

together and vote down H.R. 6439. By taking such action, we will be communicating to ICE our expectations, while in no way preventing the BITMAP pilot from continuing as it has for the past 7 years.

As I said earlier, I sincerely hope that the positive aspects of BITMAP being touted by the other side of the aisle today can be backed up by reliable data and facts. Unfortunately, the little information we have on BITMAP to date simply does not justify a stand-alone authorization.

Madam Speaker, I ask my colleagues to oppose H.R. 6439, and I yield back the balance of my time.

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

Madam Speaker, I have tremendous respect for the gentleman from Mississippi, but I do have to respectfully disagree with some of his assertions. First of all, this program, BITMAP, was started 7 years ago under the Obama administration. And over the last 7 years, we have obtained sufficient data that would verify the success of the program.

In fact, I can't get into the classified nature of the program. Suffice it to say that we stopped hundreds of known or suspected terrorists from entering the United States under this tried-and-true program.

The Secretary testified before our committee that, on average, 19 known or suspected terrorists try to enter the United States every day. Our solemn obligation is to protect the American people from the threats that we see outside of the United States and do everything we can to stop them from getting into the United States.

What the 9/11 Commission talked about in its report about travel and keeping bad people and bad things out of the United States, is the reason this committee was formed in the first place. And we have heard the stories about ISIS in written materials encouraging followers to cross our southwest border. We talked about the 9/11 Commission. We talked about terrorists' travel strategies. This is one of those strategies, one of those programs that I believe the 9/11 Commission was talking about.

Why not use the best technology we have and use biometrics to identify known or suspected terrorists, MS-13 gang members, child predators, opioid traffickers, all of the bad stuff that can come into this country. When Border Patrol tells me we only know 50 percent of what is coming into the country, why would we not want to use the most innovative technology so that when someone enters this hemisphere under one name and gets up to the Mexico border under another name—just like in the Mollie Tibbetts' killing, slaying, where someone came into the country and changed their identity. This stops the changing of identity up the road into the United States.

Why? Biometrics don't lie. You are who you are. And we know who they

are through the great, best technology we have available today. So I believe that being opposed to this legislation really puts the American people at harm.

I hope I am wrong in saying this, because I never want politics to enter this committee: National security should never be political. The terrorists don't check our partisan affiliation. But my concern is that because ICE is in this bill, we are drawing opposition.

Madam Speaker, this is one of the best programs that ICE administrators, created under the Obama administration. It deserves and it has earned to be fully authorized by the United States Congress, and I ask that all of my colleagues support this measure.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MCCAUL) that the House suspend the rules and pass the bill, H.R. 6439.

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. MCCAUL. Madam 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.

#### TSA OPPORTUNITIES TO PURSUE EXPANDED NETWORKS FOR BUSINESS ACT

Mr. MCCAUL. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6459) to amend the Homeland Security Act of 2002 to require a strategy to diversify the technology stakeholder marketplace regarding the acquisition by the Transportation Security Administration of security screening technologies, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6459

*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 "TSA Opportunities to Pursue Expanded Networks for Business Act" or the "TSA OPEN for Business Act".

#### SEC. 2. STRATEGY.

(a) IN GENERAL.—Subtitle B of title XVI of the Homeland Security Act of 2002 (6 U.S.C. 563 et seq.) is amended by adding at the end following new section:

#### "SEC. 1617. DIVERSIFIED TECHNOLOGY STAKEHOLDER MARKETPLACE.

"(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this section, the Administrator shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a strategy to diversify the technology stakeholder marketplace that

the Administrator relies upon to acquire security screening technologies, including by increased participation of small business innovators.

"(b) CONTENTS.—The strategy required under subsection (a) shall include the following:

"(1) Information on how Administration solicitation, testing, evaluation, piloting, acquisition, and procurement processes impact the Administrator's ability to acquire from a technology stakeholder, including a small business innovator, that has not previously provided technology to the Administration, an innovative technology or capability with the potential to enhance transportation security.

"(2) Specific actions that the Administrator will take, including modifications to the processes described in paragraph (1), to foster diversification within the technology stakeholder marketplace, together with information on projected timelines for such actions.

"(3) Plans for how the Administrator may, to the extent practicable, assist a small business innovator at certain points in such processes, including when such an innovator lacks adequate resources to participate in such processes, to help ensure that an advanced technology or capability can be developed and acquired by the Administrator.

"(4) A feasibility assessment of partnering with an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code to help provide venture capital to businesses, particularly small business innovators, for commercialization of innovative homeland security technologies that are expected to be ready for commercialization in the near term and within 36 months. In conducting such feasibility assessment, the Administrator shall consider the following:

"(A) Establishing an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, modeled after the In-Q-tel program, as a venture capital partnership between the private sector and the intelligence community to help businesses, particularly small business innovators, commercialize innovative security-related technologies.

"(B) Enhanced engagement, either through the Science and Technology Directorate of the Department of Homeland Security or directly, with the In-Q-tel program described in subparagraph (A).

"(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed as requiring changes to the Transportation Security Administration standards for security technology.

"(d) DEFINITIONS.—In this section:

"(1) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

"(2) SMALL BUSINESS CONCERN.—The term 'small business concern' has the meaning described under section 3 of the Small Business Act (15 U.S.C. 632).

"(3) SMALL BUSINESS INNOVATOR.—The term 'small business innovator' means a stakeholder that is a small business concern that has an advanced transportation security technology or capability."

(b) COMPTROLLER GENERAL REVIEW.—Not later than one year after the submission of the strategy required under section 1617 of the Homeland Security Act of 2002 (as added by subsection (a)), the Comptroller General of the United States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a review of the extent to which

such strategy addresses the requirements of such section, has resulted in increased participation of small business innovators in the technology stakeholder marketplace, and has resulted in a diversification of the marketplace.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 1616 the following new item:

“Sec. 1617. Diversified technology stakeholder marketplace.”.

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

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. MCCAUL. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days 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. MCCAUL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 6459, the TSA Opportunities to Pursue Expanded Networks for Business Act, also known as the TSA OPEN for Business Act, sponsored by the ranking member of the Committee on Homeland Security, Mr. THOMPSON.

This bipartisan legislation seeks to improve how TSA partners with the private sector to offer innovative technologies for passenger screening. In particular, this bill aims to bolster access for small businesses to TSA's acquisition process and better serve the public.

Specifically, this bill directs the TSA administrator to develop a strategy to diversify the stakeholder marketplace used to acquire advanced security technologies. This strategy must include plans to assist small businesses with navigating the agency's acquisitions and procurement processes, which are often overly bureaucratic.

Additionally, the bill will help establish public-private partnerships that will direct venture capital toward emerging, promising technologies.

Madam Speaker, our airline industry still remains the crown jewel of targets for international terrorists. The public deserves to have the best security in place throughout America's transportation and aviation sector, and it is incumbent upon the TSA to create a streamlined way of identifying and deploying advanced security technologies.

Since its creation, TSA has struggled to expand participation by small businesses and direct resources towards promising technologies. Ranking Member THOMPSON's legislation reduces bureaucratic hurdles, while promoting private sector innovation.

Madam Speaker, I want to thank the ranking member for introducing this excellent legislation, as well as the chairman of the Subcommittee on Transportation and Protective Security, Mr. KATKO, for his leadership on this issue.

This legislation offers a bipartisan approach to improving opportunities for small businesses seeking to partner with TSA, and improves the security of our Nation's transportation systems.

Madam Speaker, I urge my colleagues to support the bill, and I reserve the balance of my time.

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

Madam Speaker, I rise in support of H.R. 6459, the TSA Opportunities to Pursue Expanded Networks for Business Act, or TSA OPEN for Business Act.

Madam Speaker, the Transportation Security Administration must acquire and deploy effective security technology to keep up with current threats. To do so, TSA must ensure its acquisition processes incentivize security manufacturers to develop innovative solutions and compete for contract awards.

Unfortunately, in practice, TSA's processes are unwieldy and full of delays and roadblocks that limit interest and competition. Today, companies looking to do business with TSA for the first time must invest significant resources and expend years of effort on testing and piloting before ever receiving a single purchase order.

For small businesses, which generally lack other revenue streams to underwrite their operations while working through the maze of TSA's processes, these impediments often prove insurmountable. There is no way of knowing how many small businesses have had innovative security solutions, but pursued other opportunities rather than risk getting tangled up in TSA's acquisition web.

My bill, the TSA OPEN for Business Act, requires TSA to develop a strategy to diversify the technology stakeholder marketplace that it relies upon to acquire security technologies. Importantly, the strategy must address barriers to participation for businesses that have not previously provided technology to TSA, including small business innovators.

It also requires TSA to conduct a feasibility assessment of partnering with a nonprofit organization to provide venture capital to help businesses commercialize innovative technologies, similar to the In-Q-Tel program that has been so successful within the intelligence community.

By pushing TSA to take proactive action to diversify the security technology marketplace, H.R. 6459 has the potential to increase competition within the transportation security technology marketplace to ultimately deliver better security.

□ 1700

Madam Speaker, in fiscal year 2017, TSA awarded over \$1.6 billion in contracts. Within such a large marketplace, there should be plenty of space for businesses of all sizes with innovative ideas to compete. H.R. 6459 will push TSA to take steps to diversify the security technology marketplace to ensure that it is positioned to acquire the most innovative technology available.

Madam Speaker, I thank my colleagues on the other side for their support, and I yield back the balance of my time.

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

Madam Speaker, in closing, I thank Ranking Member THOMPSON for bringing this legislation.

When a lot of people look at TSA, they look at the lines and the screening that takes place. Sometimes I often think they don't get the respect that they deserve.

TSA does a lot more than screening at airports. It screens overseas; it has intelligence leads to stop terrorists from coming into the country; and, most importantly, it stops terrorists with the latest threat that we have that I can say publicly now: turning laptops into bombs and toxic gas. That is a threat that keeps me up at night with U.S.-bound passengers from airports like Istanbul, Cairo, and Riyadh into JFK Airport and other airports, but also domestic flights. It is important that we pass this bill that the ranking member introduced to make sure that TSA has the best technology available to stop that threat.

I am proud to say that we have worked in a bipartisan fashion to ensure that the moneys have been appropriated to buy these new technologies and new machines that outdated technology cannot see or screen but the updated technology can. We owe it to the American people to deploy this new technology as soon and quickly as possible, given the immediate threat to the United States and the airline sector.

Madam Speaker, I think this is an excellent bill. I fully support it, and I urge my colleagues to support it as well.

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

Ms. JACKSON LEE. Madam Speaker, I rise in strong support of H.R. 6459, the “TSA OPEN for Business Act,” which amends the Homeland Security Act of 2002, to diversify the technology stakeholder marketplace for TSA acquisitions.

I would like to thank Ranking Member THOMPSON for his leadership on the Committee on Homeland Security and for introducing this important bill to improve transportation security.

H.R. 6459 directs the Administrator of the U.S. Transportation Security Administration to develop and submit to Congress a strategy to diversify the technology stakeholder marketplace regarding the acquisition by the TSA of security screening technologies.

That strategy must include:

1. Information on how Administration solicitation, testing, evaluation, piloting, acquisition, and procurement processes impact the Administrator's ability to acquire from a technology stakeholder, including a small business innovator, that has not previously provided technology to the Administration, an innovative technology or capability with the potential to enhance transportation security;

2. Specific actions that the administrator will take to foster diversification within the technology stakeholder market along with a timeline for such actions;

3. Plans for how the administrator may assist a small business innovator at certain points in such process; and

4. A feasibility assessment of partnering with an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

I represent the 18th Congressional District of Texas which is situated in Houston and home to 2 major airports, the George Bush International Airport and William P. Hobby Airport, which are essential hubs for domestic and international air travel for Houston and the region.

Nearly 40 million passengers traveled through George Bush International Airport (IAH) and an additional 10 million traveled through William P. Hobby (HOU).

More than 650 daily departures occur at George Bush International Airport, which is also the 11th busiest airport in the U.S. for total passenger traffic and annually handles more than 419,205 metric tons of cargo.

As better transportation security technology becomes available, it is imperative that it be adequately evaluated for use in our nation's airports.

The size of a company should not limit it from contributing to the important work of aviation security.

We should support advances in transportation security technology that are positive and help fulfill the TSA's mission to protect our nation's transportation systems from terrorist threats.

I ask that all members join me in voting to pass H.R. 6459, the "TSA OPEN for Business Act."

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. McCaul) that the House suspend the rules and pass the bill, H.R. 6459.

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

A motion to reconsider was laid on the table.

## SECURING THE HOMELAND SECURITY SUPPLY CHAIN ACT OF 2018

Mr. KING of New York. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6430) to amend the Homeland Security Act of 2002 to authorize the Secretary of Homeland Security to implement certain requirements for information relating to supply chain risk, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6430

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

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Securing the Homeland Security Supply Chain Act of 2018".

### SEC. 2. DEPARTMENT OF HOMELAND SECURITY REQUIREMENTS FOR INFORMATION RELATING TO SUPPLY CHAIN RISK.

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

#### "SEC. 836. REQUIREMENTS FOR INFORMATION RELATING TO SUPPLY CHAIN RISK.

"(a) AUTHORITY.—Subject to subsection (b), the Secretary may—

"(1) carry out a covered procurement action;

"(2) limit, notwithstanding any other provision of law, in whole or in part, the disclosure of information, including classified information, relating to the basis for carrying out such an action; and

"(3) exclude, in whole or in part, a source carried out in the course of such an action applicable to a covered procurement of the Department.

"(b) DETERMINATION AND NOTIFICATION.—Except as authorized by subsection (c) to address an urgent national security interest, the Secretary may exercise the authority provided in subsection (a) only after—

"(1) obtaining a joint recommendation, in unclassified or classified form, from the Chief Acquisition Officer and the Chief Information Officer of Department, including a review of any risk assessment made available by an appropriate person or entity, that there is a significant supply chain risk in a covered procurement;

"(2) notifying any source named in the joint recommendation described in paragraph (1) advising—

"(A) that a recommendation has been obtained;

"(B) to the extent consistent with the national security and law enforcement interests, the basis for such recommendation;

"(C) that, within 30 days after receipt of notice, such source may submit information and argument in opposition to such recommendation; and

"(D) of the procedures governing the consideration of such submission and the possible exercise of the authority provided in subsection (a);

"(3) notifying the relevant components of the Department that such risk assessment has demonstrated significant supply chain risk to a covered procurement; and

"(4) making a determination in writing, in unclassified or classified form, that after considering any information submitted by a source under paragraph (2), and in consultation with the Chief Information Officer of the Department, that—

"(A) use of authority under subsection (a)(1) is necessary to protect national security by reducing supply chain risk;

"(B) less intrusive measures are not reasonably available to reduce such risk;

"(C) a decision to limit disclosure of information under subsection (a)(2) is necessary to protect national security interest; and

"(D) the use of such authorities will apply to a single covered procurement or a class of covered procurements, and otherwise specifies the scope of such determination;

"(5) providing to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a classified or unclassified notice of the determination made under paragraph (4) that includes—

"(A) the joint recommendation described in paragraph (1);

"(B) a summary of any risk assessment reviewed in support of such joint recommendation; and

"(C) a summary of the basis for such determination, including a discussion of less intrusive measures that were considered and why such measures were not reasonably available to reduce supply chain risk;

"(6) notifying the Director of the Office of Management and Budget, and the heads of other Federal agencies as appropriate, in a manner and to the extent consistent with the requirements of national security; and

"(7) taking steps to maintain the confidentiality of any notifications under this subsection.

"(c) PROCEDURES TO ADDRESS URGENT NATIONAL SECURITY INTERESTS.—In any case in which the Secretary determines that national security interests require the immediate exercise of the authorities under subsection (a), the Secretary—

"(1) may, to the extent necessary to address any such national security interest, and subject to the conditions specified in paragraph (2)—

"(A) temporarily delay the notice required by subsection (b)(2);

"(B) make the determination required by subsection (b)(4), regardless of whether the notice required by subsection (b)(2) has been provided or whether the notified source at issue has submitted any information in response to such notice;

"(C) temporarily delay the notice required by subsections (b)(4) and (b)(5); and

"(D) exercise the authority provided in subsection (a) in accordance with such determination; and

"(2) shall take actions necessary to comply with all requirements of subsection (b) as soon as practicable after addressing the urgent national security interest that is the subject of paragraph (1), including—

"(A) providing the notice required by subsection (b)(2);

"(B) promptly considering any information submitted by the source at issue in response to such notice, and making any appropriate modifications to the determination required by subsection (b)(4) based on such information; and

"(C) providing the notice required by subsections (b)(5) and (b)(6), including a description of such urgent national security, and any modifications to such determination made in accordance with subparagraph (B).

"(d) ANNUAL REVIEW OF DETERMINATIONS.—The Secretary shall annually review all determinations made under subsection (b).

"(e) DELEGATION.—The Secretary may not delegate the authority provided in subsection (a) or the responsibility identified in subsection (d) to an official below the Deputy Secretary.

"(f) LIMITATION OF REVIEW.—Notwithstanding any other provision of law, no action taken by the Secretary under subsection (a) may be subject to review in a bid protest before the Government Accountability Office or in any Federal court.

"(g) CONSULTATION.—In developing procedures and guidelines for the implementation of the authorities described in this section, the Secretary shall review the procedures and guidelines utilized by the Department of Defense to carry out similar authorities.

"(h) DEFINITIONS.—In this section:

"(1) COVERED ARTICLE.—The term 'covered article' means:

"(A) Information technology, including cloud computing services of all types.

"(B) Telecommunications equipment.

"(C) Telecommunications services.

"(D) The processing of information on a Federal or non-Federal information system,