

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. 6443, 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.

MARITIME BORDER SECURITY REVIEW ACT

Mr. KATKO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5869) to require the Secretary of Homeland Security to conduct a maritime border threat analysis, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5869

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 "Maritime Border Security Review Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term "appropriate congressional committees" means—

(A) the Committee on Homeland Security of the House of Representatives;

(B) the Committee on Transportation and Infrastructure of the House of Representatives;

(C) the Committee on Homeland Security and Government Affairs of the Senate; and

(D) the Committee on Commerce, Science, and Transportation of the Senate.

(2) **MARITIME BORDER.**—The term "maritime border" means—

(A) the transit zone; and

(B) the borders and territorial waters of Puerto Rico and the United States Virgin Islands.

(3) **TRANSIT ZONE.**—The term "transit zone" has the meaning given such term in section 1092(a)(8) of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 223(a)(8)).

SEC. 3. MARITIME BORDER THREAT ANALYSIS.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a maritime border threat analysis that includes an identification and description of the following:

(1) Current and potential terrorism and criminal threats posed by individuals and groups seeking to—

(A) enter the United States through the maritime border; or

(B) exploit border vulnerabilities on the maritime border.

(2) Improvements needed at United States sea ports to—

(A) prevent terrorists and instruments of terror from entering the United States; and

(B) reduce criminal activity, as measured by the total flow of illegal goods and illicit drugs, related to the maritime border.

(3) Improvements needed with respect to the maritime border to—

(A) prevent terrorists and instruments of terror from entering the United States; and

(B) reduce criminal activity related to the maritime border.

(4) Vulnerabilities in law, policy, cooperation between State, territorial, and local law enforcement, or international agreements that hinder

effective and efficient border security, counterterrorism, anti-human trafficking efforts, and the flow of legitimate trade with respect to the maritime border.

(5) Metrics and performance parameters used by the Department of Homeland Security to evaluate maritime security effectiveness, as appropriate.

(b) **ANALYSIS REQUIREMENTS.**—In preparing the threat analysis required under subsection (a), the Secretary of Homeland Security shall consider and examine the following:

(1) Technology needs and challenges.

(2) Personnel needs and challenges.

(3) The role of State, territorial, and local law enforcement in general border security activities.

(4) The need for cooperation among Federal, State, territorial, local, and appropriate international law enforcement entities relating to border security.

(5) The geographic challenges of the maritime border.

(6) The impact and consequences of Hurricanes Harvey, Irma, Maria, and Nate on general border security activities with respect to the maritime border.

(c) **CLASSIFIED THREAT ANALYSIS.**—To the extent possible, the Secretary of Homeland Security shall submit the threat analysis required under subsection (a) in unclassified form. The Secretary may submit a portion of the threat analysis in classified form if the Secretary determines that such form is appropriate for such portion.

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

The Chair recognizes the gentleman from New York.

□ 1730

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 5869, the Maritime Border Security Review Act, sponsored by the gentlewoman from Puerto Rico (Miss GONZÁLEZ-COLÓN), my friend and colleague.

With increasing focus on the threats at the southwest border, we must be mindful that our adversaries can and will adapt as they seek to gain entry into our homeland. As illicit pathways are squeezed on the southwest border, the Nation's maritime border is a likely alternative route for our adversaries to utilize.

The brave men and women of the United States Coast Guard are responsible for patrolling our Nation's maritime border, conducting counter-drug and migrant interdiction operations, as well as search and rescue missions to ensure the safety and legitimacy of travel and trade in the maritime environment.

The Coast Guard also interdicts and often rescues migrants who are at-

tempting to reach the United States not only from the Caribbean and Latin American region but, as recent cases have indicated, from countries outside the Western Hemisphere, including China, India, Pakistan, and Jordan.

Cocaine is one of the most highly trafficked drugs throughout the maritime border, especially in the transit zone, a 7-million-square-mile area that includes the sea corridors of the western Atlantic Ocean, the Caribbean Sea, the Gulf of Mexico, and the eastern Pacific Ocean. I know that firsthand from the time I spent for 2 years in the mid-nineties prosecuting international drug organizations in San Juan, Puerto Rico.

The Coast Guard interdicts thousands of pounds of cocaine every year; though, according to the DHS Office of Inspector General, only about 8.2 percent of the total cocaine flow through the transit zone was interdicted in fiscal year 2017.

Unfortunately, we currently do not have the resources to turn back or interdict all the threats in the maritime environment. To make matters worse, the devastating effects of the 2017 hurricane season diminished local law enforcement operational capabilities and resources available to combat maritime-based threats in the U.S. territories, putting further strain on our Federal law enforcement agents and officers.

Many of the hurricane-affected areas are still not back to pre-hurricane conditions. Under this environment, by the time a threat reaches our coastal waters, it is too easy to slip into the country and often too late, from a law enforcement standpoint, to intercept that threat.

H.R. 5869 requires the Secretary of Homeland Security to conduct a threat analysis of the greater U.S. maritime border, to include the territorial waters of Puerto Rico and the United States Virgin Islands as well as the transit zone. The bill requires the examination of terrorist and criminal threats posed by individuals and groups seeking to enter the U.S. through the maritime border.

The bill also requires the Secretary to identify vulnerabilities in law, policy, and cooperation between State, territorial, and local law enforcement, and it asks the Secretary to review the impact of the geographic challenges of the maritime border and of Hurricanes Harvey, Irma, Maria, and Nate on general border security activities related to the maritime border.

The Maritime Border Security Review Act is a necessary and timely piece of legislation, and I want to thank the gentlewoman from Puerto Rico for introducing it.

Mr. Speaker, I urge all Members to join me in supporting H.R. 5869, and I reserve the balance of my time.

COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE, HOUSE OF REP-
RESENTATIVES,

Washington, DC, September 4, 2018.

Hon. MICHAEL T. MCCAUL,
Chairman, Committee on Homeland Security,
Washington, DC.

DEAR CHAIRMAN MCCAUL: I write concerning H.R. 5869, the Maritime Border Security Review Act. This legislation includes matters that I believe fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

In order to expedite floor consideration of H.R. 5869, the Committee on Transportation and Infrastructure will forgo action on this bill, including seeking a sequential referral. However, this is conditional on our mutual understanding that forgoing consideration of the bill does not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within the Committee's Rule X jurisdiction. Finally, should a conference on the bill be necessary, I ask that you support my request to have the Committee represented on the conference committee.

Please place a copy of this letter and your response acknowledging our jurisdictional interest in the Congressional Record during House Floor consideration of the bill. I look forward to working with the Committee on Homeland Security as the bill moves through the legislative process.

Sincerely,

BILL SHUSTER,
Chairman.

COMMITTEE ON HOMELAND SECURITY,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 4, 2018.

Hon. BILL SHUSTER,
Chairman, Committee on Transportation and
Infrastructure, Washington, DC.

DEAR CHAIRMAN SHUSTER: Thank you for your letter regarding H.R. 5869, the "Maritime Border Security Review Act." I appreciate your support in bringing this legislation before the House of Representatives, and accordingly, understand that the Committee on Transportation and Infrastructure will not seek a sequential referral on the bill, to the extent it may have a jurisdictional claim.

The Committee on Homeland Security concurs with the mutual understanding that by foregoing a sequential referral of this bill, the Committee on Transportation and Infrastructure does not waive any jurisdiction over the subject matter contained in this bill or similar legislation in the future. In addition, should a conference on this bill be necessary, I would support a request by the Committee on Transportation and Infrastructure for conferees on those provisions determined to be within its jurisdiction.

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. 5869, the Maritime Border Security Review Act.

Mr. Speaker, H.R. 5869 would require the Department of Homeland Security to conduct a threat analysis of the maritime border. The bill directs the threat analysis to identify terrorist

and criminal elements looking to enter the U.S. through, or exploit vulnerabilities of, our maritime border. Further, H.R. 5869 directs DHS to identify improvements to mitigate such threats.

In carrying out this analysis, DHS is directed to look at vulnerabilities in law and policy that hinder border security and other criminal efforts along the maritime border. It is important to note that the bill limits the scope of the legal and policy analysis provisions to maritime security and, as such, has no relationship to the Jones Act.

In the current climate where we have a President who repeatedly threatens to shut down the Federal Government if Congress fails to provide funding to build a wall along the southwest border that candidate Trump repeatedly told would be paid for by the Mexican Government, it is easy to lose sight of the fact that border security concerns more than the U.S.-Mexico land border.

I commend the gentlewoman from Puerto Rico for reminding us of the need to secure maritime borders and seaports.

Cargo volume is up. In fiscal year 2017 alone, U.S. Customs and Border Protection processed \$2.39 trillion in imports. This translates into our ports of entry processing more than 28.5 million in imported cargo containers.

Seaports are critical infrastructure that drive our economy. As such, it is critical that DHS stay abreast of the maritime security threat picture. To that end, I support H.R. 5869, the Maritime Border Security Review Act, and urge my colleagues to do the same.

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

Mr. KATKO. Mr. Speaker, I yield 6 minutes to the distinguished gentlewoman from Puerto Rico (Miss GONZÁLEZ-COLÓN).

Miss GONZÁLEZ-COLÓN of Puerto Rico. Mr. Speaker, I thank Congressman KATKO for leading this effort today. I want to thank the chairman of the committee and Ranking Member THOMPSON for supporting this bill.

Mr. Speaker, I rise today to speak on behalf of my bill, H.R. 5869, the Maritime Border Security Review Act.

As we move to secure our borders, it is imperative that we confront the threats posed by criminal and drug trafficking organizations seeking to enter the Nation through our maritime frontier. Illicit trafficking through the transit zone, a 7-million-square-mile area, includes the sea corridors of the western Atlantic Ocean, the Caribbean Sea, the Gulf of Mexico, and the eastern Pacific Ocean. This is the transit zone.

According to the Coast Guard, the total known flow of undocumented migrants attempting to enter the U.S. by maritime routes in 2017 was almost 4,800 individuals. The known cocaine flow throughout the transit zone reached about 2,700 metric tons in 2017.

This bill also addresses the public safety challenges faced by Puerto Rico and the U.S. Virgin Islands, the only

two U.S. territories located geographically within the transit zone.

The United States' Caribbean border has long been exploited as both a destination and a transshipment point for illicit drugs shipped to the mainland, endangering the lives of Americans in the two territories, but also in the continental U.S. About two-thirds of the cocaine transiting the Caribbean in early 2016 was destined for the U.S., most of it being smuggled through Puerto Rico and the U.S. Virgin Islands.

In 2017, U.S. Customs and Border Protection officers seized about 66,000 pounds of narcotics in and around Puerto Rico from drug cartels and smugglers. And let me tell you something: The CBP, or the Customs and Border Patrol, is outside the mainland. So this is the only CBP office outside the mainland operating not just in Puerto Rico and the U.S. Virgin Islands, but our frontier with Venezuela and the whole Caribbean. The year 2017 was a record high for drug smugglers over the previous year.

Last year's devastating hurricane season disrupted interdiction efforts in the United States' maritime border. According to the 2019 Threat Assessment from the Puerto Rico/U.S. Virgin Islands High Intensity Drug Trafficking Area, the damage inflicted by the storms severely diminished the operational capabilities of local and Federal law enforcement on both islands.

The U.S. Coast Guard recently testified before the U.S. Senate that responding in force to the hurricanes meant fewer resources for drug interdiction and border protection. They also admitted that, despite their best efforts, they have struggled to keep up with the volume of illicit traffic due to a shortage of planes, ships, helicopters, and resources, further highlighting the needs at our maritime border.

H.R. 5869 would help us better understand these and other challenges the United States faces along its maritime border by requiring the Secretary of Homeland Security to conduct a detailed threat analysis of the region. These assessments must include the terrorism and criminal threats posed by those seeking to enter the U.S. throughout the maritime border; improvements needed at all U.S. seaports to reduce criminal activity; and all vulnerabilities in law that prevent effective border security, similar to those recently released in the Northern Border Threat Analysis of 2017 that were approved by the House of Representatives.

The Secretary of Homeland Security must consider technology and personnel needs, the role of State and local enforcement in border security activities, the geographic challenges of the region, and the impact of last year's hurricanes on general border security activities.

Protecting and ensuring the safety of the American people both on the mainland and in the territories is very important not just for me, but for all of us, and should be one of our priorities. An assessment of the threats posed at our Nation's maritime border will help us achieve just that. The reason behind this bill is to promote that kind of analysis.

I want to thank Chairman MCCAUL, Ranking Member THOMPSON, and Congressmen KATKO and PERRY for their leadership in assisting and moving forward this legislation, and I urge my colleagues to support H.R. 5869.

Mr. THOMPSON of Mississippi. Mr. Speaker, I have no speakers on this bill, and I reserve the balance of my time.

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

Mr. Speaker, I will be prepared to close in a moment, but I do want to follow up on a couple of remarks from my colleague from Puerto Rico.

I served there as a Federal organized crime prosecutor in the mid-1990s in San Juan, and during that time I saw firsthand how much of a vulnerability the maritime areas have of the United States in general, but Puerto Rico in particular.

The HIDTA report, which refers to the high intensity drug trafficking report, talks about severely diminished capabilities for law enforcement post-hurricane. But that doesn't begin to describe what really goes on down there.

When I first walked into the U.S. Attorney's Office in Puerto Rico, there were about five or six major fast boats lined up in a parking lot that had been seized. They were seized because of large shipments of cocaine coming across the water directly from Colombia, which is only about 500 nautical miles away. These boats could go anywhere within Puerto Rico. It doesn't have to come to a port. It can pull up to shore anywhere and offload whatever contraband they are trafficking.

Certainly any one of those boats carried millions upon millions of dollars of poison that were going into drug users in this country, but they could easily be carrying terrorists. Once they get into Puerto Rico, you are in the United States. That is what people have to understand. Once you are in the United States, there is more customs scrutiny.

So getting it into Puerto Rico, St. Thomas, or the Virgin Islands, or other territories of the United States, and not knowing what those vulnerabilities are is a serious gap in our security in this Nation.

We did a similar threat assessment of the northern border, and it was very illuminating to see how much the northern border is wide open and how much of a threat it actually is. I would venture to guess that what we will see from this report when it is issued is much more eye-opening. It is a vulnerability in the world where people don't

want us to survive as a democracy and, instead, want to impose terroristic views on our society. It is incumbent we pass this bill to get the full scope of the extent of the threat.

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

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

Mr. Speaker, in the current climate, it is easy to lose sight of the fact that border security encompasses land, air, and maritime borders. Maintaining situational awareness along our maritime borders and in the transit zone can be a daunting task for the U.S. Coast Guard and Customs and Border Protection, given the vastness of the maritime domain. H.R. 5869 will position DHS to better understand what additional resources are required to protect our maritime ports and borders.

Given that the measures before us were authored by the gentlewoman from Puerto Rico, I would be remiss if I didn't take this moment to acknowledge September 20 will mark a year since Hurricane Maria upended the lives of millions of Americans living in Puerto Rico.

□ 1745

The death and destruction caused by this category 4 storm was compounded by the Trump administration's flat-footed, weak, and slow response to the suffering.

Mr. Speaker, I include in the RECORD a piece published by The New York Times this past weekend entitled "Don't Give Trump a Pass on Puerto Rico."

[From the New York Times, Sept. 1, 2018]

DON'T GIVE TRUMP A PASS ON PUERTO RICO
THE PRESIDENT THINKS THE GOVERNMENT DID A FANTASTIC JOB LAST YEAR HANDLING HURRICANE MARIA. BUT THE REVISION OF THE DEATH TOLL, TO NEARLY 3,000 FROM 64, SAYS DIFFERENT

(By Mekela Panditharatne)

The wind and rain began lashing New Orleans in the early hours of Aug. 29, 2005, while President George W. Bush was on vacation at his ranch in Texas. As the levees buckled and water poured into the city, the federal government tarried. Later, Hurricane Katrina's long pall—the more than 1,800 related deaths, the devastation and the slow federal response—would come to haunt Mr. Bush's presidency, cratering his approval rating.

President Trump, who has overseen his own hurricane crisis after last year's storms in Texas and Puerto Rico, has largely escaped the presidency-defining censure that dogged Mr. Bush after Hurricane Katrina. Last week, Puerto Rico's government increased the island's official death toll, estimating that 2,975 people died as a result of the hurricane and its effects—up from the tally of just 64 that had been the official count until then. Nearly one year after the storm hit, we now know that Hurricane Maria may be among the deadliest natural disasters to occur in the United States in a century.

So why the pass for President Trump?

Mr. Trump's scandal-plagued presidency has benefited from a deliberate pattern of diversion and the deep executive dysfunction he has created in the federal government.

Under his tenure, the president has given the impression it is not the White House's job to coordinate with federal agencies and that by extension, he does not own his agencies' failures. This shouldn't stand.

The scope of the administration's negligence is reflected in a report released by the Federal Emergency Management Agency in July. FEMA said the agency "had thousands fewer workers than it needed" and that many of those it had weren't qualified to take on a catastrophe of this scale. The report also states that the agency took longer than expected to secure supplies and lost track of much of the aid it delivered.

An investigation by Politico found that FEMA provided roughly a third of the meals, half as much water and a small fraction of tarps to Puerto Rico than it provided to Texas after Hurricane Harvey in the first nine days after the storm. Several weeks elapsed before FEMA and the Defense Department increased their presence on the island, even though airports and ports had reopened after a few days. The agencies failed to direct the aircraft carrier U.S.S. Abraham Lincoln and other ships to Puerto Rico to aid with the response. Mr. Trump remained largely out of the picture.

No president in recent memory has upended internal executive branch norms so much. In immigration, military and other matters, major executive orders have been introduced by the Trump administration without consulting with his cabinet. Agency heads have been caught off guard when policies affecting them are put into motion. The robust inter-agency exchange that typically characterizes complex decisions has atrophied.

All of this makes it easy for Mr. Trump to escape blame for his agencies' missteps. But this isn't normal. In an unwieldy bureaucracy, pressure and high-level oversight from the White House ensure that disaster response does not fall by the wayside. Where agencies are ill-equipped to handle the on-the-ground devastation and local authorities cannot fill the void, presidential leadership assumes greater import.

The Trump administration has additionally taken actions that may set back Puerto Rico's recovery. The funding request the White House sent to Congress last November drew condemnation from both Republicans and Democrats for being too low. The administration gave Puerto Rico little choice but to adopt an experimental funding formula to rebuild its public infrastructure. The formula gives Puerto Rico flexibility during the rebuilding process but requires the island to pay for any cost overruns, putting it at risk of being on the hook for costly receipts down the road. To make matters worse, last Thursday a federal judge ruled that Puerto Ricans who have been living in motels and hotels on the mainland as part of FEMA's temporary housing aid after Hurricane Maria have to check out on Sept. 14, possibly rendering many of them homeless.

Going forward, Mr. Trump must ensure that his agencies focus attention and resources on the resilient, sustainable rebuilding of the outdated power grid and on restoration of the water infrastructure and health care system in Puerto Rico to buttress the island against future disasters. If not, it's up to us, as fellow Americans, to hold him to task.

The image of Mr. Trump lobbying rolls of paper towels to a crowd last October in Puerto Rico, arms arched, mimicking a basketball player, should rank high in the pantheon of presidential slip-ups. It brings to mind another iconic image—Mr. Bush surveilling Hurricane Katrina's wreckage in New Orleans, from Air Force One. Mr. Trump has defied many dogmas in politics. But the abnormal executive branch dynamics that he

has created should not absolve him from responsibility for the grave humanitarian situation in Puerto Rico.

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

Mr. KATKO. Mr. Speaker, I ask unanimous consent to reclaim the balance of my time.

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

There was no objection.

Mr. KATKO. Mr. Speaker, I urge my colleagues to support H.R. 5869, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in support of H.R. 5869, the "Maritime Border Security Review Act," which directs the Secretary of the Department of Homeland Security to submit a report on DHS's maritime border threat analysis based on the work that the agency is doing to secure the border.

During the markup of this legislation by the Committee on Homeland Security, a Jackson Lee amendment for this bill was adopted.

This Jackson Lee Amendment requires a review of the metrics and performance parameters used by the Department of Homeland Security to evaluate maritime security effectiveness.

This amendment will provide a report on the data that is required by this bill's report.

The generation, collection, and use of data can create greater transparency on processes that can better inform our work on the Committee.

Reporting requirements are an important committee oversight tool that can provide relevant information on the programs and policies authorized by Congress.

The more important aspects of data collection require that the information be relevant, accurate, and consistent.

The private sector is making great strides in the use of data science and big data to better understand the past and present in order to make more informed decisions that will impact the future.

Data collected and used for the purposes of this bill can support data analytics for Maritime Border Security.

Data analytics is the process of examining data sets in order to draw conclusions about the information they contain, increasingly with the aid of specialized systems and software.

Data analytics technologies and techniques are widely used in commercial industries to enable organizations to make more-informed business decisions and by scientists and researchers to verify or disprove scientific models, theories and hypotheses.

The Jackson Lee amendment supports data analytics for the maritime border threat analysis the bill will provide to the committee.

I urge my colleagues to vote for the passage of H.R. 5869.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KATKO) that the House suspend the rules and pass the bill, H.R. 5869, 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.

FITNESS INFORMATION TRANSPARENCY ACT OF 2018

Mr. KATKO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6374) to require the Department of Homeland Security to streamline Federal contractor fitness determinations, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6374

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 "Fitness Information Transparency Act of 2018" or the "FIT Act".

SEC. 2. REQUIREMENT TO STREAMLINE FITNESS DETERMINATIONS.

(a) **CONSOLIDATION OF FITNESS STANDARDS.**—*Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, acting through the Chief Security Officer of the Department of Homeland Security, shall—*

(1) *coordinate with the heads of components of the Department to review and consolidate all Federal contractor fitness standards used by the Department and its components in order to issue a uniform set of fitness standards that reflect public trust concerns which correspond to each position risk level;*

(2) *require the Department and the heads of its components to use such uniform fitness standards that correspond to the relevant position risk level as the basis for fitness determinations for a contractor employee; and*

(3) *publish such uniform fitness standards that correspond to each such position risk level on the public website of the Department and cause the same to be printed in the Federal Register.*

(b) **DEVIATION FROM UNIFORM FITNESS STANDARDS.**—*The Secretary of Homeland Security, acting through the Chief Security Officer of the Department of Homeland Security, may authorize the Department or a component of the Department to deviate from the uniform fitness standards issued pursuant to subsection (a) on a position-by-position basis if—*

(1) *the Secretary publishes in writing on the public website of the Department and causes the same to be printed in the Federal Register a certification that contains—*

(A) *a determination that such uniform fitness standards are not sufficient to protect information, systems, or facilities of the Department the unauthorized disclosure of which or unauthorized access to which could reasonably be expected to cause substantial damage to the integrity and efficiency of the Department; and*

(B) *a description of approved additional fitness standards and a list to which positions such deviation applies; or*

(2) *exigent circumstances created by a presidential declaration of a major disaster issued pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) require such deviation to mitigate staffing shortages for the duration of such declaration.*

(c) RECIPROCITY.—

(1) **IN GENERAL.**—*The Chief Security Officer of the Department of Homeland Security shall implement a process to ensure fitness determinations made by the Department are uniformly accepted throughout the Department and its components.*

(2) **SUFFICIENCY.**—*The Secretary of Homeland Security, acting through the Chief Security Officer of the Department of Homeland Security, may, as appropriate, deem a favorably adjudicated personnel security investigation suffi-*

cient to satisfy a requirement to complete a contractor fitness determination under this section.

(d) **FITNESS ADJUDICATION STATUS UPDATES.**—*Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security, acting through the Chief Security Officer of the Department of Homeland Security and in coordination with heads of the components of the Department, shall implement a uniform process to—*

(1) *provide, not less frequently than monthly, contractor representatives certified pursuant to subsection (e)(1) access to information regarding the status of fitness determinations for Department contractor employees relevant to such contractor representatives; and*

(2) *collect each fiscal quarter data to allow the Department and its components and contractor representatives to assess average fitness investigation, adjudication, and determination processing times for each component of the Department, including information regarding the parameters used to calculate each such average.*

(e) **CERTIFICATION.**—*Before the implementation of the uniform process described in subsection (d), the Secretary of Homeland Security, acting through the Chief Security Officer of the Department of Homeland Security, shall—*

(1) *certify that each contractor representative receiving information from such process has received information regarding practices relating to the adequate protection of personally identifiable information and has acknowledged in writing to adhere to such practices; and*

(2) *consult with the Director of the Office of Personnel Management to ensure that such process is consistent with current best practices across the Federal Government.*

(f) **APPLICABILITY OF SECTION 44936 OF TITLE 49, UNITED STATES CODE.**—*No authority or policy created by or issued pursuant to this section shall apply to employees or contractors of an air carrier, foreign air carrier, or airport operator subject to employment investigations pursuant to section 44936 of title 49, United States Code.*

(g) **REPORTS TO CONGRESS.**—*Not later than 180 days after the publication of uniform fitness standards described in subsection (a) and annually thereafter for four years, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report containing—*

(1) *the number of deviation requests under subsection (b) made to the Chief Security Officer of the Department of Homeland Security, including—*

(A) *the number of deviation requests approved and the corresponding justification for each such deviation from such fitness standards; and*

(B) *the number of deviation requests denied and the corresponding justification for each such denial;*

(2) *information regarding the number and average duration of Federal contractor fitness determinations for each component of the Department;*

(3) *information regarding the use of programs or policies that allow contractors to begin work prior to the completion of a fitness determination;*

(4) *to the extent practicable, the number of individuals who, during the preceding calendar year, received an unfavorable fitness determination from the Department by reason of an affiliation with or membership in an organization dedicated to terrorism;*

(5) *to the extent practicable, the number of individuals who, during the preceding calendar year, received a favorable fitness determination from the Department despite an affiliation with or membership in an organization dedicated to terrorism;*

(6) *information regarding the degree to which fitness determinations made by the Department and its components or other Federal agencies*