEE OR CHARGE.—The term '9–1–1 fee or charge' means a fee or charge applicable to commercial mobile services or IP-enabled voice services specifically designated by a State or taxing jurisdiction for the support or implementation of 9–1–1 services.

''(ii) 9–1–1 SERVICES.—The term '9–1–1 services' has the meaning given such term in section 158(e) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942(e)).

''(iii) STATE OR TAXING JURISDICTION.—The term 'State or taxing jurisdiction' means a State, political subdivision thereof, Indian Tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

''(4) PARTICIPATION.—If a State or taxing jurisdiction (as defined in paragraph (3)(D)) receives a grant under section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) after the date of the enactment of this paragraph, such State or taxing jurisdiction shall, as a condition of receiving such grant, provide the information requested by the Commission to prepare the report required by paragraph (2).

''(5) PETITION REGARDING ADDITIONAL PURPOSES AND FUNCTIONS.—

''(A) IN GENERAL.—A State or taxing jurisdiction (as defined in paragraph (3)(D)) may submit to the Commission a petition for a determination that an obligation or expenditure of a 9–1–1 fee or charge (as defined in such paragraph) by such State or taxing jurisdiction for a purpose or function other than a purpose or function designated under paragraph (3)(A) should be treated as such a purpose or function. If the Commission finds that the State or taxing jurisdiction has provided sufficient documentation to make the demonstration described in subparagraph (B), the Commission shall grant such petition.

''(B) DEMONSTRATION DESCRIBED.—The demonstration described in this subparagraph is a demonstration that the purpose or function—

''(i) supports public safety answering point functions or operations; or

''(ii) has a direct impact on the ability of a public safety answering point to—

''(I) receive or respond to 9–1–1 calls; or

''(II) dispatch emergency responders.''; and

(2) by adding at the end the following:

''(j) SEVERABILITY CLAUSE.—If any provision of this section or the application thereof to any person or circumstance is held invalid, the remainder of this section and the application of such provision to other persons or circumstances shall not be affected thereby.''.

SEC. 4. PROHIBITION ON 9–1–1 FEE OR CHARGE DIVERSION.

(a) IN GENERAL.—If the Commission obtains evidence that suggests the diversion by a State or taxing jurisdiction of 9–1–1 fees or charges, the Commission shall submit such information, including any information regarding the impact of any underfunding of 9–1–1 services in the State or taxing jurisdiction, to the interagency strike force established under subsection (c).

(b) REPORT TO CONGRESS.—Beginning with the first report under section 6(f)(2) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a–1(f)(2)) that is required to be submitted after the date that is 1 year after the date of the enactment of this Act, the Commission shall include in each report required under such section all evidence that suggests the diversion by a State or taxing jurisdiction of 9–1–1 fees or charges, including any information regarding the impact of any underfunding of 9–1–1 services in the State or taxing jurisdiction.

(c) INTERAGENCY STRIKE FORCE TO END 9–1–1 FEE OR CHARGE DIVERSION.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Commission shall establish an interagency strike force to study how the Federal Government can most expeditiously end diversion by a State or taxing jurisdiction of 9–1–1 fees or charges. Such interagency strike force shall be known as the ''Ending 9–1–1 Fee Diversion Now Strike Force'' (in this section referred to as the ''Strike Force'').

(2) DUTIES.—In carrying out the study under paragraph (1), the Strike Force shall—

(A) determine the effectiveness of any Federal laws, including regulations, policies, and practices, or budgetary or jurisdictional constraints regarding how the Federal Government can most expeditiously end diversion by a State or taxing jurisdiction of 9–1–1 fees or charges;

(B) consider whether criminal penalties would further prevent diversion by a State or taxing jurisdiction of 9–1–1 fees or charges; and

(C) determine the impacts of diversion by a State or taxing jurisdiction of 9–1–1 fees or charges.

(3) MEMBERS.—The Strike Force shall be composed of such representatives of Federal departments and agencies as the Commission considers appropriate, in addition to—

(A) State attorneys general;

(B) States or taxing jurisdictions found not to be engaging in diversion of 9–1–1 fees or charges;

(C) States or taxing jurisdictions trying to stop the diversion of 9–1–1 fees or charges;

(D) State 9–1–1 administrators;

(E) public safety organizations;

(F) groups representing the public and consumers; and

(G) groups representing public safety answering point professionals.

(4) REPORT TO CONGRESS.—Not later than 270 days after the date of the enactment of this Act, the Strike Force shall publish on the website of the Commission and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of the study under this subsection, including—

(A) any recommendations regarding how to most expeditiously end the diversion by a State or taxing jurisdiction of 9–1–1 fees or charges, including actions that can be taken by Federal departments and agencies and appropriate changes to law or regulations; and

(B) a description of what progress, if any, relevant Federal departments and agencies have made in implementing the recommendations under subparagraph (A).

(d) FAILURE TO COMPLY.—Notwithstanding any other provision of law, any State or taxing jurisdiction identified by the Commission in the report required under section 6(f)(2) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a–1(f)(2)) as engaging in diversion of 9–1–1 fees or charges shall be ineligible to participate or send a representative to serve on any committee, panel, or council established under section 6205(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1425(a)) or any advisory committee established by the Commission.

SEC. 5. RULE OF CONSTRUCTION.

Nothing in this Act, the Wireless Communications and Public Safety Act of 1999 (Public Law 106–81), or the Communications Act of 1934 (47 U.S.C. 151 et seq.) shall be construed to prevent a State or taxing jurisdiction from requiring an annual audit of the books and records of a provider of 9–1–1 services concerning the collection and remittance of a 9–1–1 fee or charge.

SEC. 6. DEFINITIONS.

In this Act:

(1) 9–1–1 FEE OR CHARGE.—The term ''9–1–1 fee or charge'' has the meaning given such term in subparagraph (D) of paragraph (3) of section 6(f) of the Wireless Communications and Public Safety Act of 1999, as added by this Act.

(2) 9–1–1 SERVICES.—The term ''9–1–1 services'' has the meaning given such term in section 158(e) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942(e)).

(3) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(4) DIVERSION.—The term ''diversion'' means, with respect to a 9–1–1 fee or charge, the obligation or expenditure of such fee or charge for a purpose or function other than the purposes and functions designated in the final rules issued under paragraph (3) of section 6(f) of the Wireless Communications and Public Safety Act of 1999, as added by this Act, as purposes and functions for which the obligation or expenditure of such a fee or charge is acceptable.

(5) STATE OR TAXING JURISDICTION.—The term ''State or taxing jurisdiction'' has the meaning given such term in subparagraph (D) of paragraph (3) of section 6(f) of the Wireless Communications and Public Safety Act of 1999, as added by this Act.

SEC. 7. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCNERNEY) and the gentleman from Montana (Mr. GIANFORTE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. MCNERNEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 451.

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

There was no objection.

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

Mr. Speaker, I rise to speak in support of H.R. 451.

I am pleased that we are finally here on the floor considering this legislation to protect the public safety spectrum.

Since the 1970s, a band of spectrum known as the ''T-Band'' has been utilized by local and regional public safety officials, fire companies, and first responders. The T-Band is an indispensable radio channel that creates the backbone of the public safety communications systems in 11 major metro areas across the United States.

Yet, the T-Band is at risk because of a provision of the law that jeopardizes public safety and first responders' ability to continue operations in that band.

Unless Congress acts, the Federal Communications Commission is required by law to clear out the current T-Band users, relocate them to a different channel, and prepare the T-Band for commercial auction. This would be a mistake for a number of reasons.

For starters, the cost of relocating every public safety T-Band user to a different band is roughly $5 billion to $6 billion, according to the Government Accountability Office.

That figure is hard to justify, especially when we consider that, under the current law, the cost of relocating all those incumbent users are supposed to be covered by the proceeds from auctioning off the T-Band for commercial use.

The problem there is, even the most generous estimates put the potential T-Band auction proceeds at only $1 billion to $2 billion. Relative to other auctions, that is not very much. There is not a lot of demand for this kind of spectrum in the market, which means taxpayers would be on the hook for the other $4 billion, roughly.

But make no mistake, we have heard loud and clear that the T-Band is perfect for public safety and first responder communications. Put simply, the T-Band is what our public safety personnel are used to, they don't want to lose it, and letting them continue operating in that band saves the taxpayers up to $4 billion.

With this bill, we are showing first responders and public safety personnel operating in the T-Band, who every day serve and protect more than 90 million Americans collectively, that we have their backs.

Mr. Speaker, I want to thank Representative ENGEL, the bill's sponsor, for his years of leadership and persistence on this issue. I also want to thank Ranking Member WALDEN for working with us to get this bill to the floor today and appreciate his work to curb the diversion of 911 fees by States.

This is a commonsense bill that helps public safety personnel across the country, and it will ultimately save the taxpayers money in the long run. I am glad to see this legislation move out of the House today on a bipartisan basis and look forward to its consideration by the Senate and the President.

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

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

Mr. Speaker, I rise today in support of H.R. 451, the Don't Break Up the T-Band Act, as amended by the Energy and Commerce Committee to include provisions from Republican Leader Walden's FIRST RESPONDER Act.

Today's legislation will allow first responders to retain access to a critical band of spectrum as they continue to make plans to transition mission-critical voice functions to the FirstNet Network.

The bill also takes a strong stand against States that divert vital resources away from maintaining and upgrading their 911 systems by creating strong safeguards to help prevent diversion of fees collected for 911 operations.

Currently, States charge American consumers a monthly fee on their phone bills to support 911 services. Yet, some States do not use the money collected from this fee to support 911. Rather, they use it for other State priorities unrelated to providing critical 911 services or dispatching first responders during an emergency. In some cases, States siphon these funds directly into their general fund, and in

other cases States use these fees for other public safety-type expenses that do not directly support 911 services. Those States are currently classified by the FCC as 911 fee diverters.

To clarify what is considered a diversion, and what is considered to support 911 services, the bill directs the FCC to clarify its rules of what obligations or expenditures are acceptable. These rules would be crafted with input from States to ensure that appropriate 911 uses are included.

Additionally, if a State has expenditures that don't fit squarely within the eligible uses determined by the Commission, but can provide documentation and receipts to show how those expenditures support public safety answering point functions and operations or the ability to dispatch emergency responders, then the States ought to have an opportunity to challenge the acceptable nature of those expenses, and this bill provides for that as well.

For the States that are truly bad actors, I think we can all agree that those States should be held accountable for their shameful practice of diverting 911 fees for programs completely unrelated to 911 services. Misleading the public on something this important to public safety is unacceptable.

To that end, this bill sets up a strike force of State law enforcement officers, public safety officials, and others to consider potential criminal penalties to end fee diversion at its source. This strike force would also study jurisdictional, budgetary, and other barriers to ending diversion.

Mr. Speaker, I want to thank Mr. ENGEL and Chairman PALLONE for working with us to add this important language to the bill. I would also like to thank FCC Commissioner Michael O'Rielly, for his work on the issue. He has been a steadfast champion on trying to address this issue and hold States accountable to the fullest extent of the law.

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

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

Mr. Speaker, I want to thank the minority manager, Mr. GIANFORTE, for his work this afternoon in managing the floor.

The T-Band is what our first responders and public safety personnel are used to. They don't want to lose it. And letting them continue in that band saves the taxpayers up to $4 billion. That is why we must pass H.R. 451.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. MCNERNEY) that the House suspend the rules and pass the bill, H.R. 451, as amended.

The question was taken.

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

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

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 965, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this motion are postponed.

NATIONAL CENTERS OF EXCELLENCE IN CONTINUOUS PHARMACEUTICAL MANUFACTURING ACT OF 2020

Mrs. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4866) to amend the 21st Century Cures Act to provide for designation of institutions of higher education that provide research, data, and leadership on continuous manufacturing as National Centers of Excellence in Continuous Pharmaceutical Manufacturing, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4866

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Centers of Excellence in Continuous Pharmaceutical Manufacturing Act of 2020''.

SEC. 2. NATIONAL CENTERS OF EXCELLENCE IN CONTINUOUS PHARMACEUTICAL MANUFACTURING.

(a) IN GENERAL.—Section 3016 of the 21st Century Cures Act (21 U.S.C. 399h) is amended to read as follows:

''SEC. 3016. NATIONAL CENTERS OF EXCELLENCE IN CONTINUOUS PHARMACEUTICAL MANUFACTURING.

''(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs—

''(1) shall solicit and, beginning not later than one year after the date of enactment of the National Centers of Excellence in Continuous Pharmaceutical Manufacturing Act of 2020, receive requests from institutions of higher education to be designated as a National Center of Excellence in Continuous Pharmaceutical Manufacturing (in this section referred to as a 'National Center of Excellence') to support the advancement and development of continuous manufacturing; and

''(2) shall so designate any institution of higher education that—

''(A) requests such designation; and

''(B) meets the criteria specified in subsection (c).

''(b) REQUEST FOR DESIGNATION.—A request for designation under subsection (a) shall be made to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Any such request shall include a description of how the institution of higher education meets or plans to meet each of the criteria specified in subsection (c).

''(c) CRITERIA FOR DESIGNATION DESCRIBED.—The criteria specified in this subsection with respect to an institution of higher education are that the institution has, as of the date of the submission of a request under subsection (a) by such institution—

''(1) physical and technical capacity for research and development of continuous manufacturing;

''(2) manufacturing knowledge-sharing networks with other institutions of higher education, large and small pharmaceutical manufacturers, generic and nonprescription manufacturers, contract manufacturers, and other entities;

''(3) proven capacity to design and demonstrate new, highly effective technology for use in continuous manufacturing;

''(4) a track record for creating and transferring knowledge with respect to continuous manufacturing;

''(5) the potential to train a future workforce for research on and implementation of advanced manufacturing and continuous manufacturing; and

''(6) experience in participating in and leading a continuous manufacturing technology partnership with other institutions of higher education, large and small pharmaceutical manufacturers, generic and nonprescription manufacturers, contract manufacturers, and other entities—

''(A) to support companies with continuous manufacturing in the United States;

''(B) to support Federal agencies with technical assistance, which may include regulatory and quality metric guidance as applicable, for advanced manufacturing and continuous manufacturing;

''(C) with respect to continuous manufacturing, to organize and conduct research and development activities needed to create new and more effective technology, capture and disseminate expertise, create intellectual property, and maintain technological leadership;

''(D) to develop best practices for designing continuous manufacturing; and

''(E) to assess and respond to the workforce needs for continuous manufacturing, including the development of training programs if needed.

''(d) TERMINATION OF DESIGNATION.—The Secretary may terminate the designation of any National Center of Excellence designated under this section if the Secretary determines such National Center of Excellence no longer meets the criteria specified in subsection (c). Not later than 60 days before the effective date of such a termination, the Secretary shall provide written notice to the National Center of Excellence, including the rationale for such termination.

''(e) CONDITIONS FOR DESIGNATION.—As a condition of designation as a National Center of Excellence under this section, the Secretary shall require that an institution of higher education enter into an agreement with the Secretary under which the institution agrees—

''(1) to collaborate directly with the Food and Drug Administration to publish the reports required by subsection (g);

''(2) to share data with the Food and Drug Administration regarding best practices and research generated through the funding under subsection (f);

''(3) to develop, along with industry partners (which may include large and small biopharmaceutical manufacturers, generic and nonprescription manufacturers, and contract manufacturers) and another institution or institutions designated under this section, if any, a roadmap for developing a continuous manufacturing workforce;

''(4) to develop, along with industry partners and other institutions designated under this section, a roadmap for strengthening existing, and developing new, relationships with other institutions; and

''(5) to provide an annual report to the Food and Drug Administration regarding the institution's activities under this section, including a description of how the institution continues to meet and make progress on the criteria listed in subsection (c).

''(f) FUNDING.—

''(1) IN GENERAL.—The Secretary shall award funding, through grants, contracts, or cooperative agreements, to the National Centers of Excellence designated under this section for the purpose of studying and recommending improvements to continuous manufacturing, including such improvements as may enable the Centers—

''(A) to continue to meet the conditions specified in subsection (e); and

''(B) to expand capacity for research on, and development of, continuing manufacturing.

''(2) CONSISTENCY WITH FDA MISSION.—As a condition on receipt of funding under this subsection, a National Center of Excellence shall agree to consider any input from the Secretary regarding the use of funding that would—

''(A) help to further the advancement of continuous manufacturing through the National Center of Excellence; and

''(B) be relevant to the mission of the Food and Drug Administration.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $80,000,000 for the period of fiscal years 2021 through 2025.

''(4) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as precluding a National Center for Excellence designated under this section from receiving funds under any other provision of this Act or any other Federal law.

''(g) ANNUAL REVIEW AND REPORTS.—

''(1) ANNUAL REPORT.—Beginning not later than one year after the date on which the first designation is made under subsection (a), and annually thereafter, the Secretary shall—

''(A) submit to Congress a report describing the activities, partnerships and collaborations, Federal policy recommendations, previous and continuing funding, and findings of, and any other applicable information from, the National Centers of Excellence designated under this section; and

''(B) make such report available to the public in an easily accessible electronic format on the website of the Food and Drug Administration.

''(2) REVIEW OF NATIONAL CENTERS OF EXCELLENCE AND POTENTIAL DESIGNEES.—The Secretary shall periodically review the National Centers of Excellence designated under this section to ensure that such National Centers of Excellence continue to meet the criteria for designation under this section.

''(3) REPORT ON LONG-TERM VISION OF FDA ROLE.—Not later than 2 years after the date on which the first designation is made under subsection (a), the Secretary, in consultation with the National Centers of Excellence designated under this section, shall submit a report to the Congress on the long-term vision of the Department of Health and Human Services on the role of the Food and Drug Administration in supporting continuous manufacturing, including—

''(A) a national framework of principles related to the implementation and regulation of continuous manufacturing;

''(B) a plan for the development of Federal regulations and guidance for how advanced manufacturing and continuous manufacturing can be incorporated into the development of pharmaceuticals and regulatory responsibilities of the Food and Drug Administration; and

''(C) appropriate feedback solicited from the public, which may include other institutions, large and small biopharmaceutical manufacturers, generic and nonprescription manufacturers, and contract manufacturers.

''(h) DEFINITIONS.—In this section:

''(1) ADVANCED MANUFACTURING.—The term 'advanced manufacturing' means an approach for the manufacturing of pharmaceuticals that incorporates novel technology, or uses an established technique or technology in a new or innovative way (such as continuous manufacturing where the input materials are continuously transformed within the process by two or more unit operations) that enhances drug quality or improves the manufacturing process.

''(2) CONTINUOUS MANUFACTURING.—The term 'continuous manufacturing'—

''(A) means a process where the input materials are continuously fed into and transformed within the process, and the processed output materials are continuously removed from the system; and

''(B) consists of an integrated process that consists of a series of two or more unit operations.

''(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs.''.

(b) TRANSITION RULE.—Section 3016 of the 21st Century Cures Act (21 U.S.C. 399h), as in effect on the day before the date of the enactment of this section, shall apply with respect to grants awarded under such section before such date of enactment.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. DINGELL) and the gentleman from Montana (Mr. GIANFORTE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan.

GENERAL LEAVE

Mrs. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4866.

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

There was no objection.

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

Mr. Speaker, before I begin, I want to thank Chairman PALLONE and Ranking Member WALDEN for their bipartisan leadership on all of the legislation before us today. During this unprecedented public health crisis, and in spite of significant logistical challenges, the Energy and Commerce Committee has come together on a bipartisan basis on legislation to meaningfully address many public health issues we continue to face.

I would also like to commend many of my fellow committee members for their advocacy and efforts on the legislation before us today.

Mr. Speaker, I am proud to rise in support of H.R. 4866, the National Centers of Excellence in Continuous Pharmaceutical Manufacturing Act.

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COVID–19 has made clear that the United States is overly reliant on foreign manufacturers for critical products like personal protective equipment and pharmaceuticals. For far too long, we have relied on China and India to provide our necessary medicines and the ingredients needed to make them. In times of crisis like COVID–19, access to critical medicines is even more critical.

While there are many things we must do to encourage drug manufacturing to come back to the United States, investing and supporting the use of efficient, innovative technologies like continuous manufacturing hold promise.

Continuous manufacturing allows manufacturers to make drugs more efficiently, thereby improving the quality of drugs while also reducing waste and the footprint needs that traditional drug manufacturing requires.

FDA has been working to support increased utilization of this technology because, as we have heard from the head of FDA's drug center, Dr. Janet Woodcock, continuous manufacturing can help ''increase the resilience of our domestic manufacturing base and reduce quality issues that trigger drug shortages or recalls.''

H.R. 4866 will help support this work by investing in centers of excellence at universities that can help us to further improve this technology, transfer it to drug manufacturers, and increase its use and capability in the United States. These centers of excellence would also be charged with helping to develop a domestic workforce that would be able to help manufacturers with the adoption of continuous manufacturing.

For States like mine, Michigan, centers of excellence supported by H.R. 4866 could help to leverage our manufacturing expertise to support the growth of a new generation of drug manufacturers in our own backyard.

Now more than ever, we must work to bring drug manufacturing home to ensure that our critical medicines are available without interruption in public health emergencies or crises.

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

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

Mr. Speaker, I rise today in support of H.R. 4866, the National Centers of Excellence and Continuous Pharmaceutical Manufacturing Act introduced by Chairman PALLONE and Representative GUTHRIE.

This legislation would direct the FDA to designate higher education institutions as national centers of excellence, allowing the FDA to work with the centers and industry to create a national framework for implementation of continuous manufacturing technology.

Last October, the Committee on Energy and Commerce held a hearing on safeguarding the pharmaceutical supply chain. At this hearing, Dr. Janet Woodcock, Director of the Center for Drug Evaluation and Research at the FDA, spoke at length about the advantages of advanced manufacturing technology, such as continuous manufacturing.

This included the potential to reduce our dependence on foreign sources of active pharmaceutical ingredients, increase our manufacturing resiliency, and reduce quality issues that often trigger drug shortages. Increased adoption of these technologies could open the door to a revived U.S. manufacturing base and lower production costs, resulting in lower drug prices and a more stable drug supply.

Given the potential this technology holds, I am pleased we are moving forward with this bipartisan legislation to further advance this development. I

urge my colleagues to support this legislation, and I reserve the balance of my time.

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

Mr. GIANFORTE. Mr. Speaker, I yield 3 minutes to the gentleman from Kentucky (Mr. GUTHRIE).

Mr. GUTHRIE. Mr. Speaker, I rise today in support of H.R. 4866, the National Centers of Excellence in Continuous Pharmaceutical Manufacturing Act, a bill I introduced with my colleague, Energy and Commerce Committee Chairman FRANK PALLONE.

In 2016, I was proud to work with my fellow committee members on the 21st Century Cures Act, which included legislation to issue grants for institutions of higher education to study the process of continuous pharmaceutical manufacturing. H.R. 4866, which we are considering today, builds on this partnership established in the Cures Act.

Continuous manufacturing for pharmaceuticals is a new technology that allows for drugs to be produced in a continuous stream, helping drugs get into the market faster. This is something that has become increasingly important during the COVID–19 pandemic. We need to ensure that our drug supply chain does not depend too heavily on other countries, such as China.

Mr. Speaker, I urge my colleagues to support H.R. 4866.

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

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

Mrs. DINGELL. Mr. Speaker, it is time for the United States to focus on bringing the production back home. I urge my colleagues to support this legislation, and I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I rise in support of H.R. 4866, the National Centers of Excellence in Continuous Pharmaceutical Manufacturing Act.

Continuous pharmaceutical manufacturing is the future of medicine. This bipartisan bill, which I introduced with Representative GUTHRIE last year, will foster the development of continuous manufacturing technology, a more nimble and efficient mode of pharmaceutical production. It does this by expanding opportunities for the Food and Drug Administration (FDA) to partner with universities across the country that are leading these efforts and create Centers of Excellence for Continuous Pharmaceutical Manufacturing. The partnerships created by the legislation will help develop continuous manufacturing technology and standardization, develop a continuous manufacturing workforce here in the United States, and make recommendations for how FDA, industry, and others can expand the use of continuous manufacturing for drugs and biologics.

The COVID–19 pandemic has demonstrated how the outdated batch manufacturing process adds to the potential for supply chain issues. During the initial stages of the outbreak in New Jersey, I heard from health providers in my district about their inability to access commonly used and critically needed medication, including medication necessary for the use of ventilators, due to surges in demand. H.R. 4866 will help prevent supply chain interruptions like these by increasing domestic manufacturing and allowing manufacturers to more quickly adjust to sudden shifts in demand.

As Dr. Janet Woodcock, the Director for the Center for Drug Evaluation and Research at FDA told the Energy and Commerce Subcommittee on Health last year, advance manufacturing technologies—such as continuous manufacturing—can help to ''reduce the Nation's dependence on foreign sources of [active pharmaceutical ingredients], increase the resilience of our domestic manufacturing base, and reduce quality issues that trigger drug shortages or recalls.''

In other words, by passing this bill and expanding continuous manufacturing technology in the United States, we can avoid future drug shortages and other supply chain interruptions, while bringing jobs back to the United States. This will help those on the frontlines battling COVID–19 and the patients who are depending on them.

I want to thank Representative GUTHRIE for working with me on this bill and demonstrating the collegial and bipartisan spirit of the Energy and Commerce Committee. I urge all members to support this important legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. DINGELL) that the House suspend the rules and pass the bill, H.R. 4866, as amended.

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

A motion to reconsider was laid on the table.

STRENGTHENING AMERICA'S STRATEGIC NATIONAL STOCKPILE ACT OF 2020

Mrs. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7574) to amend the Public Health Service Act with respect to the Strategic National Stockpile, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7574

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 ''Strengthening America's Strategic National Stockpile Act of 2020''.

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

SEC. 2. REIMBURSABLE TRANSFERS.

Section 319F–2(a) of the Public Health Service Act (42 U.S.C. 247d–6b(a)) is amended by adding at the end the following:

''(6) TRANSFERS AND REIMBURSEMENTS.—

''(A) IN GENERAL.—Without regard to chapter 5 of title 40, United States Code, the Secretary may transfer to any Federal department or agency, on a reimbursable basis, any drugs, vaccines and other biological products, medical devices, and other supplies in the stockpile if—

''(i) the transferred supplies are less than one year from expiry;

''(ii) the stockpile is able to replenish the supplies, as appropriate; and

''(iii) the Secretary decides the transfer is in the best interest of the United States Government.

''(B) USE OF REIMBURSEMENT.—Reimbursement derived from the transfer of supplies pursuant to subparagraph (A) may, to the extent and in the amounts made available in advance in appropriations Acts, be used by the Secretary to carry out this section. Funds made available pursuant to the preceding sentence are in addition to any other funds that may be made available for such purpose.

''(C) RULE OF CONSTRUCTION.—This paragraph shall not be construed to preclude transfers of products in the stockpile under other authorities.

''(D) REPORT.—Not later than September 30, 2022, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on each transfer made under this paragraph and the amount received by the Secretary in exchange for that transfer.

''(E) SUNSET.—The authority to make transfers under this paragraph shall cease to be effective on September 30, 2023.''.

SEC. 3. EQUIPMENT MAINTENANCE.

Section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) is amended—

(1) in subsection (a)(3)—

(A) in subparagraph (I), by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (J), by striking the period at the end and inserting a semicolon; and

(C) by inserting the following new subparagraph at the end:

''(K) ensure contents of the stockpile remain in good working order and, as appropriate, conduct maintenance services on contents of the stockpile; and''; and

(2) in subsection (c)(7)(B), by adding at the end the following new clause:

''(ix) EQUIPMENT MAINTENANCE SERVICE.—In carrying out this section, the Secretary may enter into contracts for the procurement of equipment maintenance services.''.

SEC. 4. SUPPLY CHAIN FLEXIBILITY MANUFACTURING PILOT.

(a) IN GENERAL.—Section 319F–2(a)(3) of the Public Health Service Act (42 U.S.C. 247d–6b(a)(3)), as amended by section 3, is further amended by adding at the end the following new subparagraph:

''(L) enhance medical supply chain elasticity and establish and maintain domestic reserves of critical medical supplies (including personal protective equipment, ancillary medical supplies, and other applicable supplies required for the administration of drugs, vaccines and other biological products, and other medical devices (including diagnostic tests)) by—

''(i) increasing emergency stock of critical medical supplies;

''(ii) geographically diversifying domestic production of such medical supplies, as appropriate;

''(iii) entering into cooperative agreements or partnerships with respect to manufacturing lines, facilities, and equipment for the domestic production of such medical supplies; and

''(iv) managing, either directly or through cooperative agreements with manufacturers and distributors, domestic reserves established under this subparagraph by refreshing and replenishing stock of such medical supplies.''.

(b) REPORTING; SUNSET.—Section 319F–2(a) of the Public Health Service Act (42 U.S.C. 247d–6b(a)), as amended by section 2, is further amended by adding at the end the following:

''(7) REPORTING.—Not later than September 30, 2022, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report on the details of each cooperative agreement or partnership entered into under paragraph (3)(L), including the amount expended by the Secretary on each such cooperative agreement or partnership.

''(8) SUNSET.—The authority to enter into cooperative agreements or partnerships pursuant to paragraph (3)(L) shall cease to be effective on September 30, 2023.''.

(c) FUNDING.—Section 319F–2(f) of the Public Health Service Act (42 U.S.C. 247d–6b(f)) is amended by adding at the end the following:

''(3) SUPPLY CHAIN ELASTICITY.—

''(A) IN GENERAL.—For the purpose of carrying out subsection (a)(3)(L), there is authorized to be appropriated $500,000,000 for each of fiscal years 2021 through 2023, to remain available until expended.

''(B) RELATION TO OTHER AMOUNTS.—The amount authorized to be appropriated by subparagraph (A) for the purpose of carrying out subsection (a)(3)(L) is in addition to any other amounts available for such purpose.''.

SEC. 5. GAO STUDY ON THE FEASIBILITY AND BENEFITS OF A USER FEE AGREEMENT.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to investigate the feasibility of establishing user fees to offset certain Federal costs attributable to the procurement of single-source materials for the Strategic National Stockpile under section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) and distributions of such materials from the Stockpile. In conducting this study, the Comptroller General shall consider, to the extent information is available—

(1) whether entities receiving such distributions generate profits from those distributions;

(2) any Federal costs attributable to such distributions;

(3) whether such user fees would provide the Secretary with funding to potentially offset procurement costs of such materials for the Strategic National Stockpile; and

(4) any other issues the Comptroller General identifies as relevant.

(b) REPORT.—Not later than February 1, 2023, the Comptroller General of the United States shall submit to the Congress a report on the findings and conclusions of the study under subsection (a).

SEC. 6. GRANTS FOR STATE STRATEGIC STOCKPILES.

Title III of the Public Health Service Act is amended by inserting after section 319F–4 of such Act (42 U.S.C. 247d–6e) the following new section:

''SEC. 319F–5. GRANTS FOR STATE STRATEGIC STOCKPILES.

''(a) IN GENERAL.—The Secretary may establish a pilot program consisting of awarding grants to States to expand or maintain a strategic stockpile of commercially available drugs, devices, personal protective equipment, and other products deemed by the State to be essential in the event of a public health emergency.

''(b) ALLOWABLE USE OF FUNDS.—

''(1) USES.—A State receiving a grant under this section may use the grant funds to—

''(A) acquire commercially available products listed pursuant to paragraph (2) for inclusion in the State's strategic stockpile;

''(B) store, maintain, and distribute products in such stockpile; and

''(C) conduct planning in connection with such activities.

''(2) LIST.—The Secretary shall develop and publish a list of the products that are eligible, as described in subsection (a), for inclusion in a State's strategic stockpile using funds received under this section.

''(3) CONSULTATION.—In developing the list under paragraph (2) and otherwise determining the allowable uses of grant funds under this section, the Secretary shall consult with States and relevant stakeholders, including public health organizations.

''(c) FUNDING REQUIREMENT.—The Secretary may not obligate or expend any funds to award grants or fund any previously awarded grants under this section for a fiscal year unless the total amount made available to carry out section 319F–2 for such fiscal year is equal to or greater than the total amount of funds made available to carry out section 319F–2 for fiscal year 2020.

''(d) MATCHING FUNDS.—

''(1) IN GENERAL.—With respect to the costs of expanding and maintaining a strategic stockpile through a grant under this section, as a condition on receipt of the grant, a State shall make available (directly) non-Federal contributions in cash toward such costs in an amount that is equal to not less than the amount of Federal funds provided through the grant.

''(2) WAIVER.—The Secretary may waive the requirement of paragraph (1) with respect to a State for the first two years of the State receiving a grant under this section if the Secretary determines that such waiver is needed for the State to establish a strategic stockpile described in subsection (a).

''(e) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States in establishing, expanding, and maintaining a stockpile described in subsection (a).

''(f) DEFINITION.—In this section, the term 'drug' has the meaning given to that term in section 201 of the Federal Food, Drug, and Cosmetic Act.

''(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $3,500,000,000 for each of fiscal years 2021 through 2023, to remain available until expended.

''(h) SUNSET.—The authority vested by this section terminates at the end of fiscal year 2023.''.

SEC. 7. ACTION REPORTING.

(a) IN GENERAL.—The Secretary of Health and Human Services or the Assistant Secretary for Preparedness and Response, in consultation with the Administrator of the Federal Emergency Management Agency, shall—

(1) not later than 30 days after the date of enactment of this Act, issue a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate regarding all State, local, Tribal, and territorial requests for supplies from the Strategic National Stockpile related to COVID–19; and

(2) not less than every 30 days thereafter through the end of the emergency period (as such term is defined in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B))), submit to such committees an updated version of such report.

(b) REPORTING PERIOD.—

(1) INITIAL REPORT.—The initial report under subsection (a) shall address all requests described in such subsection made during the period—

(A) beginning on January 31, 2020; and

(B) ending on the date that is 30 days before the date of submission of the report.

(2) UPDATES.—Each update to the report under subsection (a) shall address all requests described in such subsection made during the period—

(A) beginning at the end of the previous reporting period under this section; and

(B) ending on the date that is 30 days before the date of submission of the updated report.

(c) CONTENTS OF REPORT.—The report under subsection (a) (and updates thereto) shall include—

(1) the details of each request described in such subsection, including—

(A) the specific medical countermeasures, devices, personal protective equipment, and other materials requested; and

(B) the amount of such materials requested; and

(2) the outcomes of each request described in subsection (a), including—

(A) whether the request was wholly fulfilled, partially fulfilled, or denied;

(B) if the request was wholly or partially fulfilled, the fulfillment amount; and

(C) if the request was partially fulfilled or denied, a rationale for such outcome.

SEC. 8. IMPROVED, TRANSPARENT PROCESSES.

(a) IN GENERAL.—Not later than January 1, 2021, the Secretary of Health and Human Services shall develop and implement improved, transparent processes for the use and distribution of drugs, vaccines and other biological products, medical devices, and other supplies (including personal protective equipment, ancillary medical supplies, and other applicable supplies required for the administration of drugs, vaccines and other biological products, medical devices, and diagnostic tests) in the Strategic National Stockpile under section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) (in this section referred to as the ''Stockpile'').

(b) PROCESSES.—The processes developed under subsection (a) shall include—

(1) the form and manner in which States, localities, Tribes, and territories are required to submit requests for supplies from the Stockpile;

(2) the criteria used by the Secretary of Health and Human Services in responding to such requests, including the reasons for fulfilling or denying such requests;

(3) what circumstances result in prioritization of distribution of supplies from the Stockpile to States, localities, Tribes, or territories;

(4) clear plans for future, urgent communication between the Secretary and States, localities, Tribes, and territories regarding the outcome of such requests; and

(5) any differences in the processes developed under subsection (a) for geographically related emergencies, such as weather events, and national emergencies, such as pandemics.

(c) CLASSIFICATION.—The processes developed under subsection (a) shall be unclassified to the greatest extent possible consistent with national security. The Secretary of Health and Human Services may classify portions of such processes as necessary to protect national security.

(d) REPORT TO CONGRESS.—Not later than January 1, 2021, the Secretary of Health and Human Services shall—

(1) submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health,

Education, Labor, and Pensions of the Senate regarding the improved, transparent processes developed under this section;

(2) include in such report recommendations for opportunities for communication (by telebriefing, phone calls, or in-person meetings) between the Secretary and States, localities, Tribes, and territories regarding such improved, transparent processes; and

(3) submit such report in unclassified form to the greatest extent possible, except that the Secretary may include a classified appendix if necessary to protect national security.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

Section 319F–2(f)(1) of the Public Health Service Act (42 U.S.C. 247d-6b(f)(1)) is amended by striking ''$610,000,000 for each of fiscal years 2019 through 2023'' and inserting ''$705,000,000 for each of fiscal years 2021 through 2023''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. DINGELL) and the gentleman from Montana (Mr. GIANFORTE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan.

GENERAL LEAVE

Mrs. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 7574.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of the Strengthening America's Strategic National Stockpile Act of 2020.

This legislation incorporates a number of provisions to modernize the Strategic National Stockpile and to ensure that we are adequately prepared for future public health emergencies.

The current COVID–19 pandemic has shown the importance of ensuring that the United States has adequate manufacturing capacity and stockpiles of PPE and other medical equipment so that America's first responders and healthcare workers are prepared for public health emergencies.

In the early days of the pandemic, our frontline healthcare workers were forced to rely on deficient equipment from overseas manufacturers or expired equipment in the existing Strategic National Stockpile.

Even today, after months of efforts at the Federal, State, and local levels, we continue to face concerning deficiencies in PPE and other lifesaving medical equipment.

We must make robust long-term investments in our Nation's Strategic National Stockpile and manufacturing capability to better respond to future public health emergencies.

The Strengthening America's Strategic National Stockpile Act meets this need by increasing the annual authorization of the SNS to $705 million. This will allow the Federal Government to direct appropriate resources toward future emergencies.

The legislation will also allow the SNS to refresh and replenish stocks of critical manufacturing supplies before they are expired.

It also includes a provision my colleague Congresswoman JACKIE WALORSKI and I authored to create incentives to geographically diversify production of medical supplies and allow the SNS the flexibility to enter into leasing or joint ventures with manufacturers to quickly scale up production if needed.

The Strengthening America's Strategic National Stockpile Act is the culmination of months of bipartisan work, and I thank Congresswoman SLOTKIN, my colleagues on the Energy and Commerce Committee, as well as both Democrat and Republican committee staff for their efforts.

Mr. Speaker, the Strengthening America's Strategic National Stockpile Act is vital to both our public health and national security. I urge my colleagues to support this legislation, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, September 21, 2020.

Hon. CAROLYN B. MALONEY,
Chairwoman, Committee on Oversight and Reform, Washington, DC.

DEAR CHAIRWOMAN MALONEY: I am writing concerning H.R. 7574, the ''Strengthening America's Strategic National Stockpile Act of 2020,'' which was referred to the Committee on Energy and Commerce on July 13, 2020.

I appreciate you not seeking a sequential referral of H.R. 7574 so that the bill may be considered expeditiously. I acknowledge that forgoing your referral claim does not waive, reduce, or otherwise affect the jurisdiction of the Committee on Oversight and Reform over this legislation, or any appropriate legislation. I will appropriately consult and involve the Committee on Oversight and Reform as this bill progresses. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation.

I will ensure our letters on H.R. 7574 are entered into the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,

FRANK PALLONE, JR.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND REFORM,
Washington, DC, September 21, 2020.

Hon. FRANK PALLONE,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR CHAIRMAN PALLONE: I am writing to you concerning H.R. 7574, the Strengthening America's Strategic National Stockpile Act of 2020. There are certain provisions in the legislation which fall within the Rule X jurisdiction of the Committee on Oversight and Reform.

In the interest of permitting your Committee to proceed expeditiously on this bill, I am willing to waive this Committee's right to sequential referral. I do so with the understanding that by waiving consideration of the bill, the Committee on Oversight and Reform does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction. I request that you urge the Speaker to name Members of this Committee to any conference committee which is named to consider such provisions.

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

Sincerely,

CAROLYN B. MALONEY,
Chairwoman.

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

Mr. Speaker, I rise today in support of H.R. 7574, the Strengthening America's Strategic National Stockpile Act, which was introduced by Representatives SLOTKIN and BROOKS.

The legislation that I cosponsored along with a long bipartisan list of others is a combination of bills to improve the Strategic National Stockpile, or SNS.

This includes allowing the SNS to sell off products in the stockpile before their expiration so that they could be used.

It directs the Secretary of Health and Human Services to examine user fee agreements, improve maintenance of the stockpile, and allowing for agreements with domestic producers of supplies to improve the supply chain to refresh and replenish existing stocks.

It also directs the Federal Emergency Management Agency and the Centers for Disease Control to report on distributions from the stockpile, as well as requests for supplies from State, local, Tribal, and territorial agencies. It would authorize a pilot program for establishing State stockpiles and increase the Strategic National Stockpile funding authorization to $705 million.

We need to ensure our country is prepared to deal with whatever health crisis it faces, no matter if it is disease, disaster, or terrorism.

I urge my colleagues to support this bipartisan legislation to refill and improve the Strategic National Stockpile.

Mr. Speaker, I urge adoption of this important legislation, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. DINGELL) that the House suspend the rules and pass the bill, H.R. 7574, as amended.

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

A motion to reconsider was laid on the table.

SCARLETT'S SUNSHINE ON SUDDEN UNEXPECTED DEATH ACT

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

(H.R. 2271) to amend the Public Health Service Act to improve the health of children and help better understand and enhance awareness about unexpected sudden death in early life, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2271

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 ''Scarlett's Sunshine on Sudden Unexpected Death Act''.

SEC. 2. ADDRESSING SUDDEN UNEXPECTED INFANT DEATH AND SUDDEN UNEXPECTED DEATH IN CHILDHOOD.

Part B of title XI of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended—

(1) in the part heading, by striking ''SUDDEN INFANT DEATH SYNDROME'' and inserting ''SUDDEN UNEXPECTED INFANT DEATH, SUDDEN INFANT DEATH SYNDROME, AND SUDDEN UNEXPECTED DEATH IN CHILDHOOD''; and

(2) by inserting before section 1122 the following:

''SEC. 1121. ADDRESSING SUDDEN UNEXPECTED INFANT DEATH AND SUDDEN UNEXPECTED DEATH IN CHILDHOOD.

''(a) IN GENERAL.—The Secretary may develop, support, or maintain programs or activities to address sudden unexpected infant death and sudden unexpected death in childhood, including by—

''(1) continuing to support the Sudden Unexpected Infant Death and Sudden Death in the Young Case Registry of the Centers for Disease Control and Prevention and other fatality case reporting systems that include data pertaining to sudden unexpected infant death and sudden unexpected death in childhood, as appropriate, including such systems supported by the Health Resources and Services Administration, in order to—

''(A) increase the number of States and jurisdictions participating in such systems; or

''(B) improve the utility of such systems, which may include—

''(i) making summary data available to the public in a timely manner on the internet website of the Department of Health and Human Services, in a manner that, at a minimum, protects personal privacy to the extent required by applicable Federal and State law; and

''(ii) making the data submitted to such systems available to researchers, in a manner that, at a minimum, protects personal privacy to the extent required by applicable Federal and State law; and

''(2) awarding grants or cooperative agreements to States, Indian Tribes, and Tribal organizations for purposes of—

''(A) supporting fetal and infant mortality and child death review programs for sudden unexpected infant death and sudden unexpected death in childhood, including by establishing such programs at the local level;

''(B) improving data collection related to sudden unexpected infant death and sudden unexpected death in childhood, including by—

''(i) improving the completion of death scene investigations and comprehensive autopsies that include a review of clinical history and circumstances of death with appropriate ancillary testing; and

''(ii) training medical examiners, coroners, death scene investigators, law enforcement personnel, emergency medical technicians, paramedics, emergency department personnel, and others who perform death scene investigations with respect to the deaths of infants and children, as appropriate;

''(C) identifying, developing, and implementing best practices to reduce or prevent sudden unexpected infant death and sudden unexpected death in childhood, including practices to reduce sleep-related infant deaths;

''(D) increasing the voluntary inclusion, in fatality case reporting systems established for the purpose of conducting research on sudden unexpected infant death and sudden unexpected death in childhood, of samples of tissues or genetic materials from autopsies that have been collected pursuant to Federal or State law; or

''(E) disseminating information and materials to health care professionals and the public on risk factors that contribute to sudden unexpected infant death and sudden unexpected death in childhood, which may include information on risk factors that contribute to sleep-related sudden unexpected infant death or sudden unexpected death in childhood.

''(b) APPLICATION.—To be eligible to receive a grant or cooperative agreement under subsection (a)(2), a State, Indian Tribe, or Tribal organization shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including information on how such State will ensure activities conducted under this section are coordinated with other federally-funded programs to reduce infant mortality, as appropriate.

''(c) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States, Tribes, and Tribal organizations receiving a grant or cooperative agreement under subsection (a)(2) for purposes of carrying out activities funded through the grant or cooperative agreement.

''(d) REPORTING FORMS.—

''(1) IN GENERAL.—The Secretary shall, as appropriate, encourage the use of sudden unexpected infant death and sudden unexpected death in childhood reporting forms developed in collaboration with the Centers for Disease Control and Prevention to improve the quality of data submitted to the Sudden Unexpected Infant Death and Sudden Death in the Young Case Registry, and other fatality case reporting systems that include data pertaining to sudden unexpected infant death and sudden unexpected death in childhood.

''(2) UPDATE OF FORMS.—The Secretary shall assess whether updates are needed to the sudden unexpected infant death investigation reporting form used by the Centers for Disease Control and Prevention in order to improve the use of such form with other fatality case reporting systems supported by the Department of Health and Human Services, and shall make such updates as appropriate.

''(e) SUPPORT SERVICES.—

''(1) IN GENERAL.—The Secretary, acting through the Administrator, shall award grants to national organizations, State and local health departments, community-based organizations, and nonprofit organizations for the provision of support services to families who have had a child die of sudden unexpected infant death or sudden unexpected death in childhood.

''(2) APPLICATION.—To be eligible to receive a grant under subsection (1), an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(3) USE OF FUNDS.—Amounts received under a grant awarded under paragraph (1) may be used—

''(A) to provide grief counseling, education, home visits, 24-hour hotlines, or information, resources, and referrals;

''(B) to ensure access to grief and bereavement services;

''(C) to build capacity in professionals working with families who experience a sudden death; or

''(D) to support peer-to-peer groups for families who have lost a child to sudden unexpected infant death or sudden unexpected death in childhood.

''(4) PREFERENCE.—In awarding grants under paragraph (1), the Secretary shall give preference to applicants that—

''(A) have a proven history of effective direct support services and interventions for sudden unexpected infant death and sudden unexplained death in childhood; and

''(B) demonstrate experience through collaborations and partnerships for delivering services described in paragraph (3).

''(f) DEFINITIONS.—In this section:

''(1) SUDDEN UNEXPECTED INFANT DEATH.—The term 'sudden unexpected infant death'—

''(A) means the sudden death of an infant under 1 year of age that when first discovered did not have an obvious cause; and

''(B) includes—

''(i) such deaths that are explained; and

''(ii) such deaths that remain unexplained (which are known as sudden infant death syndrome).

''(2) SUDDEN UNEXPECTED DEATH IN CHILDHOOD.—The term 'sudden unexpected death in childhood'—

''(A) means the sudden death of a child who is at least 1 year of age but not more than 17 years of age that, when first discovered, did not have an obvious cause; and

''(B) includes—

''(i) such deaths that are explained; and

''(ii) such deaths that remain unexplained (which are known as sudden unexplained death in childhood).

''(3) SUDDEN UNEXPLAINED DEATH IN CHILDHOOD.—The term 'sudden unexplained death in childhood' means a sudden unexpected death in childhood that remains unexplained after a thorough case investigation.

''(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $33,000,000 for each of fiscal years 2021 through 2024.''.

SEC. 3. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Secretary of Health and Human Services shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that contains, with respect to the reporting period—

(1) information regarding the incidence and number of sudden unexpected infant deaths and sudden unexpected deaths in childhood (including the number of such infant and child deaths that remain unexplained after investigation), including, to the extent practicable—

(A) a summary of such information by racial and ethnic group, and by State;

(B) aggregate information obtained from death scene investigations and autopsies; and

(C) recommendations for reducing the incidence of sudden unexpected infant death and sudden unexpected death in childhood;

(2) an assessment of the extent to which various approaches of reducing and preventing sudden unexpected infant death and sudden unexpected death in childhood have been effective; and

(3) a description of the activities carried out under section 1121 of the Public Health Service Act (as added by section 2).

(b) DEFINITIONS.—In this section, the terms ''sudden unexpected infant death'' and ''sudden unexpected death in childhood'' have the meanings given such terms in section 1121 of the Public Health Service Act (as added by section 2).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. DINGELL) and the gentleman from Montana (Mr. GIANFORTE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan.

GENERAL LEAVE

Mrs. DINGELL. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2271.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 2271, the Scarlett's Sunshine on Sudden Unexpected Death Act.

This bipartisan legislation would address the longstanding tragedies of sudden unexpected infant deaths and sudden unexplained death in childhood, which collectively cost thousands of lives each year and result in heartbreak that no parent should ever have to experience.

Every year, about 3,500 babies die suddenly and unexpectedly in the United States before reaching their first birthday, a category of deaths known as sudden unexpected infant deaths.

□ 1800

Additionally, approximately 400 children between the ages of 1 and 18 also die unexpectedly from sudden unexplained death in childhood.

More research into the causes of SUDC and SUID is needed, and this legislation will redouble our efforts to better understand these tragedies and prevent future deaths.

Scarlett's Sunshine on Unexpected Death Act will establish grants to national and State organizations, as well as nonprofits, to improve data collection related to these deaths.

The legislation will also provide additional resources to increase education about safe sleep practices for children and infants, as well as authorizing funding to ensure death reviews are completed for all infant and child deaths.

It will provide support services for grieving families who are impacted by these tragedies.

Mr. Speaker, improving data collection and analysis of SUDC and SUID is a critical step in helping us understand and prevent these tragedies and ensure that no parent has to live with the pain that comes with losing a child.

Mr. Speaker, I thank Representatives MOORE, COLE, and HERRERA BEUTLER for leading this legislation and their years of advocacy and efforts on this issue.

Mr. Speaker, I also acknowledge Stephanie Zarecky. This legislation is named after her daughter, Scarlett, who tragically passed as a result of SUDC, and we wouldn't be here today without her leadership and pushing for action.

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

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

Mr. Speaker, I rise today in support of H.R. 2271, Scarlett's Sunshine on Sudden Unexpected Death Act, which was introduced by Representatives MOORE, COLE, HERRERA BEUTLER, and others.

The mother of Scarlett Pauley, the namesake for this bill, told her heartbreaking story to our committee back in January on the third anniversary of her daughter's death.

No parent should have to find their child dead, and especially of unknown causes.

This legislation would create grant programs at the Centers for Disease Control to State and local agencies and nonprofits to address sudden unexpected infant and childhood deaths.

These grants would support efforts to standardize investigations into these deaths to better understand the medical causes that trigger these tragic deaths.

With permission of the families, these grants would also support genetic testing to research the causes of death.

Finally, the bill requires the Department of Health and Human Services to help States and local governments review 100 percent of all infant and child deaths and enter such reviews into a national reporting system to help health researchers combat these tragedies.

Mr. Speaker, I urge adoption of this important legislation, and I yield back the balance of my time.

Mrs. DINGELL. Mr. Speaker, if we can in any way prevent parents from going through this horrific experience, we have an obligation to do so.

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

Mr. PALLONE. Mr. Speaker, I rise today to express my strong support for H.R. 2271, the Scarlett's Sunshine on Unexpected Death Act. This legislation is critical to improving our understanding of sudden unexpected infant death.

Tragically, sudden unexpected infant death is the leading cause of death for infants from one month to one year of age.

As we discuss the Scarlett's Sunshine on Unexpected Death Act, I want to recognize all the parents who have turned their unimaginable grief into progress and whom I have had the immense pleasure of working with throughout the years.

This effort would not have been possible without parents like Laura Crandel, who tragically lost her daughter Maria, and John Kahan who lost his son Aaron to sudden unexpected infant death.

I have been working on the issue of sudden unexplained infant death and sudden unexplained death in childhood for years now. In 2014, I was fortunate enough to stand shoulder to shoulder with courageous moms like Laura as President Obama signed the Sudden Unexpected Death Data Enhancement and Awareness Act into law.

Today's bill builds upon these longstanding efforts by further strengthening our existing understanding of sudden unexpected deaths in infants and children, facilitating greater data collection and analysis to improve prevention efforts, and supporting grieving parents and families who have lost their son or daughter.

This bill takes a comprehensive approach to addressing one of the most tragic issues facing families today, and will help develop and deploy critical services to support them in their time of need. I am proud of the efforts in this bill to not only further the science but also support the families who have been impacted. While nothing can cure their pain, these programs will support families in their darkest hours.

I will continue to work on this issue until no more parents lose their child to SIDS, and I urge my colleagues to support this critical legislation.

Ms. MOORE. Mr. Speaker, I rise in strong support of the Scarlett's Sunshine on Sudden Unexpected Death Act.

I thank Chairman PALLONE, Ranking Member WALDEN, Subcommittee Chairwoman ESHOO, Subcommittee Ranking Member Dr. BURGESS, Congresswoman KUSTER, Congressman TOM COLE, Congresswoman JAMIE HERRERA BEUTLER, Congressman JOSH GOTTHEIMER and so many others who have heard the cries of hurting families that have experienced the tragic death of a child, often unexpected and without explanation.

I want to thank the advocates, like John Kahan, Judy Rainey, Stephanie Zarecky, Shelia Murphy, who have worked hard to help get this bill to the floor.

This bill is named after one of those children—Scarlett Lillian Pauley, Stephanie's daughter—who left this earth too soon. It is also a story about her family—her mom and her dad (and now her little sister) who took their personal pain and used it to begin to advocate to help prevent other families from having to go through what they did.

January 8, 2017 is a day that Scarlett's family will never forget. To this day, her family does not know what took Scarlett from them. But I hope that September 21, 2020 is also a day they or other families that have gone through this gut-wrenching experience will never forget. It's the day when this House stepped up to the plate to help ensure that their pain and loss was not in vain.

The statistics tell us that thousands of families experienced the unexpected death of an infant or child each year, with SIDS just one in this category. But we must never forget that this is not just about statistics.

It's about the real families, the real tears that have been shed, the real frustration when they can't get an answer for why even years after the death, and the real fear that lives with them.

I remember sitting down with Scarlett's mom, Stephanie, earlier this year after she had the privilege of sharing her story before the Energy and Commerce Health subcommittee. She and her husband have a little girl—I think she is 18 months or so—and I asked her if she still lived in fear that the same thing would happen again—and the answer was yes.

So today, we honor Scarlett and the others who lost their lives way too soon by passing this bill to strengthen existing programs to help get answers. To improve training so that these deaths are investigated thoroughly and uniformly across the country. Without knowing why, we can't act to stop these deaths.

I thank everyone who worked to help get us to this day and I urge my colleagues to vote Yes on this bill.

The SPEAKER pro tempore. The question is on the motion offered by

the gentlewoman from Michigan (Mrs. DINGELL) that the House suspend the rules and pass the bill, H.R. 2271, as amended.

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

A motion to reconsider was laid on the table.

MATERNAL HEALTH QUALITY IMPROVEMENT ACT OF 2020

Mrs. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4995) to amend the Public Health Service Act to improve obstetric care and maternal health outcomes, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4995

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 ''Maternal Health Quality Improvement Act of 2020''.

SEC. 2. INNOVATION FOR MATERNAL HEALTH.

Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended—

(1) in the section designation of section 330M of such Act (42 U.S.C. 254c–19) by inserting a period after ''330M''; and

(2) by inserting after section 330M of such Act (42 U.S.C. 254c–19) the following:

''SEC. 330N. INNOVATION FOR MATERNAL HEALTH.

''(a) IN GENERAL.—The Secretary, in consultation with experts representing a variety of clinical specialties, State, Tribal, or local public health officials, researchers, epidemiologists, statisticians, and community organizations, shall establish or continue a program to award competitive grants to eligible entities for the purposes of—

''(1) identifying, developing, or disseminating best practices to improve maternal health care quality and outcomes, eliminate preventable maternal mortality and severe maternal morbidity, and improve infant health outcomes, which may include—

''(A) information on evidence-based practices to improve the quality and safety of maternal health care in hospitals and other health care settings of a State or health care system, including by addressing topics commonly associated with health complications or risks related to prenatal care, labor care, birthing, and postpartum care;

''(B) best practices for improving maternal health care based on data findings and reviews conducted by a State maternal mortality review committee that address topics of relevance to common complications or health risks related to prenatal care, labor care, birthing, and postpartum care; and

''(C) information on addressing determinants of health that impact maternal health outcomes for women before, during, and after pregnancy;

''(2) collaborating with State maternal mortality review committees to identify issues for the development and implementation of evidence-based practices to improve maternal health outcomes and reduce preventable maternal mortality and severe maternal morbidity;

''(3) providing technical assistance and supporting the implementation of best practices identified pursuant to paragraph (1) to entities providing health care services to pregnant and postpartum women; and

''(4) identifying, developing, and evaluating new models of care that improve maternal and infant health outcomes, which may include the integration of community-based services and clinical care.

''(b) ELIGIBLE ENTITIES.—To be eligible for a grant under subsection (a), an entity shall—

''(1) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require; and

''(2) demonstrate in such application that the entity is capable of carrying out data-driven maternal safety and quality improvement initiatives in the areas of obstetrics and gynecology or maternal health.

''(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $5,000,000 for each of fiscal years 2021 through 2025.''.

SEC. 3. TRAINING FOR HEALTH CARE PROVIDERS.

Title VII of the Public Health Service Act is amended by striking section 763 (42 U.S.C. 294p) and inserting the following:

''SEC. 763. TRAINING FOR HEALTH CARE PROVIDERS.

''(a) GRANT PROGRAM.—The Secretary shall establish a program to award grants to accredited schools of allopathic medicine, osteopathic medicine, and nursing, and other health professional training programs for the training of health care professionals to reduce and prevent discrimination (including training related to implicit and explicit biases) in the provision of health care services related to prenatal care, labor care, birthing, and postpartum care.

''(b) ELIGIBILITY.—To be eligible for a grant under subsection (a), an entity described in such subsection shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) REPORTING REQUIREMENT.—Each entity awarded a grant under this section shall periodically submit to the Secretary a report on the status of activities conducted using the grant, including a description of the impact of such training on patient outcomes, as applicable.

''(d) BEST PRACTICES.—The Secretary may identify and disseminate best practices for the training of health care professionals to reduce and prevent discrimination (including training related to implicit and explicit biases) in the provision of health care services related to prenatal care, labor care, birthing, and postpartum care.

''(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $5,000,000 for each of fiscal years 2021 through 2025.''.

SEC. 4. STUDY ON TRAINING TO REDUCE AND PREVENT DISCRIMINATION.

Not later than 2 years after date of enactment of this Act, the Secretary of Health and Human Services shall, through a contract with an independent research organization, conduct a study and make recommendations for accredited schools of allopathic medicine, osteopathic medicine, and nursing, and other health professional training programs, on best practices related to training to reduce and prevent discrimination, including training related to implicit and explicit biases, in the provision of health care services related to prenatal care, labor care, birthing, and postpartum care.

SEC. 5. PERINATAL QUALITY COLLABORATIVES.

Section 317K(a)(2) of the Public Health Service Act (42 U.S.C. 247b–12(a)(2)) is amended by adding at the end the following:

''(E)(i) The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in coordination with other offices and agencies, as appropriate, shall establish or continue a competitive grant program for the establishment or support of perinatal quality collaboratives to improve perinatal care and perinatal health outcomes for pregnant and postpartum women and their infants. A State, Indian Tribe, or Tribal organization may use funds received through such grant to—

''(I) support the use of evidence-based or evidence-informed practices to improve outcomes for maternal and infant health;

''(II) work with clinical teams; experts; State, local, and, as appropriate, Tribal public health officials; and stakeholders, including patients and families, to identify, develop, or disseminate best practices to improve perinatal care and outcomes; and

''(III) employ strategies that provide opportunities for health care professionals and clinical teams to collaborate across health care settings and disciplines, including primary care and mental health, as appropriate, to improve maternal and infant health outcomes, which may include the use of data to provide timely feedback across hospital and clinical teams to inform responses, and to provide support and training to hospital and clinical teams for quality improvement, as appropriate.

''(ii) To be eligible for a grant under clause (i), an entity shall submit to the Secretary an application in such form and manner and containing such information as the Secretary may require.''.

SEC. 6. INTEGRATED SERVICES FOR PREGNANT AND POSTPARTUM WOMEN.

(a) GRANTS.—Title III of the Public Health Service Act is amended by inserting after section 330N of such Act, as added by section 2, the following:

''SEC. 330O. INTEGRATED SERVICES FOR PREGNANT AND POSTPARTUM WOMEN.

''(a) IN GENERAL.—The Secretary may award grants to States, Indian Tribes, and Tribal organizations for the purpose of establishing or operating evidence-based or innovative, evidence-informed programs to deliver integrated health care services to pregnant and postpartum women to optimize the health of women and their infants, including to reduce adverse maternal health outcomes, pregnancy-related deaths, and related health disparities (including such disparities associated with racial and ethnic minority populations), and, as appropriate, by addressing issues researched under subsection (b)(2) of section 317K.

''(b) INTEGRATED SERVICES FOR PREGNANT AND POSTPARTUM WOMEN.—

''(1) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a State, Indian Tribe, or Tribal organization shall work with relevant stakeholders that coordinate care (including coordinating resources and referrals for health care and social services) to develop and carry out the program, including—

''(A) State, Tribal, and local agencies responsible for Medicaid, public health, social services, mental health, and substance use disorder treatment and services;

''(B) health care providers who serve pregnant and postpartum women; and

''(C) community-based health organizations and health workers, including providers of home visiting services and individuals representing communities with disproportionately high rates of maternal mortality and severe maternal morbidity, and including individuals representing racial and ethnic minority populations.

''(2) TERMS.—

''(A) PERIOD.—A grant awarded under subsection (a) shall be made for a period of 5 years. Any supplemental award made to a grantee under subsection (a) may be made for a period of less than 5 years.

''(B) PREFERENCE.—In awarding grants under subsection (a), the Secretary shall—

''(i) give preference to States, Indian Tribes, and Tribal organizations that have the highest rates of maternal mortality and severe maternal morbidity relative to other such States, Indian Tribes, or Tribal organizations, respectively; and

''(ii) shall consider health disparities related to maternal mortality and severe maternal morbidity, including such disparities associated with racial and ethnic minority populations.

''(C) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications from up to 15 entities described in subparagraph (B)(i).

''(D) EVALUATION.—The Secretary shall require grantees to evaluate the outcomes of the programs supported under the grant.

''(c) DEFINITIONS.—In this section, the terms 'Indian Tribe' and 'Tribal organization' have the meanings given the terms 'Indian tribe' and 'tribal organization', respectively, in section 4 of the Indian Self-Determination and Education Assistance Act.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2021 through 2025.''.

(b) REPORT ON GRANT OUTCOMES AND DISSEMINATION OF BEST PRACTICES.—

(1) REPORT.—Not later than February 1, 2026, the Secretary of Health and Human Services shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes—

(A) the outcomes of the activities supported by the grants awarded under the amendment made by this section on maternal and child health;

(B) best practices and models of care used by recipients of grants under such amendment; and

(C) obstacles identified by recipients of grants under such amendment, and strategies used by such recipients to deliver care, improve maternal and child health, and reduce health disparities.

(2) DISSEMINATION OF BEST PRACTICES.—Not later than August 1, 2026, the Secretary of Health and Human Services shall disseminate information on best practices and models of care used by recipients of grants under the amendment made by this section (including best practices and models of care relating to the reduction of health disparities, including such disparities associated with racial and ethnic minority populations, in rates of maternal mortality and severe maternal morbidity) to relevant stakeholders, which may include health providers, medical schools, nursing schools, relevant State, Tribal, and local agencies, and the general public.

SEC. 7. IMPROVING RURAL MATERNAL AND OBSTETRIC CARE DATA.

(a) MATERNAL MORTALITY AND MORBIDITY ACTIVITIES.—Section 301(e) of the Public Health Service Act (42 U.S.C. 241(e)) is amended by inserting '', preventable maternal mortality and severe maternal morbidity,'' after ''delivery''.

(b) OFFICE OF WOMEN'S HEALTH.—Section 310A(b)(1) of the Public Health Service Act (42 U.S.C. 242s(b)(1)) is amended by striking ''and sociocultural contexts,'' and inserting ''sociocultural (including among American Indians, Native Hawaiians, and Alaska Natives), and geographical contexts''.

(c) SAFE MOTHERHOOD.—Section 317K of the Public Health Service Act (42 U.S.C. 247b–12) is amended—

(1) in subsection (a)(2)(A), by inserting '', including improving collection of data on race, ethnicity, and other demographic information'' before the period; and

(2) in subsection (b)(2)—

(A) in subparagraph (L), by striking ''and'' at the end;

(B) by redesignating subparagraph (M) as subparagraph (N); and

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

''(M) an examination of the relationship between maternal health and obstetric services in rural areas and outcomes in delivery and postpartum care; and''.

(d) OFFICE OF RESEARCH ON WOMEN'S HEALTH.—Section 486 of the Public Health Service Act (42 U.S.C. 287d) is amended—

(1) in subsection (b), by amending paragraph (3) to read as follows:

''(3) carry out paragraphs (1) and (2) with respect to—

''(A) the aging process in women, with priority given to menopause; and

''(B) pregnancy, with priority given to deaths related to preventable maternal mortality and severe maternal morbidity;''; and

(2) in subsection (d)(4)(A)(iv), by inserting '', including preventable maternal morbidity and severe maternal morbidity'' before the semicolon.

SEC. 8. RURAL OBSTETRIC NETWORK GRANTS.

The Public Health Service Act is amended by inserting after section 330A–1 (42 U.S.C. 254c–1a) the following:

''SEC. 330A–2. RURAL OBSTETRIC NETWORK GRANTS.

''(a) PROGRAM ESTABLISHED.—The Secretary shall award grants or cooperative agreements to eligible entities to establish collaborative improvement and innovation networks (referred to in this section as 'rural obstetric networks') to improve maternal and infant health outcomes and reduce preventable maternal mortality and severe maternal morbidity by improving maternity care and access to care in rural areas, frontier areas, maternity care health professional target areas, or jurisdictions of Indian Tribes and Tribal organizations.

''(b) USE OF FUNDS.—Grants or cooperative agreements awarded pursuant to this section shall be used for the establishment or continuation of collaborative improvement and innovation networks to improve maternal health in rural areas by improving infant health and maternal outcomes and reducing preventable maternal mortality and severe maternal morbidity. Rural obstetric networks established in accordance with this section may—

''(1) develop a network to improve coordination and increase access to maternal health care and assist pregnant women in the areas described in subsection (a) with accessing and utilizing maternal and obstetric care, including health care services related to prenatal care, labor care, birthing, and postpartum care to improve outcomes in birth and maternal mortality and morbidity;

''(2) identify and implement evidence-based and sustainable delivery models for maternal and obstetric care (including health care services related to prenatal care, labor care, birthing, and postpartum care for women in the areas described in subsection (a), including home visiting programs and culturally appropriate care models that reduce health disparities;

''(3) develop a model for maternal health care collaboration between health care settings to improve access to care in areas described in subsection (a), which may include the use of telehealth;

''(4) provide training for professionals in health care settings that do not have specialty maternity care;

''(5) collaborate with academic institutions that can provide regional expertise and help identify barriers to providing maternal health care, including strategies for addressing such barriers; and

''(6) assess and address disparities in infant and maternal health outcomes, including among racial and ethnic minority populations and underserved populations in areas described in subsection (a).

''(c) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITIES.—The term 'eligible entities' means entities providing maternal health care services in rural areas, frontier areas, or medically underserved areas, or to medically underserved populations or Indian Tribes or Tribal organizations.

''(2) FRONTIER AREA.—The term 'frontier area' means a frontier county, as defined in section 1886(d)(3)(E)(iii)(III) of the Social Security Act.

''(3) INDIAN TRIBES; TRIBAL ORGANIZATION.—The terms 'Indian Tribe' and 'Tribal organization' have the meanings given the terms 'Indian tribe' and 'tribal organization', respectively, in section 4 of the Indian Self-Determination and Education Assistance Act.

''(4) MATERNITY CARE HEALTH PROFESSIONAL TARGET AREA.—The term 'maternity care health professional target area' has the meaning described in section 332(k)(2).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2021 through 2025.''.

SEC. 9. TELEHEALTH NETWORK AND TELEHEALTH RESOURCE CENTERS GRANT PROGRAMS.

Section 330I of the Public Health Service Act (42 U.S.C. 254c–14) is amended—

(1) in subsection (f)(3), by adding at the end the following:

''(M) Providers of maternal care, including prenatal, labor care, birthing, and postpartum care services and entities operating obstetric care units.''; and

(2) in subsection (h)(1)(B), by inserting ''labor care, birthing care, postpartum care,'' before ''or prenatal''.

SEC. 10. RURAL MATERNAL AND OBSTETRIC CARE TRAINING DEMONSTRATION.

Subpart 1 of part E of title VII of the Public Health Service Act (42 U.S.C. 294n et seq.) is amended by adding at the end the following:

''SEC. 764. RURAL MATERNAL AND OBSTETRIC CARE TRAINING DEMONSTRATION.

''(a) IN GENERAL.—The Secretary shall award grants to accredited schools of allopathic medicine, osteopathic medicine, and nursing, and other appropriate health professional training programs, to establish a training demonstration program to support—

''(1) training for physicians, medical residents, fellows, nurse practitioners, physician assistants, nurses, certified nurse midwives, relevant home visiting workforce professionals and paraprofessionals, or other professionals who meet relevant State training and licensing requirements, as applicable, to provide maternal health care services in rural community-based settings; and

''(2) developing recommendations for such training programs.

''(b) APPLICATION.—To be eligible to receive a grant under subsection (a), an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) ACTIVITIES.—

''(1) TRAINING FOR HEALTH CARE PROFESSIONALS.—A recipient of a grant under subsection (a)—

''(A) shall use the grant funds to plan, develop, and operate a training program to provide maternal health care in rural areas; and

''(B) may use the grant funds to provide additional support for the administration of the program or to meet the costs of projects to establish, maintain, or improve faculty

development, or departments, divisions, or other units necessary to implement such training.

''(2) TRAINING PROGRAM REQUIREMENTS.—The recipient of a grant under subsection (a) shall ensure that training programs carried out under the grant are evidence-based and address improving maternal health care in rural areas, and such programs may include training on topics such as—

''(A) maternal mental health, including perinatal depression and anxiety;

''(B) substance use disorders;

''(C) social determinants of health that affect individuals living in rural areas; and

''(D) implicit and explicit bias.

''(d) EVALUATION AND REPORT.—

''(1) EVALUATION.—

''(A) IN GENERAL.—The Secretary shall evaluate the outcomes of the demonstration program under this section.

''(B) DATA SUBMISSION.—Recipients of a grant under subsection (a) shall submit to the Secretary performance metrics and other related data in order to evaluate the program for the report described in paragraph (2).

''(2) REPORT TO CONGRESS.—Not later than January 1, 2025, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes—

''(A) an analysis of the effects of the demonstration program under this section on the quality, quantity, and distribution of maternal health care services, including health care services related to prenatal care, labor care, birthing, and postpartum care, and the demographics of the recipients of those services;

''(B) an analysis of maternal and infant health outcomes (including quality of care, morbidity, and mortality) before and after implementation of the program in the communities served by entities participating in the demonstration program; and

''(C) recommendations on whether the demonstration program should be continued.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2021 through 2025.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. DINGELL) and the gentleman from Montana (Mr. GIANFORTE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan.

GENERAL LEAVE

Mrs. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4995.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 4995, the Maternal Health Quality Improvement Act of 2020.

Every 12 hours, an American woman dies of a pregnancy-related complication. This is a public health crisis, and the Maternal Health Quality Improvement Act creates robust new programs to meet this need. This includes improving rural maternal healthcare through the creation of rural obstetric network grants, as well as expanding the use of telehealth.

The legislation also promotes innovation in maternal healthcare by creating a new grant program to develop and disseminate best practices to improve health quality and outcomes and help eliminate maternal mortality.

Additionally, the Maternal Health Quality Improvement Act includes provisions to address racial disparities in maternal health outcomes by funding training programs for healthcare professionals, as well as allowing HHS to disseminate best practices to reduce and prevent discrimination.

Finally, the legislation authorizes funding for perinatal quality collaboratives, multi-State networks to improve health outcomes for pregnant and postpartum women and their infants, as well as creating a grant program to integrate services and reduce adverse maternal health outcomes.

Madam Speaker, these robust provisions represent a strong step toward addressing the ongoing health crisis facing America's pregnant and postpartum women.

Madam Speaker, I thank my colleagues, Representatives ENGEL, BUCSHON, TORRES SMALL, LATTA, ADAMS, and STIVERS, for their tireless work on this legislation.

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

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

Madam Speaker, I rise today in support of H.R. 4995, the Maternal Health Quality Improvement Act, which was introduced by Representatives ENGEL, BUCSHON, TORRES SMALL, LATTA, ADAMS, and STIVERS.

The legislation authorizes grants for developing and sharing maternal health best practices and training health professionals.

It also supports the Health Resources and Services Administration's establishment of rural health networks to reduce maternal and child mortality rates and reduce inequities in health outcomes amongst different populations.

It also ensures obstetric care is an eligible service for telehealth grants.

Madam Speaker, I want to thank the American Hospital Association, the March of Dimes, the American Medical Association, and others for their support of this legislation.

Madam Speaker, I urge my colleagues to support this bipartisan legislation, and I reserve the balance of my time.

Mrs. DINGELL. Madam Speaker, I reserve the balance of my time.

Mr. GIANFORTE. Madam Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. BUCSHON).

Mr. BUCSHON. Madam Speaker, as a physician and a father of four, I understand the importance of ensuring the health of mothers during pregnancy and after the delivery of their newborns. This is a critical time for both the mother and the child.

Sadly, Indiana has an unacceptably high maternal mortality rate, ranking third in the country. We can do better.

We must do better in our approach across the entire Nation, especially in rural America, to use best practices and provide the necessary resources to stop preventable maternal mortality. The Maternal Health Quality Improvement Act is a great first step toward doing just that.

H.R. 4995 includes the Excellence in Maternal Health Act, legislation I introduced along with my fellow Hoosier, Representative ANDRÉ CARSON.

This bipartisan legislation will benefit patients and communities that are currently struggling, like those in my home State of Indiana, by providing them with the support and the training they so desperately need.

Madam Speaker, together, we can work to help mothers and their children achieve better health outcomes. I urge my colleagues to support H.R. 4995.

Mrs. DINGELL. Madam Speaker, I reserve the balance of my time.

Mr. GIANFORTE. Madam Speaker, I appreciate Dr. BUCSHON's leadership on this bill. I am excited to see this pass the House.

Madam Speaker, I urge my colleagues to support this important legislation, and I yield back the balance of my time.

Mrs. DINGELL. Madam Speaker, I agree with my colleagues passionately in the need to take care of our mothers when they are pregnant, the newborns, and then their postpartum health. This bill is an important first step, and I urge my colleagues to support this legislation.

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

Mr. CARSON of Indiana. Madam Speaker, I rise today in strong support of the Maternal Health Quality Improvement Act of 2019 (H.R. 4995). This important bill includes my legislation, the Excellence in Maternal Health Act of 2019 (H.R. 4215), that I introduced last year with my fellow Hoosier, Rep. BUCSHON. I want to thank Rep. ENGEL for including my legislation in this package. I urge my House colleagues to pass H.R. 4995 without delay.

Maternal mortality—which occurs when a woman dies during pregnancy or within one year of delivery—is a nationwide, public health emergency. The United States has the highest maternal death rate in the developed world; 26 women die for every 100,000 live birth in our country. This unacceptably high level of maternal mortality robs our country of between 700 and 900 women from causes related to pregnancy and childbirth.

However, this crisis does not affect all states equally. Maternal mortality is especially devastating in states like Indiana. Our state has the third highest maternal mortality rate in the country where, often due to preventable complications, a staggering 43 out of 100,000 women die during or shortly after giving birth.

The maternal mortality crisis also does not affect all mothers equally; in fact, the racial and ethnic disparities in maternal mortality are

extremely stark. Nationwide, Black women are three to four times more likely to die from maternal health complications than white women. In Indiana, Black women are 29 percent more likely to die during childbirth than white women, as 53 black women die per 100,000 live births versus 41 deaths among white women. Research consistently shows that disparities in access to quality health care, inadequate health care training, discrimination and bias, and the lack of high-quality integrated maternal health care continue to compound existing health care disparities that produce the disproportionate levels of maternal mortality among Black mothers.

That's why in August 2019, I introduced the Excellence in Maternal Health Act of 2019 with my fellow Hoosier, Rep. BUCSHON. Our bipartisan legislation works to improve maternal health access and quality, reduce racial and ethnic disparities and discrimination in health care delivery, and create grant programs to implement best practices and strengthen training for health care providers.

Specifically, our legislation provides $10 million to help develop and enact best practices to eliminate maternal morality through improved maternal health access and quality. Additionally, our legislation provides $25 million over five years to establish a grant program to train health care professionals on ways to reduce and prevent racial discrimination in providing prenatal care, labor care, birthing, and postpartum care. Finally, our legislation provides $15 million in grants to help states deliver integrated health care services that reduce maternal mortality and related health disparities.

I was pleased that in November 2019, the House Energy and Commerce Committee included our Carson/Bucshon legislation into Rep. ENGEL's larger legislative package, the Maternal Health Quality Improvement Act of 2019 and was unanimously approved by the Committee. I urge all of my House colleagues to now pass H.R. 4995 to implement the programs and reforms in my legislation that will help end the scourge of preventable maternal mortality in our country and ensure the birth of a child is a joyous and safe occasion for families across America.

The SPEAKER pro tempore (Ms. STEVENS). The question is on the motion offered by the gentlewoman from Michigan (Mrs. DINGELL) that the House suspend the rules and pass the bill, H.R. 4995, as amended.

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

A motion to reconsider was laid on the table.

PROTECTING PATIENTS TRANSPORTATION TO CARE ACT

Mrs. DINGELL. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3935) to amend title XIX of the Social Security Act to provide for the continuing requirement of Medicaid coverage of nonemergency transportation to medically necessary services, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3935

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protecting Patients Transportation to Care Act''.

SEC. 2. MEDICAID COVERAGE OF CERTAIN MEDICAL TRANSPORTATION.

(a) CONTINUING REQUIREMENT OF MEDICAID COVERAGE OF NECESSARY TRANSPORTATION.—

(1) REQUIREMENT.—Section 1902(a)(4) of the Social Security Act (42 U.S.C. 1396a(a)(4)) is amended—

(A) by striking ''and including provision for utilization'' and inserting ''including provision for utilization''; and

(B) by inserting after ''supervision of administration of the plan'' the following: '', and, subject to section 1903(i), including a specification that the single State agency described in paragraph (5) will ensure necessary transportation for beneficiaries under the State plan to and from providers and a description of the methods that such agency will use to ensure such transportation''.

(2) APPLICATION WITH RESPECT TO BENCHMARK BENEFIT PACKAGES AND BENCHMARK EQUIVALENT COVERAGE.—Section 1937(a)(1) of the Social Security Act (42 U.S.C. 1396u–7(a)(1)) is amended—

(A) in subparagraph (A), by striking ''subsection (E)'' and inserting ''subparagraphs (E) and (F)''; and

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

''(F) NECESSARY TRANSPORTATION.—Notwithstanding the preceding provisions of this paragraph, a State may not provide medical assistance through the enrollment of an individual with benchmark coverage or benchmark equivalent coverage described in subparagraph (A)(i) unless, subject to section 1903(i)(9) and in accordance with section 1902(a)(4), the benchmark benefit package or benchmark equivalent coverage (or the State)—

''(i) ensures necessary transportation for individuals enrolled under such package or coverage to and from providers; and

''(ii) provides a description of the methods that will be used to ensure such transportation.''.

(3) LIMITATION ON FEDERAL FINANCIAL PARTICIPATION.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)) is amended by inserting after paragraph (8) the following new paragraph:

''(9) with respect to any amount expended for non-emergency transportation authorized under section 1902(a)(4), unless the State plan provides for the methods and procedures required under section 1902(a)(30)(A); or''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall apply to transportation furnished on or after such date.

(b) MEDICAID PROGRAM INTEGRITY MEASURES RELATED TO COVERAGE OF NONEMERGENCY MEDICAL TRANSPORTATION.—

(1) GAO STUDY.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study, and submit to Congress, a report on coverage under the Medicaid program under title XIX of the Social Security Act of nonemergency transportation to medically necessary services. Such study shall take into account the 2009 report of the Office of the Inspector General of the Department of Health and Human Services, titled ''Fraud and Abuse Safeguards for Medicaid Nonemergency Medical Transportation'' (OEI–06–07–003200). Such report shall include the following:

(A) An examination of the 50 States and the District of Columbia to identify safeguards to prevent and detect fraud and abuse with respect to coverage under the Medicaid program of nonemergency transportation to medically necessary services.

(B) An examination of transportation brokers to identify the range of safeguards against such fraud and abuse to prevent improper payments for such transportation.

(C) Identification of the numbers, types, and outcomes of instances of fraud and abuse, with respect to coverage under the Medicaid program of such transportation, that State Medicaid Fraud Control Units have investigated in recent years.

(D) Identification of commonalities or trends in program integrity, with respect to such coverage, to inform risk management strategies of States and the Centers for Medicare & Medicaid Services.

(2) STAKEHOLDER WORKING GROUP.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services, through the Centers for Medicare & Medicaid Services, shall convene a series of meetings to obtain input from appropriate stakeholders to facilitate discussion and shared learning about the leading practices for improving Medicaid program integrity, with respect to coverage of nonemergency transportation to medically necessary services.

(B) TOPICS.—The meetings convened under subparagraph (A) shall—

(i) focus on ongoing challenges to Medicaid program integrity as well as leading practices to address such challenges; and

(ii) address specific challenges raised by stakeholders involved in coverage under the Medicaid program of nonemergency transportation to medically necessary services, including unique considerations for specific groups of Medicaid beneficiaries meriting particular attention, such as American Indians and tribal land issues or accommodations for individuals with disabilities.

(C) STAKEHOLDERS.—Stakeholders described in subparagraph (A) shall include individuals from State Medicaid programs, brokers for nonemergency transportation to medically necessary services that meet the criteria described in section 1902(a)(70)(B) of the Social Security Act (42 U.S.C. 1396a(a)(70)(B)), providers (including transportation network companies), Medicaid patient advocates, and such other individuals specified by the Secretary.

(3) GUIDANCE REVIEW.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services, through the Centers for Medicare & Medicaid Services, shall assess guidance issued to States by the Centers for Medicare & Medicaid Services relating to Federal requirements for nonemergency transportation to medically necessary services under the Medicaid program under title XIX of the Social Security Act and update such guidance as necessary to ensure States have appropriate and current guidance in designing and administering coverage under the Medicaid program of nonemergency transportation to medically necessary services.

(4) NEMT TRANSPORTATION PROVIDER AND DRIVER REQUIREMENTS.—

(A) STATE PLAN REQUIREMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(i) by striking ''and'' at the end of paragraph (85);

(ii) by striking the period at the end of paragraph (86) and inserting ''; and''; and

(iii) by inserting after paragraph (86) the following new paragraph:

''(87) provide for a mechanism, which may include attestation, that ensures that, with respect to any provider (including a transportation network company) or individual driver of nonemergency transportation to medically necessary services receiving payments under such plan (but excluding any public transit authority), at a minimum—

''(A) each such provider and individual driver is not excluded from participation in any Federal health care program (as defined in section 1128B(f)) and is not listed on the exclusion list of the Inspector General of the Department of Health and Human Services;

''(B) each such individual driver has a valid driver's license;

''(C) each such provider has in place a process to address any violation of a State drug law; and

''(D) each such provider has in place a process to disclose to the State Medicaid program the driving history, including any traffic violations, of each such individual driver employed by such provider, including any traffic violations.''.

(B) EFFECTIVE DATE.—

(i) IN GENERAL.—Except as provided in clause (ii), the amendments made by subparagraph (A) shall take effect on the date of the enactment of this Act and shall apply to services furnished on or after the date that is one year after the date of the enactment of this Act.

(ii) EXCEPTION IF STATE LEGISLATION REQUIRED.—In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirement imposed by the amendments made by subparagraph (A), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet this additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

(5) ANALYSIS OF T–MSIS DATA.—Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services, through the Centers for Medicare & Medicaid Services, shall analyze, and submit to Congress a report on, the nation-wide data set under the Transformed Medicaid Statistical Information System to identify recommendations relating to coverage under the Medicaid program under title XIX of the Social Security Act of nonemergency transportation to medically necessary services.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. DINGELL) and the gentleman from Montana (Mr. GIANFORTE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan.

GENERAL LEAVE

Mrs. DINGELL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3935.

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

There was no objection.

Mrs. DINGELL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 3935, Protecting Patients Transportation to Care Act. This legislation will add nonemergency medical transportation services for individuals without other means of transportation to the list of benefits required by law under Medicaid.

NEMT, N-E-M-T, benefits have been a mandatory Medicaid benefit by regulation since the program's beginning in 1966, and the benefits are clear. Transportation is one of the most common barriers to care for low-income patients, and reliable transportation to and from medical appointments is a cornerstone of healthcare access.

NEMT provides over 100 million rides to Medicaid beneficiaries each year, and this lifeline is critical to patients with chronic conditions like kidney disease or diabetes.

Additionally, it allows seniors and Americans to remain in their homes and continue to live independently.

The NEMT benefit is especially critical to beneficiaries seeking care during this current public health crisis, which has placed additional burdens and barriers to care.

The Protecting Patients Transportation to Care Act will codify this benefit and maintain robust program integrity protections.

In addition to safeguarding the lifesaving NEMT benefit, the legislation is scored as having no cost by the Congressional Budget Office.

I would like to thank Representatives CARTER, CÁRDENAS, GRAVES and BISHOP of Georgia for leading this bipartisan effort and urge my colleagues to support its passage.

I reserve the balance of my time.

□ 1815

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

Madam Speaker, I rise today in support of H.R. 3935, the Protecting Patients Transportation to Care Act, introduced by Representatives CARTER and CÁRDENAS, and Representatives GRAVES and BISHOP of Georgia.

This legislation would require Medicaid to cover nonemergency medical transportation, or NEMT. This can help rural Medicaid patients get to dialysis, preventive care, and substance abuse treatment.

Covering this transport can ensure these patients get the care they need, improving outcomes and reducing the need for expensive emergency room visits and hospitalizations.

In my home State of Montana, it can take 2 hours or more to get to a specialist. This important legislation will help ensure rural patients have the ability to get to their providers.

H.R. 3935 would also require States to ensure that NEMT providers are not on the excluded providers list; that each individual driver has a valid driver's license; and that providers report and address violations of State law, including traffic violations.

It would require the Comptroller General to conduct a study on coverages of NEMT by State Medicaid programs, including the policies and program integrity measures in place to prevent waste, fraud, and abuse.

Finally, the bill would require the Secretary to analyze any NEMT data and report to Congress on his or her findings within one year of the date of enactment.

The legislation also requires State Medicaid programs to develop a utilization management process for the benefit.

Madam Speaker, I urge adoption of this important legislation, and I yield back the balance of my time.

Mrs. DINGELL. Madam Speaker, I, too, urge adoption of this important piece of legislation to remove barriers so people are able to go to the doctor, and I urge my colleagues to support this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. DINGELL) that the House suspend the rules and pass the bill, H.R. 3935, as amended.

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

A motion to reconsider was laid on the table.

HELPING EMERGENCY RESPONDERS OVERCOME ACT

Mrs. DINGELL. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1646) to require the Secretary of Health and Human Services to improve the detection, prevention, and treatment of mental health issues among public safety officers, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1646

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 ''Helping Emergency Responders Overcome Act'' or the ''HERO Act''.

SEC. 2. DATA SYSTEM TO CAPTURE NATIONAL PUBLIC SAFETY OFFICER SUICIDE INCIDENCE.

The Public Health Service Act is amended by inserting before section 318 of such Act (42 U.S.C. 247c) the following:

''SEC. 317W. DATA SYSTEM TO CAPTURE NATIONAL PUBLIC SAFETY OFFICER SUICIDE INCIDENCE.

''(a) IN GENERAL.—The Secretary, in coordination with the Director of the Centers for Disease Control and Prevention and other agencies as the Secretary determines appropriate, shall—

''(1) develop and maintain a data system, to be known as the Public Safety Officer Suicide Reporting System, for the purposes of—

''(A) collecting data on the suicide incidence among public safety officers; and

''(B) facilitating the study of successful interventions to reduce suicide among public safety officers; and

''(2) integrate such system into the National Violent Death Reporting System, so long as the Secretary determines such integration to be consistent with the purposes described in paragraph (1).

''(b) DATA COLLECTION.—In collecting data for the Public Safety Officer Suicide Reporting System, the Secretary shall, at a minimum, collect the following information:

''(1) The total number of suicides in the United States among all public safety officers in a given calendar year.

''(2) Suicide rates for public safety officers in a given calendar year, disaggregated by—

''(A) age and gender of the public safety officer;

''(B) State;

''(C) occupation; including both the individual's role in their public safety agency and their primary occupation in the case of volunteer public safety officers;

''(D) where available, the status of the public safety officer as volunteer, paid-on-call, or career; and

''(E) status of the public safety officer as active or retired.

''(c) CONSULTATION DURING DEVELOPMENT.—In developing the Public Safety Officer Suicide Reporting System, the Secretary shall consult with non-Federal experts to determine the best means to collect data regarding suicide incidence in a safe, sensitive, anonymous, and effective manner. Such non-Federal experts shall include, as appropriate, the following:

''(1) Public health experts with experience in developing and maintaining suicide registries.

''(2) Organizations that track suicide among public safety officers.

''(3) Mental health experts with experience in studying suicide and other profession-related traumatic stress.

''(4) Clinicians with experience in diagnosing and treating mental health issues.

''(5) Active and retired volunteer, paid-on-call, and career public safety officers.

''(6) Relevant national police, and fire and emergency medical services, organizations.

''(d) DATA PRIVACY AND SECURITY.—In developing and maintaining the Public Safety Officer Suicide Reporting System, the Secretary shall ensure that all applicable Federal privacy and security protections are followed to ensure that—

''(1) the confidentiality and anonymity of suicide victims and their families are protected, including so as to ensure that data cannot be used to deny benefits; and

''(2) data is sufficiently secure to prevent unauthorized access.

''(e) REPORTING.—

''(1) ANNUAL REPORT.—Not later than 2 years after the date of enactment of the Helping Emergency Responders Overcome Act, and biannually thereafter, the Secretary shall submit a report to the Congress on the suicide incidence among public safety officers. Each such report shall—

''(A) include the number and rate of such suicide incidence, disaggregated by age, gender, and State of employment;

''(B) identify characteristics and contributing circumstances for suicide among public safety officers;

''(C) disaggregate rates of suicide by—

''(i) occupation;

''(ii) status as volunteer, paid-on-call, or career; and

''(iii) status as active or retired;

''(D) include recommendations for further study regarding the suicide incidence among public safety officers;

''(E) specify in detail, if found, any obstacles in collecting suicide rates for volunteers and include recommended improvements to overcome such obstacles;

''(F) identify options for interventions to reduce suicide among public safety officers; and

''(G) describe procedures to ensure the confidentiality and anonymity of suicide victims and their families, as described in subsection (d)(1).

''(2) PUBLIC AVAILABILITY.—Upon the submission of each report to the Congress under paragraph (1), the Secretary shall make the full report publicly available on the website of the Centers for Disease Control and Prevention.

''(f) DEFINITION.—In this section, the term 'public safety officer' means—

''(1) a public safety officer as defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968; or

''(2) a public safety telecommunicator as described in detailed occupation 43–5031 in the Standard Occupational Classification Manual of the Office of Management and Budget (2018).

''(g) PROHIBITED USE OF INFORMATION.—Notwithstanding any other provision of law, if an individual is identified as deceased based on information contained in the Public Safety Officer Suicide Reporting System, such information may not be used to deny or rescind life insurance payments or other benefits to a survivor of the deceased individual.''.

SEC. 3. PEER-SUPPORT BEHAVIORAL HEALTH AND WELLNESS PROGRAMS WITHIN FIRE DEPARTMENTS AND EMERGENCY MEDICAL SERVICE AGENCIES.

(a) IN GENERAL.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by adding at the end the following:

''SEC. 320B. PEER-SUPPORT BEHAVIORAL HEALTH AND WELLNESS PROGRAMS WITHIN FIRE DEPARTMENTS AND EMERGENCY MEDICAL SERVICE AGENCIES.

''(a) IN GENERAL.—The Secretary shall award grants to eligible entities for the purpose of establishing or enhancing peer-support behavioral health and wellness programs within fire departments and emergency medical services agencies.

''(b) PROGRAM DESCRIPTION.—A peer-support behavioral health and wellness program funded under this section shall—

''(1) use career and volunteer members of fire departments or emergency medical services agencies to serve as peer counselors;

''(2) provide training to members of career, volunteer, and combination fire departments or emergency medical service agencies to serve as such peer counselors;

''(3) purchase materials to be used exclusively to provide such training; and

''(4) disseminate such information and materials as are necessary to conduct the program.

''(c) DEFINITION.—In this section:

''(1) The term 'eligible entity' means a nonprofit organization with expertise and experience with respect to the health and life safety of members of fire and emergency medical services agencies.

''(2) The term 'member'—

''(A) with respect to an emergency medical services agency, means an employee, regardless of rank or whether the employee receives compensation (as defined in section 1204(7) of the Omnibus Crime Control and Safe Streets Act of 1968); and

''(B) with respect to a fire department, means any employee, regardless of rank or whether the employee receives compensation, of a Federal, State, Tribal, or local fire department who is responsible for responding to calls for emergency service.''.

(b) TECHNICAL CORRECTION.—Effective as if included in the enactment of the Children's Health Act of 2000 (Public Law 106–310), the amendment instruction in section 1603 of such Act is amended by striking ''Part B of the Public Health Service Act'' and inserting ''Part B of title III of the Public Health Service Act''.

SEC. 4. HEALTH CARE PROVIDER BEHAVIORAL HEALTH AND WELLNESS PROGRAMS.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.), as amended by section 3, is further amended by adding at the end the following:

''SEC. 320C. HEALTH CARE PROVIDER BEHAVIORAL HEALTH AND WELLNESS PROGRAMS.

''(a) IN GENERAL.—The Secretary shall award grants to eligible entities for the purpose of establishing or enhancing behavioral health and wellness programs for health care providers.

''(b) PROGRAM DESCRIPTION.—A behavioral health and wellness program funded under this section shall—

''(1) provide confidential support services for health care providers to help handle stressful or traumatic patient-related events, including counseling services and wellness seminars;

''(2) provide training to health care providers to serve as peer counselors to other health care providers;

''(3) purchase materials to be used exclusively to provide such training; and

''(4) disseminate such information and materials as are necessary to conduct such training and provide such peer counseling.

''(c) DEFINITIONS.—In this section, the term 'eligible entity' means a hospital, including a critical access hospital (as defined in section 1861(mm)(1) of the Social Security Act) or a disproportionate share hospital (as defined under section 1923(a)(1)(A) of such Act), a Federally-qualified health center (as defined in section 1905(1)(2)(B) of such Act), or any other health care facility.''.

SEC. 5. DEVELOPMENT OF RESOURCES FOR EDUCATING MENTAL HEALTH PROFESSIONALS ABOUT TREATING FIRE FIGHTERS AND EMERGENCY MEDICAL SERVICES PERSONNEL.

(a) IN GENERAL.—The Administrator of the United States Fire Administration, in consultation with the Secretary of Health and Human Services, shall develop and make publicly available resources that may be used by the Federal Government and other entities to educate mental health professionals about—

(1) the culture of Federal, State, Tribal, and local career, volunteer, and combination fire departments and emergency medical services agencies;

(2) the different stressors experienced by firefighters and emergency medical services personnel, supervisory firefighters and emergency medical services personnel, and chief officers of fire departments and emergency medical services agencies;

(3) challenges encountered by retired firefighters and emergency medical services personnel; and

(4) evidence-based therapies for mental health issues common to firefighters and emergency medical services personnel within such departments and agencies.

(b) CONSULTATION.—In developing resources under subsection (a), the Administrator of the United States Fire Administration and the Secretary of Health and Human Services shall consult with national fire and emergency medical services organizations.

(c) DEFINITIONS.—In this section:

(1) The term ''firefighter'' means any employee, regardless of rank or whether the employee receives compensation, of a Federal, State, Tribal, or local fire department who is responsible for responding to calls for emergency service.

(2) The term ''emergency medical services personnel'' means any employee, regardless of rank or whether the employee receives compensation, as defined in section 1204(7) of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284(7)).

(3) The term ''chief officer'' means any individual who is responsible for the overall operation of a fire department or an emergency medical services agency, irrespective

of whether such individual also serves as a firefighter or emergency medical services personnel.

SEC. 6. BEST PRACTICES AND OTHER RESOURCES FOR ADDRESSING POSTTRAUMATIC STRESS DISORDER IN PUBLIC SAFETY OFFICERS.

(a) DEVELOPMENT; UPDATES.—The Secretary of Health and Human Services shall—

(1) develop and assemble evidence-based best practices and other resources to identify, prevent, and treat posttraumatic stress disorder and co-occurring disorders in public safety officers; and

(2) reassess and update, as the Secretary determines necessary, such best practices and resources, including based upon the options for interventions to reduce suicide among public safety officers identified in the annual reports required by section 317W(e)(1)(F) of the Public Health Service Act, as added by section 2 of this Act.

(b) CONSULTATION.—In developing, assembling, and updating the best practices and resources under subsection (a), the Secretary of Health and Human Services shall consult with, at a minimum, the following:

(1) Public health experts.

(2) Mental health experts with experience in studying suicide and other profession-related traumatic stress.

(3) Clinicians with experience in diagnosing and treating mental health issues.

(4) Relevant national police, fire, and emergency medical services organizations.

(c) AVAILABILITY.—The Secretary of Health and Human Services shall make the best practices and resources under subsection (a) available to Federal, State, and local fire, law enforcement, and emergency medical services agencies.

(d) FEDERAL TRAINING AND DEVELOPMENT PROGRAMS.—The Secretary of Health and Human Services shall work with Federal departments and agencies, including the United States Fire Administration, to incorporate education and training on the best practices and resources under subsection (a) into Federal training and development programs for public safety officers.

(e) DEFINITION.—In this section, the term ''public safety officer'' means—

(1) a public safety officer as defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284); or

(2) a public safety telecommunicator as described in detailed occupation 43–5031 in the Standard Occupational Classification Manual of the Office of Management and Budget (2018).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. DINGELL) and the gentleman from Montana (Mr. GIANFORTE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan.

GENERAL LEAVE

Mrs. DINGELL. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1646.

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

There was no objection.

Mrs. DINGELL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 1646, the Helping Emergency Responders Overcome, or HERO Act of 2019.

We have seen the extraordinary actions of America's first responders in recent months in helping to keep our Nation safe. From the courage and the bravery of firefighters in Western States as they confront an unprecedented fire season, to public safety and paramedics responding to hurricanes on the Gulf Coast, to the frontline health workers fighting COVID–19, we all owe them a tremendous debt of gratitude.

This includes supporting the mental health needs of these individuals. Exposure to stressful, life-threatening situations, and traumatic events can impact one's mental health.

Unfortunately, we see this impact every day with first responders facing higher rates of suicide and other mental health issues. However, we still lack data on the full scope of the problem, as well as treatment strategies to address the unique stresses that our Nation's first responders face.

The HERO Act would create a National Public Safety Officer Suicide Reporting System to help us better understand the prevalence of these tragedies within the public safety officer community regardless of their employer.

It would also establish a grant program for peer support, behavioral health, and wellness programs within fire departments and EMS agencies.

The legislation also will develop and disseminate resources to educate health professionals about the unique mental health challenges facing our Nation's first responders and evidence-based therapies to address these issues.

I would like to thank AMI BERA for his leadership and thoughtful advocacy on the HERO Act and urge my colleagues to support its passage.

I reserve the balance of my time.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,
Washington, DC, September 15, 2020.

Hon. FRANK PALLONE, JR.,
Chairman, Committee on Energy and Commerce, Washington, DC.

DEAR CHAIRMAN PALLONE: I am writing you concerning H.R. 1646, the ''Helping Emergency Responders Overcome Act of 2019,'' which was referred to the Committee on Energy and Commerce and then to the Committee on Science, Space, and Technology (''Science Committee'') on March 8, 2019.

As a result of our consultation, I agree to work cooperatively on H.R. 1646 and in order to expedite consideration of the bill the Science Committee will waive formal consideration of this legislation. However, this is not a waiver of any future jurisdictional claims by the Science Committee over the subject matter contained in H.R. 1646 or similar legislation. I also request that you support my request to name members of the Science Committee to any conference committee to consider this legislation.

Additionally, thank you for your assurances to include a copy of our exchange of letters on this matter in the committee report for H.R. 1646 and in the Congressional Record during floor consideration thereof.

Sincerely,

EDDIE BERNICE JOHNSON,
Chairwoman, Committee on Science, Space, and Technology.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, September 15, 2020.

Hon. EDDIE BERNICE JOHNSON,
Chairwoman, Committee on Science, Space, and Technology,
Washington, DC.

DEAR CHAIRWOMAN JOHNSON: Thank you for consulting with the Committee on Energy and Commerce and agreeing to discharge H.R. 1646, the Helping Emergency Responders Overcome Act of 2019, from further consideration, so that the bill may proceed expeditiously to the House floor.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of your committee or prejudice its jurisdictional prerogatives on this measure or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation.

I will ensure our letters on H.R. 1646 are entered into the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,

FRANK PALLONE, JR.,
Chairman.

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

Madam Speaker, I rise today in support of H.R. 1646, the Helping Emergency Responders Overcome, or HERO Act, which was introduced by Representative BERA.

This legislation would create a database at the Centers for Disease Control and Prevention to capture public safety officer suicide incidents and study successful interventions.

It would also authorize a grant program for peer support and wellness programs within fire and emergency medical service agencies, as well as for frontline healthcare workers. It also directs the Secretary of Health and Human Services to develop best practices and share resources for addressing post-traumatic stress in public safety officers.

This legislation is incredibly timely. Emergency workers and doctors and nurses are under incredible strain, and many are unable to be with their families due to their efforts to prevent the spread.

Losing those who keep us safe will only make the crisis worse. My home State of Montana, unfortunately, has one of the highest suicide rates in the country.

I do want to recognize all those who supported the Yellowstone Valley Out of the Darkness suicide awareness event over this past weekend in Billings, Montana. I appreciate you making sure others realize they are not alone.

We must ensure that all these heroes across America on the front lines of healthcare and law enforcement and public safety have the support they need to continue working to keep us safe.

Madam Speaker, this is an importantly critical piece of legislation. I

urge adoption, and I yield back the balance of my time.

Mrs. DINGELL. Madam Speaker, once more we thank our Nation's first responders for all they are doing for us, and I urge my colleagues to support them by supporting this legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. DINGELL) that the House suspend the rules and pass the bill, H.R. 1646, as amended.

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

A motion to reconsider was laid on the table.

SUICIDE PREVENTION LIFELINE IMPROVEMENT ACT OF 2020

Mrs. DINGELL. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4564) to amend the Public Health Service Act to ensure the provision of high-quality service through the Suicide Prevention Lifeline, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4564

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 ''Suicide Prevention Lifeline Improvement Act of 2020''.

SEC. 2. SUICIDE PREVENTION LIFELINE.

(a) PLAN.—Section 520E–3 of the Public Health Service Act (42 U.S.C. 290bb–36c) is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following:

''(c) PLAN.—

''(1) IN GENERAL.—For purposes of maintaining the suicide prevention hotline under subsection (b)(2), the Secretary shall develop and implement a plan to ensure the provision of high-quality service.

''(2) CONTENTS.—The plan required by paragraph (1) shall include the following:

''(A) Quality assurance provisions, including—

''(i) clearly defined and measurable performance indicators and objectives to improve the responsiveness and performance of the hotline, including at backup call centers; and

''(ii) quantifiable timeframes to track the progress of the hotline in meeting such performance indicators and objectives.

''(B) Standards that crisis centers and backup centers must meet—

''(i) to participate in the network under subsection (b)(1); and

''(ii) to ensure that each telephone call, online chat message, and other communication received by the hotline, including at backup call centers, is answered in a timely manner by a person, consistent with the guidance established by the American Association of Suicidology or other guidance determined by the Secretary to be appropriate.

''(C) Guidelines for crisis centers and backup centers to implement evidence-based practices including with respect to followup and referral to other health and social services resources.

''(D) Guidelines to ensure that resources are available and distributed to individuals using the hotline who are not personally in a time of crisis but know of someone who is.

''(E) Guidelines to carry out periodic testing of the hotline, including at crisis centers and backup centers, during each fiscal year to identify and correct any problems in a timely manner.

''(F) Guidelines to operate in consultation with the State department of health, local governments, Indian tribes, and tribal organizations.

''(3) INITIAL PLAN; UPDATES.—The Secretary shall—

''(A) not later than 6 months after the date of enactment of the Suicide Prevention Lifeline Improvement Act of 2020, complete development of the initial version of the plan required by paragraph (1), begin implementation of such plan, and make such plan publicly available; and

''(B) periodically thereafter, update such plan and make the updated plan publicly available.''.

(b) TRANSMISSION OF DATA TO CDC.—Section 520E–3 of the Public Health Service Act (42 U.S.C. 290bb–36c) is amended by inserting after subsection (c) of such section, as added by subsection (a) of this section, the following:

''(d) TRANSMISSION OF DATA TO CDC.—The Secretary shall formalize and strengthen agreements between the National Suicide Prevention Lifeline program and the Centers for Disease Control and Prevention to transmit any necessary epidemiological data from the program to the Centers, including local call center data, to assist the Centers in suicide prevention efforts.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Subsection (e) of section 520E–3 of the Public Health Service Act (42 U.S.C. 290bb–36c) is amended to read as follows:

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—To carry out this section, there are authorized to be appropriated $50,000,000 for each of fiscal years 2021 through 2023.

''(2) ALLOCATION.—Of the amount authorized to be appropriated by paragraph (1) for each of fiscal years 2021 through 2023, at least 80 percent shall be made available to crisis centers.''.

SEC. 3. PILOT PROGRAM ON INNOVATIVE TECHNOLOGIES.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Assistant Secretary for Mental Health and Substance Use, shall carry out a pilot program to research, analyze, and employ various technologies and platforms of communication (including social media platforms, texting platforms, and email platforms) for suicide prevention in addition to the telephone and online chat service provided by the Suicide Prevention Lifeline.

(2) AUTHORIZATION OF APPROPRIATIONS.—To carry out paragraph (1), there is authorized to be appropriated $5,000,000 for the period of fiscal years 2021 and 2022.

(b) REPORT.—Not later than 24 months after the date on which the pilot program under subsection (a) commences, the Secretary of Health and Human Services, acting through the Assistant Secretary for Mental Health and Substance Use, shall submit to the Congress a report on the pilot program. With respect to each platform of communication employed pursuant to the pilot program, the report shall include—

(1) a full description of the program;

(2) the number of individuals served by the program;

(3) the average wait time for each individual to receive a response;

(4) the cost of the program, including the cost per individual served; and

(5) any other information the Secretary determines appropriate.

SEC. 4. HHS STUDY AND REPORT.

Not later than 24 months after the Secretary of Health and Human Services begins implementation of the plan required by section 520E–3(c) of the Public Health Service Act, as added by section 2(a)(2) of this Act, the Secretary shall—

(1) complete a study on—

(A) the implementation of such plan, including the progress towards meeting the objectives identified pursuant to paragraph (2)(A)(i) of such section 520E–3(c) by the timeframes identified pursuant to paragraph (2)(A)(ii) of such section 520E–3(c); and

(B) in consultation with the Director of the Centers for Disease Control and Prevention, options to expand data gathering from calls to the Suicide Prevention Lifeline in order to better track aspects of usage such as repeat calls, consistent with applicable Federal and State privacy laws; and

(2) submit a report to the Congress on the results of such study, including recommendations on whether additional legislation or appropriations are needed.

SEC. 5. GAO STUDY AND REPORT.

(a) IN GENERAL.—Not later than 24 months after the Secretary of Health and Human Services begins implementation of the plan required by section 520E–3(c) of the Public Health Service Act, as added by section 2(a)(2) of this Act, the Comptroller General of the United States shall—

(1) complete a study on the Suicide Prevention Lifeline; and

(2) submit a report to the Congress on the results of such study.

(b) ISSUES TO BE STUDIED.—The study required by subsection (a) shall address—

(1) the feasibility of geolocating callers to direct calls to the nearest crisis center;

(2) operation shortcomings of the Suicide Prevention Lifeline;

(3) geographic coverage of each crisis call center;

(4) the call answer rate of each crisis call center;

(5) the call wait time of each crisis call center;

(6) the hours of operation of each crisis call center;

(7) funding avenues of each crisis call center;

(8) the implementation of the plan under section 520E–3(c) of the Public Health Service Act, as added by section 2(a) of this Act, including the progress towards meeting the objectives identified pursuant to paragraph (2)(A)(i) of such section 520E–3(c) by the timeframes identified pursuant to paragraph (2)(A)(ii) of such section 520E–3(c); and

(9) service to individuals requesting a foreign language speaker, including—

(A) the number of calls or chats the Lifeline receives from individuals speaking a foreign language;

(B) the capacity of the Lifeline to handle these calls or chats; and

(C) the number of crisis centers with the capacity to serve foreign language speakers, in house.

(c) RECOMMENDATIONS.—The report required by subsection (a) shall include recommendations for improving the Suicide Prevention Lifeline, including recommendations for legislative and administrative actions.

SEC. 6. DEFINITION.

In this Act, the term ''Suicide Prevention Lifeline'' means the suicide prevention hotline maintained pursuant to section 520E–3 of the Public Health Service Act (42 U.S.C. 290bb–36c).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from

Michigan (Mrs. DINGELL) and the gentleman from Montana (Mr. GIANFORTE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan.

GENERAL LEAVE

Mrs. DINGELL. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4564.

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

There was no objection.

Mrs. DINGELL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 4564, the Suicide Prevention Lifeline Improvement Act of 2020. This legislation will provide additional resources and authority for the National Suicide Prevention Lifeline, ensuring that it will have the infrastructure necessary to meet both current needs and the increased volume of outreach expected when the 988 number is formally adopted.

The National Suicide Prevention Lifeline currently expects 12 million calls over the next 4 years, equivalent to the total number of calls from 2005 to 2017.

Given this increased demand, the current authorization level of approximately $7.2 million per year is insufficient to meet expected need for the lifeline's critical services for those in crisis.

This legislation increases the authorization for the lifeline to $50 million each year through fiscal year 2022, allowing it to effectively manage the increased call volume while reducing wait times.

Additionally, the Suicide Prevention Lifeline Improvement Act will create a new pilot program to deploy innovative technologies through social media, texting, and other platforms, connecting Americans where they are to the lifeline.

It will also establish a plan for maintaining the lifeline program and provide additional study and recommendations from HHS on ways to further strengthen access to this program.

I thank and appreciate Representatives KATKO, BEYER, and NAPOLITANO for their leadership in offering this legislation, and continuing to push for reforms to strengthen the National Suicide Prevention Lifeline.

Madam Speaker, I urge my colleagues to support this bipartisan effort to strengthen access to this critical resource for Americans in crisis.

I reserve the balance of my time.

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

Madam Speaker, I rise today in support of H.R. 4564, the Suicide Prevention Lifeline Improvement Act, introduced by Representatives KATKO, CÁRDENAS, and Representatives GRAVES and BISHOP from Georgia.

This legislation will increase the authorization of the National Suicide Prevention Lifeline program to $50 million each year through fiscal year 2022.

This bill ensures funding is available for the continued operation of the suicide hotline. When an individual in crisis calls the suicide hotline, they can't get a busy signal. This is crucial, again, in this time of economic distress and social isolation.

I know we will also consider several other pieces of legislation, including designating 988 as the extension for the national suicide hotline.

With more individuals in crisis, more calls will come. We must increase awareness of this critical resource and make it easier to remember the number.

We must make sure the national suicide hotline is prepared to deal with those in crisis. This issue has been one of my top priorities in Congress, and I am glad we have been able to work together to get this done.

Madam Speaker, I urge my colleagues to support this important bipartisan legislation, and I reserve the balance of my time.

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Mrs. DINGELL. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from Virginia (Mr. BEYER), who has helped champion this bill.

Mr. BEYER. Madam Speaker, I too rise to ask my colleagues to support the Suicide Prevention Lifeline Improvement Act led by my colleague, Mr. KATKO.

This is a bill that the Mental Health Caucus co-chairs, Mr. KATKO and Mrs. NAPOLITANO, and I have been working on for several years.

Two years ago, I spent a long afternoon at the local suicide lifeline in northern Virginia. It was fascinating; it was important; and I learned a great deal. Number one, I learned that an awful lot of young people want to do texts rather than phone calls, and they didn't have that capability. I learned that they were in desperate need of more staff. I learned that they needed more volunteers, and when I said that I would like to be a volunteer, I learned that it took four long weekends, then you had to commit to 40 hours of training, and then you had to commit to at least one 4- or 5-hour shift per week for the next year.

I also found that it had a remarkable success rate. They said they had talked to something like 3,000 people the previous year.

I asked: ''How many had been lost?'' Two out of 3,000.

But I also found out that they have wait times sometimes up to 60 minutes just to get on a call. A crisis can't afford to wait 60 minutes, and that is why we developed this legislation to give the lifeline the resources it needs and the quick answering times it has to have to be successful.

We also built in oversight capability so it can be more effectively reviewed and improved. It has to constantly evolve.

The work is certainly even more important now that we know about the new 988 designation by the FCC. We have heard a lot about that this afternoon because we know there is going to be a lot higher demand.

One of the things I have done the last couple of years at every event is I say: Okay, everybody here raise their hand who knows the suicide lifeline number.

No one raises their hand ever. But that will be different. In fact, I am very confident that, within a few years, the 988 will go international, and it will be the standard all over the world.

It is especially important now during the pandemic. I just looked it up while we were waiting that a survey this July—2 months ago—found that 36 percent of young people 18 to 29 years old are experiencing clinical depression.

Madam Speaker, 48,000 Americans died by their own hand in 2018. We can't save every life, but the Suicide Prevention Lifeline is remarkably successful in helping people through that singular moment of despair in their lives.

Madam Speaker, I want to thank my colleagues again. It has been bipartisan, and it has been very important. Good friends like Mr. GIANFORTE, Mr. KATKO, FRANK PALLONE, and ANNA ESHOO helped us through, and my dear friend DEBBIE DINGELL led here today. I thank them for prioritizing these mental health supports when we need it most.

Mr. GIANFORTE. Madam Speaker, in closing, this is a critical issue in Montana. We have one of the highest suicide rates in the country, and making these services available is critical.

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

Mrs. DINGELL. Madam Speaker, during these unprecedented times, we need to ensure that we are putting the resources into those that need them.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. DINGELL) that the House suspend the rules and pass the bill, H.R. 4564, as amended.

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

A motion to reconsider was laid on the table.

CAMPAIGN TO PREVENT SUICIDE ACT

Mrs. DINGELL. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4585) to require the Director of the Centers for Disease Control and Prevention to conduct a national suicide prevention media campaign, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4585

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 ''Campaign to Prevent Suicide Act''.

SEC. 2. NATIONAL SUICIDE PREVENTION LIFELINE.

Section 520E–3(b)(2) of the Public Health Service Act (42 U.S.C. 290bb–36c(b)(2)) is amended by inserting after ''suicide prevention hotline'' the following: '', which, beginning not later than one year after the date of the enactment of the Campaign to Prevent Suicide Act, shall be a 3-digit nationwide toll-free telephone number,''.

SEC. 3. NATIONAL SUICIDE PREVENTION MEDIA CAMPAIGN.

(a) NATIONAL SUICIDE PREVENTION MEDIA CAMPAIGN.—

(1) IN GENERAL.—Not later than the date that is three years after the date of the enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the ''Secretary''), in coordination with the Assistant Secretary for Mental Health and Substance Use (referred to in this section as the ''Assistant Secretary'') and the Director of the Centers for Disease Control and Prevention (referred to in this section as the ''Director''), shall conduct a national suicide prevention media campaign (referred to in this section as the ''national media campaign''), in accordance with the requirements of this section, for purposes of—

(A) preventing suicide in the United States;

(B) educating families, friends, and communities on how to address suicide and suicidal thoughts, including when to encourage individuals with suicidal risk to seek help; and

(C) increasing awareness of suicide prevention resources of the Centers for Disease Control and Prevention and the Substance Abuse and Mental Health Services Administration (including the suicide prevention hotline maintained under section 520E–3 of the Public Health Service Act (42 U.S.C. 290bb–36c)), any suicide prevention mobile application of the Centers for Disease Control and Prevention or the Substance Abuse Mental Health Services Administration, and other support resources determined appropriate by the Secretary.

(2) ADDITIONAL CONSULTATION.—In addition to coordinating with the Assistant Secretary and the Director under this section, the Secretary shall consult with, as appropriate, State, local, Tribal, and territorial health departments, primary health care providers, hospitals with emergency departments, mental and behavioral health services providers, crisis response services providers, first responders, suicide prevention and mental health professionals, patient advocacy groups, survivors of suicide attempts, and representatives of television and social media platforms in planning the national media campaign to be conducted under paragraph (1).

(b) TARGET AUDIENCES.—

(1) TAILORING ADVERTISEMENTS AND OTHER COMMUNICATIONS.—In conducting the national media campaign under subsection (a)(1), the Secretary may tailor culturally competent advertisements and other communications of the campaign across all available media for a target audience (such as a particular geographic location or demographic) across the lifespan.

(2) TARGETING CERTAIN LOCAL AREAS.—The Secretary shall, to the maximum extent practicable, use amounts made available under subsection (f) for media that targets individuals in local areas with higher suicide rates.

(c) USE OF FUNDS.—

(1) REQUIRED USES.—

(A) IN GENERAL.—The Secretary shall, to the extent reasonably feasible with the funds made available under subsection (f), carry out the following, with respect to the national media campaign:

(i) The purchase of advertising time and space, including the strategic planning for, and accounting of, any such purchase.

(ii) Creative services and talent costs.

(iii) Advertising production costs.

(iv) Testing and evaluation of advertising.

(v) Evaluation of the effectiveness of the national media campaign.

(vi) Operational and management expenses.

(vii) The creation of an educational toolkit for television and social media platforms to use in discussing suicide and raising awareness about how to prevent suicide.

(B) SPECIFIC REQUIREMENTS.—

(i) TESTING AND EVALUATION OF ADVERTISING.—In testing and evaluating advertising under subparagraph (A)(iv), the Secretary shall test all advertisements after use in the national media campaign to evaluate the extent to which such advertisements have been effective in carrying out the purposes of the national media campaign.

(ii) EVALUATION OF EFFECTIVENESS OF NATIONAL MEDIA CAMPAIGN.—In evaluating the effectiveness of the national media campaign under subparagraph (A)(v), the Secretary shall take into account—

(I) the number of unique calls that are made to the suicide prevention hotline maintained under section 520E–3 of the Public Health Service Act (42 U.S.C. 290bb–36c) and assess whether there are any State and regional variations with respect to the capacity to answer such calls;

(II) the number of unique encounters with suicide prevention and support resources of the Centers for Disease Control and Prevention and the Substance Abuse and Mental Health Services Administration and assess engagement with such suicide prevention and support resources;

(III) whether the national media campaign has contributed to increased awareness that suicidal individuals should be engaged, rather than ignored; and

(IV) such other measures of evaluation as the Secretary determines are appropriate.

(2) OPTIONAL USES.—The Secretary may use amounts made available under subsection (f) for the following, with respect to the national media campaign:

(A) Partnerships with professional and civic groups, community-based organizations, including faith-based organizations, and Government or Tribal organizations that the Secretary determines have experience in suicide prevention, including the Substance Abuse and Mental Health Services Administration and the Centers for Disease Control and Prevention.

(B) Entertainment industry outreach, interactive outreach, media projects and activities, public information, news media outreach, outreach through television programs, and corporate sponsorship and participation.

(d) PROHIBITIONS.—None of the amounts made available under subsection (f) may be obligated or expended for any of the following:

(1) To supplant current suicide prevention campaigns.

(2) For partisan political purposes, or to express advocacy in support of or to defeat any clearly identified candidate, clearly identified ballot initiative, or clearly identified legislative or regulatory proposal.

(e) REPORT TO CONGRESS.—Not later than 18 months after implementation of the national media campaign has begun, the Secretary, in coordination with the Assistant Secretary and the Director, shall, with respect to the first year of the national media campaign, submit to Congress a report that describes—

(1) the strategy of the national media campaign and whether specific objectives of such campaign were accomplished, including whether such campaign impacted the number of calls made to lifeline crisis centers and the capacity of such centers to manage such calls;

(2) steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the national media campaign;

(3) plans to purchase advertising time and space;

(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse; and

(5) all contracts entered into with a corporation, a partnership, or an individual working on behalf of the national media campaign.

(f) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there is authorized to be appropriated $10,000,000 for each of fiscal years 2021 through 2025.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. DINGELL) and the gentleman from Montana (Mr. GIANFORTE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan.

GENERAL LEAVE

Mrs. DINGELL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4585.

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

There was no objection.

Mrs. DINGELL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 4585, the Campaign to Prevent Suicide Act. This legislation will further facilitate access to existing Federal resources on suicide prevention by creating a national suicide prevention media campaign to help raise awareness of the lifeline as well as advertise the new 988 number when it becomes available.

Additionally, the Campaign to Prevent Suicide Act will also provide guidance to TV and social media companies on how effectively to communicate about suicide prevention through the creation of a media and best practices tool kit.

Given the significant mental health impacts of the COVID–19 pandemic, ensuring that Americans have access to the support they need during these trying times is more important than ever. With multiple studies pointing to the pandemic's significant impact on mental health, including a fourfold increase in depression reported by the

CDC this summer, we cannot lose sight of this longstanding public health issue.

I appreciate Representatives BEYER's and GIANFORTE's work on this legislation, which will provide resources for outreach on suicide prevention during a time when it is needed more than ever. We need to lift the stigma from people talking about this. It happens in every family and in every place.

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

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

Madam Speaker, I rise today in support of H.R. 4585, the Campaign to Prevent Suicide Act introduced by Representative BEYER and me. I want to thank my friend, DON BEYER, for leading the effort on the bill.

Our bill directs the Centers for Disease Control and Prevention, as well as the Substance Abuse and Mental Health Services Administration, to conduct a national suicide prevention education campaign. This includes advertising the new 988 number for the National Suicide Prevention Lifeline.

The measure also encourages individuals to engage people showing signs of suicidal behavior to provide them with the support that they need.

We introduced this legislation to complement the efforts of both the legislation to designate 988 as the suicide hotline and Mr. KATKO's legislation to ensure funding to implement the designation. These bills are badly needed by a nation working to emerge from an unprecedented health and economic crisis.

Madam Speaker, I ask my colleagues to come together here today and advance these bills, and I reserve the balance of my time.

Mrs. DINGELL. Madam Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. BEYER).

Mr. BEYER. Madam Speaker, today, I rise to urge my colleagues to support the bipartisan bill, H.R. 4585, the Campaign to Prevent Suicide Act, that I introduced with my friend, GREG GIANFORTE.

September is Suicide Prevention Awareness Month, and for that very reason, this bill couldn't be more important. Suicide is the 10th leading cause of death in the United States and the second leading cause of death for 15- to 34-year-olds. Overall suicide rates increased 35 percent from 1999 through 2018.

Suicide can be prevented, but unfortunately, it is still a taboo topic for much of American society. The stigma against discussing suicide and seeking help is a significant barrier to prevention. It is one of those things where if suicide happened in a family, then no one would ever talk about it.

It is important to tackle this head-on. I can't tell you how many times I bring this up at an event—it is something that I have been working on with good friends like GREG—and there is this discomfort. People look away; they shuffle their feet; and some people slip out of the back of the room. Yet, every time at the end of the event people will come up and say: Thank you so much for talking about that. I lost my aunt. I lost my brother.

Nobody talks about it. A change in social norms from a culture of avoidance to a culture of engagement is needed in order to ensure that those who need help can actually seek it.

The United States Air Force has developed a similar initiative tailored to the Air Force in order to change the culture surrounding suicide, and researchers found that it is associated with a 33 percent drop in the relative risk reduction in suicide. This reflects the importance of engaging, but the second piece is knowing how to do it.

The Federal Communications Commission has the new 988 number we all talked about, but of course, we have to tell people about it, which is why it is so time sensitive.

The Campaign to Prevent Suicide would, number one, act to change the culture around suicide so Americans know to intervene rather than to ignore. Again, when I was growing up, you were not supposed to say, ''Debbie, are you feeling suicidal?'' because you might give her the idea to do it. Now, we say, ''Debbie, do you feel like hurting yourself?'' or, ''Do you want to kill yourself?''

I was so thrilled when I went to the emergency room last year. I got something in my eye. I just had something in my eye, and the first thing they said is: Do you feel like killing yourself?

I thanked the nurse, and I thanked the doctor for making sure that I was okay.

Of course, it will be an awareness campaign for the new 988 number, but also it will educate media and social media because the world has changed. Today, often it will be a Facebook post or a tweet or an Instagram that might be the first hint that somebody is thinking about killing themselves.

We are dealing with a suicide epidemic made worse during the pandemic because the very stress of the pandemic exacerbated it for all of us. With 200,000 dead who are in the news all the time, we have a death anxiety that mostly only people in battle have. So, this is really, really important.

Madam Speaker, I urge my colleagues to support this good bipartisan bill to save lives and to save the enormous burden of grief that families feel.

Mr. GIANFORTE. Madam Speaker, in closing, I just want to thank my friend, DON BEYER, again for his partnership on this and his real leadership.

This is an important piece of legislation, Madam Speaker. I urge my colleagues to adopt it today, and I yield back the balance of my time.

Mrs. DINGELL. Madam Speaker, I want to thank both of my colleagues for their leadership on this issue and for the willingness to talk about it publicly because we do need for people to acknowledge that it is a normal feeling, and it is okay. I have seen it in my own family and wish that we had been willing to talk about it before it had been too late.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. DINGELL) that the House suspend the rules and pass the bill, H.R. 4585, as amended.

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

The title of the bill was amended so as to read: ''A bill to require the Secretary of Health and Human Services to conduct a national suicide prevention media campaign, and for other purposes.''.

A motion to reconsider was laid on the table.

SUICIDE PREVENTION ACT

Mrs. DINGELL. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5619) to authorize a pilot program to expand and intensify surveillance of self-harm in partnership with State and local public health departments, to establish a grant program to provide self-harm and suicide prevention services in hospital emergency departments, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5619

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 ''Suicide Prevention Act''.

SEC. 2. SYNDROMIC SURVEILLANCE OF SELF-HARM BEHAVIORS PROGRAM.

Title III of the Public Health Service Act is amended by inserting after section 317U of such Act (42 U.S.C. 247b–23) the following:

''SEC. 317V. SYNDROMIC SURVEILLANCE OF SELF-HARM BEHAVIORS PROGRAM.

''(a) IN GENERAL.—The Secretary shall award grants to State, local, Tribal, and territorial public health departments for the expansion of surveillance of self-harm.

''(b) DATA SHARING BY GRANTEES.—As a condition of receipt of such grant under subsection (a), each grantee shall agree to share with the Centers for Disease Control and Prevention in real time, to the extent feasible and as specified in the grant agreement, data on suicides and self-harm for purposes of—

''(1) tracking and monitoring self-harm to inform response activities to suicide clusters;

''(2) informing prevention programming for identified at-risk populations; and

''(3) conducting or supporting research.

''(c) DISAGGREGATION OF DATA.—The Secretary shall provide for the data collected through surveillance of self-harm under subsection (b) to be disaggregated by the following categories:

''(1) Nonfatal self-harm data of any intent.

''(2) Data on suicidal ideation.

''(3) Data on self-harm where there is no evidence, whether implicit or explicit, of suicidal intent.

''(4) Data on self-harm where there is evidence, whether implicit or explicit, of suicidal intent.

''(5) Data on self-harm where suicidal intent is unclear based on the available evidence.

''(d) PRIORITY.—In making awards under subsection (a), the Secretary shall give priority to eligible entities that are—

''(1) located in a State with an age-adjusted rate of nonfatal suicidal behavior that is above the national rate of nonfatal suicidal behavior, as determined by the Director of the Centers for Disease Control and Prevention;

''(2) serving an Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act) with an age-adjusted rate of nonfatal suicidal behavior that is above the national rate of nonfatal suicidal behavior, as determined through appropriate mechanisms determined by the Secretary in consultation with Indian Tribes; or

''(3) located in a State with a high rate of coverage of statewide (or Tribal) emergency department visits, as determined by the Director of the Centers for Disease Control and Prevention.

''(e) GEOGRAPHIC DISTRIBUTION.—In making grants under this section, the Secretary shall make an effort to ensure geographic distribution, taking into account the unique needs of rural communities, including—

''(1) communities with an incidence of individuals with serious mental illness, demonstrated suicidal ideation or behavior, or suicide rates that are above the national average, as determined by the Assistant Secretary for Mental Health and Substance Use;

''(2) communities with a shortage of prevention and treatment services, as determined by the Assistant Secretary for Mental Health and Substance Use and the Administrator of the Health Resources and Services Administration; and

''(3) other appropriate community-level factors and social determinants of health such as income, employment, and education.

''(f) PERIOD OF PARTICIPATION.—To be selected as a grant recipient under this section, a State, local, Tribal, or territorial public health department shall agree to participate in the program for a period of not less than 4 years.

''(g) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance and training to grantees for collecting and sharing the data under subsection (b).

''(h) DATA SHARING BY HHS.—Subject to subsection (b), the Secretary shall, with respect to data on self-harm that is collected pursuant to this section, share and integrate such data through—

''(1) the National Syndromic Surveillance Program's Early Notification of Community Epidemics (ESSENCE) platform (or any successor platform);

''(2) the National Violent Death Reporting System, as appropriate; or

''(3) another appropriate surveillance program, including such a program that collects data on suicides and self-harm among special populations, such as members of the military and veterans.

''(i) RULE OF CONSTRUCTION REGARDING APPLICABILITY OF PRIVACY PROTECTIONS.—Nothing in this section shall be construed to limit or alter the application of Federal or State law relating to the privacy of information to data or information that is collected or created under this section.

''(j) REPORT.—

''(1) SUBMISSION.—Not later than 3 years after the date of enactment of this Act, the Secretary shall evaluate the suicide and self-harm syndromic surveillance systems at the Federal, State, and local levels and submit a report to Congress on the data collected under subsections (b) and (c) in a manner that prevents the disclosure of individually identifiable information, at a minimum, consistent with all applicable privacy laws and regulations.

''(2) CONTENTS.—In addition to the data collected under subsections (b) and (c), the report under paragraph (1) shall include—

''(A) challenges and gaps in data collection and reporting;

''(B) recommendations to address such gaps and challenges; and

''(C) a description of any public health responses initiated at the Federal, State, or local level in response to the data collected.

''(k) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $20,000,000 for each of fiscal years 2021 through 2025.''.

SEC. 3. GRANTS TO PROVIDE SELF-HARM AND SUICIDE PREVENTION SERVICES.

Part B of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

''SEC. 520N. GRANTS TO PROVIDE SELF-HARM AND SUICIDE PREVENTION SERVICES.

''(a) IN GENERAL.—The Secretary of Health and Human Services shall award grants to hospital emergency departments to provide self-harm and suicide prevention services.

''(b) ACTIVITIES SUPPORTED.—

''(1) IN GENERAL.—A hospital emergency department awarded a grant under subsection (a) shall use amounts under the grant to implement a program or protocol to better prevent suicide attempts among hospital patients after discharge, which may include—

''(A) screening patients for self-harm and suicide in accordance with the standards of practice described in subsection (e)(1) and standards of care established by appropriate medical and advocacy organizations;

''(B) providing patients short-term self-harm and suicide prevention services in accordance with the results of the screenings described in subparagraph (A); and

''(C) referring patients, as appropriate, to a health care facility or provider for purposes of receiving long-term self-harm and suicide prevention services, and providing any additional follow up services and care identified as appropriate as a result of the screenings and short-term self-harm and suicide prevention services described in subparagraphs (A) and (B).

''(2) USE OF FUNDS TO HIRE AND TRAIN STAFF.—Amounts awarded under subsection (a) may be used to hire clinical social workers, mental and behavioral health care professionals, and support staff as appropriate, and to train existing staff and newly hired staff to carry out the activities described in paragraph (1).

''(c) GRANT TERMS.—A grant awarded under subsection (a)—

''(1) shall be for a period of 3 years; and

''(2) may be renewed subject to the requirements of this section.

''(d) APPLICATIONS.—A hospital emergency department seeking a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

''(e) STANDARDS OF PRACTICE.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary shall develop standards of practice for screening patients for self-harm and suicide for purposes of carrying out subsection (b)(1)(C).

''(2) CONSULTATION.—The Secretary shall develop the standards of practice described in paragraph (1) in consultation with individuals and entities with expertise in self-harm and suicide prevention, including public, private, and non-profit entities.

''(f) REPORTING.—

''(1) REPORTS TO THE SECRETARY.—

''(A) IN GENERAL.—A hospital emergency department awarded a grant under subsection (a) shall, at least quarterly for the duration of the grant, submit to the Secretary a report evaluating the activities supported by the grant.

''(B) MATTERS TO BE INCLUDED.—The report required under subparagraph (A) shall include—

''(i) the number of patients receiving—

''(I) screenings carried out at the hospital emergency department;

''(II) short-term self-harm and suicide prevention services at the hospital emergency department; and

''(III) referrals to health care facilities for the purposes of receiving long-term self-harm and suicide prevention;

''(ii) information on the adherence of the hospital emergency department to the standards of practice described in subsection (f)(1); and

''(iii) other information as the Secretary determines appropriate to evaluate the use of grant funds.

''(2) REPORTS TO CONGRESS.—Not later than 2 years after the date of the enactment of the Suicide Prevention Act, and biennially thereafter, the Secretary shall submit to the Committee on Health, Education, Labor and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the grant program under this section, including—

''(A) a summary of reports received by the Secretary under paragraph (1); and

''(B) an evaluation of the program by the Secretary.

''(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $30,000,000 for each of fiscal years 2021 through 2025.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. DINGELL) and the gentleman from Montana (Mr. GIANFORTE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan.

GENERAL LEAVE

Mrs. DINGELL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 5619.

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

There was no objection.

Mrs. DINGELL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 5615, the Suicide Prevention Act.

Currently, there is no complete data about suicide attempts or other instances of self-harm in the United States. This fragmented and incomplete reporting hinders our ability to track trends and target suicide prevention resources where they might be the most effective in preventing these tragedies from occurring.

□ 1845

The Suicide Prevention Act will help strengthen data and reporting on suicide by authorizing funding for the Centers for Disease Control and Prevention to collaborate with State and local health departments to improve the tracking of these incidents. This enhanced data collection will allow for earlier intervention and better understanding of suicide trends, helping to better identify and treat at-risk individuals.

The legislation also creates a SAMHSA grant program to fund self-harm and suicide prevention services in hospital emergency departments. This includes screening at-risk patients, providing services as needed, and referring patients for follow-up care for long-term self-harm and suicide prevention.

Hospital emergency departments are on the front lines of providing critical behavior health services, and these resources will help identify and treat individuals at the highest risk for suicide and self-harm.

Madam Speaker, I appreciate my colleagues, Congressman STEWART and Congresswoman MATSUI, for leading this important legislation, and I urge my colleagues to support its passage.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise today in support of H.R. 5619, the Suicide Prevention Act, by Representatives STEWART and MATSUI.

This legislation establishes two grant programs to prevent self-harm and suicide. One would be to help train emergency room personnel in suicide prevention strategies and screening. The bill also establishes a grant program to enhance data collection and sharing to help save lives.

My home State of Montana, unfortunately, has one of the highest suicide rates in the country. I thank my colleagues for bringing forward this important legislation.

Madam Speaker, this is an important piece of legislation. I urge my colleagues to support it, and I yield back the balance of my time.

Mrs. DINGELL. Madam Speaker, the gentleman is absolutely correct at how important a piece of legislation this is. I urge my colleagues to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. DINGELL) that the House suspend the rules and pass the bill, H.R. 5619, as amended.

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

A motion to reconsider was laid on the table.

SAFEGUARDING THERAPEUTICS ACT

Mrs. DINGELL. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5663) to amend the Federal Food, Drug, and Cosmetic Act to give authority to the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, to destroy counterfeit devices, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5663

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 ''Safeguarding Therapeutics Act''.

SEC. 2. AUTHORITY TO DESTROY COUNTERFEIT DEVICES.

(a) IN GENERAL.—Section 801(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)) is amended—

(1) in the fourth sentence, by inserting ''or counterfeit device'' after ''counterfeit drug''; and

(2) by striking ''The Secretary of the Treasury shall cause the destruction of'' and all that follows through ''liable for costs pursuant to subsection (c).'' and inserting the following: ''The Secretary of the Treasury shall cause the destruction of any such article refused admission unless such article is exported, under regulations prescribed by the Secretary of the Treasury, within 90 days of the date of notice of such refusal or within such additional time as may be permitted pursuant to such regulations, except that the Secretary of Health and Human Services may destroy, without the opportunity for export, any drug or device refused admission under this section, if such drug or device is valued at an amount that is $2,500 or less (or such higher amount as the Secretary of the Treasury may set by regulation pursuant to section 498(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1498(a)(1))) and was not brought into compliance as described under subsection (b). The Secretary of Health and Human Services shall issue regulations providing for notice and an opportunity to appear before the Secretary of Health and Human Services and introduce testimony, as described in the first sentence of this subsection, on destruction of a drug or device under the seventh sentence of this subsection. The regulations shall provide that prior to destruction, appropriate due process is available to the owner or consignee seeking to challenge the decision to destroy the drug or device. Where the Secretary of Health and Human Services provides notice and an opportunity to appear and introduce testimony on the destruction of a drug or device, the Secretary of Health and Human Services shall store and, as applicable, dispose of the drug or device after the issuance of the notice, except that the owner and consignee shall remain liable for costs pursuant to subsection (c).''.

(b) DEFINITION.—Section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)) is amended—

(1) by redesignating subparagraphs (1), (2), and (3) as clauses (A), (B), and (C), respectively; and

(2) after making such redesignations—

(A) by striking ''(h) The term'' and inserting ''(h)(1) The term''; and

(B) by adding at the end the following:

''(2) The term 'counterfeit device' means a device which, or the container, packaging, or labeling of which, without authorization, bears a trademark, trade name, or other identifying mark, imprint, or symbol, or any likeness thereof, or is manufactured using a design, of a device manufacturer, packer, or distributor other than the person or persons who in fact manufactured, packed, or distributed such device and which thereby falsely purports or is represented to be the product of, or to have been packed or distributed by, such other device manufacturer, packer, or distributor.

''(3) For purposes of subparagraph (2)—

''(A) the term 'manufactured' refers to any of the following activities: manufacture, preparation, propagation, compounding, assembly, or processing; and

''(B) the term 'manufacturer' means a person who is engaged in any of the activities listed in clause (A).''.

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. DINGELL) and the gentleman from Montana (Mr. GIANFORTE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan.

GENERAL LEAVE

Mrs. DINGELL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5663.

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

There was no objection.

Mrs. DINGELL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 5663, the Safeguarding Therapeutics Act.

Madam Speaker, this legislation provides FDA additional authority to take action to protect public health and safety by extending the agency's administrative destruction authority for counterfeit medical devices, including diagnostic tests and surgical masks, as well as combination products, like vaccines, that may pose a threat to public health.

Given the global marketplace and extended supply chains for complex medical products, counterfeit medical devices are becoming increasingly common, both in the United States and abroad. These counterfeit products pose a significant risk to patient health and safety, and ensuring that FDA has the appropriate authority to take action by seizing and destroying counterfeit medical devices will help safeguard America's health.

Under current law, counterfeit medical devices and combination products are typically shipped back to the sender because of the limitations in FDA's existing authority. This allows dangerous counterfeit devices to remain in the supply chain, continuing to represent a significant risk to consumers. The Safeguarding Therapeutics Act is a straightforward, commonsense approach to this issue with bipartisan support that will provide FDA with authority it already possesses with respect to counterfeit drugs.

Given the deficiencies highlighted with certain aspects of the healthcare supply chain throughout the current pandemic, taking action to further

safeguard the supply chain from potentially dangerous products is more important than ever.

Madam Speaker, I thank my colleagues on the Committee on Energy and Commerce, Representatives GUTHRIE and ENGEL, for their work on this legislation, and I urge my colleagues to support its passage.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise today in support of H.R. 5663, the Safeguarding Therapeutics Act, introduced by Representatives GUTHRIE and ENGEL. This legislation would extend FDA's administrative destruction authority to counterfeit and other illegal medical devices.

Under current law, the FDA is authorized to destroy certain imported drugs that may pose a threat to public health; however, this authority does not extend to medical devices.

The passage of this legislation during the coronavirus pandemic is especially timely, as we have seen a surge in counterfeit COVID–19 test kits imported to the United States.

But it is not only counterfeit COVID–19 test kits entering our borders and posing risks to U.S. consumers. International mail facilities have also intercepted shipments of illegal contact lenses and combination products in recent years.

This additional authority will prevent shippers from trying to send illegal products back to the United States and may deter future illegal shipments of medical devices.

Madam Speaker, I thank my colleagues, Representatives GUTHRIE and ENGEL, for working together in a bipartisan manner to advance this legislation to provide the FDA with the additional tool to protect American consumers against potentially dangerous medical products.

Madam Speaker, I urge my colleagues to support this bipartisan legislation, and I reserve the balance of my time.

Mrs. DINGELL. Madam Speaker, I reserve the balance of my time.

Mr. GIANFORTE. Madam Speaker, I yield 3 minutes to the gentleman from Kentucky (Mr. GUTHRIE).

Mr. GUTHRIE. Madam Speaker, I rise today in support of my bill, the Safeguarding Therapeutics Act.

Last year, I had the opportunity to visit the international mail facility at JFK Airport in New York.

When counterfeit drugs come through the mail facilities, the FDA has the authority to destroy it. However, if that counterfeit drug is attached to a syringe, it therefore constitutes a medical device, and the FDA does not currently have the authority to destroy counterfeit medical devices. Instead, in most cases, they are mailed back to where they came from, where they are repackaged and sent right back to the United States.

After visiting the mail facility, I joined with my colleague, Representative ELIOT ENGEL, to fix this, introducing the Safeguarding Therapeutics Act. This commonsense, bipartisan bill will give the FDA the authority to destroy counterfeit medical devices at entry points into our country. These include items such as combination products, like injections and vaccines. If allowed into the country, these products could end up on the black market and harm American patients.

The Safeguarding Therapeutics Act has become especially important now that the country is facing the COVID–19 pandemic. We have already seen instances of counterfeit COVID–19 tests and products claiming to cure COVID being sent to the United States. Bad actors are marketing tests and treatments that have not been approved by the FDA or the CDC.

We need to give the FDA the ability to destroy these products as they enter the United States. While our Nation continues to grapple with the coronavirus pandemic, the last thing we need is fake COVID–19 tests and products in our market.

Also, in going to the JFK Airport, you are standing there with the personnel, men and women who are wearing the uniform of our country, receiving this mail moving forward. We gave them the authority: If it is a drug, they can destroy it if it is counterfeit; if it is a device, it is an interpretation, but they don't have the authority to move forward.

They even told me that sometimes they open the package, see that it is counterfeit, and they have to return it. They close the package, return it, and they will see the same package come back through the exact way that they taped it.

So we need to give them the authority. It doesn't make sense. It is a commonsense approach.

ELIOT ENGEL and I made this bipartisan. I think every American citizen says that is not the way we want to operate, and particularly in this time and this pandemic, and there are people trying to take advantage of this time and this pandemic.

Madam Speaker, I appreciate bringing this to the floor today. I appreciate the hard work of the Committee on Energy and Commerce.

I thank Representative ENGEL. I don't think he represents JFK, but he does represent the great city of New York.

Madam Speaker, I look forward to continuing to work with my colleagues on the Committee on Energy and Commerce as they respond to the coronavirus pandemic.

Mrs. DINGELL. Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I thank Mr. GUTHRIE for his leadership on this and taking the initiative to get out and understand the issue on the ground and crafting bipartisan legislation to solve this problem and protect American consumers.

Madam Speaker, I urge adoption of this legislation, and I yield back the balance of my time.

Mrs. DINGELL. Madam Speaker, I also thank Mr. GUTHRIE and Mr. ENGEL for their leadership.

I think the American people understand this issue more now than ever, unfortunately. I urge my colleagues to support this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. DINGELL) that the House suspend the rules and pass the bill, H.R. 5663, as amended.

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

A motion to reconsider was laid on the table.

BLOCKING PROPERTY OF CERTAIN PERSONS WITH RESPECT TO THE CONVENTIONAL ARMS ACTIVITIES OF IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 116–154)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and Committee on the Judiciary and ordered to be printed:

To the Congress of the United States:

Pursuant to the Countering America's Adversaries Through Sanctions Act (Public Law 115–44), the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), section 212(f) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1182(f)), and section 301 of title 3, United States Code, I hereby report I have issued an Executive Order (the ''order'') that affirms that it remains the policy of the United States to counter Iran's malign influence in the Middle East, including transfers from Iran of destabilizing conventional weapons and acquisition of arms and related materiel by Iran. Transfers to and from Iran of arms or related materiel or military equipment represent a continuing threat to regional and international security. Iran benefits from engaging in the conventional arms trade by strengthening its relationships with other outlier regimes, lessening its international isolation, and deriving revenue that it uses to support terror groups and fund malign activities.

In light of these findings and in order to take additional steps with respect to the national emergency declared in Executive Order 12957 of March 15, 1995

(Prohibiting Certain Transactions with Respect to the Development of Iranian Petroleum Resources), the order blocks property and interests in property of persons determined by the Secretary of State, in consultation with the Secretary of the Treasury, or the Secretary of the Treasury, in consultation with the Secretary of State:

- To engage in any activity that materially contributes to the supply, sale, or transfer, directly or indirectly, to or from Iran, or for the use in or benefit of Iran, of arms or related materiel, including spare parts;
- To provide to Iran any technical training, financial resources or services, advice, other services, or assistance related to the supply, sale, transfer, manufacture, maintenance, or use of arms and related materiel described above;
- To have engaged, or attempted to engage, in any activity that materially contributes to, or poses a risk of materially contributing to, the proliferation of arms or related materiel or items intended for military end-uses or military end-users, including any efforts to manufacture, acquire, possess, develop, transport, transfer, or use such items, by the Government of Iran (including persons owned or controlled by, or acting for or on behalf of the Government of Iran) or paramilitary organizations financially or militarily supported by the Government of Iran;
- To have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, any person whose property and interests in property are blocked pursuant to the order; or
- To be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the order.

Under section 212(f) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1182(f)), the order also suspends the immigrant and nonimmigrant entry into the United States of aliens determined to meet one or more of the criteria above for the blocking of property and interests in property.

I am enclosing a copy of the order I have issued.

DONALD J. TRUMP.
THE WHITE HOUSE, *September 21, 2020*.

ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 4(b) of House Resolution 967, and pursuant to House Resolution 1128, the House stands adjourned until 9 a.m. tomorrow for morning-hour debate and 11 a.m. for legislative business, as a further mark of respect to the memory of the late Honorable Ruth Bader Ginsburg.

Thereupon (at 7 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 22, 2020, at 9 a.m. for morning-hour debate, as a further mark of respect to the memory of the late Honorable Ruth Bader Ginsburg.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the first and second quarters of 2020, pursuant to Public Law 95–384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2020

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Travel to Colombia, Peru, El Salvador, Honduras—January 17–24, 2020											
Katy Quinn	1/17	1/18	El Salvador		207.45						207.45
	1/18	1/20	Honduras		548.00						548.00
	1/20	1/22	Peru		711.00						711.00
	1/22	1/24	Colombia		646.82						646.82
Commercial airfare							3,410.93				3,410.93
Mark Morehouse	1/17	1/18	El Salvador		207.45						207.45
	1/18	1/20	Honduras		548.00						548.00
	1/20	1/22	Peru		711.00						711.00
	1/22	1/24	Colombia		646.82						646.82
Commercial airfare							3,410.93				3,410.93
Brian Garrett	1/17	1/18	El Salvador		207.45						207.45
	1/18	1/20	Honduras		548.00						548.00
	1/20	1/22	Peru		711.00						711.00
	1/22	1/24	Colombia		646.82						646.82
Commercial airfare							3,410.93				3,410.93
Chidi Blyden	1/17	1/18	El Salvador		207.45						207.45
	1/18	1/20	Honduras		548.00						548.00
	1/20	1/22	Peru		711.00						711.00
	1/22	1/24	Colombia		646.82						646.82
Commercial airfare							3,410.93				3,410.93
Travel to Germany, Djibouti, Kenya, Ethiopia with STAFFDEL Leggieri—January 19–25, 2020											
Jessica Carroll	1/20	1/22	Djibouti		762.00						762.00
	1/22	1/23	Kenya		299.00						299.00
	1/23	1/24	Ethiopia		533.81						533.81
Commercial airfare							10,623.82				10,623.82
Travel to Thailand, Vietnam, Cambodia, Malaysia—January 17–25, 2020											
Hon. Seth Moulton	1/17	1/21	Vietnam		706.00						706.00
	1/21	1/22	Cambodia		236.00						236.00
	1/22	1/24	Thailand		461.47						461/47
Commercial airfare							13,270.35				13,270.35
Hon. Jim Banks	1/19	1/21	Vietnam		320.00						320.00
	1/21	1/22	Cambodia		236.00						236.00
	1/22	1/24	Thailand		461.47						461.47
Commercial airfare							13,406.15				13,406.15
Laura Rauch	1/17	1/21	Vietnam		706.00						706.00
	1/21	1/22	Cambodia		236.00						236.00
	1/22	1/24	Thailand		461.47						461.47
Commercial airfare							13,666.95				13,666.95
Eric Snelgrove	1/19	1/21	Vietnam		320.00						320.00
	1/21	1/22	Cambodia		236.00						236.00
	1/22	1/24	Thailand		461.47						461.47
Commercial airfare							13,532.95				13,532.95
Travel to Indonesia, Singapore—January 18–24, 2020											
Shannon Green	1/19	1/22	Indonesia		1,065.00						1,065.00
	1/22	1/24	Singapore		814.00						814.00
Craig Greene	1/19	1/22	Indonesia		1,065.00						1,065.00
	1/22	1/24	Singapore		814.00						814.00
Jason Schmid	1/19	1/22	Indonesia		1,065.00						1,065.00
	1/22	1/24	Singapore		814.00						814.00
Bess Dopkeen	1/19	1/22	Indonesia		1,065.00						1,065.00
	1/22	1/24	Singapore		814.00						814.00
Travel to Germany—February 13–19, 2020 with CODEL Graham											
Hon. William "Mac" Thornberry	2/15	2/17	Germany		1,717.70						1,717.70

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2020—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Michael Turner	2/13	2/19	Germany		1,717.70						1,717.70
Hon. Elissa Slotkin	2/13	2/19	Germany		1,717.70						1,717.70
Travel to Germany, Djibouti, Kenya—February 13–20, 2020											
Hon. Seth Moulton	2/15	2/16	Germany		773.00						773.00
	2/17	2/18	Djibouti		402.00						402.00
	2/18	2/20	Kenya		638.00						638.00
Commercial airfare							14,607.00				14,607.00
Laura Rauch	2/15	2/16	Germany		773.00						773.00
	2/17	2/18	Djibouti		402.00						402.00
	2/18	2/20	Kenya		638.00						638.00
Commercial airfare							14,607.00				14,607.00
Travel to Saudi Arabia, Egypt, Lebanon—February 13–22, 2020											
Jonathan Lord	2/14	2/16	Saudi Arabia		856.76						856.76
	2/17	2/19	Egypt		825.72						825.72
	2/19	2/22	Lebanon		550.00						550.00
Commercial airfare							11,919.51				11,919.51
Mark Morehouse	2/14	2/16	Saudi Arabia		856.76						856.76
	2/17	2/19	Egypt		825.72						825.72
	2/19	2/22	Lebanon		550.00						550.00
Commercial airfare							11,919.51				11,919.51
Jessica Carroll	2/14	2/16	Saudi Arabia		856.76						856.76
	2/17	2/19	Egypt		825.72						825.72
	2/19	2/22	Lebanon		550.00						550.00
Commercial airfare							11,919.51				11,919.51
Travel to Germany, Ukraine, Kuwait, Iraq, Ghana, Spain, Gibraltar, Mauritania—February 14–22, 2020 with CODEL Inhoft											
Hon. Trent Kelly	2/14	2/15	Germany		316.69						316.69
	1/15	2/17	Kuwait		513.26						513.26
	2/17	2/18	Uganda		255.00						255.00
	2/18	2/19	Ghana		327.00						327.00
	2/19	2/19	Mauritania								
	2/19	2/20	Spain		231.52						231.52
Committee total					39,545.78		143,116.47				182,662.25

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. ADAM SMITH, Feb. 29, 2020.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2020

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. ADAM SMITH, June 30, 2020.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ETHICS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2020

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. THEODORE E. DEUTCH, Sept. 8, 2020.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON THE MODERNIZATION OF CONGRESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2020

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DEREK KILMER, Sept. 1, 2020.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON THE MODERNIZATION OF CONGRESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2020

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DEREK KILMER, Sept. 1, 2020.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to the Statutory Pay-As-You-Go Act of 2010 (PAYGO), Mr. YARMUTH hereby submits, prior to the vote on passage, for printing in the CONGRESSIONAL RECORD, that H.R. 451, the Don't Break Up the T-Band Act of 2020, as amended, would have no significant effect on the deficit, and therefore, the budgetary effects of such bill are estimated as zero.

Pursuant to the Statutory Pay-As-You-Go Act of 2010 (PAYGO), Mr. YARMUTH hereby submits, prior to the vote on passage, for printing in the CONGRESSIONAL RECORD, that H.R. 1418, the Competitive Health Insurance Reform Act of 2020, as amended, would have no significant effect on the deficit, and therefore, the budgetary effects of such bill are estimated as zero.

Pursuant to the Statutory Pay-As-You-Go Act of 2010 (PAYGO), Mr. YARMUTH hereby submits, prior to the vote on passage, for printing in the CONGRESSIONAL RECORD, that H.R. 3349, the Republic of Texas Legation Memorial Act, as amended, would have no significant effect on the deficit, and therefore, the budgetary effects of such bill are estimated as zero.

Pursuant to the Statutory Pay-As-You-Go Act of 2010 (PAYGO), Mr. YARMUTH hereby submits, prior to the vote on passage, for printing in the CONGRESSIONAL RECORD, that H.R. 3465, the Fallen Journalists Memorial Act, as amended, would have no significant effect on the deficit, and therefore, the budgetary effects of such bill are estimated as zero.

Pursuant to the Statutory Pay-As-You-Go Act of 2010 (PAYGO), Mr. YARMUTH hereby submits, prior to the vote on passage, for printing in the CONGRESSIONAL RECORD, that H.R. 5309, the CROWN Act of 2020, as amended, would have no significant effect on the deficit, and therefore, the budgetary effects of such bill are estimated as zero.

Pursuant to the Statutory Pay-As-You-Go Act of 2010 (PAYGO), Mr. YARMUTH hereby submits, prior to the vote on passage, the attached estimate of the costs of H.R. 5322, the Ensuring Diversity in Community Banking Act, as amended, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 5322

	By fiscal year, in millions of dollars—												
	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2020–2025	2020–2030
Statutory Pay-As-You-Go Impact	0	5	2	647	457	277	2	2	2	3	−1,397	1388	0

Components may not sum to totals because of rounding.

Pursuant to the Statutory Pay-As-You-Go Act of 2010 (PAYGO), Mr. YARMUTH hereby submits, prior to the vote on passage, for printing in the CONGRESSIONAL RECORD, that H.R. 5663, the Safeguarding Therapeutics Act, as amended, would have no significant effect on the deficit, and therefore, the budgetary effects of such bill are estimated as zero.

Pursuant to the Statutory Pay-As-You-Go Act of 2010 (PAYGO), Mr. YARMUTH hereby submits, prior to the vote on passage, for printing in the CONGRESSIONAL RECORD, that H.R. 6100, the STOP FGM Act of 2020, as amended, would have no significant effect on the deficit, and therefore, the budgetary effects of such bill are estimated as zero.

Pursuant to the Statutory Pay-As-You-Go Act of 2010 (PAYGO), Mr. YARMUTH hereby submits, prior to the vote on passage, for printing in the CONGRESSIONAL RECORD, that H.R. 6735, the COVID–19 Fraud Prevention Act, as amended, would have no significant effect on the deficit, and therefore, the budgetary effects of such bill are estimated as zero.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5329. A letter from the OSD FRLO, Office of the Secretary, Department of Defense, transmitting the Department's final rule — Sexual Assault Prevention and Response Program Procedures [Docket ID: DoD-2019-OS-0084] (RIN: 0790-AK82) received September 16, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Armed Services.

5330. A letter from the OSD FRLO, Office of the Secretary, Department of Defense, transmitting the Department's final rule — Defense Commissary Agency Privacy Act Program [Docket ID: DOD-2019-OS-0080] (RIN: 0790-AK72) received September 16, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Armed Services.

5331. A letter from the OSD FRLO, Office of the Secretary, Department of Defense, transmitting the Department's final rule — User Fees [Docket ID: DOD-2018-OS-0044] (RIN: 0790-AK45) received September 16, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Armed Services.

5332. A letter from the OSD FRLO, Office of the Secretary, Department of Defense, transmitting the Department's final rule — Service Academies [Docket ID: DOD-2020-OS-0059] (RIN: 0790-AL02) received September 16, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Armed Services.

5333. A letter from the OSD FRLO, Office of the Secretary, Department of Defense, transmitting the Department's interim final rule — TRICARE Coverage of Certain Medical Benefits in Response to the COVID-19 Pandemic [Docket ID: DOD-2020-HA-0050] (RIN: 0720-AB82) received September 16, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Armed Services.

5334. A letter from the OSD FRLO, Office of the Secretary, Department of Defense, transmitting the Department's final rule —

Collection From Third Party Payers of Reasonable Charges for Healthcare Services [Docket ID: DOD-2016-HA-0107] (RIN: 0720-AB68] received September 16, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Armed Services.

5335. A letter from the OSD FRLO, Office of the Secretary, Department of Defense, transmitting the Department's final rule — Sexual Assault Prevention and Response (SAPR) Program [DOD-2008-OS-0124] (RIN: 0790-AJ40) received September 17, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Armed Services.

5336. A letter from the OSD FRLO, Office of the Secretary, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Definition of ''Micro-Purchase Threshold'' (DFARS Case 2018-D056) [Docket DARS-2019-0068] (RIN: 0750-AK17) received September 17, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Armed Services.

5337. A letter from the OSD FRLO, Office of the Secretary, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Use of Defense Logistics Agency Energy as a Source of Fuel (DFARS Case 2020-D003) [Docket: DARS-2020-0029] (RIN: 0750-AK90) received September 17, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Armed Services.

5338. A letter from the OSD FRLO, Office of the Secretary, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Repeal of DFARS Clause ''Ordering'' (DFARS Case 2020-D024) [Docket: DARS-2020-0028] (RIN: 0750-AL10) received September 17, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Armed Services.

5339. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's Major final rule — Amending the ''Accredited Investor'' Definition [Release Nos.: 33-10824; 34-89669; File No. S7-25-19] (RIN: 3235-AM19) received September 17, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

5340. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Rescission of Effective-Upon-Filing Procedure for NMS Plan Fee Amendments and Modified Procedures for Proposed NMS Plans and Plan Amendments [Release No.: 34-89618; File No.: S7-15-19] (RIN: 3235-AM56) received September 17, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

5341. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Modernization of Regulation S-K Items 101, 103, and 105 [Release Nos.: 33-10825; 34-89670; File No.: S7-11-19] (RIN: 3235-AL78) received September 17, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

5342. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's temporary final rule — Temporary Amendments to Regulation Crowdfunding; Extension [Release No.: 33-10829] received September 17, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

5343. A letter from the Secretary, Department of Education, transmitting the Department's notice — Notice of the Rescission of Outdated Guidance Documents received September 17, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Education and Labor.

5344. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Direct Grant Programs, State-Administered Formula Grant Programs, Non Discrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, Developing Hispanic-Serving Institutions Program, Strengthening Institutions Program, Strengthening Historically Black Colleges and Universities Program, and Strengthening Historically Black Graduate Institution Program [Docket ID: ED-2019-OPE-0080] (RIN: 1840-AD45) received September 17, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Education and Labor.

5345. A letter from the Deputy Assistant General Counsel, Office of Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final priority and requirements — Technical Assistance on State Data Collection-IDEA Data Management Center [Docket ID: ED-2019-OSERS-0025; Catalog of Federal Domestic Assistance (CFDA) Number: 84.373M.] received September 17, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Education and Labor.

5346. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule — Waybill Sample Reporting [EP 385 (Sub-No. 8)] received September 17, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PALLONE: Committee on Energy and Commerce. H.R. 2271. A bill to amend the Public Health Service Act to improve the health of children and help better understand and enhance awareness about unexpected sudden death in early life; with an amendment (Rept. 116–524). Referred to the Committee of the Whole House on the state of the Union.

Mr. NADLER: Committee on the Judiciary. H.R. 5309. A bill to prohibit discrimination based on an individual's texture or style of hair; with an amendment (Rept. 116–525, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. NADLER: Committee on the Judiciary. H.R. 5602. A bill to authorize dedicated domestic terrorism offices within the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation to analyze and monitor domestic terrorist activity and require the Federal Government to take steps to prevent domestic terrorism; with an amendment (Rept. 116–526, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. PALLONE: Committee on Energy and Commerce. H.R. 4996. A bill to amend title XIX of the Social Security Act to provide for a State option under the Medicaid program to provide for and extend continuous coverage for certain individuals, and for other purposes; with an amendment (Rept. 116–527). Referred to the Committee of the Whole House on the state of the Union.

Mr. MCGOVERN: Committee on Rules. House Resolution 1129. A resolution providing for consideration of the bill (H.R. 4447) to establish an energy storage and microgrid grant and technical assistance program; providing for consideration of the bill (H.R. 6270) to amend the Securities Exchange Act of 1934 to require issuers to make certain disclosures relating to the Xinjiang Uyghur Autonomous Region, and for other purposes; and providing for consideration of the bill (H.R. 8319) making continuing appropriations for fiscal year 2021, and for other purposes (Rept. 116–528). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Energy and Commerce discharged from further consideration. H.R. 3256. referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on Education and Labor discharged from further consideration. H.R. 5309 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committees on Homeland Security and Armed Services discharged from further consideration. H.R. 5602 referred to the Committee of the Whole House on the state of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

H.R. 2328. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than November 20, 2020.

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 Mrs. LOWEY:

H.R. 8319. A bill making continuing appropriations for fiscal year 2021, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, 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. SABLAN:

H.R. 8320. A bill to require the Secretary of Labor to establish apprenticeships or expanding opportunities through apprenticeships for outlying areas, and for other purposes; to the Committee on Education and Labor.

By Ms. ADAMS:

H.R. 8321. A bill to promote diversity in the national apprenticeship system; to the Committee on Education and Labor.

By Mr. BALDERSON (for himself and Ms. SHALALA):

H.R. 8322. A bill to amend title XI of the Social Security Act to provide the Secretary of Health and Human Services with the authority to temporarily modify certain Medicare requirements for hospice care during

the COVID public health emergency; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRINDISI:

H.R. 8323. A bill to require social media companies to establish an office dedicated to identifying and removing violent and gory content that violates such company's social media platform content moderation standards; to the Committee on Energy and Commerce.

By Mr. BUDD (for himself and Ms. SCHAKOWSKY):

H.R. 8324. A bill to provide for domestic sourcing of personal protective equipment, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Armed Services, Veterans' Affairs, Homeland Security, Education and Labor, and Oversight and Reform, 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. RODNEY DAVIS of Illinois (for himself, Mr. COSTA, Mr. BACON, and Ms. SPANBERGER):

H.R. 8325. A bill to amend the Families First Coronavirus Response Act to extend National School Lunch Program requirement waivers addressing COVID-19, and for other purposes; to the Committee on Education and Labor.

By Ms. FINKENAUER (for herself and Mr. HAGEDORN):

H.R. 8326. A bill to amend the Public Works and Economic Development Act of 1965 to require eligible recipients of certain grants to develop a comprehensive economic development strategy that directly or indirectly increases the accessibility of affordable, quality child care, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAGEDORN (for himself and Mr. CUELLAR):

H.R. 8327. A bill to provide for the dissemination to farm and agricultural workers of information and training on best practices used to respond to the COVID-19 pandemic, and for other purposes; to the Committee on Agriculture.

By Mr. HARDER of California:

H.R. 8328. A bill to support the establishment of an apprenticeship college consortium; to the Committee on Education and Labor.

By Mr. MCCAUL:

H.R. 8329. A bill to eliminate or substantially reduce the global availability of critical technologies to United States arms embargoed countries, and for other purposes; to the Committee on Foreign Affairs.

By Ms. PORTER (for herself, Ms. HERRERA BEUTLER, Mr. WELCH, Mr. COLE, Mr. TRONE, Mr. VAN DREW, Mr. CISNEROS, and Mr. FITZPATRICK):

H.R. 8330. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to provide for certain health coverage of newborns; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POSEY (for himself, Mr. WEBER of Texas, Mr. GAETZ, Mr. SPANO, and Mr. CLOUD):

H.R. 8331. A bill to provide a funding limitation on funds appropriated under the CARES Act; to the Committee on Foreign Affairs.

By Mr. THOMPSON of Pennsylvania (for himself and Mr. RESCHENTHALER):

H.R. 8332. A bill to amend the Energy Policy Act of 2005 to reauthorize a program to address orphaned, abandoned, or idled wells on Federal land, to establish a program to provide grants to States and Tribes to address orphaned wells, and for other purposes; to the Committee on Natural Resources.

By Mrs. DINGELL:

H. Res. 1128. A resolution expressing the condolences of the House of Representatives on the death of the Honorable Ruth Bader Ginsburg, Associate Justice of the Supreme Court of the United States; considered and agreed to. considered and agreed to.

By Mr. CURTIS (for himself, Mr. LOWENTHAL, Mr. KILDEE, Mr. TONKO, Mr. CUELLAR, Mr. PANETTA, Mr. KEATING, Mr. VARGAS, Mr. LARSEN of Washington, Mr. COX of California, Mr. LIPINSKI, Ms. MOORE, Mr. DEUTCH, Mr. RUSH, Mr. WELCH, Mr. O'HALLERAN, Mr. MCADAMS, Mr. HARDER of California, Mr. KIND, Mr. COSTA, Mr. TAKANO, Mr. BISHOP of Georgia, Mr. PAPPAS, Mr. SWALWELL of California, Mr. PETERS, Mrs. HAYES, Ms. SHALALA, Mr. COHEN, Ms. HAALAND, Ms. SCHAKOWSKY, Mr. CÁRDENAS, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. SUOZZI, Ms. DEGETTE, Mr. CASE, Mrs. RODGERS of Washington, Mr. REED, Mr. FITZPATRICK, Mr. GAETZ, Mr. AMODEI, Mr. COOK, Mr. TIMMONS, Mr. TAYLOR, Mr. WILSON of South Carolina, Mr. ROONEY of Florida, Mr. STIVERS, Mr. MARSHALL, Mr. BALDERSON, Mr. NORMAN, Mr. GALLAGHER, Mr. FULCHER, Mr. RICE of South Carolina, Mr. SIMPSON, Mr. DIAZ-BALART, Mr. BURGESS, Ms. STEFANIK, Mr. GROTHMAN, Mr. MCKINLEY, Mr. TIPTON, Mr. LAHOOD, Mr. NEWHOUSE, Mr. SCHWEIKERT, Mr. FORTENBERRY, Mr. HUDSON, Mr. ZELDIN, Mr. MAST, Mr. KINZINGER, Mr. MCHENRY, Mr. STEIL, Mr. BACON, Mr. FLEISCHMANN, Mr. GRAVES of Louisiana, and Mr. JOHNSON of South Dakota):

H. Res. 1130. A resolution expressing support for the designation of the week of September 21 through September 25, 2020, as ''National Clean Energy Week''; to the Committee on Energy and Commerce.

By Mr. GOTTHEIMER:

H. Res. 1131. A resolution condemning the murder of Sara Duker and renouncing Palestinian Authority martyr payments to terrorists; to the Committee on Foreign Affairs, 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 Ms. NORTON:

H. Res. 1132. A resolution expressing support for the designation of September 2020 as ''Peace Month'' and calling on Congress to take action to promote peace; to the Committee on Oversight and Reform.

By Mr. PETERSON (for himself, Mr. HAGEDORN, Ms. CRAIG, Mr. PHILLIPS, Ms. MCCOLLUM, Ms. OMAR, Mr. EMMER, and Mr. STAUBER):

H. Res. 1133. A resolution honoring the life and legacy of Coya Knutson; to the Committee on House Administration.

By Ms. VELÁZQUEZ (for herself, Mr. CHABOT, Mr. CROW, Mrs. RADEWAGEN, Mr. ESPAILLAT, Mr. BALDERSON, Mr. GOLDEN, Mr. KEVIN HERN of Oklahoma, Mr. SCHNEIDER, Mr. SPANO, Mr. JOYCE of Pennsylvania, Ms. JUDY CHU of California, Mr. BISHOP of North Carolina, Ms. FINKENAUER, Mr. EVANS, Ms. CRAIG, Ms. HOULAHAN, Mr. STAUBER, Ms. DAVIDS of Kansas, Ms. NORTON, Mr. COHEN, Mr. SIRES, Ms. WEXTON, Ms. PINGREE, Mr. CASE, Ms. BONAMICI, Mr. PETERSON, Mr. SMITH of Washington, Mr. PANETTA, Mr. FITZPATRICK, Mrs. LURIA, Mr. HORSFORD, and Mrs. FLETCHER):

H. Res. 1134. A resolution expressing support for the designation of September 22, 2020, to September 24, 2020, as ''National Small Business Week'' to honor the entrepreneurial spirit and contributions of small businesses and entrepreneurs in the United States; to the Committee on Small Business.

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 Mrs. LOWEY:

H.R. 8319.

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.

By Mr. SABLAN:

H.R. 8320.

Congress has the power to enact this legislation pursuant to the following:

Under Article 1, Section 8 of the Constitution.

By Ms. ADAMS:

H.R. 8321.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 1 provides Congress with the power to ''lay and collect Taxes, Duties, Imposts and Excises'' in order to ''provide for the . . . general Welfare of the United States.''

By Mr. BALDERSON:

H.R. 8322.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 & Article I, Section 8, Clause 3

By Mr. BRINDISI:

H.R. 8323.

Congress has the power to enact this legislation pursuant to the following:

Article I, Sec. 8, Clause 3 (Commerce Clause); and Article I, Section 8, Clause 18 (Necessary and Proper Clause).

By Mr. BUDD:
H.R. 8324.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 of the Constitution
By Mr. RODNEY DAVIS of Illinois:
H.R. 8325.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 18
By Ms. FINKENAUER:
H.R. 8326.
Congress has the power to enact this legislation pursuant to the following:
This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.
By Mr. HAGEDORN:
H.R. 8327.
Congress has the power to enact this legislation pursuant to the following:
Under Article I, Section 8, the Necessary and Proper Clause. Congress shall have power to make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers and all Powers vested by this Constitution in the Government of the United States, or any Department or Officer thereof.
By Mr. HARDER of California:
H.R. 8328.
Congress has the power to enact this legislation pursuant to the following:
U.S. Const. art. I, Sec 8
By Mr. MCCAUL:
H.R. 8329.
Congress has the power to enact this legislation pursuant to the following:
Article I, section 8 of the Constitution of the United States
By Ms. PORTER:
H.R. 8330.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 of the United States Constitution
By Mr. POSEY:
H.R. 8331.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8
By Mr. THOMPSON of Pennsylvania:
H.R. 8332.
Congress has the power to enact this legislation pursuant to the following:
Article IV, Section 3, clause 2
Article I, Section 8, clause 3
Article I, Section 8, clause 18

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 40: Ms. DELAURO.
H.R. 96: Mrs. HAYES.
H.R. 444: Mr. PETERSON.
H.R. 616: Mr. NUNES.
H.R. 1108: Mr. HIMES, Mr. MORELLE, Mrs. TORRES of California, Ms. SCHAKOWSKY, Mr. CRAWFORD, and Mr. SMITH of Missouri.
H.R. 1325: Mr. GOLDEN, Mr. MCKINLEY, Mr. STIVERS, Mr. GAETZ, and Mr. FLORES.
H.R. 1349: Mr. GOTTHEIMER.
H.R. 1450: Mr. HOYER, Mr. NEAL, and Ms. SHERRILL.
H.R. 1652: Mr. JOYCE of Ohio.
H.R. 1769: Mr. TIFFANY.
H.R. 1923: Mr. MOULTON.
H.R. 1964: Mr. TIMMONS.
H.R. 2200: Mr. HARDER of California.
H.R. 2415: Ms. SHALALA and Mr. EVANS.
H.R. 2442: Ms. WILSON of Florida, Mr. MORELLE, Mr. GRIJALVA, and Mr. GARAMENDI.
H.R. 2504: Mrs. DAVIS of California and Mr. STEUBE.
H.R. 2739: Mr. SIRES.
H.R. 2816: Mrs. LEE of Nevada.
H.R. 2848: Mr. LEVIN of Michigan.
H.R. 2850: Mr. FOSTER and Mr. SCOTT of Virginia.
H.R. 3131: Ms. UNDERWOOD, Mr. SWALWELL of California, and Mr. TRONE.
H.R. 3228: Mr. GOTTHEIMER.
H.R. 3316: Mr. STAUBER.
H.R. 3874: Mr. LYNCH and Ms. FRANKEL.
H.R. 3975: Ms. HAALAND.
H.R. 4554: Ms. LOFGREN.
H.R. 4681: Ms. KUSTER of New Hampshire.
H.R. 4701: Mrs. TORRES of California.
H.R. 4807: Mrs. HAYES.
H.R. 4817: Mrs. LEE of Nevada.
H.R. 4822: Miss RICE of New York.
H.R. 4864: Mr. COHEN, Mr. DESAULNIER, Mr. LEVIN of California, Ms. FRANKEL, Mr. CARBAJAL, and Ms. DELBENE.
H.R. 5046: Mrs. HAYES.
H.R. 5081: Mr. SUOZZI.
H.R. 5289: Mr. KEVIN HERN of Oklahoma.
H.R. 5491: Mrs. LEE of Nevada.
H.R. 5605: Mr. SCHIFF, Mr. STEUBE, Mr. HIMES, Ms. CASTOR of Florida, Mr. PANETTA, Ms. STEFANIK, and Mrs. TRAHAN.
H.R. 5659: Mr. PHILLIPS.
H.R. 5664: Mr. GOTTHEIMER.
H.R. 5861: Mr. POCAN.
H.R. 6118: Ms. BLUNT ROCHESTER.
H.R. 6142: Mr. RASKIN.
H.R. 6210: Mr. CONNOLLY, Mr. HIMES, Ms. CLARKE of New York, Mr. PASCRELL, Mr. HASTINGS, Ms. SHALALA, Mr. LIPINSKI, Ms. MOORE, Mr. HICE of Georgia, Ms. ESHOO, Miss RICE of New York, Mr. KILDEE, Mrs. TRAHAN, Mr. PERRY, Mr. HUFFMAN, Ms. STEVENS, and Mr. CICILLINE.
H.R. 6270: Ms. JACKSON LEE and Mr. GREEN of Texas.
H.R. 6559: Mr. DEUTCH.
H.R. 6574: Mr. AGUILAR.
H.R. 6626: Ms. SEWELL of Alabama.
H.R. 6703: Ms. LOFGREN.
H.R. 6718: Ms. DELAURO.
H.R. 6829: Ms. CASTOR of Florida and Mr. BERGMAN.
H.R. 6956: Ms. KUSTER of New Hampshire.
H.R. 7072: Mr. MCGOVERN.
H.R. 7125: Mr. AGUILAR.
H.R. 7155: Mr. AGUILAR.
H.R. 7157: Mr. AGUILAR.
H.R. 7198: Mr. AGUILAR.
H.R. 7292: Mrs. KIRKPATRICK.
H.R. 7293: Mrs. NAPOLITANO and Ms. DEAN.
H.R. 7338: Mr. MCKINLEY and Mr. RESCHENTHALER.
H.R. 7449: Mr. FOSTER.
H.R. 7483: Ms. HAALAND, Mr. CÁRDENAS, Mr. RUIZ, Mr. RUSH, Ms. KUSTER of New Hampshire, Mr. TED LIEU of California, and Miss RICE of New York.
H.R. 7515: Mr. KILMER and Mr. HECK.
H.R. 7525: Ms. HAALAND.
H.R. 7631: Mr. GOTTHEIMER.
H.R. 7642: Mr. AMODEI, Mr. LANGEVIN, Mr. MEEKS, Mr. KEATING, Ms. BASS, Miss RICE of New York, Mr. SUOZZI, Mr. TED LIEU of California, Mr. RASKIN, Mr. HIMES, Ms. FUDGE, and Mr. MOULTON.
H.R. 7673: Mr. CHABOT.
H.R. 7679: Mr. KUSTOFF of Tennessee, Mr. GIANFORTE, Mr. GOODEN, Ms. STEFANIK, and Mr. ARMSTRONG.
H.R. 7700: Mrs. TRAHAN.
H.R. 7718: Ms. JACKSON LEE, Mr. COHEN, and Ms. GARCIA of Texas.
H.R. 7734: Mr. BUDD.
H.R. 7777: Mrs. RADEWAGEN, Mr. CISNEROS, Mr. POSEY, Mr. DAVID SCOTT of Georgia, and Mr. RASKIN.
H.R. 7839: Mr. SCHWEIKERT and Mr. CASE.
H.R. 7854: Mr. GOTTHEIMER.
H.R. 7867: Ms. ESHOO.
H.R. 7868: Mr. MOOLENAAR.
H.R. 7927: Mrs. HAYES.
H.R. 7947: Mr. BRENDAN F. BOYLE of Pennsylvania and Mr. REED.
H.R. 8003: Ms. JUDY CHU of California.
H.R. 8053: Ms. HAALAND.
H.R. 8054: Mr. RICE of South Carolina.
H.R. 8075: Mrs. LURIA and Mr. FOSTER.
H.R. 8094: Mr. CASE and Ms. DAVIDS of Kansas.
H.R. 8098: Mr. WESTERMAN.
H.R. 8099: Mr. PANETTA.
H.R. 8117: Mr. TIFFANY.
H.R. 8144: Mr. BROWN of Maryland.
H.R. 8145: Mr. BROWN of Maryland.
H.R. 8242: Ms. CLARKE of New York.
H.R. 8256: Mr. YOHO, Mr. STEWART, Mr. OLSON, Mr. MARSHALL, Mr. BURGESS, and Mr. ESTES.
H.R. 8265: Mrs. WALORSKI, Mr. MARCHANT, Mr. PENCE, Mr. LATTA, Mr. BUCSHON, Mrs. RODGERS of Washington, Mr. HAGEDORN, Mr. AUSTIN SCOTT of Georgia, Mr. RUTHERFORD, Mr. HIGGINS of Louisiana, Mr. GOODEN, and Mr. WALBERG.
H.R. 8266: Mr. KHANNA and Mr. SWALWELL of California.
H.R. 8270: Mr. QUIGLEY, Mr. GONZALEZ of Ohio, Mr. FITZPATRICK, Mr. WEBER of Texas, Ms. CLARKE of New York, Mr. YOHO, Mr. FOSTER, and Mrs. BEATTY.
H.R. 8286: Mrs. HARTZLER.
H.R. 8294: Mr. HARDER of California.
H.R. 8295: Ms. ESHOO.
H.R. 8313: Ms. VELÁZQUEZ, Mr. SWALWELL of California, and Ms. JUDY CHU of California.
H.R. 8318: Ms. KENDRA S. HORN of Oklahoma.
H. Con. Res. 10: Mr. CASE.
H. Res. 114: Mr. POCAN.
H. Res. 672: Mr. MEEKS.
H. Res. 745: Mr. BROWN of Maryland.
H. Res. 822: Ms. TITUS and Mr. KHANNA.
H. Res. 835: Ms. ESHOO.
H. Res. 931: Mr. CHABOT.
H. Res. 1076: Ms. HAALAND.
H. Res. 1077: Mrs. MILLER.
H. Res. 1078: Mr. KHANNA.
H. Res. 1094: Mr. FITZPATRICK and Mrs. LURIA.
H. Res. 1099: Ms. TITUS, Mr. KILDEE, Ms. DEAN, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Mr. CICILLINE, Mr. SOTO, and Mr. DANNY K. DAVIS of Illinois.
H. Res. 1103: Mr. THOMPSON of Mississippi.
H. Res. 1116: Mr. HIGGINS of Louisiana, Mrs. RODGERS of Washington, Mr. AUSTIN SCOTT of Georgia, Mr. RUTHERFORD, Mr. BUCSHON, Mr. PENCE, Mr. CHABOT, and Mr. POSEY.

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 MS. WATERS

The provisions that warranted a referral to the Committee on Financial Services in H.R. 6270 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MRS. LOWEY

H.R. 8319, making continuing appropriations for fiscal year 2021, and for other purposes, does not contain any congressional earmark, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. YARMUTH

The provisions that warranted a referral to the Committee on the Budget in H.R. 8319 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.