

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

are recognized on a reciprocal basis by the Department and its components pursuant to subsection (c)(1);

(7) information regarding the degree to which suitability and fitness determinations for Federal applicants and appointees made by the Department and its components or other Federal agencies are recognized on a reciprocal basis by the Department and its components; and

(8) information regarding the degree to which the Secretary, acting through the Chief Security Officer of the Department, uses the authority under subsection (c)(2).

(h) **SUITABILITY STATUS UPDATES.**—Not later than one year after the date of the enactment of this Act, the Chief Security Officer of the Department of Homeland Security, in consultation with the Chief Human Capital Officer of the Department, shall develop a plan to provide Federal applicants and appointees with suitability and fitness determination status updates similar to updates provided to contractor representatives under subsection (d).

(i) **EXIGENT CIRCUMSTANCES FITNESS DETERMINATION REVIEW.**—The Chief Security Officer of the Department of Homeland Security may conduct an immediate review of a contractor employee's fitness determination when a contractor employee has engaged in violent acts against individuals, property, or public spaces based on the contractor employee's association with persons or organizations that advocate, threaten, or use force or violence, or any other illegal or unconstitutional means, in an effort to prevent others from exercising their rights under the Constitution or laws of the United States or of any State, based on factors including, at a minimum, race, religion, national origin, or disability.

(j) **NO ADDITIONAL FUNDS AUTHORIZED.**—No additional funds are authorized to be appropriated to carry out this Act. This Act shall be carried out using amounts otherwise appropriated.

(k) **DEFINITIONS.**—In this section:

(1) **CONTRACTOR.**—The term “contractor” has the meaning given such term in section 7101 of title 41, United States Code.

(2) **CONTRACTOR EMPLOYEE.**—The term “contractor employee” means an individual who performs work for or on behalf of any Federal agency under a contract and who, in order to perform the work specified under such contract, will require access to facilities, information, information technology systems, staff, or other assets of the Department of Homeland Security, and who could, by the nature of the access or duties of such individual, adversely affect the integrity or efficiency of the Department. Such contracts include the following:

(A) Personal services contracts.

(B) Contracts between any non-Federal entity and the Department.

(C) Sub-contracts between any non-Federal entity and another non-Federal entity to perform work related to the primary contract with the Department.

(3) **CONTRACTOR REPRESENTATIVE.**—The term “contractor representative” means a person employed by a contractor who is designated in writing by an authorized official of a contractor as responsible for managing and communicating with the Department of Homeland Security or its components on behalf of such contractor on matters relating to fitness determinations, and is certified pursuant to subsection (e)(1) regarding the adequate protection of personally identifiable information.

(4) **EXCEPTED SERVICE.**—The term “excepted service” has the meaning given such term in section 2103 of title 5, United States Code.

(5) **FITNESS.**—The term “fitness” means the level of character and conduct necessary for an individual to perform work for or on behalf of a Federal agency in the excepted service, other than a position subject to a suitability determination or as a nonappropriated fund instrumentality employee.

(6) **FITNESS DETERMINATION.**—The term “fitness determination” means a decision by a Federal agency that an individual does or does not have the required level of character and conduct necessary to perform work for or on behalf of a Federal agency in the excepted service, other than a position subject to a suitability determination, as a contractor employee, or as a nonappropriated fund instrumentality employee.

(7) **INFORMATION TECHNOLOGY.**—The term “information technology” has the meaning given such term in section 11101 of title 40, United States Code.

(8) **NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEE.**—The term “nonappropriated fund instrumentality employee” has the meaning given such term in section 1587(a)(1) of title 10, United States Code.

(9) **PERSONNEL SECURITY INVESTIGATION.**—The term “personnel security investigation” has the meaning given such term in subsection (a) of section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341).

(10) **SUITABILITY DETERMINATION.**—The term “suitability determination” has the meaning given such term in section 731.101 of title 5, Code of Federal Regulations.

(11) **TERRORISM.**—The term “terrorism” means any criminal acts that involve violence or are dangerous to human life and appear to be intended to intimidate or coerce a civilian population to influence the policy of a government by intimidation or coercion, or to affect the conduct of a government by mass destruction, assassination, or kidnapping.

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

The Chair recognizes the gentleman from New York.

#### GENERAL LEAVE

Mr. KATKO. Mr. Speaker, I ask unanimous consent that all Members 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 strong support of H.R. 6374, the Fitness Information Transparency Act of 2018, otherwise known as the FIT Act. This legislation seeks to improve how the Department of Homeland Security vets the character and conduct of contractor employees, known as a fitness determination.

Homeland Security relies on thousands of contractor employees every day to achieve its missions. From IT work to construction and janitorial services, Homeland Security and contractor employees work hand in hand to secure our Nation. With the department's unique mission of protecting the homeland, it is vital that everyone working for Homeland Security, be it a Federal employee or a contractor employee, is appropriately vetted to ensure that he or she will uphold the integrity of the department. However, Homeland Security's fitness determination process is bureaucratic in the worst ways: inefficient, inconsistent, and lacking transparency.

Currently, the Office of Personnel Management sets minimum fitness standards for all Federal contractors. However, each Homeland Security component can apply the criteria differently, creating disparate standards across the department. For example, a contractor employee who has been deemed fit to work for the Federal Emergency Management Agency, or FEMA, may not automatically be deemed fit to work for Customs and Border Protection.

Many contract personnel support a variety of Homeland Security components and may be required to receive separate fitness determinations from each component, creating duplicity and inefficiency. Such inefficiency not only delays the time a contractor employee can start providing necessary services to Homeland Security, but because the contracting company builds the lag time into the bid price, this process also increases the cost to Homeland Security and, ultimately, to the United States taxpayers.

This legislation will require Homeland Security to consolidate its varying fitness standards by creating uniform fitness requirements for each position risk level. By doing so, Homeland Security will achieve department-wide uniformity and reciprocity of fitness standards, therefore eliminating the need for one contractor to undergo multiple fitness investigations.

The FIT Act also reduces bureaucratic redundancies by allowing, when appropriate, the Secretary of Homeland Security to deem someone who possesses a security clearance to also be considered fit to work for Homeland Security.

Moreover, this legislation increases transparency into the fitness determination process by requiring Homeland Security to publish the uniform fitness standards, provide monthly status updates to contractor representatives, and report certain information to Congress.

It is important that Homeland Security vet each and every contractor employee prior to working for the department. The FIT Act provides Homeland Security the flexibility it needs to vet contract workers for its diverse missions, while also making the process to do so more efficient and more transparent.

Mr. Speaker, I urge all Members to join me in supporting H.R. 6374, and I reserve the balance of my time.

Mrs. WATSON COLEMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6374, the Fitness Information Transparency Act of 2018. H.R. 6374 would require the Department of Homeland Security to issue uniform standards to vet Federal contractors seeking to work for the department.

Currently, there is no standard for vetting contractors to determine their fitness to access DHS facilities, IT systems, and sensitive information. Each

component has different standards, different procedures, and different adjudicators for contractor fitness. Lack of a department-wide uniform standard hinders reciprocity across the department. As a result, the committee has received testimony that contractors who work for multiple DHS components are investigated over and over and over again. What a waste of time and resources.

Today, DHS contractors routinely wait 3 to 4 months, if not longer, to be investigated, regardless of whether they have already been determined to be fit by another DHS component. This wait time is costly for not only the contractor, but it also hinders the ability of the Department of Homeland Security to execute its mission.

Today, neither the contractor nor their employer is regularly informed of the status of their investigation. Enactment of H.R. 6374 would help ensure that Federal contractor firms can access timely information regarding the status of their employees' fitness investigations.

Thanks to language that was authored by Representative CORREA and accepted in committee, H.R. 6374 also recognizes that weaknesses in DHS fitness processes not only undermine the onboarding of Federal contractors in a timely way but also the onboarding of new DHS employees.

Representative CORREA's amendment would require the department to take steps to improve the suitability determination process for Federal applicants and appointees and to report on the degree to which components and offices are granting reciprocity to individuals who are employed by other components or offices within the DHS.

Mr. Speaker, I encourage my colleagues to support this measure. H.R. 6374 improves the Department of Homeland Security's contractor investigation process by requiring a uniform set of standards, encouraging reciprocity among components, and enhancing communication between the department and the private sector.

It is our duty as Members of Congress to ensure processes are followed and that such processes are effective and efficient. H.R. 6374 seeks to do just that.

Mr. Speaker, I encourage my colleagues to support H.R. 6374, and I yield back the balance of my time.

Mr. KATKO. Mr. Speaker, I echo the sentiments of my good friend and colleague from New Jersey. I once again urge my colleagues to support H.R. 6374, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in support of H.R. 6374, the "Fitness Information Transparency Act of 2018," or the "FIT Act," which will streamline federal contractor fitness determinations for receiving and maintaining contract awards for the Department of Homeland Security.

This bill will standardize the fitness standards for contractors for the Department of Homeland Security that reflect employability

standards to ensure contractors meet public trust obligations relating to the work they will do on behalf of the American people.

During the Homeland Security Committee markup of H.R. 6374, an amendment I offered was adopted.

The Jackson Lee Amendment improves the FIT Act by establishing an "Exigent Circumstances Fitness Determination Review" process.

The Jackson Lee Amendment provides that "The Chief Security Officer may conduct an immediate review of a contractor employee's fitness determination when a contractor employee has engaged in violent acts against individuals, property, or public spaces based on the contractor employee's association with persons or organizations that advocate, threaten, or use force or violence, or any other illegal or unconstitutional means, in an effort to prevent others from exercising their rights under the Constitution or laws of the United States or of any State, based on factors including, at a minimum, race, religion, national origin, or disability."

In July 2018, news reports surfaced that Northrup Grumman had business with a government contractor who employed Michael Miselis, an active member of the California-based Rise Above Movement (RAM), a well-known violent white supremacist group.

RAM's membership has deep roots in California's racist skinhead movement and the violence of RAM members has been a hallmark of the group and its members.

The Anti-Defamation League describes RAM as a white supremacist group whose members believe they are fighting against a "modern world" corrupted by the "destructive cultural influences" of liberals, Jews, Muslims and non-white immigrants.

RAM members consider themselves to be part of the "Alt Right" and operates like a street-fighting club.

RAM members actively train to do physical battle with their ideological foes, and have been involved in violent clashes during political rallies and demonstrations.

Mr. Miselis had a security clearance and worked for Northrup Grumman, a major defense contractor, at the time he engaged in physical violence against persons protesting racism and white supremacy in Charlottesville, Virginia.

In May 2018, Northrup Grumman was informed of Mr. Miselis' membership in RAM and the violent assaults he initiated while he was in Charlottesville participating in activities in support of white supremacy, which were captured on video and in photos.

Mr. Miselis worked for a government contractor and held a security clearance authorizing him to work on projects that were of vital interest to our nation and its defense.

Northrup Grumman did not dismiss him until the story broke earlier this month with media reports on the violence Mr. Miselis engaged in at the white supremacists' rally held in Charlottesville, Virginia.

Mr. Speaker, the United States is a nation of laws, which gives us the freedom to agree, and most importantly disagree, with not only each other, but with our government.

But the limitations on the right to express political views was best described by Justice Oliver Wendell Holmes, Jr., who said: "The right to swing my fist ends where the other man's nose begins."

There is a limit to the expression of free speech and the freedom to assemble and that limit is violence.

The awarding of security clearances to contractors must be better managed and the consequences for involvement in activities that would be cause for dismissal from the armed services or any federal agency should not go unnoticed.

The Jackson Lee Amendment makes the clear statement to DHS contractors that the awarding of contracts that involve the security of our nation should not be taken lightly and that the allocation of federal funds to contractors who employ persons who advocate or participate in acts against persons on account of their race, creed, religious beliefs, or gender who engage in constitutionally protected activities will not be tolerated.

For these reasons, I support H.R. 6374 and urge my colleagues to support this bill.

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. 6374, 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.

#### DEPARTMENT OF HOMELAND SECURITY CHIEF DATA OFFICER AUTHORIZATION ACT

Mr. KATKO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6447) to amend the Homeland Security Act of 2002 to establish the position of Chief Data Officer of the Department of Homeland Security, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6447

*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 "Department of Homeland Security Chief Data Officer Authorization Act".*

#### SEC. 2. CHIEF DATA OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY.

*Section 703 of the Homeland Security Act of 2002 (6 U.S.C. 343) is amended by adding at the end the following new subsection:*

*"(c) CHIEF DATA OFFICER.—*

*"(1) IN GENERAL.—The Secretary, in consultation with the Chief Information Officer, shall designate a career appointee (as such term is defined in section 3132 of title 5, United States Code) of the Department as the Chief Data Officer of the Department.*

*"(2) QUALIFICATIONS.—The Chief Data Officer shall possess demonstrated training and experience in the management, governance, generation, collection, protection, analysis, use, and sharing of data, including the protection and de-identification of personally identifiable information.*

*"(3) FUNCTIONS.—The Chief Data Officer shall be responsible for the following:*

*"(A) Ensuring that the Department conforms with data management best practices recognized across industry and the Federal Government.*

*"(B) Coordinating the organization and integration of data across the Department for improved interoperability, analysis, and decision-making.*