

with the testing and evaluation of cybersecurity technology to improve the sharing of information, analysis, and methodologies related to cybersecurity risks and incidents.

The Rapid Innovation Act is a smart bill that will enable the Department of Homeland Security to establish and improve technologies for detecting attacks or intrusions.

The "Support for Rapid Innovation Act of 2016" will equip the Department of Homeland Security with vital tools and resources to prevent and remove attacks and threats implemented by those who target our nation.

Mr. Speaker, we face growing cybersecurity threats, which demands that we increase research and development, along with the testing and evaluation of cybersecurity technology to expand the sharing of information, analysis, and methodologies related to cybersecurity risks and incidents.

This is a comprehensive bill that will help protect all Americans in every corner of this nation.

I urge all Members to join me in voting to pass H.R. 5389.

The SPEAKER pro tempore (Mr. PALMER). The question is on the motion offered by the gentleman from Texas (Mr. RATCLIFFE) that the House suspend the rules and pass the bill, H.R. 5389.

The question was taken.

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

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

The yeas and nays were ordered.

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

LEVERAGING EMERGING TECHNOLOGIES ACT OF 2016

Mr. RATCLIFFE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5389) to encourage engagement between the Department of Homeland Security and technology innovators, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5389

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 "Leveraging Emerging Technologies Act of 2016".

SEC. 2. INNOVATION ENGAGEMENT.

(a) INNOVATION ENGAGEMENT.—

(1) IN GENERAL.—The Secretary of Homeland Security—

(A) shall engage with innovative and emerging technology developers and firms, including technology-based small businesses and startup ventures, to address homeland security needs; and

(B) may identify geographic areas in the United States with high concentrations of such innovative and emerging technology developers and firms, and may establish personnel and office space in such areas, as appropriate.

(2) ENGAGEMENT.—Engagement under paragraph (1) may include innovative and emerging technology developers or firms with proven technologies, supported with outside

investment, with potential applications for the Department of Homeland Security.

(3) CO-LOCATION.—If the Secretary of Homeland Security determines that it is appropriate to establish personnel and office space in a specific geographic area in the United States pursuant to paragraph (1)(B), the Secretary shall co-locate such personnel and office space with other existing assets of—

(A) the Department of Homeland Security, where possible; or

(B) Federal facilities, where appropriate.

(4) OVERSIGHT.—Not later than 30 days after establishing personnel and office space in a specific geographic area in the United States pursuant to paragraph (1)(B), the Secretary of Homeland Security shall inform Congress about the rationale for such establishment, the anticipated costs associated with such establishment, and the specific goals for such establishment.

(b) STRATEGIC PLAN.—Not later than six months after the date of the enactment of this section, the Secretary of Homeland Security shall develop, implement, and submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a Department of Homeland Security-wide strategy to proactively engage with innovative and emerging technology developers and firms, including technology-based small businesses and startup ventures, in accordance with subsection (a). Such strategy shall—

(1) focus on sustainable methods and guidance to build relationships, including with such innovative and emerging technology developers and firms in geographic areas in the United States with high concentrations of such innovative and emerging technology developers and firms, and in geographic areas outside such areas, to establish, develop, and enhance departmental capabilities to address homeland security needs;

(2) include efforts to—

(A) ensure proven innovative and emerging technologies can be included in existing and future acquisition contracts;

(B) coordinate with organizations that provide venture capital to businesses, particularly small businesses and startup ventures, as appropriate, to assist the commercialization of innovative and emerging technologies that are expected to be ready for commercialization in the near term and within 36 months; and

(C) address barriers to the utilization of innovative and emerging technologies and the engagement of small businesses and startup ventures in the acquisition process;

(3) include a description of how the Department plans to leverage proven innovative and emerging technologies to address homeland security needs; and

(4) include the criteria the Secretary plans to use to determine an innovative or technology is proven.

(c) PROHIBITION ON ADDITIONAL FUNDING.—No additional funds are authorized to be appropriated to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. RATCLIFFE) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise in support and I am very pleased that the House is considering H.R. 5389, the Leveraging Emerging Technologies Act of 2016. H.R. 5389 encourages engagement between the Department of Homeland Security and technology innovators, including tech startups.

This important bill requires the Secretary of Homeland Security to proactively engage with innovative and emerging technology developers and firms to address homeland security needs. More specifically, H.R. 5389 provides the Secretary authority to identify geographic areas in the United States where high concentrations of innovative and emerging technology developers and firms exist and to establish personnel and office space in these areas to more effectively collaborate with these technology hubs.

The Federal Government needs to do a better job working with the private sector, and this bill will support that goal by requiring the Secretary to develop and implement a targeted strategy to proactively engage innovative and emerging technology developers and firms. The Secretary must use this strategic plan to address and to reduce barriers to leveraging innovative and emerging technologies and the small business and startup ventures that create those technologies by incorporating them into the Department's acquisition process.

In order to keep pace, the Department of Homeland Security recently established an office in Silicon Valley to encourage engagement and communication with the innovative technology developers in that area. Although a vital technology hub, Silicon Valley is not the only technology hub in the United States. For that reason, the Department should not be limited to a single geographic area from which to identify emerging and innovative technologies.

Mr. Speaker, we are all learning that cybersecurity is national security. The Nation is under constant cyber attack from nation-states, from criminal groups, and from terrorist organizations, and, with each passing day, the attacks and tools that they are using are becoming more sophisticated. Requiring the Department to consider strategically how it will engage these technology developers will strengthen the Department's ability to access innovative and emerging technologies in order to combat these evolving threats.

I am happy to support this measure today and believe it will move us toward further addressing homeland security needs by supporting technology innovation.

Before I close, I include in the RECORD an exchange between the chairman of the Committee on Science,

Space, and Technology and the chairman of the Committee on Homeland Security.

Mr. Speaker, I urge all Members to join me in supporting this bill, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY.

Washington, DC, June 20, 2016.

Hon. MICHAEL T. McCAUL, Chairman, Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing concerning H.R. 5389, the "Leveraging Emerging Technologies Act of 2016," which your Committee reported on June 8, 2016.

H.R. 5389 contains provisions within the Committee on Science, Space, and Technology's Rule X jurisdiction. As a result of your having consulted with the Committee and in order to expedite this bill for floor consideration, the Committee on Science, Space, and Technology will forego action on the bill. This is being done on the basis of our mutual understanding that doing so will in no way diminish or alter the jurisdiction of the Committee on Science, Space, and Technology with respect to the appointment of conferees, or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation.

I would appreciate your response to this letter confirming this understanding, and would request that you include a copy of this letter and your response in the Committee Report and in the Congressional Record during the floor consideration of this bill. Thank you in advance for your cooperation.

Sincerely,

LAMAR SMITH,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON HOMELAND SECURITY, Washington, DC, June 20, 2016.

Hon. LAMAR SMITH, Chairman, Committee on Science, Space, and Technology, Washington, DC.

DEAR CHAIRMAN SMITH: Thank you for your interest in H.R. 5389, the "Leveraging Emerging Technologies Act of 2016." I appreciate your cooperation in allowing this legislation to move expeditiously before the House of Representatives on June 21, 2016. I understand that the Committee on Science, Space, and Technology, to the extent it may have a jurisdictional claim, will not seek a sequential referral on the bill; and therefore, there has been no formal determination as to its jurisdiction by the Parliamentarian. While we are not prepared to recognize the jurisdiction of the Committee on Science, Space, and Technology over this bill, we do appreciate your cooperation in this matter.

The Committee on Homeland Security concurs with the mutual understanding that the absence of a decision on this bill at this time does not prejudice any claim the Committee on Science, Space, and Technology may have held or may have on similar legislation in the future.

I will insert copies of this exchange in the Congressional Record during consideration of this bill on the House floor. I thank you for your cooperation in this matter.

Sincerely,

MICHAEL T. McCAUL,
Chairman.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5389, the Leveraging Emerging Technologies Act of 2016.

Mr. Speaker, I am pleased to cosponsor H.R. 5389, a bipartisan bill that di-

rects the Department of Homeland Security to engage, in an unprecedented fashion, with developers of innovative and emerging technologies.

When it comes to tackling vexing homeland security challenges, Washington does not have the monopoly on groundbreaking, forward-thinking ideas. H.R. 5389 specifically directs the Secretary of Homeland Security to engage with innovative and emerging technology developers to help tackle the rapidly expanding list of homeland security technology needs.

To encourage such engagement, the bill authorizes DHS to establish personnel and office space in diverse geographical areas around the United States that have high concentrations of technology developers and firms to nurture relationships.

In April 2015, the Department announced that it was establishing a Silicon Valley office to cultivate relationships with technology innovators, particularly nontraditional performers, such as small startups, investors, incubators, and accelerators. The establishment of this office is in furtherance of DHS' homeland security innovation program, whose goal is to generate innovation in hubs around the Nation and the world to solve DHS' most difficult technology challenges.

Over the past year, through these programs, DHS has reached out to technology innovators and other stakeholders at regional events held in Boston, Pittsburgh, San Francisco, New Orleans, Chicago, Louisville, and Austin.

To ensure that DHS pursues outreach to innovators and related stakeholders in a thoughtful manner, H.R. 5389 also directs DHS, within 6 months, to develop and submit to Congress a Department-wide strategy for such engagement. Importantly, the bill specifically calls for DHS to include ways to effectively engage with technology-based small businesses and startup ventures in the strategy.

Mr. Speaker, I urge my colleagues to support this legislation. H.R. 5389 was unanimously approved by the Committee on Homeland Security on June 8. It recognizes that DHS depends on technology to carry out its missions and for the Department to effectively identify, support, and procure innovative technology. DHS must nurture and maintain robust and direct relationships with technology developers.

Two features of the strategy required under this act that I would like to highlight are that it directs DHS to give attention to fostering engagement with developers that may be located outside a recognized regional technology hub, and coordinate with venture capital organizations to help emerging technology developers, including small businesses and startup ventures, commercialize technologies that address a rapidly growing list of homeland security needs.

I also join my colleague from Texas in supporting this legislation. Mr. Speaker, I urge support of H.R. 5389.

I yield back the balance of my time.

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Mr. RATCLIFFE. Mr. Speaker, I thank the gentleman from Mississippi for cosponsoring this bill and for his leadership in this area.

I, once again, urge my colleagues to support H.R. 5389.

I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, as a senior member of the Homeland Security Committee, I rise in support of H.R. 5389, the "Leveraging Emerging Technologies Act of 2016," which requires the Secretary of Homeland Security to engage with innovative and emerging technology developers, including technology-based small businesses and startup ventures that can help tackle the rapidly expanding list of homeland security technology needs.

H.R. 5389 helps to protect America's computer and communications networks, which security experts believe represent the nation's most critical national security challenge, including internet functions and connected critical infrastructure such as air traffic control, the U.S. electrical grid, and nuclear power plants.

H.R. 5389 authorizes DHS to establish personnel and office space in diverse geographic areas around the United States that have high concentrations of technology developers and firms.

The bill also directs DHS, within 6 months, to develop and submit to Congress a Department-wide strategy to engage with innovative and emerging technology companies.

Importantly, the bill specifically requires the Secretary to include in that strategy ways to effectively integrate technology-based small businesses and startup ventures.

Importantly, the bill also requires the DHS Secretary to coordinate with those in the venture capital industry to assist in the development of technologies that are ready for commercialization and use in the Homeland Security Enterprise.

Since its founding, the Department of Homeland Security has overcome many challenges as an organization but much more progress must be made regarding effective inter-operable communication between the federal, state, and local agencies.

Although not a panacea, H.R. 5389 is a step in the right direction because it will help improve DHS' overall functions so that it can more effectively protect our people.

I urge my colleagues to join me in supporting this important legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. RATCLIFFE) that the House suspend the rules and pass the bill, H.R. 5389.

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

The yeas and nays were ordered.

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

THOROUGHLY INVESTIGATING RETALIATION AGAINST WHISTLEBLOWERS ACT

Mr. BLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4639) to reauthorize the Office of Special Counsel, to amend title 5, United States Code, to provide modifications to authorities relating to the Office of Special Counsel, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4639

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 “Thoroughly Investigating Retaliation Against Whistleblowers Act”.

SEC. 2. REAUTHORIZATION OF THE OFFICE OF SPECIAL COUNSEL.

(a) IN GENERAL.—Section 8(a)(2) of the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note) is amended to read as follows:

“(2) \$24,119,000 for fiscal year 2016 and \$25,735,000 for each of fiscal years 2017, 2018, 2019, and 2020 to carry out subchapter II of chapter 12 of title 5, United States Code (as amended by this Act).”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be deemed to apply beginning on October 1, 2015.

SEC. 3. ACCESS TO AGENCY INFORMATION.

Section 1212(b) of title 5, United States Code, is amended by adding at the end the following:

“(5)(A) In carrying out this subchapter, the Special Counsel is authorized to—

“(i) have access to any record or other information (including a report, audit, review, document, recommendation, or other material) of any agency under the jurisdiction of the Office of Special Counsel, consistent with the requirements of subparagraph (C); and

“(ii) require any employee of such an agency to provide to the Office any record or other information during an investigation, review, or inquiry of any agency under the jurisdiction of the Office.

“(B) With respect to any record or other information made available by an agency under this subchapter, the Office shall apply a level of confidentiality to such record or information at the level of confidentiality applied to the record by the agency.

“(C) With respect to any record or other information described under subparagraph (A), the Attorney General or an Inspector General may withhold access to any such record or other information if the disclosure could reasonably be expected to interfere with an ongoing criminal investigation or prosecution, but only if the Attorney General or applicable agency head submits a written report to the Office of Special Counsel describing the record or other information withheld and the reason for the withholding.”.

SEC. 4. WHISTLEBLOWER PROVISIONS.

Section 1213 of title 5, United States Code, is amended—

(1) in subsection (b), by striking “15 days” and inserting “45 days”;

(2) in subsection (d)—

(A) in paragraph (4), by striking “and” at the end;

(B) in paragraph (5)—

(1) in the matter before subparagraph (A), by striking “such as” and inserting “including”; and

(ii) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(6) if any disclosure referred to an agency head under subsection (c) is substantiated in whole or in part by the agency head, a detailed explanation of the failure to take any action described under paragraph (5).”; and

(3) in subsection (e), by adding at the end the following:

“(5) If an agency head submits a report to the Special Counsel under subsection (d) that includes a description of any agency action proposed to be taken as a result of the investigation, the agency head shall, not later than 180 days after the date of such submission, submit a supplemental report to the Special Counsel stating whether any proposed action has been taken, and if the action has not been taken, the reason why it has not been taken.”.

SEC. 5. TERMINATION OF CERTAIN OSC INVESTIGATIONS.

(a) IN GENERAL.—Section 1214(a) of title 5, United States Code, is amended by adding at the end the following:

“(6)(A) Within 30 days of receiving an allegation from a person under paragraph (1), the Special Counsel may terminate an investigation under such paragraph with respect to the allegation, without further inquiry or an opportunity for the person to respond, if the Special Counsel determines that—

“(i) the same allegation, based on the same set of facts and circumstances—

“(I) had previously been made by the person and previously investigated by the Special Counsel; or

“(II) had previously been filed by the person with the Merit Systems Protection Board;

“(ii) the Office of Special Counsel does not have jurisdiction to investigate the allegation; or

“(iii) the person knew or should have known of the alleged prohibited personnel practice earlier than the date that is 3 years before the date Special Counsel received the allegation.

“(B) If the Special Counsel terminates an investigation under subparagraph (A), not later than 30 days after the date of such termination the Special Counsel shall provide a written notification stating the basis for the termination to the person who made the allegation. Paragraph (1)(D) shall not apply to any termination under such subparagraph.”.

(b) CONFORMING AMENDMENTS.—Section 1214 of title 5, United States Code, is amended—

(1) in subsection (a)(1)(A), by striking “The Special Counsel” and inserting “Except as provided in paragraph (6), the Special Counsel”; and

(2) in subsection (a)(1)(C), in the matter before clause (i), by inserting “or paragraph (6)” after “paragraph (2)”.

SEC. 6. REPORTING REQUIREMENTS.

(a) OSC ANNUAL REPORT TO CONGRESS.—Section 1218 of title 5, United States Code, is amended to read as follows:

“§ 1218. Annual report

“(a) The Special Counsel shall submit an annual report to Congress on the activities of the Special Counsel. Any such report shall include—

“(1) the number, types, and disposition of allegations of prohibited personnel practices filed with the Special Counsel, and the cost of allegations so disposed of;

“(2) the number of investigations conducted by the Special Counsel;

“(3) the number of stays or disciplinary actions negotiated by the Special Counsel with agencies;

“(4) the number of cases in which the Special Counsel did not make a determination

whether there are reasonable grounds to believe that a prohibited personnel practice has occurred, exists, or is to be taken within the 240-day period specified in section 1214(b)(2)(A)(i);

“(5) a description of the recommendations and reports made by the Special Counsel to other agencies pursuant to this subchapter, and the actions taken by the agencies as a result of the reports or recommendations;

“(6) the number of—

“(A) actions initiated before the Merit Systems Protection Board, including the number of corrective action petitions and disciplinary action complaints so initiated; and

“(B) stays and stay extensions obtained from the Board; and

“(7) the number of prohibited personnel practice complaints that result in—

“(A) a favorable action for the complainant, categorized by actions with respect to whistleblower reprisal cases and all other cases; and

“(B) a favorable outcome for the complainant, categorized by outcomes with respect to whistleblower reprisal cases and all other cases.

“(b) The report required by subsection (a) shall include whatever recommendations for legislation or other action by Congress the Special Counsel may consider appropriate.”.

(b) OSC PUBLIC INFORMATION.—Section 1219(a)(1) of title 5, United States Code, is amended to read as follows:

“(1) a list of any noncriminal matter referred to an agency head under section 1213(c), together with—

“(A) the applicable transmittal of the matter to the agency head under section 1213(c)(1);

“(B) any report from agency head under section 1213(c)(1)(B) relating to such matter;

“(C) if appropriate, not otherwise prohibited by law, and with the consent of the complainant, any comments from the complainant under section 1213(e)(1) relating to the matter; and

“(D) the Special Counsel’s comments or recommendations under section 1213(e)(3) or (4) relating to the matter.”.

SEC. 7. ESTABLISHMENT OF SURVEY PILOT PROGRAM.

(a) IN GENERAL.—The Office of Special Counsel shall design and establish a survey pilot program under which the Office shall conduct, with respect to fiscal years 2017 and 2018, a survey of individuals who have filed a complaint or disclosure with the Office. The survey shall be designed to gather responses from the individuals for the purpose of collecting information and improving customer service at various stages of the review or investigative process. The results of the survey shall be published in the annual report of the Office.

(b) SUSPENSION OF OTHER SURVEYS.—During fiscal years 2017 and 2018, section 13 of Public Law 103–424 shall have no force or effect.

SEC. 8. PENALTIES UNDER THE HATCH ACT.

(a) IN GENERAL.—Section 7326 of title 5, United States Code, is amended to read as follows:

“§ 7326. Penalties

“An employee or individual who violates section 7323 or 7324 shall be subject to—

“(1) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

“(2) an assessment of a civil penalty not to exceed \$1,000; or

“(3) any combination of the penalties described in paragraph (1) or (2).”.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to any violation of section 7323 or 7324 of title 5, United States