

The bill (S. 2109), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2109

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 “Directing Dollars to Disaster Relief Act of 2015”.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term “administrative cost”—

(A) means a cost incurred by the Agency in support of the delivery of disaster assistance for a major disaster; and

(B) does not include a cost incurred by a grantee or subgrantee;

(2) the term “Administrator” means the Administrator of the Agency;

(3) the term “Agency” means the Federal Emergency Management Agency;

(4) the term “direct administrative cost” means a cost incurred by a grantee or subgrantee of a program authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) that can be identified separately and assigned to a specific project;

(5) the term “hazard mitigation program” means the hazard mitigation grant program authorized under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c);

(6) the term “individual assistance program” means the individual assistance grant program authorized under sections 408, 410, 415, 416, 426, and 502(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174, 5177, 5182, 5183, 5189d, and 5192(a));

(7) the term “major disaster” means a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170);

(8) the term “mission assignment” has the meaning given the term in section 641 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 741); and

(9) the term “public assistance program” means the public assistance grant program authorized under sections 403(a)(3), 406, 418, 419, 428, and 502(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b(a)(3), 5172, 5185, 5186, 5189f, and 5192(a)).

SEC. 3. INTEGRATED PLAN FOR ADMINISTRATIVE COST REDUCTION.

(a) IN GENERAL.—Not later than 365 days after the date of enactment of this Act, the Administrator shall—

(1) develop and implement an integrated plan to control and reduce administrative costs for major disasters, which shall include—

(A) steps the Agency will take to reduce administrative costs;

(B) milestones needed for accomplishing the reduction of administrative costs;

(C) strategic goals for the average annual percentage of administrative costs of major disasters for each fiscal year;

(D) the assignment of clear roles and responsibilities, including the designation of officials responsible for monitoring and measuring performance; and

(E) a timetable for implementation;

(2) compare the costs and benefits of tracking the administrative cost data for major disasters by the public assistance, individual assistance, hazard mitigation, and mission assignment programs, and if feasible, track this information; and

(3) clarify Agency guidance and minimum documentation requirements for a direct ad-

ministrative cost claimed by a grantee or subgrantee of a public assistance grant program.

(b) CONGRESSIONAL UPDATE.—Not later than 90 days after the date of enactment of this Act, the Administrator shall brief the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the plan required to be developed under subsection (a)(1).

(c) UPDATES.—If the Administrator modifies the plan or the timetable under subsection (a), the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report notifying Congress of the modification, which shall include the details of the modification.

SEC. 4. REPORTING REQUIREMENT.

(a) ANNUAL REPORT.—Not later than November 30 of each year for 7 years beginning on the date of enactment of this Act, the Administrator shall submit to Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the development and implementation of the integrated plan required under section 3 for the previous fiscal year.

(b) REPORT UPDATES.—

(1) THREE YEAR UPDATE.—Not later than 3 years after the date on which the Administrator submits a report under subsection (a), the Administrator shall submit an updated report for the previous 3-fiscal-year period.

(2) FIVE YEAR UPDATE.—Not later than 5 years after the date on which the Administrator submits a report under subsection (a), the Administrator shall submit an updated report for the previous 5-fiscal-year period.

(c) CONTENTS OF REPORTS.—Each report required under subsections (a) and (b) shall contain, at a minimum—

(1) the total amount spent on administrative costs for the fiscal year period for which the report is being submitted;

(2) the average annual percentage of administrative costs for the fiscal year period for which the report is being submitted;

(3) an assessment of the effectiveness of the plan developed under section 3(a)(1);

(4) an analysis of—

(A) whether the Agency is achieving the strategic goals established under section 3(a)(1)(C); and

(B) in the case of the Agency not achieving such strategic goals, what is preventing the Agency from doing so;

(5) any actions the Agency has identified as useful in improving upon and reaching the goals for administrative costs established under section 3(a)(1)(C); and

(6) any data described in section 3(a)(2), if the Agency determines it is feasible to track such data.

(d) PUBLIC AVAILABILITY.—Not later than 30 days after the date on which the Administrator submits a report to Congress under this section, the Administrator shall make the report publicly available on the website of the Agency.

JUDICIAL REDRESS ACT OF 2015

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 356, H.R. 1428.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1428) to extend Privacy Act remedies to citizens of certified states, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment, as follows:

(The part of the bill intended to be stricken is shown in boldface brackets and the part of the bill intended to be inserted is shown in italic.)

H.R. 1428

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Judicial Redress Act of 2015”.

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

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

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

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

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

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

(d) DESIGNATION OF COVERED COUNTRY.

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

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

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

(2) REMOVAL OF DESIGNATION.—The Attorney General may, with the concurrence of the Secretary of State, the Secretary of the Treasury, and the Secretary of Homeland Security, revoke the designation of a foreign

country or regional economic integration organization, or member country of such organization, as a “covered country” if the Attorney General determines that such designated “covered country”—

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

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

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

(d) *DESIGNATION OF COVERED COUNTRY.*—

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

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

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

(B) the country or regional economic integration organization, or member country of such organization, permits the transfer of personal data for commercial purposes between the territory of that country or regional economic organization and the territory of the United States, through an agreement with the United States or otherwise; and

(C) the Attorney General has certified that the policies regarding the transfer of personal data for commercial purposes and related actions of the country or regional economic integration organization, or member country of such organization, do not materially impede the national security interests of the United States.

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

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

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

(C) fails to meet the requirements under paragraph (1)(B);

(D) no longer meets the requirements for certification under paragraph (1)(C); or

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

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

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

(2) *REQUIREMENTS FOR DESIGNATION.*—The Attorney General may determine that an

agency or component of an agency is a “designated Federal agency or component” for purposes of this section, if—

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

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

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

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

(h) *DEFINITIONS.*—In this Act:

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

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

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

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

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

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

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

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

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

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

Mr. McCONNELL. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to; the bill, as amended, be read a third time and passed; and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 1428), as amended, was passed.

SUPPORTING THE GOALS AND IDEALS OF CAREER AND TECHNICAL EDUCATION MONTH

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 367, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 367) supporting the goals and ideals of Career and Technical Education Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 367) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today’s RECORD under “Submitted Resolutions.”)

AFFIRMING THE IMPORTANCE OF STUDENT DATA PRIVACY AND RECOGNIZING DIGITAL LEARNING DAY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 369, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 369) affirming the importance of student data privacy and recognizing Digital Learning Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DAINES. Mr. President, as a fifth generation Montanan and engineer who worked at a cloud computing company for, 13 years, I have seen firsthand the opportunities created by advances in technology. As a father of four, I am aware of the huge role technology plays in our students’ lives.

February 17, 2016, is Digital Learning Day. Students around the globe will be using technology to enhance the classroom learning experience. While digital learning offers many benefits, we must sufficiently protect the personal information of our students. Without proper safeguards in place, our children’s privacy is at risk, and student data could end up in the hands of criminals and other bad actors. We need policies in place to ensure students’ information and electronic records are processed and stored safely and securely.