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Public Health and Other Related Provisions in P.L 115-271, the SUPPORT for Patients and Communities Act

Updated December 3, 2018

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CRS REPORT
Prepared for Members and
Committees of Congress

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SUMMARY

R45423

December 3, 2018

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For a copy of the full report, please call 7-5700 or visit www.crs.gov.

Public Health and Other Related Provisions in P.L 115-271, the SUPPORT for Patients and Communities Act

On October 24, 2018, President Donald J. Trump signed into law H.R. 6, the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (P.L. 115-271; the SUPPORT for Patients and Communities Act, or the SUPPORT Act).

The SUPPORT Act is a sweeping measure designed to address widespread overprescribing and abuse of opioids in the United States. The act includes provisions involving law enforcement, public health, and health care financing and coverage. Broadly, the legislation imposes tighter oversight of opioid production and distribution; imposes additional reporting and safeguards to address fraud; and limits coverage of prescription opioids, while expanding coverage of and access to opioid addiction treatment services. The law also authorizes a number of programs that seek to expand consumer education on opioid use and train additional providers to treat individuals with opioid use disorders.

The SUPPORT Act builds on recent efforts by the federal government to address the opioid epidemic, including the Comprehensive Addiction and Recovery Act of 2016 (CARA; P.L. 114-198) and the 21st Century Cures Act (Cures Act; P.L. 114-255). CARA addressed substance use issues broadly, targeting the opioid crisis predominantly through public health and law enforcement strategies. The Cures Act, enacted that same year, largely focused on medical innovation, but it also authorized additional funding to combat opioid addiction and included provisions addressing various mental health and substance use activities.

CRS is publishing a series of reports on the SUPPORT Act, which consists of eight titles. This report summarizes the provisions in Title VII and VIII of the SUPPORT Act. Title VII, Public Health Provisions, includes a number of provisions that seek to improve the information collected about opioid abuse and increase access to treatment by supporting treatment programs and providers, among other things. Title VIII, Miscellaneous, includes, among others, provisions related to child welfare, the Department of Justice (DOJ), and drug testing required by the Department of Transportation (DOT). It also includes several revenue-related provisions and the budget effects of this act and also describes Section 4003, an offset included in Title IV related to individuals who seek a religious exemption from the requirement to maintain health insurance coverage.

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Section 7002: First Responder Training

Background

PHSA Section 546 requires the Secretary to award grants to states, local government entities, Indian Tribes and tribal organizations to train and provide resources to first responders and others to administer FDA approved or cleared drugs or devices for emergency treatment in cases of a known or suspected opioid overdose. The section also includes grants for technical assistance and training on the use of these approved drugs, requires that grants be awarded to entities in both urban and rural areas, and requires a program evaluation as specified. The section had authorized an appropriation of $12 million for each of FY2017-FY2021. In FY2017, SAMHSA awarded 21 four-year cooperative agreements for up to $11.2 million each year. No new agreements were made in FY2018.[14]

Provision

Section 7002 amends PHSA Section 546 to permit grant funds to be used to provide training and resources to first responders and other "key community sectors," as defined, about safety around fentanyl, carfentanil, and other dangerous licit and illicit drugs. Grants may also be used to provide technical assistance about how first responders and other "key community sectors" can better protect themselves in the event of exposure to such drugs. The provision defines "key community sectors" as SUD treatment providers and emergency medical service agencies, among others. The section extends and increases the annual authorization of appropriations. Specifically, it increases the amount of the program's appropriation from $12 million annually to $36 million annually and makes this new amount effective for each of FY2019 through FY2023.

Subtitle B: Pilot Program for Public Health Laboratories to Detect Fentanyl and Other Synthetic Opioids

Section 7011: Pilot Program for Public Health Laboratories to Detect Fentanyl and Other Synthetic Opioids

Background

Public health and law enforcement agencies at the federal, state, and local levels operate laboratories for different purposes. Public health laboratories are primarily responsible for monitoring and detecting health threats such as infectious diseases, contaminants, and bioterrorism agents, and may also receive specimens from health care facilities for analysis.[15] Laboratories run by law enforcement agencies—forensic laboratories—conduct analyses to assist with crime investigations, such as for suspected controlled substances or crime scene investigation.[16] Federal agencies such as the Centers for Disease Control and Prevention (CDC)

[14] HHS, SAMHSA, "First Responders—Comprehensive Addiction and Recovery Act Cooperative Agreements," https://www.samhsa.gov/grants/grant-announcements/sp-17-005.

[15] Association of Public Health Laboratories, "About Public Health Laboratories," at https://www.aphl.org/aboutAPHL/pages/aboutphls.aspx.

[16] United States Drug Enforcement Administration, "Laboratories," at https://www.dea.gov/laboratories.

and the DEA provide scientific, technical, and administrative support to laboratories at the state and local levels.[17]

Provision

Section 7011 requires the Secretary to award grants to federal, state, and local agencies to coordinate public health laboratories and laboratories operated by law enforcement agencies—such as Customs and Border Protection (CBP) and DEA—to improve the detection of synthetic opioids. The Secretary must, in consultation with other specified federal agencies, develop or identify (1) best practices for the safety and quality of synthetic opioid testing, with respect to reference materials, instrument calibration, and quality control protocols; (2) reference materials and quality control standards to enhance clinical diagnostics, postmortem data collection, and portable testing equipment; and (3) procedures for identifying and reporting new and emerging synthetic opioid formulations. Laboratories receiving grants must follow these best practices and cooperate with law enforcement and public health authorities in diagnostic testing, investigations, tracking of trends, and related activities. Section 7011 authorizes to be appropriated $15 million for each of FY2019 through FY2023 to carry out this section.

Subtitle C: Indexing Narcotics, Fentanyl, and Opioids

Section 7021: Establishment of Substance Use Disorder Information Dashboard

Background

Several federal agencies within HHS provide information on substance use disorder prevention, treatment, and recovery—including guidelines, best practices, and resources on evidence-based interventions.[18] SAMHSA, for instance, makes information it collects and develops publicly available through, among other things, public health campaigns that provide information on behavioral health issues including specific SUDs.[19] However, no centralized public location for consumers and professionals to comprehensively access such information currently exists.

Provision

Section 7021 creates a new PHSA Section 1711 entitled "Establishment of Substance Use Disorder Information Dashboard." The new section requires the Secretary, in consultation with the Director of the Office of National Drug Control Policy (ONDCP), to establish, make available on the HHS website, and periodically update a public information dashboard that coordinates HHS actions on prevention and treatment strategies related to reducing opioid and other substance use disorders. The dashboard is to include (1) links to HHS substance use disorder programs; (2) access to data from multiple specified sources regarding substance use disorder prevention, treatment, and recovery; (3) data on prevention and treatment strategies in different regions of the United States, as specified; (4) information on alternatives to controlled substances for pain management; and (5) guidelines and best practices for health care providers in the

[17] Several CDC components provide public health laboratory support, including the Division of Laboratory Systems, https://www.cdc.gov/ophss/csels/dls/about-us.html. For information on DEA support to forensic laboratories see https://www.dea.gov/forensic-sciences.

[18] For example, CDC, NIH including the National Institute on Drug Abuse (NIDA), the FDA, and SAMHSA.

[19] For example, see HHS, SAMHSA, "Programs and Campaigns," https://www.samhsa.gov/programs-campaigns.

One Hundred Sixteenth Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Friday, the third day of January, two thousand and twenty

An Act

Making consolidated appropriations for the fiscal year ending September 30, 2021, providing coronavirus emergency response and relief, and for other purposes.

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 "Consolidated Appropriations Act, 2021".

SEC. 2. TABLE OF CONTENTS.

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Title XXI—COVID–19 Regulatory Relief and Work From Home Safety Act

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to "this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. EXPLANATORY STATEMENT.

The explanatory statement regarding this Act, printed in the House section of the Congressional Record on or about December 21, 2020, and submitted by the Chairwoman of the Committee on Appropriations of the House, shall have the same effect with respect to the allocation of funds and implementation of divisions A through L of this Act as if it were a joint explanatory statement of a committee of conference.

SEC. 5. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2021.

SEC. 6. AVAILABILITY OF FUNDS.

(a) Each amount designated in this Act by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

(b) Each amount designated in this Act by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 7. ADJUSTMENTS TO COMPENSATION.

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4501) (relating to cost of living adjustments for Members of Congress) during fiscal year 2021.

SEC. 8. DEFINITION.

In divisions A through M of this Act, the term "coronavirus" means SARS–CoV–2 or another coronavirus with pandemic potential.

AUTHENTICATED
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INFORMATION
GPO

117TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

CONSOLIDATED APPROPRIATIONS ACT, 2021

COMMITTEE PRINT

of the

COMMITTEE ON APPROPRIATIONS
U.S. HOUSE OF REPRESENTATIVES

on

H.R. 133/Public Law 116–260

[Legislative Text and Explanatory Statement]
Book 2 of 2
Divisions G–L

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SEC. 117. Paragraph (1) under the heading "Department of Labor—Veterans Employment and Training" of title I of division A of Public Law 116–94 is amended by striking "obligation by the States through December 31, 2020" and inserting "expenditure by the States through September 30, 2022".

SEC. 118. The amounts provided by the first proviso following paragraph (6) under the heading "Department of Labor—Employment and Training Administration—State Unemployment Insurance and Employment Service Operations" in title I of this Act are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

This title may be cited as the "Department of Labor Appropriations Act, 2021".

TITLE II

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

PRIMARY HEALTH CARE

For carrying out titles II and III of the Public Health Service Act (referred to in this Act as the "PHS Act") with respect to primary health care and the Native Hawaiian Health Care Act of 1988, $1,683,772,000: *Provided*, That no more than $1,000,000 shall be available until expended for carrying out the provisions of section 224(o) of the PHS Act: *Provided further*, That no more than $120,000,000 shall be available until expended for carrying out subsections (g) through (n) and (q) of section 224 of the PHS Act, and for expenses incurred by the Department of Health and Human Services (referred to in this Act as "HHS") pertaining to administrative claims made under such law.

HEALTH WORKFORCE

For carrying out titles III, VII, and VIII of the PHS Act with respect to the health workforce, sections 1128E and 1921 of the Social Security Act, and the Health Care Quality Improvement Act of 1986, $1,224,006,000: *Provided*, That sections 751(j)(2) and 762(k) of the PHS Act and the proportional funding amounts in paragraphs (1) through (4) of section 756(f) of the PHS Act shall not apply to funds made available under this heading: *Provided further*, That for any program operating under section 751 of the PHS Act on or before January 1, 2009, the Secretary of Health and Human Services (referred to in this title as the "Secretary") may hereafter waive any of the requirements contained in sections 751(d)(2)(A) and 751(d)(2)(B) of such Act for the full project period of a grant under such section: *Provided further*, That no funds shall be available for section 340G–1 of the PHS Act: *Provided further*, That fees collected for the disclosure of information under section 427(b) of the Health Care Quality Improvement Act of 1986 and sections 1128E(d)(2) and 1921 of the Social Security Act shall be sufficient to recover the full costs of operating the programs authorized by such sections and shall remain available until ex-

chase and implementation of telehealth services, including pilots and demonstrations on the use of electronic health records to coordinate rural veterans care between rural providers and the Department of Veterans Affairs electronic health record system: *Provided further*, That notwithstanding section 338J(k) of the PHS Act, $12,500,000 shall be available for State Offices of Rural Health: *Provided further*, That $10,500,000 shall remain available through September 30, 2023, to support the Rural Residency Development Program: *Provided further*, That $110,000,000 shall be for the Rural Communities Opioids Response Program.

FAMILY PLANNING

For carrying out the program under title X of the PHS Act to provide for voluntary family planning projects, $286,479,000: *Provided*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office.

PROGRAM MANAGEMENT

For program support in the Health Resources and Services Administration, $155,300,000: *Provided*, That funds made available under this heading may be used to supplement program support funding provided under the headings "Primary Health Care", "Health Workforce", "Maternal and Child Health", "Ryan White HIV/AIDS Program", "Health Care Systems", and "Rural Health".

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund (the "Trust Fund"), such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the PHS Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $11,200,000 shall be available from the Trust Fund to the Secretary.

CENTERS FOR DISEASE CONTROL AND PREVENTION

IMMUNIZATION AND RESPIRATORY DISEASES

For carrying out titles II, III, XVII, and XXI, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to immunization and respiratory diseases, $448,805,000.

HIV/AIDS, VIRAL HEPATITIS, SEXUALLY TRANSMITTED DISEASES, AND TUBERCULOSIS PREVENTION

For carrying out titles II, III, XVII, and XXIII of the PHS Act with respect to HIV/AIDS, viral hepatitis, sexually transmitted diseases, and tuberculosis prevention, $1,314,056,000.

EMERGING AND ZOONOTIC INFECTIOUS DISEASES

For carrying out titles II, III, and XVII, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to emerging and zoonotic infectious diseases, $596,272,000: *Provided*, That of the amounts made available under this heading, up to $1,000,000 shall remain available until expended to pay for the transportation, medical care, treatment, and other related costs of persons quarantined or isolated under Federal or State quarantine law.

CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION

For carrying out titles II, III, XI, XV, XVII, and XIX of the PHS Act with respect to chronic disease prevention and health promotion, $1,021,714,000: *Provided*, That funds made available under this heading may be available for making grants under section 1509 of the PHS Act for not less than 21 States, tribes, or tribal organizations: *Provided further*, That of the funds made available under this heading, $15,000,000 shall be available to continue and expand community specific extension and outreach programs to combat obesity in counties with the highest levels of obesity: *Provided further*, That the proportional funding requirements under section 1503(a) of the PHS Act shall not apply to funds made available under this heading.

BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES, DISABILITIES AND HEALTH

For carrying out titles II, III, XI, and XVII of the PHS Act with respect to birth defects, developmental disabilities, disabilities and health, $167,810,000.

PUBLIC HEALTH SCIENTIFIC SERVICES

For carrying out titles II, III, and XVII of the PHS Act with respect to health statistics, surveillance, health informatics, and workforce development, $591,997,000.

ENVIRONMENTAL HEALTH

For carrying out titles II, III, and XVII of the PHS Act with respect to environmental health, $205,850,000.

INJURY PREVENTION AND CONTROL

For carrying out titles II, III, and XVII of the PHS Act with respect to injury prevention and control, $682,879,000.

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

For carrying out titles II, III, and XVII of the PHS Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act, section 13 of the Mine Improvement and New Emergency Response Act, and sections 20, 21, and 22 of the Occupational Safety and Health Act, with respect to occupational safety and health, $345,300,000.

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $55,358,000, to remain available until expended: *Provided*, That this amount shall be available consistent with the provision regarding administrative expenses in section 151(b) of division B, title I of Public Law 106–554.

GLOBAL HEALTH

For carrying out titles II, III, and XVII of the PHS Act with respect to global health, $592,843,000, of which: (1) $128,421,000 shall remain available through September 30, 2022 for international HIV/AIDS; and (2) $193,400,000 shall remain available through September 30, 2023 for global disease detection and emergency response: *Provided*, That funds may be used for purchase and insurance of official motor vehicles in foreign countries.

PUBLIC HEALTH PREPAREDNESS AND RESPONSE

For carrying out titles II, III, and XVII of the PHS Act with respect to public health preparedness and response, and for expenses necessary to support activities related to countering potential biological, nuclear, radiological, and chemical threats to civilian populations, $842,200,000: *Provided*, That the Director of the Centers for Disease Control and Prevention (referred to in this title as "CDC") or the Administrator of the Agency for Toxic Substances and Disease Registry may detail staff without reimbursement to support an activation of the CDC Emergency Operations Center, so long as the Director or Administrator, as applicable, provides a notice to the Committees on Appropriations of the House of Representatives and the Senate within 15 days of the use of this authority, a full report within 30 days after use of this authority which includes the number of staff and funding level broken down by the originating center and number of days detailed, and an update of such report every 180 days until staff are no longer on detail without reimbursement to the CDC Emergency Operations Center.

BUILDINGS AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For acquisition of real property, equipment, construction, installation, demolition, and renovation of facilities, $30,000,000, which shall remain available until September 30, 2025: *Provided*, That funds made available to this account in this or any prior Act that are available for the acquisition of real property or for construction or improvement of facilities shall be available to make improvements on non-federally owned property, provided that any improvements that are not adjacent to federally owned property do not exceed $2,500,000, and that the primary benefit of such improvements accrues to CDC: *Provided further*, That funds previously set-aside by CDC for repair and upgrade of the Lake Lynn Experi-

mental Mine and Laboratory shall be used to acquire a replacement mine safety research facility: *Provided further*, That in addition, the prior year unobligated balance of any amounts assigned to former employees in accounts of CDC made available for Individual Learning Accounts shall be credited to and merged with the amounts made available under this heading to support the replacement of the mine safety research facility.

CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

(INCLUDING TRANSFER OF FUNDS)

For carrying out titles II, III, XVII and XIX, and section 2821 of the PHS Act and for cross-cutting activities and program support for activities funded in other appropriations included in this Act for the Centers for Disease Control and Prevention, $123,570,000: *Provided*, That paragraphs (1) through (3) of subsection (b) of section 2821 of the PHS Act shall not apply to funds appropriated under this heading and in all other accounts of the CDC: *Provided further*, That of the amounts made available under this heading, $10,000,000, to remain available until expended, shall be available to the Director of the CDC for deposit in the Infectious Diseases Rapid Response Reserve Fund established by section 231 of division B of Public Law 115–245: *Provided further*, That funds appropriated under this heading may be used to support a contract for the operation and maintenance of an aircraft in direct support of activities throughout CDC to ensure the agency is prepared to address public health preparedness emergencies: *Provided further*, That employees of CDC or the Public Health Service, both civilian and commissioned officers, detailed to States, municipalities, or other organizations under authority of section 214 of the PHS Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or HHS during the period of detail or assignment: *Provided further*, That CDC may use up to $10,000 from amounts appropriated to CDC in this Act for official reception and representation expenses when specifically approved by the Director of CDC: *Provided further*, That in addition, such sums as may be derived from authorized user fees, which shall be credited to the appropriation charged with the cost thereof: *Provided further*, That with respect to the previous proviso, authorized user fees from the Vessel Sanitation Program and the Respirator Certification Program shall be available through September 30, 2022.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to cancer, $6,364,852,000, of which up to $30,000,000 may be used for facilities repairs and improvements at the National Cancer Institute—Frederick Federally Funded Research and Development Center in Frederick, Maryland.

owned facilities for the production of pandemic influenza vaccines and other biologics, if the Secretary finds such construction or renovation necessary to secure sufficient supplies of such vaccines or biologics.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. None of the funds appropriated in this title shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level II: *Provided*, That none of the funds appropriated in this title shall be used to prevent the NIH from paying up to 100 percent of the salary of an individual at this rate.

SEC. 203. None of the funds appropriated in this Act may be expended pursuant to section 241 of the PHS Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in HHS, prior to the preparation and submission of a report by the Secretary to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

SEC. 204. Notwithstanding section 241(a) of the PHS Act, such portion as the Secretary shall determine, but not more than 2.5 percent, of any amounts appropriated for programs authorized under such Act shall be made available for the evaluation (directly, or by grants or contracts) and the implementation and effectiveness of programs funded in this title.

(TRANSFER OF FUNDS)

SEC. 205. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for HHS in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 206. In lieu of the timeframe specified in section 338E(c)(2) of the PHS Act, terminations described in such section may occur up to 60 days after the effective date of a contract awarded in fiscal year 2021 under section 338B of such Act, or at any time if the individual who has been awarded such contract has not received funds due under the contract.

SEC. 207. None of the funds appropriated in this Act may be made available to any entity under title X of the PHS Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how

Conference Report 115–952, and continued in Public Law 116–94 and further directed in the explanatory statement to accompany Public Law 116–94. In addition to the conditions set forth in Conference Report 115–952, the Centers shall work to create a collaborative, multi-partner regional clearinghouse to identify predictors of substance use disorder treatment response.

Rural Populations.—The agreement directs HRSA to provide a briefing to the Committees within 90 days of enactment of this Act on changes to the rural designation methodology and additional factors that affect eligibility for the purposes of rural health grants funded by this Act.

FAMILY PLANNING

The Family Planning program administers Title X of the PHS Act. This program supports preventive and primary healthcare services at clinics nationwide. The agreement does not include language proposed by the House.

PROGRAM MANAGEMENT

Chief Dental Officer.—The agreement requests the update as part of the fiscal year 2022 Congressional Justification.

Oral Health Literacy.—The agreement includes $300,000 for the activity described under this heading in House Report 116–450.

CENTERS FOR DISEASE CONTROL AND PREVENTION

The agreement provides $7,874,804,000 in total program level funding for the Centers for Disease Control and Prevention (CDC), which includes $6,963,296,000 in budget authority and $856,150,000 in transfers from the Prevention and Public Health (PPH) Fund.

INMUNIZATION AND RESPIRATORY DISEASES

The agreement provides a total of $821,005,000 for Immunization and Respiratory Diseases, which includes $448,805,000 in discretionary appropriations and $372,200,000 in transfers from the PPH Fund. Within this total, the agreement includes the following amounts:

Budget Activity	FY 2021 Agreement
Section 317 Immunization Program	$613,647,000
Acute Flaccid Myelitis	6,000,000
Influenza Planning and Response	201,358,000

Influenza Planning and Response.—The agreement includes an increase to enhance CDC's influenza activities.

HIV/AIDS, VIRAL HEPATITIS, SEXUALLY TRANSMITTED DISEASES AND TUBERCULOSIS PREVENTION

The agreement provides $1,314,056,000 for HIV/AIDS, Viral Hepatitis, Sexually Transmitted Diseases, and Tuberculosis Prevention. Within this total, the agreement includes the following amounts:

tions and $17,000,000 in transfers from the PPH Fund. Within this total, the agreement includes the following amounts:

Budget Activity	FY 2021 Agreement
Environmental Health Laboratory	$67,750,000
Other Environmental Health	48,500,000
Newborn Screening Quality Assurance Program	18,000,000
Newborn Screening for SCID	1,250,000
Environmental Health Activities	47,600,000
Safe Water	8,600,000
Amyotrophic Lateral Sclerosis Registry	10,000,000
Trevor's Law	2,000,000
Climate and Health	10,000,000
All Other Environmental Health	17,000,000
Environmental and Health Outcome Tracking Network	34,000,000
Asthma	30,000,000
Childhood Lead Poisoning	39,000,000
Lead Exposure Registry	4,500,000

Childhood Lead Poisoning.—The agreement includes an increase for this program.

Training for Health Professionals on Per- and Polyfluoroalkyl Substances (PFAS).—The agreement includes $1,000,000 for grants for development of voluntary training courses for health professionals to help these professionals understand the potential health impact of PFAS exposure and best practices for treatment. CDC is directed to award multiple grants to medical society organizations, medical institutions with expertise in PFAS, and other organizations as determined appropriate by the Director to develop these training courses.

Lead Exposure Registry.—The agreement includes funding for the continuation of the Flint, Michigan Lead Exposure Registry.

Trevor's Law.—The agreement provides an increase to better understand the relationship between environmental exposures and pediatric cancer, and to build capacity to conduct cancer investigations in accordance with Trevor's Law (P.L. 114–182).

INJURY PREVENTION AND CONTROL

The agreement provides $682,879,000 for Injury Prevention and Control activities. Within this total, the agreement includes the following amounts:

Budget Activity	FY 2021 Agreement
Intentional Injury	$123,550,000
Domestic Violence and Sexual Violence	34,200,000
Child Maltreatment	7,250,000
Child Sexual Abuse Prevention	1,500,000
Youth Violence Prevention	15,100,000
Domestic Violence Community Projects	5,500,000
Rape Prevention	51,750,000
Suicide Prevention	12,000,000
Adverse Childhood Experiences	5,000,000
National Violent Death Reporting System	24,500,000
Unintentional Injury	8,800,000
Traumatic Brain Injury	6,750,000
Elderly Falls	2,050,000
Other Injury Prevention Activities	28,950,000
Opioid Overdose Prevention and Surveillance	475,579,000
Injury Control Research Centers	9,000,000

Budget Activity	FY 2021 Agreement
Firearm Injury and Mortality Prevention Research	12,500,000

Adverse Childhood Experiences.—The agreement provides funding to inform how adverse childhood experiences increase the risk of future substance use disorders, suicide, mental health conditions, and other chronic illnesses as authorized in section 7131 of the SUPPORT Act (P.L. 115–271).

Firearm Injury and Mortality Prevention Research.—The agreement includes $12,500,000 to conduct research on firearm injury and mortality prevention. Given violence and suicide have a number of causes, the agreement recommends the CDC take a comprehensive approach to studying these underlying causes and evidence-based methods of prevention of injury, including crime prevention. All grantees under this section will be required to fulfill requirements around open data, open code, pre-registration of research projects, and open access to research articles consistent with the National Science Foundation's open science principles. The Director of CDC is to report to the Committees within 30 days of enactment on implementation schedules and procedures for grant awards, which strive to ensure that such awards support ideologically and politically unbiased research projects.

Opioid Overdose Prevention and Surveillance.—The agreement directs CDC to continue funding overdose prevention efforts in the same manner as directed in P.L. 115–245 and expand allowable prevention and surveillance efforts to include stimulants. The agreement encourages CDC to continue to work collaboratively with States to ensure that funding is available to all States for opioid prevention and surveillance activities.

Opioid Prescribing Guidelines.—The agreement directs CDC to continue its work educating patients and providers on its Guidelines for Prescribing Opioids for Chronic Pain, and to encourage uptake and use of the guidelines.

Overdose Prevention Funding and Naloxone.—The agreement encourages CDC to continue working with States on naloxone education when distributing opioid overdose prevention funds.

Public Safety Officer Suicide Reporting System.—The agreement includes an increase to the National Violent Death Reporting System for CDC to develop and maintain a Public Safety Officer Suicide Reporting System to collect data on the suicide incidence among public safety officers and facilitate the study of successful interventions to reduce suicide among public safety officers as described in the Helping Emergency Responders Overcome Act of 2020.

Suicide Prevention.—The agreement includes an increase to continue to utilize data and evaluations to inform ongoing programmatic efforts to prevent suicide, specifically in vulnerable populations and subgroups among which suicides are increasing. These data will be used to inform community-based suicide prevention efforts. CDC is encouraged to expand their emergency department syndromic surveillance project on suicidal behavior to provide near real-time data and to continue to explore data, methods, and research that advance our understanding of suicide and suicidal be-

havior. The agreement recognizes CDC's work to establish a comprehensive suicide prevention program and directs CDC to continue the implementation and evaluation of these targeted, comprehensive, community-based suicide prevention strategies to reduce risk for suicide, and to evaluate their impact, especially among high-risk populations. The agreement also directs CDC to enhance the completeness of data to capture mechanisms of death and support research and evaluation projects to understand the pathways and mechanisms that contribute to suicidal ideations and attempts.

Tribal Use of Prescription Drug Monitoring Programs (PDMP).—CDC is directed to work with the Indian Health Service to ensure Federally-operated and tribally-operated healthcare facilities benefit from the CDC's PDMP efforts.

Youth Violence Prevention.—The agreement encourages continuation of existing partnerships between community organizations, schools, law enforcement, faith-based organizations, and academia, as well as technical assistance and research, that have been supported by this program and have demonstrated success in reducing youth violence in high-poverty areas and, in particular, large urban communities that are seeking to address root causes of community violence, collective trauma, and civil unrest.

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH (NIOSH)

The agreement provides a total of $345,300,000 for NIOSH in discretionary appropriations. Within this total, the agreement includes the following amounts:

Budget Activity	FY 2021 Agreement
National Occupational Research Agenda	$117,000,000
Agriculture, Forestry, Fishing	26,500,000
Education and Research Centers	30,000,000
Personal Protective Technology	20,000,000
Mining Research	61,500,000
National Mesothelioma Registry and Tissue Bank	1,200,000
Firefighter Cancer Registry	2,500,000
Other Occupational Safety and Health Research	113,100,000

Firefighter Cancer Registry.—The agreement acknowledges that this voluntary, anonymous registry system will enable researchers to better understand why firefighters are at an increased risk of developing certain types of cancer and identify ways to mitigate firefighters' risk of cancer through best practices and advanced equipment.

Protect Critical Health Care Worker Safety Through a Closed System Transfer Device Testing Protocol.—The agreement encourages NIOSH to expedite a final decision on protocol to guide hospitals and pharmacies in testing the use of closed system transfer devices based on the best available science.

Total Worker Health.—The agreement provides an increase of $1,500,000 to create a new Total Worker Health Center of Excellence for Workplace Mental Health, as directed in House Report 116–450.

Public Law 114–119
114th Congress

An Act

To protect children and others from sexual abuse and exploitation, including sex trafficking and sex tourism, by providing advance notice of intended travel by registered sex offenders outside the United States to the government of the country of destination, requesting foreign governments to notify the United States when a known sex offender is seeking to enter the United States, and for other purposes.

Feb. 8, 2016
[H.R. 515]

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

International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders.
42 USC 16901 note.

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Angel Watch Center.
Sec. 5. Notification by the United States Marshals Service.
Sec. 6. International travel.
Sec. 7. Reciprocal notifications.
Sec. 8. Unique passport identifiers for covered sex offenders.
Sec. 9. Implementation plan.
Sec. 10. Technical assistance.
Sec. 11. Authorization of appropriations.
Sec. 12. Rule of construction.

SEC. 2. FINDINGS.

42 USC 16935.

Congress finds the following:

(1) Megan Nicole Kanka, who was 7 years old, was abducted, sexually assaulted, and murdered in 1994, in the State of New Jersey by a violent predator living across the street from her home. Unbeknownst to Megan Kanka and her family, he had been convicted previously of a sex offense against a child.

(2) In 1996, Congress adopted Megan's Law (Public Law 104–145) as a means to encourage States to protect children by identifying the whereabouts of sex offenders and providing the means to monitor their activities.

(3) In 2006, Congress passed the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) to protect children and the public at large by establishing a comprehensive national system for the registration and notification to the public and law enforcement officers of convicted sex offenders.

(4) Law enforcement reports indicate that known child-sex offenders are traveling internationally.

(5) The commercial sexual exploitation of minors in child sex trafficking and pornography is a global phenomenon. The International Labour Organization has estimated that 1,8000,000 children worldwide are victims of child sex trafficking and pornography each year.

(6) Child sex tourism, where an individual travels to a foreign country and engages in sexual activity with a child in that country, is a form of child exploitation and, where commercial, child sex trafficking.

42 USC 16935a.

SEC. 3. DEFINITIONS.

In this Act:

(1) CENTER.—The term "Center" means the Angel Watch Center established pursuant to section 4(a).

(2) CONVICTED.—The term "convicted" has the meaning given the term in section 111 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911).

(3) COVERED SEX OFFENDER.—Except as otherwise provided, the term "covered sex offender" means an individual who is a sex offender by reason of having been convicted of a sex offense against a minor.

(4) DESTINATION COUNTRY.—The term "destination country" means a destination or transit country.

(5) INTERPOL.—The term "INTERPOL" means the International Criminal Police Organization.

(6) JURISDICTION.—The term "jurisdiction" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Northern Mariana Islands;

(G) the United States Virgin Islands; and

(H) to the extent provided in, and subject to the requirements of, section 127 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16927), a Federally recognized Indian tribe.

(7) MINOR.—The term "minor" means an individual who has not attained the age of 18 years.

(8) NATIONAL SEX OFFENDER REGISTRY.—The term "National Sex Offender Registry" means the National Sex Offender Registry established by section 119 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16919).

(9) SEX OFFENDER UNDER SORNA.—The term "sex offender under SORNA" has the meaning given the term "sex offender" in section 111 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911).

(10) SEX OFFENSE AGAINST A MINOR.—

(A) IN GENERAL.—The term "sex offense against a minor" means a specified offense against a minor, as defined in section 111 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911).

(B) OTHER OFFENSES.—The term "sex offense against a minor" includes a sex offense described in section 111(5)(A) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911(5)(A)) that is a specified offense against a minor, as defined in paragraph (7) of

such section, or an attempt or conspiracy to commit such an offense.

(C) FOREIGN CONVICTIONS; OFFENSES INVOLVING CONSENSUAL SEXUAL CONDUCT.—The limitations contained in subparagraphs (B) and (C) of section 111(5) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911(5)) shall apply with respect to a sex offense against a minor for purposes of this Act to the same extent and in the same manner as such limitations apply with respect to a sex offense for purposes of the Adam Walsh Child Protection and Safety Act of 2006.

SEC. 4. ANGEL WATCH CENTER. 42 USC 16935b.

(a) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish within the Child Exploitation Investigations Unit of U.S. Immigrations and Customs Enforcement a Center, to be known as the "Angel Watch Center", to carry out the activities specified in subsection (e). Deadline.

(b) INCOMING NOTIFICATION.—

(1) IN GENERAL.—The Center may receive incoming notifications concerning individuals seeking to enter the United States who have committed offenses of a sexual nature.

(2) NOTIFICATION.—Upon receiving an incoming notification under paragraph (1), the Center shall—

(A) immediately share all information received relating to the individual with the Department of Justice; and

(B) share all relevant information relating to the individual with other Federal, State, and local agencies and entities, as appropriate.

(3) COLLABORATION.—The Secretary of Homeland Security shall collaborate with the Attorney General to establish a process for the receipt, dissemination, and categorization of information relating to individuals and specific offenses provided herein.

(c) LEADERSHIP.—The Center shall be headed by the Assistant Secretary of U.S. Immigration and Customs Enforcement, in collaboration with the Commissioner of U.S. Customs and Border Protection and in consultation with the Attorney General and the Secretary of State. Collaboration. Consultation.

(d) MEMBERS.—The Center shall consist of the following:

(1) The Assistant Secretary of U.S. Immigration and Customs Enforcement.

(2) The Commissioner of U.S. Customs and Border Protection.

(3) Individuals who are designated as analysts in U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection.

(4) Individuals who are designated as program managers in U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection.

(e) ACTIVITIES.—

(1) IN GENERAL.—In carrying out this section, the Center shall, using all relevant databases, systems and sources of information, not later than 48 hours before scheduled departure, or as soon as practicable before scheduled departure— Deadline.

Determination.

(A) determine if individuals traveling abroad are listed on the National Sex Offender Registry;

Review.

(B) review the United States Marshals Service's National Sex Offender Targeting Center case management system or other system that provides access to a list of individuals who have provided advanced notice of international travel to identify any individual who meets the criteria described in subparagraph (A) and is not in a system reviewed pursuant to this subparagraph; and

List.
Determination.

(C) provide a list of individuals identified under subparagraph (B) to the United States Marshals Service's National Sex Offender Targeting Center to determine compliance with title I of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.).

Deadlines.

(2) PROVISION OF INFORMATION TO CENTER.—Twenty-four hours before the intended travel, or thereafter, not later than 72 hours after the intended travel, the United States Marshals Service's National Sex Offender Targeting Center shall provide, to the Angel Watch Center, information pertaining to any sex offender described in subparagraph (C) of paragraph (1).

(3) ADVANCE NOTICE TO DESTINATION COUNTRY.—

(A) IN GENERAL.—The Center may transmit relevant information to the destination country about a sex offender if—

(i) the individual is identified by a review conducted under paragraph (1)(B) as having provided advanced notice of international travel; or

(ii) after completing the activities described in paragraph (1), the Center receives information pertaining to a sex offender under paragraph (2).

(B) EXCEPTIONS.—The Center may immediately transmit relevant information on a sex offender to the destination country if—

(i) the Center becomes aware that a sex offender is traveling outside of the United States within 24 hours of intended travel, and simultaneously completes the activities described in paragraph (1); or

(ii) the Center has not received a transmission pursuant to paragraph (2), provided it is not more than 24 hours before the intended travel.

(C) CORRECTIONS.—Upon receiving information that a notification sent by the Center regarding an individual was inaccurate, the Center shall immediately—

(i) send a notification of correction to the destination country notified;

(ii) correct all data collected pursuant to paragraph (6); and

(iii) if applicable, notify the Secretary of State for purposes of the passport review and marking processes described in section 240 of Public Law 110–457.

(D) FORM.—The notification under this paragraph may be transmitted through such means as are determined appropriate by the Center, including through U.S. Immigration and Customs Enforcement attaches.

(4) MEMORANDUM OF AGREEMENT.—Not later than 6 months after the date of enactment of this Act, the Secretary

of Homeland Security shall enter into a Memorandum of Agreement with the Attorney General to facilitate the activities of the Angel Watch Center in collaboration with the United States Marshals Service's National Sex Offender Targeting Center, including the exchange of information, the sharing of personnel, access to information and databases in accordance with paragraph (1)(B), and the establishment of a process to share notifications from the international community in accordance with subsection (b)(1).

(5) PASSPORT APPLICATION REVIEW.—

(A) IN GENERAL.—The Center shall provide a written determination to the Department of State regarding the status of an individual as a covered sex offender (as defined in section 240 of Public Law 110–457) when appropriate. Determination.

(B) EFFECTIVE DATE.—Subparagraph (A) shall take effect upon certification by the Secretary of State, the Secretary of Homeland Security, and the Attorney General that the process developed and reported to the appropriate congressional committees under section 9 has been successfully implemented. Certification.

(6) COLLECTION OF DATA.—The Center shall collect all relevant data, including—

(A) a record of each notification sent under paragraph (3);

(B) the response of the destination country to notifications under paragraph (3), where available;

(C) any decision not to transmit a notification abroad, to the extent practicable;

(D) the number of transmissions made under subparagraphs (A),(B), and (C) of paragraph (3) and the countries to which they are transmitted, respectively;

(E) whether the information was transmitted to the destination country before scheduled commencement of sex offender travel; and

(F) any other information deemed necessary and appropriate by the Secretary of Homeland Security.

(7) COMPLAINT REVIEW.—

(A) IN GENERAL.—The Center shall—

(i) establish a mechanism to receive complaints from individuals affected by erroneous notifications under this section;

(ii) ensure that any complaint is promptly reviewed; and

(iii) in the case of a complaint that involves a notification sent by another Federal Government entity, notify the individual of the contact information for the appropriate entity and forward the complaint to the appropriate entity for prompt review and response pursuant to this section.

(B) RESPONSE TO COMPLAINTS.—The Center shall, as applicable—

(i) provide the individual with notification in writing that the individual was erroneously subjected to international notification;

(ii) take action to ensure that a notification or information regarding the individual is not erroneously

transmitted to a destination country in the future; and

(iii) submit an additional written notification to the individual explaining why a notification or information regarding the individual was erroneously transmitted to the destination country and describing the actions that the Center has taken or is taking under clause (ii).

(C) PUBLIC AWARENESS.—The Center shall make publicly available information on how an individual may submit a complaint under this section.

(D) REPORTING REQUIREMENT.—The Secretary of Homeland Security shall submit an annual report to the appropriate congressional committees (as defined in section 9) that includes—

(i) the number of instances in which a notification or information was erroneously transmitted to the destination country of an individual under paragraph (3); and

(ii) the actions taken to prevent similar errors from occurring in the future.

Coordination.

(8) ANNUAL REVIEW PROCESS.—The Center shall establish, in coordination with the Attorney General, the Secretary of State, and INTERPOL, an annual review process to ensure that there is appropriate coordination and collaboration, including consistent procedures governing the activities authorized under this Act, in carrying out this Act.

(9) INFORMATION REQUIRED.—The Center shall make available to the United States Marshals Service's National Sex Offender Targeting Center information on travel by sex offenders in a timely manner.

(f) DEFINITION.—In this section, the term "sex offender" means—

(1) a covered sex offender; or

(2) an individual required to register under the sex offender registration program of any jurisdiction or included in the National Sex Offender Registry, on the basis of an offense against a minor.

42 USC 16935c.

SEC. 5. NOTIFICATION BY THE UNITED STATES MARSHALS SERVICE.

(a) IN GENERAL.—The United States Marshals Service's National Sex Offender Targeting Center may—

(1) transmit notification of international travel of a sex offender to the destination country of the sex offender, including to the visa-issuing agent or agents in the United States of the country;

(2) share information relating to traveling sex offenders with other Federal, State, local, and foreign agencies and entities, as appropriate;

(3) receive incoming notifications concerning individuals seeking to enter the United States who have committed offenses of a sexual nature and shall share the information received immediately with the Department of Homeland Security; and

(4) perform such other functions at the Attorney General or the Director of the United States Marshals Service may direct.

(b) CONSISTENT NOTIFICATION.—In making notifications under subsection (a)(1), the United States Marshals Service's National Sex Offender Targeting Center shall, to the extent feasible and appropriate, ensure that the destination country is consistently notified in advance about sex offenders under SORNA identified through their inclusion in sex offender registries of jurisdictions or the National Sex Offender Registry.

(c) INFORMATION REQUIRED.—For purposes of carrying out this Act, the United States Marshals Service's National Sex Offender Targeting Center shall—

(1) make the case management system or other system that provides access to a list of individuals who have provided advanced notice of international travel available to the Angel Watch Center;

(2) provide the Angel Watch Center a determination of compliance with title I of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.) for the list of individuals transmitted under section 4(e)(1)(C); Determination.

(3) make available to the Angel Watch Center information on travel by sex offenders in a timely manner; and

(4) consult with the Department of State regarding operation of the international notification program authorized under this Act. Consultation.

(d) CORRECTIONS.—Upon receiving information that a notification sent by the United States Marshals Service's National Sex Offender Targeting Center regarding an individual was inaccurate, the United States Marshals Service's National Sex Offender Targeting Center shall immediately—

(1) send a notification of correction to the destination country notified;

(2) correct all data collected in accordance with subsection (f); and

(3) if applicable, send a notification of correction to the Angel Watch Center.

(e) FORM.—The notification under this section may be transmitted through such means as are determined appropriate by the United States Marshals Service's National Sex Offender Targeting Center, including through the INTERPOL notification system and through Federal Bureau of Investigation Legal attaches.

(f) COLLECTION OF DATA.—The Attorney General shall collect all relevant data, including—

(1) a record of each notification sent under subsection (a);

(2) the response of the destination country to notifications under paragraphs (1) and (2) of subsection (a), where available;

(3) any decision not to transmit a notification abroad, to the extent practicable;

(4) the number of transmissions made under paragraphs (1) and (2) of subsection (a) and the countries to which they are transmitted;

(5) whether the information was transmitted to the destination country before scheduled commencement of sex offender travel; and

(6) any other information deemed necessary and appropriate by the Attorney General.

(g) COMPLAINT REVIEW.—

(1) IN GENERAL.—The United States Marshals Service's National Sex Offender Targeting Center shall—

(A) establish a mechanism to receive complaints from individuals affected by erroneous notifications under this section;

(B) ensure that any complaint is promptly reviewed; and

(C) in the case of a complaint that involves a notification sent by another Federal Government entity, notify the individual of the contact information for the appropriate entity and forward the complaint to the appropriate entity for prompt review and response pursuant to this section.

(2) RESPONSE TO COMPLAINTS.—The United States Marshals Service's National Sex Offender Targeting Center shall, as applicable—

(A) provide the individual with notification in writing that the individual was erroneously subjected to international notification;

(B) take action to ensure that a notification or information regarding the individual is not erroneously transmitted to a destination country in the future; and

(C) submit an additional written notification to the individual explaining why a notification or information regarding the individual was erroneously transmitted to the destination country and describing the actions that the United States Marshals Service's National Sex Offender Targeting Center has taken or is taking under subparagraph (B).

(3) PUBLIC AWARENESS.—The United States Marshals Service's National Sex Offender Targeting Center shall make publicly available information on how an individual may submit a complaint under this section.

(4) REPORTING REQUIREMENT.—The Attorney General shall submit an annual report to the appropriate congressional committees (as defined in section 9) that includes—

(A) the number of instances in which a notification or information was erroneously transmitted to the destination country of an individual under subsection (a); and

(B) the actions taken to prevent similar errors from occurring in the future.

(h) DEFINITION.—In this section, the term "sex offender" means—

(1) a sex offender under SORNA; or

(2) a person required to register under the sex offender registration program of any jurisdiction or included in the National Sex Offender Registry.

SEC. 6. INTERNATIONAL TRAVEL.

(a) REQUIREMENT THAT SEX OFFENDERS PROVIDE INTERNATIONAL TRAVEL RELATED INFORMATION TO SEX OFFENDER REGISTRIES.—Section 114 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16914) is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (7) as paragraph (8); and;

(B) by inserting after paragraph (6) the following:

"(7) Information relating to intended travel of the sex offender outside the United States, including any anticipated dates and places of departure, arrival, or return, carrier and

flight numbers for air travel, destination country and address or other contact information therein, means and purpose of travel, and any other itinerary or other travel-related information required by the Attorney General."; and

(2) by adding at the end the following:

"(c) TIME AND MANNER.—A sex offender shall provide and update information required under subsection (a), including information relating to intended travel outside the United States required under paragraph (7) of that subsection, in conformity with any time and manner requirements prescribed by the Attorney General.".

(b) CONFORMING AMENDMENTS TO SECTION 2250 OF TITLE 18, UNITED STATES CODE.—Section 2250 of title 18, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(2) by inserting after subsection (a) the following:

"(b) INTERNATIONAL TRAVEL REPORTING VIOLATIONS.—Whoever—

"(1) is required to register under the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.);

"(2) knowingly fails to provide information required by the Sex Offender Registration and Notification Act relating to intended travel in foreign commerce; and

"(3) engages or attempts to engage in the intended travel in foreign commerce;

shall be fined under this title, imprisoned not more than 10 years, or both."; and

(3) in subsections (c) and (d), as redesignated, by striking "subsection (a)" each place it appears and inserting "subsection (a) or (b)".

(c) IMPLEMENTATION.—In carrying out this Act, and the amendments made by this Act, the Attorney General may use the resources and capacities of any appropriate agencies of the Department of Justice, including the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking, the United States Marshals Service, INTERPOL Washington-U.S. National Central Bureau, the Federal Bureau of Investigation, the Criminal Division, and the United States Attorneys' Offices. 42 USC 16935d.

SEC. 7. RECIPROCAL NOTIFICATIONS. 42 USC 16935e.

It is the sense of Congress that the Secretary of State, in consultation with the Attorney General and the Secretary of Homeland Security, should seek reciprocal international agreements or arrangements to further the purposes of this Act and the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.). Such agreements or arrangements may establish mechanisms and undertakings to receive and transmit notices concerning international travel by sex offenders, through the Angel Watch Center, the INTERPOL notification system, and such other means as may be appropriate, including notification by the United States to other countries relating to the travel of sex offenders from the United States, reciprocal notification by other countries to the United States relating to the travel of sex offenders to the United States, and mechanisms to correct and, as applicable, remove from any other records, any inaccurate information transmitted through such notifications.

SEC. 8. UNIQUE PASSPORT IDENTIFIERS FOR COVERED SEX OFFENDERS.

(a) AMENDMENT TO PUBLIC LAW 110–457.—Title II of Public Law 110–457 is amended by adding at the end the following:

22 USC 212b.

"SEC. 240. UNIQUE PASSPORT IDENTIFIERS FOR COVERED SEX OFFENDERS.

"(a) IN GENERAL.—Immediately after receiving a written determination from the Angel Watch Center that an individual is a covered sex offender, through the process developed for that purpose under section 9 of the International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders, the Secretary of State shall take appropriate action under subsection (b).

"(b) AUTHORITY TO USE UNIQUE PASSPORT IDENTIFIERS.—

"(1) IN GENERAL.—Except as provided under paragraph (2), the Secretary of State shall not issue a passport to a covered sex offender unless the passport contains a unique identifier, and may revoke a passport previously issued without such an identifier of a covered sex offender.

"(2) AUTHORITY TO REISSUE.—Notwithstanding paragraph (1), the Secretary of State may reissue a passport that does not include a unique identifier if an individual described in subsection (a) reapplies for a passport and the Angel Watch Center provides a written determination, through the process developed for that purpose under section 9 of the International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders, to the Secretary of State that the individual is no longer required to register as a covered sex offender.

"(c) DEFINED TERMS.—In this section—

"(1) the term 'covered sex offender' means an individual who—

"(A) is a sex offender, as defined in section 4(f) of the International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders; and

"(B) is currently required to register under the sex offender registration program of any jurisdiction;

"(2) the term 'unique identifier' means any visual designation affixed to a conspicuous location on the passport indicating that the individual is a covered sex offender; and

"(3) the term 'passport' means a passport book or passport card.

"(d) PROHIBITION.—The Secretary of State, the Secretary of Homeland Security, and the Attorney General, and their agencies, officers, employees, and agents, shall not be liable to any person for any action taken under this section.

"(e) DISCLOSURE.—In furtherance of this section, the Secretary of State may require a passport applicant to disclose that they are a registered sex offender.

Certification.

"(f) EFFECTIVE DATE.—This section shall take effect upon certification by the Secretary of State, the Secretary of Homeland Security, and the Attorney General, that the process developed and reported to the appropriate congressional committees under section 9 of the International Megan's Law to Prevent Child Exploitation

and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders has been successfully implemented.".

SEC. 9. IMPLEMENTATION PLAN.

Deadlines.
42 USC 16935f.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, the Secretary of State, and the Attorney General shall develop a process by which to implement section 4(e)(5) and the provisions of section 240 of Public Law 110–457, as added by section 8 of this Act.

Consultation.

(b) REPORTING REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, the Secretary of State, and the Attorney General shall jointly submit a report to, and shall consult with, the appropriate congressional committees on the process developed under subsection (a), which shall include a description of the proposed process and a timeline and plan for implementation of that process, and shall identify the resources required to effectively implement that process.

(c) "APPROPRIATE CONGRESSIONAL COMMITTEES" DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Foreign Affairs of the House of Representatives;

(3) the Committee on Homeland Security and Governmental Affairs of the Senate;

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

(5) the Committee on the Judiciary of the Senate;

(6) the Committee on the Judiciary of the House of Representatives;

(7) the Committee on Appropriations of the Senate; and

(8) the Committee on Appropriations of the House of Representatives.

SEC. 10. TECHNICAL ASSISTANCE.

Consultation.
42 USC 16935g.

The Secretary of State, in consultation with the Attorney General and the Secretary of Homeland Security, may provide technical assistance to foreign authorities in order to enable such authorities to participate more effectively in the notification program system established under this Act.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

42 USC 16935h.

There are authorized to be appropriated to carry out this Act $6,000,000 for each of fiscal years 2017 and 2018.

SEC. 12. RULE OF CONSTRUCTION.

42 USC 16935i.

Nothing in this Act shall be construed to limit international information sharing or law enforcement cooperation relating to any person pursuant to any authority of the Department of Justice,

the Department of Homeland Security, or any other department or agency.

Approved February 8, 2016.

LEGISLATIVE HISTORY—H.R. 515:

CONGRESSIONAL RECORD:
Vol. 161 (2015): Jan. 26, considered and passed House.
Dec. 17, considered and passed Senate, amended.
Vol. 162 (2016): Feb. 1, House concurred in Senate amendments.

○

We have found a system that works; but, tragically, it is sometimes misguided, muffled, and marginalized by unrelated bilateral concerns and by the internal structure of the U.S. Department of State.

As my dear friend, the chairman of the committee, said a moment ago, it was Ambassador Mark Lagon who talked about how they produce a great report, but then, typically, due to the urging of regional specialists rather than the TIP Office's dedicated experts, the ranking and the process goes awry.

The Human Trafficking Prioritization Act, or H.R. 514, will remedy this problem by keeping the fight against human trafficking from being lost in the politics of other U.S. interests.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ROYCE. I yield the gentleman an additional 2 minutes.

Mr. SMITH of New Jersey. I thank my friend for yielding.

Mr. Speaker, H.R. 514 will raise the status of the J/TIP Office to that of a bureau, ensuring that the leadership of J/TIP is present and has an equal voice at meetings with the other bureaus and the Secretary of State.

Former colleague, John Miller, an Ambassador at Large from 2002 to 2006 said:

> Upgrading the status of the Office to a bureau will not create additional bureaucracy—it will simply give J/TIP and the Ambassador at Large who heads it equal standing with regional and functional bureaus at the State Department. That standing is absolutely essential for the issue to remain a priority, especially when multiple U.S. interests are engaged.

We are not authorizing the J/TIP Office to be larger, but for the excellent work of the Office to be consistently heard at a higher level.

In addition, the bill stops countries and other State Department bureaus from gaming the tier ranking system by limiting the time problem countries can use promises of action to avoid a tier downgrade.

Currently, a country can sit on the Tier 2 Watch List for up to 4 years with Presidential waivers, effectively stringing the U.S. along with promises to take action, but never actually taking action. After 4 years, by law, the country must be automatically downgraded to Tier 3.

The law worked very well in its first implementation in the 2013 reporting cycle, but we discovered a problem in 2013, when China was prematurely upgraded from Tier 3 to the Tier 2 Watch List. As the law is currently written, Mr. Speaker, China can, again, game the system with promises and no action for 4 years.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. ROYCE. I yield the gentleman as much time as he might consume.

Mr. SMITH of New Jersey. Mr. Speaker, the Human Trafficking Prioritization Act will hold countries like China accountable by limiting to 1 year the amount of time a country can stay on the Tier 2 Watch List after the country was previously auto-downgraded to Tier 3.

The Human Trafficking Prioritization Act builds on the successes of J/TIP and the tier ranking system for the sake of approximately 21 million people still living in modern-day slavery and, again, does so without increasing the cost of government.

The Human Trafficking Prioritization Act will give J/TIP the integration, it will give it the voice it deserves within the State Department, and it will ensure accurate accountability for countries failing to meet minimum standards for the elimination of trafficking.

Mr. Speaker, I urge my colleagues to support this bill, and, again, I thank my friend.

Mr. CICILLINE. Mr. Speaker, seeing that I have no further requests for time, I yield back the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I have already mentioned the impact that these TIP Reports have. I want to point out that it is not every day that we can claim this kind of impact for a U.S. Government report.

Mr. Speaker, those of us who have traveled and tried to enforce these laws know how effective this is. This legislation here would make the TIP Report an even more influential diplomatic tool.

I, again, want to thank Subcommittee Chairman SMITH for his authoring the legislation and moving it through committee.

I urge Members to support it, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the bill, H.R. 514.

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.

INTERNATIONAL MEGAN'S LAW TO PREVENT DEMAND FOR CHILD SEX TRAFFICKING

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 515) to protect children from exploitation, especially sex trafficking in tourism, by providing advance notice of intended travel by registered child-sex offenders outside the United States to the government of the country of destination, requesting foreign governments to notify the United States when a known child-sex offender is seeking to enter the United States, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 515

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''International Megan's Law to Prevent Demand for Child Sex Trafficking''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Angel Watch Center.
Sec. 5. Sense of Congress provisions.
Sec. 6. Enhancing the minimum standards for the elimination of trafficking.
Sec. 7. Assistance to foreign countries to meet minimum standards for the elimination of trafficking.
Sec. 8. Rules of construction.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Megan Nicole Kanka, who was 7 years old, was abducted, sexually assaulted, and murdered in 1994, in the State of New Jersey by a violent predator living across the street from her home. Unbeknownst to Megan Kanka and her family, he had been convicted previously of a sex offense against a child.

(2) In 1996, Congress adopted Megan's Law (Public Law 104–145) as a means to encourage States to protect children by identifying the whereabouts of sex offenders and providing the means to monitor their activities.

(3) In 2006, Congress passed the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) to protect children and the public at large by establishing a comprehensive national system for the registration and notification to the public and law enforcement officers of convicted sex offenders.

(4) Law enforcement reports indicate that known child-sex offenders are traveling internationally, and that the criminal background of such individuals may not be known to local law enforcement prior to their arrival.

(5) The commercial sexual exploitation of minors in child sex trafficking and pornography is a global phenomenon. The International Labour Organization has estimated that 1.8 million children worldwide are victims of child sex trafficking and pornography each year.

(6) Child sex tourism, where an individual travels to a foreign country and engages in sexual activity with a child in that country, is a form of child exploitation and, where commercial, child sex trafficking.

(7) According to research conducted by The Protection Project of The Johns Hopkins University Paul H. Nitze School of Advanced International Studies, sex tourists from the United States who target children form a significant percentage of child sex tourists in some of the most significant destination countries for child sex tourism.

(8) In order to protect children, it is essential that United States law enforcement be able to identify child-sex offenders in the United States who are traveling abroad and child-sex offenders from other countries entering the United States. Such identification requires cooperative efforts between the United States and foreign governments. In exchange for providing notice of child-sex offenders traveling to the United States, foreign authorities will expect United States authorities to provide reciprocal notice of child-sex offenders traveling to their countries.

SEC. 3. DEFINITIONS.

In this Act:

(1) CENTER.—The term ''Center'' means the Angel Watch Center established pursuant to section 4(a).

(2) CHILD-SEX OFFENDER.—

(A) IN GENERAL.—The term ''child-sex offender'' means an individual who is a sex offender described in paragraph (3) or (4) of section 111 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911) by reason of being convicted of a child-sex offense.

(B) DEFINITION OF CONVICTED.—In this paragraph, the term ''convicted'' has the meaning given the term in paragraph (8) of section 111 of such Act.

(3) CHILD-SEX OFFENSE.—

(A) IN GENERAL.—The term ''child-sex offense'' means a specified offense against a minor, as defined in paragraph (7) of section 111 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911), including—

(i) an offense (unless committed by a parent or guardian) involving kidnapping;

(ii) an offense (unless committed by a parent or guardian) involving false imprisonment;

(iii) solicitation to engage in sexual conduct;

(iv) use in a sexual performance;

(v) solicitation to practice prostitution;

(vi) video voyeurism as described in section 1801 of title 18, United States Code;

(vii) possession, production, or distribution of child pornography;

(viii) criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct; and

(ix) any conduct that by its nature is a sex offense against a minor.

(B) OTHER OFFENSES.—The term ''child-sex offense'' includes a sex offense described in paragraph (5)(A) of section 111 of the Adam Walsh Child Protection and Safety Act of 2006 that is a specified offense against a minor, as defined in paragraph (7) of such section.

(C) FOREIGN CONVICTIONS; OFFENSES INVOLVING CONSENSUAL SEXUAL CONDUCT.—The limitations contained in subparagraphs (B) and (C) of section 111(5) of the Adam Walsh Child Protection and Safety Act of 2006 shall apply with respect to a child-sex offense for purposes of this Act to the same extent and in the same manner as such limitations apply with respect to a sex offense for purposes of the Adam Walsh Child Protection and Safety Act of 2006.

(4) JURISDICTION.—The term ''jurisdiction'' means any of the following:

(A) A State.

(B) The District of Columbia.

(C) The Commonwealth of Puerto Rico.

(D) Guam.

(E) American Samoa.

(F) The Northern Mariana Islands.

(G) The United States Virgin Islands.

(H) To the extent provided in, and subject to the requirements of, section 127 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16927), a federally recognized Indian tribe.

(5) MINOR.—The term ''minor'' means an individual who has not attained the age of 18 years.

SEC. 4. ANGEL WATCH CENTER.

(a) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish within the Child Exploitation Investigations Unit of United States Immigration and Customs Enforcement (ICE) of the Department of Homeland Security a Center, to be known as the ''Angel Watch Center'', to carry out the activities specified in subsection (d).

(b) LEADERSHIP.—The Center shall be headed by the Director of ICE, in collaboration with the Commissioner of United States Customs and Border Protection (CBP) and in consultation with the Attorney General.

(c) MEMBERS.—The Center shall consist of the following:

(1) The Director of ICE.

(2) The Commissioner of CBP.

(3) Individuals who are designated as analysts in ICE or CBP.

(4) Individuals who are designated as program managers in ICE or CBP.

(d) ACTIVITIES.—

(1) IN GENERAL.—The Center shall carry out the following activities:

(A) Receive information on travel by child-sex offenders.

(B) Establish a system to maintain and archive all relevant information, including the response of destination countries to notifications under subsection (e) where available, and decisions not to transmit notification abroad.

(C) Establish an annual review process to ensure that the Center is consistent in procedures to provide notification to destination countries or not to provide notification to destination countries, as appropriate.

(2) INFORMATION REQUIRED.—The United States Marshals Service's National Sex Offender Targeting Office shall make available to the Center information on travel by child-sex offenders in a timely manner for purposes of carrying out the activities described in paragraph (1) and subsection (e).

(e) NOTIFICATION.—

(1) TO COUNTRIES OF DESTINATION.—

(A) IN GENERAL.—The Center may transmit notice of impending or current international travel of a child-sex offender to the country or countries of destination of the child-sex offender, including to the visa-issuing agent or agents in the United States of the country or countries.

(B) FORM.—The notice under this paragraph may be transmitted through such means as determined appropriate by the Center, including through an ICE attaché.

(A) GENERAL NOTIFICATION.—

(i) IN GENERAL.—If the Center transmits notice under paragraph (1) of impending international travel of a child-sex offender to the country or countries of destination of the child-sex offender, the Secretary of Homeland Security, in conjunction with any appropriate agency, shall make reasonable efforts to provide constructive notice through electronic or telephonic communication to the child-sex offender prior to the child-sex offender's arrival in the country or countries.

(ii) EXCEPTION.—The requirement to provide constructive notice under clause (i) shall not apply in the case of impending international travel of a child-sex offender to the country or countries of destination of the child-sex offender if such constructive notice would conflict with an existing investigation involving the child-sex offender.

(B) SPECIFIC NOTIFICATION REGARDING RISK TO LIFE OR WELL-BEING OF OFFENDER.—If the Center has reason to believe that to transmit notice under paragraph (1) poses a risk to the life or well-being of the child-sex offender, the Center shall make reasonable efforts to provide constructive notice through electronic or telephonic communication to the child-sex offender of such risk.

(C) SPECIFIC NOTIFICATION REGARDING PROBABLE DENIAL OF ENTRY TO OFFENDER.—If the Center has reason to believe that a country of destination of the child-sex offender is highly likely to deny entry to the child-sex offender due to transmission of notice under paragraph (1), the Center shall make reasonable efforts to provide constructive notice through electronic or telephonic communication to the child-sex offender of such probable denial.

(3) SUNSET.—The authority of paragraph (1) shall terminate with respect to a child-sex offender beginning as of the close of the last day of the registration period of such child-sex offender under section 115 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16915).

(f) COMPLAINT REVIEW.—The Center shall establish a mechanism to receive complaints from child-sex offenders affected by notifications of destination countries of such child-sex offenders under subsection (e).

(g) CONSULTATIONS.—The Center shall seek to engage in ongoing consultations with—

(1) nongovernmental organizations, including faith-based organizations, that have experience and expertise in identifying and preventing child sex tourism and rescuing and rehabilitating minor victims of international sexual exploitation and trafficking;

(2) the governments of countries interested in cooperating in the creation of an international sex offender travel notification system or that are primary destination or source countries for international sex tourism; and

(3) Internet service and software providers regarding available and potential technology to facilitate the implementation of an international sex offender travel notification system, both in the United States and in other countries.

(h) TECHNICAL ASSISTANCE.—The Secretary of Homeland Security and the Secretary of State may provide technical assistance to foreign authorities in order to enable such authorities to participate more effectively in the notification program system established under this section.

SEC. 5. SENSE OF CONGRESS PROVISIONS.

(a) BILATERAL AGREEMENTS.—It is the sense of Congress that the President should negotiate memoranda of understanding or other bilateral agreements with foreign governments to further the purposes of this Act and the amendments made by this Act, including by—

(1) establishing systems to receive and transmit notices as required by title I of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); and

(2) establishing mechanisms for private companies and nongovernmental organizations to report on a voluntary basis suspected child pornography or exploitation to foreign governments, the nearest United States embassy in cases in which a possible United States citizen may be involved, or other appropriate entities.

(b) NOTIFICATION TO THE UNITED STATES OF CHILD-SEX OFFENSES COMMITTED ABROAD.—It is the sense of Congress that the President should formally request foreign governments to notify the United States when a United States citizen has been arrested, convicted, sentenced, or completed a prison sentence for a child-sex offense in the foreign country.

SEC. 6. ENHANCING THE MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.

Section 108(b)(4) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7106(b)(4)) is amended by adding at the end before the period the following: '', including severe forms of trafficking in persons related to sex tourism''.

SEC. 7. ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.

The President is strongly encouraged to exercise the authorities of section 134 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152d) to provide assistance to foreign countries directly, or through nongovernmental and multilateral organizations, for programs, projects, and activities, including

training of law enforcement entities and officials, designed to establish systems to identify sex offenders and provide and receive notification of child sex offender international travel.

SEC. 8. RULES OF CONSTRUCTION.

(a) DEPARTMENT OF JUSTICE.—Nothing in this Act shall be construed to preclude or alter the jurisdiction or authority of the Department of Justice under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.), including section 113(d) of such Act, or any other provision of law, or to affect the work of the United States Marshals Service with INTERPOL.

(b) ANGEL WATCH CENTER.—Nothing in this Act shall be construed to preclude the Angel Watch Center from transmitting notice with respect to any sex offender described in paragraph (3) or (4) of section 111 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911) or with respect to any sex offense described in paragraph (5) of such section.

(c) DEPARTMENT OF HOMELAND SECURITY INVESTIGATIONS.—Activities carried out under this Act shall not impede, hinder, or otherwise impact negatively any investigations of the Department of Homeland Security.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from Rhode Island (Mr. CICILLINE) each will control 20 minutes.

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include any extraneous material in the RECORD.

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

There was no objection.

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

Mr. Speaker, the International Megan's Law to Prevent Demand for Child Sex Trafficking will strengthen law enforcement efforts to combat this rather horrific crime that damages hundreds of thousands of young children worldwide every year.

This bill before us today was passed unanimously by the House in the last Congress in substantially the same form. This year, we hope to engage the Senate and get it to the President's desk.

Over the years, Congress has passed laws, including Megan's Law and the Adam Walsh Child Protection and Safety Act, to require the registration and require the public notification of convicted sex offenders. These steps have helped families and communities protect their children and have helped law enforcement officials investigate and certainly prosecute domestic cases involving repeat sex offenders.

A growing problem, however, is the appalling industry of child sex ''tourism,'' in which adults travel overseas to exploit children in other countries. Unfortunately, a significant number of Americans are engaging in this practice and engage in it while the countries of destination lack sufficient resources to deal with the rising number of child predators.

Many children victimized by this terrible crime have also been trafficked—that is, recruited or transferred to be exploited for someone else's profit. The International Megan's Law helps us fight back.

At present, there are multiple U.S. agencies seeking to combat human trafficking and combat child sex tourism. By better coordinating their efforts, we can be much more effective. Importantly, our proactive efforts to help countries identify incoming child predators will also encourage them to alert us when those foreigners convicted of sex offenses against children attempt, themselves, to enter into the United States.

In particular, this bill officially recognizes an Angel Watch center within the Department of Homeland Security's Child Exploitation Investigations Unit. Operation Angel Watch originated as a partnership with the U.S. Customs and Border Protection and currently collects and analyzes the foreign travel data of convicted child sex offenders to determine whether notification to U.S. officials or foreign governments is warranted.

Last year alone, Angel Watch sent over 2,000 leads to nearly 100 countries as part of this effort to proactively and strategically alert international law enforcement.

Mr. Speaker, this bill solidifies the Angel Watch center as an important part of the U.S. response to child sex tourism. Importantly, it improves the timeliness of the information that the center receives by requiring the Justice Department to share its travel records promptly. This will allow Angel Watch to better detect and report the travel of child predators.

Now, we do have one change in the bill from last year, and that change is an additional rule of construction which states that nothing in this act will impede any investigations being carried out by the Department of Homeland Security.

This was added at the request of nongovernmental organizations who were concerned that the bill's activities could divert resources from the Department's other investigative work. To avoid any confusion, I want to make clear that this rule of construction does not supersede the bill's general notification provisions which require the Department of Homeland Security to attempt to alert a convicted offender whose travel is reported to their country of destination.

These general notification provisions were the product of a bipartisan agreement, and I want to state my appreciation for the good work of those staffers who came together from across the aisle and from different committees to develop them.

Mr. Speaker, I want to thank the bill's author, the gentleman from New Jersey (Mr. SMITH), for his persistent leadership and his persistent dedication to this issue.

I would also like to recognize the chairman and ranking member of the Committee on the Judiciary, as well as Ranking Member ENGEL and Mr. CICILLINE for their collaboration on this bill, which I encourage all Members to support.

I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, January 26, 2015.

Hon. ED ROYCE,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR CHAIRMAN ROYCE, I am writing with respect to H.R. 515, the ''International Megan's Law to Prevent Demand for Child Sex Trafficking,'' which was referred to the Committee on Foreign Affairs and in addition to the Committee on the Judiciary. As a result of your having consulted with us on provisions in H.R. 515 that fall within the Rule X jurisdiction of the Committee on the Judiciary, I agree to discharge our Committee from further consideration of this bill so that it may proceed expeditiously to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 515 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as this bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and asks that you support any such request.

I would appreciate a response to this letter confirming this understanding with respect to H.R., and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration of H.R. 515.

Sincerely,

BOB GOODLATTE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, January 26, 2015.

Hon. BOB GOODLATTE,
Chairman, House Committee on the Judiciary, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for consulting with the Committee on Foreign Affairs on H.R. 515, the International Megan's Law to Prevent Demand for Child Sex Trafficking, and for agreeing to be discharged from further consideration of that bill.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of the Committee on the Judiciary, or prejudice its jurisdictional prerogatives on this bill or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will seek to place our letters on H.R. 515 into the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with the Committee on the Judiciary as this measure moves through the legislative process.

Sincerely,

EDWARD R. ROYCE,
Chairman.

Mr. CICILLINE. Mr. Speaker, I rise in strong support of H.R. 515, known as the International Megan's Law, and yield myself such time as I might consume.

I would first like to commend my colleague, the chairman of the Subcommittee on Africa, Global Health,

Global Human Rights, and International Organizations, the gentleman from New Jersey (Mr. SMITH), for his leadership on human rights and anti-trafficking issues and for his hard work and the hard work of his staff on this bill, as well as Ranking Member KAREN BASS of California.

I also want to recognize the contributions of the Judiciary Committee to this legislation. I am pleased that the two committees, Foreign Affairs and Judiciary, were able to come together to work on this important piece of legislation.

Mr. Speaker, around the world, as many as 27 million people are victims of human trafficking. The United Nations Office on Drugs and Crime reported that among reported incidents of human trafficking, one in three is a child. Many sex offenders target children in regions with extreme poverty and low levels of law enforcement and prosecution. These repulsive acts violate our deepest moral values, and we have a responsibility to respond appropriately.

The International Megan's Law would help prevent child sex offenders and traffickers from exploiting vulnerable children when they cross an international border. The bill would establish an Angel Watch center within Immigration and Customs Enforcement at the Department of Homeland Security that would provide advance notice to foreign countries when a convicted child sex offender travels to that country. The bill also calls on the President to negotiate agreements with foreign governments that would encourage information sharing on known child sex offenders.

Mr. Speaker, it is important to encourage governments around the world to devote their respective resources toward combating this issue. Protecting trafficked children provides timely victim identification, placing victims in a safe environment, and providing them with widespread support services, such as physical and mental health care, educational opportunities, legal assistance, and reintegration with their families and communities.

Unfortunately, a single law cannot abolish child sex tourism or child sex trafficking, but the International Megan's Law represents a huge step in the right direction by protecting victims and potential victims from terrifying harm.

□ 1600

Mr. Speaker, we passed the same bill last Congress, and I urge my colleagues to do so again.

I reserve the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield 6 minutes to the gentleman from New Jersey (Mr. SMITH), chairman of the Foreign Affairs Human Rights Subcommittee and the author of this bill.

Mr. SMITH of New Jersey. Mr. Speaker, I thank Chairman ROYCE for yielding me this time, and I thank him for his leadership and for marking this bill up in the last Congress. We went through it in regular order. Chairman ROYCE, ELIOT ENGEL, and staff were outstanding.

I also want to thank BOB GOODLATTE, who has been a very strong proponent of this legislation, as well as ALBIO SIRES, who is the chief Democratic sponsor, and our other cosponsors: Mrs. HARTZLER, CAROLYN MALONEY, Mrs. WAGNER, Mr. PITTENGER, Mr. POE of Texas, Ms. MCCOLLUM, and Mr. YOHO.

Mr. Speaker, there is no higher duty or responsibility of government than to protect children from violence and predatory behavior. We have a duty to protect the weakest and the most vulnerable. The International Megan's Law to Prevent Demand for Child Sex Trafficking, H.R. 515, will protect children from child sex tourism by notifying destination countries when convicted pedophiles plan to travel. And to protect American children, the bill encourages the President to use bilateral agreements and assistance to establish reciprocal notification so we will know when convicted child sex offenders are coming here.

Mr. Speaker, I actually got the idea of International Megan's Law in a conversation with a Trafficking in Persons delegation from Thailand during a meeting in my office in 2007. I asked the Thai officials what would they do if we were to notify them of travel by a convicted pedophile. Each of the dozen officials said they would bar entry into their nation of such a predator.

Today will mark the third time in 8 years that this bill has passed the House—and I do hope it will pass—with strong support from both sides of the aisle, the second in its present, more streamlined form. The only change in this version is an additional clause in 8(c) underscoring the fine investigatory work of the Department of Homeland Security in the area of child exploitation and Congress' support for its continuance in Angel Watch, as well as in the investigations of the Cyber Crimes Center.

This provision is not intended to supersede notification requirements elsewhere in the bill.

I am encouraged that the Senate has signaled its support and willingness to improve commonsense U.S. procedures preventing the sex trafficking of children by high-risk predators. I look forward to working with our colleagues in the other body.

Mr. Speaker, child sex predators thrive on secrecy, a secrecy that allows them to commit heinous crimes against children. In 1994, a young girl from my district was lured into the home of a convicted pedophile who lived across the street from her. Megan Kanka, 7, was raped and murdered. No one, including Megan's parents, knew that their neighbor had been convicted of child sexual assault. The outrage over this tragedy led to the enactment of Megan's Laws—public sex offender registries—in every State in the country.

It is imperative that we take the lessons we have learned on how to protect our children from known child sex predators within our borders and expand those protections globally.

Mr. Speaker, a deeply disturbing 2010 report by the GAO, entitled ''Current Situation Results in Thousands of Passports Issued to Registered Sex Offenders,'' found that at least 4,500 U.S. passports were issued to registered sex offenders in fiscal year 2008 alone.

Meanwhile, law enforcement and media reports continue to document Americans on the U.S. sex offender registries who were caught sexually abusing children in East Asia, Central and South America, and elsewhere in the world. It is the same horror movie replayed over and over.

Homeland Security's Angel Watch program has been doing an outstanding job in alerting countries about potential danger from American sex offenders. H.R. 515 would codify and streamline this excellent program, ensuring that actionable information about child sex offender travel actually gets to the destination country in time for those countries to assess the potential dangers and respond appropriately, whether that is to allow entry, deny entry or a visa, monitor travel, or limit travel. Once notified, nations are empowered to take protective action.

International Megan's Law also directs the President to include guidance in diplomacy, training, and technical assistance abroad on how other countries can create their own public or private sex offender registries similar to what we have in the United States, and how we can use these registries to alert the United States when a child sex offender is intending to travel here to abuse our children. The goal is reciprocity, reciprocal notice to protect children at home and abroad from known sex offenders.

I personally have spoken to foreign officials and nongovernment representatives who have asked me when the United States Congress is going to do something about American sex offenders who are traveling to their country to rape their children. I hear this especially in the developing world. H.R. 515, the International Megan's Law to Prevent Demand for Child Sex Trafficking, is a serious response to that question.

I would also point out parenthetically, as the Special Representative for Combating Trafficking at the Organization for Security and Cooperation in Europe's Parliamentary Assembly last year, we got passed a resolution calling for this kind of noticing country to country so the secrecy is taken out of sex tourism designed to exploit and abuse children.

I urge Members to support the bill.

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

One last comment about the bill before us. The rule of construction was added to the bill, and I would like to make it clear that this rule of construction does not supersede the bill's

general notification requirements, which require the Department of Homeland Security to try to alert a convicted child sex offender whose travel is reported to their country of destination, which is one way of deterring them.

Child sex tourism is an outrageous crime, and we have the responsibility to do everything we can to make it difficult for offenders to prey on their victims. I strongly support this bill and encourage my colleagues to do so as well.

I yield back the balance of my time.

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

You have heard today about the horrific child sex tourism industry. This is only going to get worse if we do not take action. Furthermore, there are child victims here at home, too. An increasingly mobile society has made it easier for child predators to commit, and evade justice for, their heinous crimes.

The bill before us today represents a concerted effort to combat this appalling injustice. Better communications among U.S. officials and our foreign counterparts all around this globe means more of these criminals can and will be stopped from exploiting children overseas.

Again, I commend Chairman SMITH for his work on this bipartisan legislation. I encourage Members to support passage of H.R. 515, International Megan's Law to Prevent Demand for Child Sex Trafficking.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DUNCAN of Tennessee). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 515.

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.

HUMAN TRAFFICKING PREVENTION ACT

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 357) to amend the Trafficking Victims Protection Act of 2000 to expand the training for Federal Government personnel relating to trafficking in persons, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 357

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 ''Human Trafficking Prevention Act''.

SEC. 2. EXPANDED TRAINING RELATING TO TRAFFICKING IN PERSONS.

Section 105(c)(4) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(c)(4)) is amended—

(1) by inserting '', including members of the Service (as such term is defined in section 103 of the Foreign Service Act of 1980 (22 U.S.C. 3903))'' after ''Department of State''; and

(2) by adding at the end the following: ''Training under this paragraph shall include, at a minimum, the following:

''(A) A distance learning course on trafficking-in-persons issues and the Department of State's obligations under this Act, targeted for embassy reporting officers, regional bureaus' trafficking-in-persons coordinators, and their superiors.

''(B) Specific trafficking-in-persons briefings for all ambassadors and deputy chiefs of mission before such individuals depart for their posts.

''(C) At least annual reminders to all such personnel, including appropriate personnel from other Federal departments and agencies, at each diplomatic or consular post of the Department of State located outside the United States of key problems, threats, methods, and warning signs of trafficking in persons specific to the country or jurisdiction in which each such post is located, and appropriate procedures to report information that any such personnel may acquire about possible cases of trafficking in persons.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from Rhode Island (Mr. CICILLINE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today as a committed participant in this body's decade-and-a-half-long fight against human trafficking since the passage of the Trafficking Victims Protection Act of 2000. Although we have made some progress and raised global awareness on this issue, there are still today somewhere around 20 million people around the world who remain subject to the horrors of this modern day slavery, either through trafficking for exploitation for work or child sex trafficking. Most of these victims are women, and many, as you know, Mr. Speaker, are children.

Given the high stakes, U.S. officials working overseas must be able to recognize the signs, the telltale signs, of this terrible crime. If they do not know which groups are most vulnerable, or what activities should raise their suspicions, then successful action is very unlikely.

Though current law requires that State Department personnel be trained to identify trafficking victims, it does not prescribe how they should be trained. This bill does. The Human Trafficking Prevention Act would specify minimum training requirements for the Department of State. These would include a training course for Department personnel who deal with trafficking issues, in addition to trafficking briefings for all of our Ambassadors and all of our deputy chiefs of mission before they depart for their posts. It also ensures that U.S. officials stationed overseas get annual updates on trafficking-related developments related to the countries where they are working.

We have done a lot to move legislation to force other countries to adopt legislation. But our Ambassadors overseas and their deputies overseas need this education.

While the State Department currently appears to be meeting many of the standards, we all know that practices can change, and by specifying reasonable minimal requirements for such training, this bill strengthens existing law at no additional cost to our taxpayers.

I want to recognize the gentleman from New York (Mr. SEAN PATRICK MALONEY), who authored this measure, which passed as H.R. 4449 during the last Congress, and I want to thank him for reintroducing the bill that is before us today.

While we are discussing improvements to the anti-trafficking practices of our foreign affairs agencies, I also want to invite my colleagues to cosponsor H.R. 400, the bipartisan Trafficking Prevention in Foreign Affairs Contracting Act, that my ranking member of the committee, ELIOT ENGEL, and I recently introduced and which we hope to move forward promptly.

I reserve the balance of my time.

Mr. CICILLINE. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of H.R. 357, the Human Trafficking Prevention Act.

Mr. Speaker, I would first like to thank my friend and colleague, the distinguished gentleman from New York (Mr. SEAN PATRICK MALONEY), for introducing this important piece of legislation.

Mr. Speaker, human trafficking is modern-day slavery. Its victims are robbed of both their freedom and dignity. Human trafficking violates the founding principles of the United States—life, liberty, and the pursuit of happiness—and humanity's very fundamental principle of respect.

According to the United Nations Office on Drugs and Crime, almost every nation in the world is affected by trafficking. There are at least 152 countries of origin and 124 countries of destination affected by human trafficking, totaling over 510 trafficking flows around the world.

Human trafficking victims often pay to be illegally transported into various countries, only to find themselves at the mercy of their captors, deprived of their freedom. They are forced into various forms of servitude to repay their debts. Frighteningly, the U.N. also reports that 1 in 3 known victims

BUSINESS MEETING

Tuesday, November 10, 2015

UNITED STATES SENATE
COMMITTEE ON FOREIGN RELATIONS
114TH Congress, First Session

1 [A chorus of ayes.]

2 **THE CHAIRMAN.** Opposed?

3 [No response.]

4 **THE CHAIRMAN.** With that, the ayes have it, and the legislation is amended and

5 agreed to.

6 Lastly, we will consider H.R. 515, International Megan's Law to Prevent Demand

7 for Child Sex Trafficking.

8 We want to thank the co-sponsors of this legislation, Representative Chris Smith,

9 Senator Shelby, Senator Mikulski, for bringing this bill before the committee. I also

10 want to thank Senator Cardin, Senator Johnson, Senator Markey, Senator Barrasso, and

11 their staff for working with us on this bill. The substitute amendment before the

12 committee was produced through extensive consultations with the interested executive

13 departments, the bill sponsors, the Judiciary, and Homeland Security Committee staff.

14 Senator Cardin, do you have any comments on this legislation?

15 **SENATOR CARDIN.** Again, I commented about this in my opening comments, and I

16 urge colleagues to support the bill.

17 **THE CHAIRMAN.** Anyone else want to speak to it?

18 [No response.]

1 **THE CHAIRMAN.** Okay. I am going to ask unanimous consent to take up the revised
2 manager's amendment to the substitute circulated just before this meeting, which
3 ensures the improvements from Senator Markey are directly included.
4 All right. Without objection, then that is what we are taking up. Is there a
5 motion to approve?
6 **SENATOR CARDIN.** So moved.
7 **THE CHAIRMAN.** Is there a second?
8 **SENATOR JOHNSON.** Second.
9 **THE CHAIRMAN.** So moved and seconded.
10 All in favor, say aye.
11 [A chorus of ayes.]
12 **THE CHAIRMAN.** And with that, the ayes — all opposed.
13 [No response.]
14 **THE CHAIRMAN.** The ayes have it. The amendment is — the bill is agreed to.
15 Okay. I think — are we good? I know that was somewhat confusing. We have a
16 title amendment —
17 **SENATOR BARRASSO.** Mr. Chairman, that includes my amendment with your
18 secondary.
19 **THE CHAIRMAN.** That is right. That is right.
20 **SENATOR BARRASSO.** Okay.

1 **THE CHAIRMAN.** Thank you so much for working with us on that. Okay. I need my
2 staff's assistance here as we move to the —
3 **SENATOR CARDIN.** I just want to acknowledge Senator Barrasso's work. I thought
4 your addition was a very important one on accountability, so thank you.
5 **SENATOR BARRASSO.** And I appreciate it, Mr. Chairman. You know, when
6 Congress creates new programs, I think it is important that we provide the safeguards
7 to protect innocent individuals who are mistakenly targeted. We have seen it with no
8 fly lists where people mistakenly are included.
9 And I would go as far as to say not just file a complaint, but also be compensated
10 for expenses. I know there are some issues with the Justice Department with
11 compensation, but I think this amendment actually strengthens what we are trying to
12 do here and helps protect innocent individuals wrongfully listed by somebody checking
13 the wrong box or making a mistake along the process. So thank you.
14 **THE CHAIRMAN.** I think there are numbers of us that had concerns about that. I
15 think you all did a great job in addressing that. And, you know, while we want to
16 combat this in every way that we can, we also do not want to citizens unfortunately put
17 on a list they are not supposed to be on, and having difficulty getting off. That is
18 correct. So, look, I am sorry we had to walk through this, but —
19 If there is no further discussion, I would like to entertain a motion to consider the
20 title change amendment by voice vote.

1 **THE CHAIRMAN.** Is there a second?

2 **SENATOR BOXER.** Second.

3 **SENATOR JOHNSON.** Second.

4 **THE CHAIRMAN.** So moved and seconded. The question is on the motion to

5 approve H.R. 515, as amended.

6 All in favor, say aye.

7 [A chorus of ayes.]

8 **THE CHAIRMAN.** Opposed?

9 [No response.]

10 **THE CHAIRMAN.** With that, the ayes have it. The legislation — as amended – is

11 agreed to.

12 And that completes the committee's business. I ask unanimous consent — and

13 this is important — that the record be held open for five business days so that staff be

14 authorized to make technical and conforming changes and for member statements.

15 Without objection, so ordered.

[The material referred to above follows:]

Statement for the Record from Senator Marco Rubio on the
Nomination of Roberta Jacobson to be Ambassador to Mexico

16 I have always taken seriously my "advice and consent" role in the

17 Senate on nominations made by the President. I believe that America must be

18 represented around the world by the very best ambassadors and that is

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Union Calendar No. 40

115th Congress, 1st Session – – – – – – – – – – – – – House Report 115–69

AUTHORIZATION AND OVERSIGHT PLANS

FOR ALL

HOUSE COMMITTEES

BY THE

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

(Required by House Rule X, Clause 2)

MARCH 29, 2017—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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COMMITTEE ON ENERGY AND COMMERCE

AUTHORIZATION AND OVERSIGHT PLAN

(Adopted January 25, 2017)

During the 115th Congress, the Committee on Energy and Commerce will hold hearings and conduct rigorous oversight over matters within its jurisdiction. The Committee will conduct thorough oversight, reach conclusions based on an objective review of the facts, and treat witnesses fairly. The Committee will request information in a responsible manner that is calculated to be helpful to the Committee in its oversight responsibilities. The Committee's oversight functions will focus on: (1) Cutting government spending through the elimination of waste, fraud, and abuse and (2) ensuring laws are adequate to protect the public interest or are being implemented in a manner that protects the public interest, without stifling economic growth. The Committee will use the information it collects through its oversight to inform the reauthorization of certain lapsed programs within its jurisdiction.

HEALTH AND HEALTHCARE ISSUES

Patient Protection and Affordable Care Act

To aid in legislative efforts to replace the Patient Protection and Affordable Care Act (PPACA), the Committee will continue to examine issues related to the Department of Health and Human Services (HHS) implementation of PPACA, Public Law 111–148, and the related Health Care and Education Reconciliation Act of 2010, Public Law 111–152. It is critical that the Committee understand decisions made in drafting and implementing PPACA so that it can replace PPACA with better solutions focused on helping consumers. The Committee will examine the continuing impact of PPACA and its implementing regulations on the economy, consumers, and the health care industry. The Committee will also examine the status and future of employer-sponsored health care plans as well as the effects of PPACA's enactment on the States. The Committee will continue to monitor the law's effects on individuals as well as the regulations and requirements imposed on small and large businesses.

Centers for Medicare and Medicaid Services

The Committee will review the management, operations, and activity of the Centers for Medicare and Medicaid Services (CMS) and the programs it administers. The Committee will examine and review Medicare and Medicaid management and activity as it relates

to ongoing Committee efforts to prevent bias, waste, fraud, and abuse in Federal health care programs. The Committee will investigate the process by which CMS implements statutory formulas to set prices for Medicare payment, as well as the effectiveness of those formulas. The Committee will investigate the processes by which CMS prevents bias, waste, fraud, and abuse in the award of government contracts.

FOOD AND DRUG ADMINISTRATION AND DRUG SAFETY

The Committee will review whether the Food and Drug Administration (FDA) is ensuring that regulated drugs and medical devices are safe, effective, and available to American patients in an expeditious fashion. The Committee will also explore the interplay between these policies and drug and medical device innovation, both in the United States and abroad. Further, the Committee will examine FDA's enforcement of current drug safety laws and the issues involved in protecting the nation's supply chains against economically motivated and other forms of adulteration, including those posed by illegal drug supply chains and economically-motivated adulteration. The Committee will examine whether FDA's reorganization efforts are improving the effectiveness of product reviews, or worsening delays and inefficiency in decision-making. The Committee will review FDA's efforts to improve and modernize import-safety screening, and the management of its foreign inspection program.

PUBLIC HEALTH AND PANDEMIC PREPAREDNESS

The Committee will examine the roles of various Federal agencies involved in insuring and protecting the public health, including the implementation and management of these programs. In particular, the Committee will review Federal efforts on the opioid epidemic, pandemic preparedness, including influenza preparedness, the United States' response to the spread of the Zika virus, and other emerging infectious disease threats from abroad. The Committee will continue to evaluate the Federal response to the opioid epidemic, the Zika virus, and other public health emergencies to better understand the operation and efficacy of key public health programs and to address broader concerns about national all-hazards preparedness and response capacity. Further, the Committee will monitor related spending to ensure the appropriate and efficient use of Federal tax dollars.

21ST CENTURY CURES AND MENTAL HEALTH REFORMS

In the 115th Congress, the Committee will examine implementation of the 21st Century Cures Act, landmark legislation that will expedite the discovery, development, and delivery of new treatments and cures. The legislation also included meaningful mental health reforms. The Committee will ensure that HHS and its component agencies, including FDA and the National Institutes of Health, and other relevant agencies implement the legislation in a manner that will quickly deliver the benefits provided by the law. The Committee will conduct oversight of the implementation of and work done by the newly-created Assistant Secretary for Mental

Health and Substance Use, an office which will be responsible for HHS mental health programs and policies. The Committee will also examine regulations drafted to implement the 21st Century Cures Act to ensure they comport with the intent of Congress, and will monitor funding provided by the legislation to ensure that it is appropriately spent.

ENERGY AND ENVIRONMENT ISSUES

NATIONAL ENERGY POLICY

During the 115th Congress, the Committee will examine issues relating to national energy policy, including U.S. policies that relate to the exploration, production, distribution, and consumption of electricity, oil and natural gas, coal, hydroelectric power, nuclear power, and renewable energy. The Committee will examine the impact of government policies and programs on the efficient exploration, production, storage, supply, marketing, pricing, and regulation of domestic energy resources, including issues relating to the nation's energy infrastructure. The Committee will continue to examine safety and security issues relating to energy exploration, production, and distribution.

ELECTRICITY SYSTEM AND ELECTRIC UTILITY MARKETS

During the 115th Congress, the Committee will undertake a comprehensive review of the nation's electricity system. This effort will include a review of the federal electricity policies of the Department of Energy (DOE) and the Federal Energy Regulatory Commission (FERC) to ensure that those policies promote competitive wholesale power markets, transmission, generation infrastructure upgrades, and compliance with relevant statutes. It will also examine the activities of the DOE and FERC relating to electric industry restructuring, protection of consumers, and the development of efficient and vigorous wholesale markets for electricity. It will also continue to examine the activities of the DOE and FERC with respect to Environmental Protection Agency (EPA) regulations affecting the electricity sector, including regulatory requirements that may impact consumer prices and reliability of the electricity grid.

ENERGY EFFICIENCY

The Committee will continue to assess federal programs setting energy efficiency standards for motor vehicles, crafted by EPA and the National Highway Traffic Safety Administration (NHTSA), and home appliances, crafted by DOE, to ensure that the programs are implemented in a manner that maximizes the benefit to consumers. In the case of motor vehicle standards, the Committee will also assess the merit of having two federal agencies operating parallel efficiency programs. The Committee will continue to promote energy efficiency initiatives in order to create jobs, save businesses and consumers money, and improve our nation's energy security. This may include federal programs setting energy efficiency standards for motor vehicles and appliances, to ensure that the programs are implemented in a manner that rewards innovation, ensures bene-

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117TH CONGRESS
1st Session

COMMITTEE PRINT

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CONCURRENT RESOLUTION ON THE BUDGET FISCAL YEAR 2022

COMMITTEE PRINT

TO ACCOMPANY

S. CON. RES. 14

COMMITTEE ON THE BUDGET
UNITED STATES SENATE

BERNARD SANDERS, *Chairman*

AUGUST 2021

Prepared for the use of the Committee on the Budget. This document has not been officially approved by the Committee and may not reflect the views of its members.

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United States Senate
COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS
WASHINGTON, DC 20510-6300

June 15, 2021

The Honorable Bernard Sanders
Chairman
Senate Budget Committee
624 Dirksen Senate Building
Washington, D.C. 20510

The Honorable Lindsey Graham
Ranking Member
Senate Budget Committee
624 Dirksen Senate Building
Washington, D.C. 20510

Dear Bernie and Lindsey:

I am writing in response to your letter dated May 21, 2021, requesting a views and estimates letter for programs and activities that fall under the jurisdiction of the Senate Committee on Health, Education, Labor and Pensions (HELP) pursuant to Section 301(d) of the Congressional Budget Act.

As Ranking Member of the HELP Committee, I will work to conduct oversight on the $4 trillion that has been authorized by Congress to address the COVID-19 pandemic. This country is over $28 trillion in debt, and we cannot continue to practice this out-of-control, irresponsible spending that will be passed on to future generations. I will work to make sure the money is being spent in responsible ways, is accounted for, and does not fall subject to fraud and waste.

There are many important issues facing our country, and Congress should work to address them in a bipartisan manner instead of forcing through massive policy changes through the partisan reconciliation process that could come down to a 50-50 tie vote with a majority provided by the Vice President's vote. The work we do in the HELP Committee deserves thorough evaluation and bipartisan results —former Chairman Ted Kennedy once said that the committee had 30 percent of the legislative jurisdiction of the Senate.

Health

Improving Public Health Infrastructure

The COVID-19 pandemic isn't over yet, but now is the time to take stock of the lessons learned over the last year and to begin preparing for the next potential threat. I will be working with Chairman Murray on bipartisan strategies for strengthening and modernizing federal public health and medical preparedness and response systems and programs. We need to conduct

appropriate oversight to gather an honest accounting of the successes and shortcomings in our response to COVID-19, so we can accurately fill the gaps in our public health architecture. We will look to strengthen readiness within the medical countermeasure enterprise to ensure that countermeasures can be rapidly identified and advanced through clinical development and manufacturing and appropriately deployed and distributed when a new public health threat is identified. Also, we will work to modernize the development of medical countermeasures to address public health threats and improve and secure the supply chain for the U.S.'s critical medical supplies needed to swiftly address future public health threats.

Centers for Disease Control (CDC)

The COVID-19 pandemic highlighted short-comings with the CDC. One of the most obvious lessons we've learned is Americans need to be able to trust the guidance issued by public health officials will be clear, consistent, and follow the best available science. Throughout the pandemic, the CDC failed to meet the mark. Its guidance and public statements have been contradictory, confused, and often lagged behind the latest science. The public's trust in the CDC's ability to fulfill its core mission has been threatened by a series of missteps.

As part of the bipartisan efforts to improve public health infrastructure, I'll review health agencies and make recommendations to address weaknesses. Already this Congress, as Ranking Member I issued a policy brief recommending the following: CDC needs strong, effective leadership and a strengthened relationship with Congress to enhance accountability; CDC needs a strategic plan to guide and prioritize the agency's work to align with strategically set goals and include accompanying performance measures; and CDC must keep pace with scientific advancement and better fulfill its mission to protect the public health during future responses by developing more frequent and effective partnerships with private industry and academic institutions.

Billions of dollars flow to our health agencies each year and strong oversight is needed to make sure taxpayer dollars are being spent efficiently, effectively, and with clear performance measures. We cannot afford to simply shift state and local responsibilities to federal taxpayers as some would propose.

Food and Drug Administration (FDA)

We need to make sure that FDA is stretching every dollar as far as it can go, including ensuring existing authorities are supporting the response to the nationwide opioid crisis. The COVID-19 pandemic has made the nation's drug overdose epidemic worse.

In regards to FDA's medical products authorities, the agency should continue focusing on how to help the many patients that exist with no cure or treatment. Dr. Francis Collins of the National Institutes of Health (NIH) wrote in 2013, "Drugs exist for only about 250 of the more than 4,400 conditions with defined molecular causes. And it takes far too long and far too much money to

COVID-19 Recovery

The Senate HELP Committee has oversight of nearly all the most important aspects of our pandemic response – from health care, to the federal government's role in reopening schools, to safe workplaces. It will be my goal to conduct strong oversight of our recovery to ensure the federal government is pursuing a strengthened America and not taking advantage of the pandemic to implement counter-productive, costly, and outdated policies that increase government control and hamper economic growth.

Thank you for your consideration of these issues. If you have questions and are unable to reach me, please have your staff contact David P. Cleary, Minority Staff Director, at 202-224-9021.

Sincerely,

Richard Burr
Ranking Member
Committee on Health, Education, Labor and Pensions

December 10, 2020

The Honorable Alex Michael Azar Jr.
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dr. Robert R. Redfield, MD
Director
Centers for Disease Control and Prevention
1600 Clifton Road
Atlanta, Georgia 30329-4027

Dear Secretary Azar and Dr. Redfield:

More than seven months ago, we wrote to the Centers for Disease Control and Prevention (CDC) requesting records related to the COVID-19 pandemic, the dangers posed to the cruise industry from this outbreak and how the industry, particularly the Carnival Corporation and its affiliated cruise lines, had responded to the pandemic. As part of that request we also asked for communications with other Federal agencies, state health departments and the White House's COVID-19 Economic Recovery Task Force regarding these matters.

Rather than permitting the CDC to respond to the Committee directly, we understand that our request is being handled by the Department of Health and Human Services (HHS) instead. To date, the CDC/HHS has provided the Committee with a single records production on July 10, 2020, five months ago, of just 180 pages of records. We would note that we have received nearly 12,000 pages of records from Carnival and the U.S. Coast Guard has provided us with eight productions of records in the same time period.

We understand that staff at CDC and HHS have been focused on responding to the COVID-19 pandemic. However, even given these extenuating circumstances, the response from your agencies to our Committee to date has been completely unacceptable. As Members of Congress and senior Federal officials, we are all ultimately accountable to the American public. In our roles, as the Chairs of a Congressional Committee and one of its Subcommittees, we have an obligation to provide oversight of Executive Branch agencies, and we take that commitment seriously. We trust that you take your obligations to Congress seriously as well.

Months ago, our staff was told that CDC/HHS had identified an estimated 7,000 documents that were potentially responsive to our May 1, 2020, records request. Yet, as we indicated above, you have so far only provided the Committee with 180 pages of records. We would also point out that on October 13, 2020, Subcommittee Chair Maloney wrote to the CDC requesting additional COVID-19 related records regarding the CDC's "No Sail Order" and related issues. The Committee has received no update on the status of that records request that was sent nearly two months ago.

We would like a detailed explanation regarding the status of both of these records requests and an estimated timeline for their full completion. Please provide us with specific answers to the questions listed below by Wednesday, December 23, 2020, at the latest:

- How many total records (or pages of records) has CDC and HHS identified to date that are responsive (or potentially responsive) to our May 1, 2020, records request?

- Has CDC/HHS already completed its search of responsive records to the Committee or is that search still ongoing? If the search is still ongoing, when do you anticipate it being completed?

- How many records (or pages of records) have been reviewed to date?

- How many records (or pages of records) have been cleared for delivery to the Committee to date?

- Which specific office at CDC and HHS, and any office outside of HHS, has been engaged in reviewing these records for response/delivery to the Committee?

    - Please provide the name or names of the key individuals in each office involved in this review.

- The Committee originally agreed to receiving these records on a rolling basis. What is the estimated date of the next delivery of records to the Committee, and approximately how many records (or pages of records) do you expect to provide?

- What is your estimated timeline on fully completing the records production to the Committee in response to our May 1, 2020, records request?

Please answer the same exact set of questions listed above regarding the October 13, 2020, letter to CDC from Chair Maloney as well.

This request and our understanding of the actions taken by both the Carnival Corporation and the CDC in response to the threat of COVID-19 on cruise ships will help enhance the safety of the public. We appreciate your attention to this matter. If you have any questions regarding this request, please have your staff contact Douglas Pasternak of the Majority Staff at (202) 226-1871 or via e-mail at doug.pasternak@mail.house.gov.

Sincerely,

PETER A. DeFAZIO
Chair

SEAN PATRICK MALONEY
Chair
Subcommittee on Coast Guard
and Maritime Transportation

Enclosures: May 1, 2020 Letter from Chairs DeFazio and Maloney to CDC Director
October 13, 2020 Letter from Subcommittee Chair Malone to CDC Director

cc: The Honorable Sam Graves, Ranking Member

The Honorable Bob Gibbs, Ranking Member,
Subcommittee on Coast Guard and Maritime Transportation

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WASHINGTON, DC 20510

COMMITTEES:
ARMED SERVICES
ENERGY AND NATURAL RESOURCES
INTELLIGENCE
JOINT ECONOMIC

June 18, 2020

Dr. Robert R. Redfield
Director
Centers for Disease Control and Prevention
1600 Clifton Road
Atlanta, GA 30329

Dear Director Redfield,

I write you today concerning reports that the Center for Disease Control and Prevention (CDC) has turned down tribal epidemiologists' requests for data showing how the coronavirus (COVID-19) is spreading around their communities. This is the same data that the CDC is making freely available to states. By not allowing Native communities access to this data, your agency is playing a role in widening the health disparities that are already running rampant in areas that are ill-equipped to contain the spread and the outcomes of this pandemic.

I have serious concerns about reports that federal officials have been denying a release of data from the nation's 12 tribal epidemiology centers over the last month, including the Albuquerque Area Southwest Tribal Epidemiology Center and the Navajo Epidemiology Center. As you know, these tribal epidemiology centers are vital in helping to advance health care in Native communities by investigating diseases and injuries of concern, providing data and reports to help health programs effectively manage programs, responding to public health emergencies, and coordinating these activities with other public health authorities.

The refusal to release this data is putting these communities at a higher risk for COVID-19. In order to properly and effectively contain the spread of COVID-19, data is needed so that public health officials have the opportunity to plan, implement and evaluate public health practices. Additionally, this data will help identify underlying conditions that make these communities more susceptible to this virus.

Over the course of this pandemic, we have seen the devastation caused by COVID-19 throughout the United States, and particularly within our Native communities. The federal government cannot allow these communities to keep suffering; it has a trust responsibility to ensure that Native American populations have access to the resources needed to keep their communities safe, especially during a global pandemic. I urge you to work with tribal epidemiologists around the country and to immediately share the data they are requesting so that they have the same chance as states to fight against COVID-19.

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Thank you for your attention to this matter and I look forward to your quick response.

Sincerely,

MARTIN HEINRICH
United States Senator

Congressional Budget Office
Cost Estimate

July 29, 2021

At a Glance

S. 1491, Rural Maternal and Obstetric Modernization of Services Act

As ordered reported by the Senate Committee on Health, Education, Labor, and Pensions on May 25, 2021

By Fiscal Year, Millions of Dollars	2021	2021-2026	2021-2031
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	50	not estimated

		Mandate Effects	
Statutory pay-as-you-go procedures apply?	No		
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

S. 1491 would expand reporting and research related to maternal health, establish two new grant programs to improve maternal health care in rural areas, and permit existing telehealth grants to be given to maternal and obstetric care units.

Section 2 would direct the Centers for Disease Control and Prevention (CDC) to further disaggregate maternal health data and to report on research focused on maternal health in rural areas. Based on information from CDC and historical spending patterns for similar activities, CBO estimates that section 2 would increase spending by $16 million over the 2021-2026 period, subject to the availability of appropriated funds.

S. 1491 would authorize $3 million annually over the 2022-2026 period to establish the Rural Obstetric Network Grants program to fund networks aimed at improving maternal and infant health and reducing preventable maternal mortality and severe maternal morbidity. The Secretary of Health and Human Services (HHS) would be directed to report to the Congress on funded activities. Based on historical spending patterns for similar activities, CBO estimates that the program would cost $13 million over the 2021-2026 period. The rest would be spent after 2026.

The bill also would authorize $5 million annually over the 2022-2026 period for HHS to establish the Rural Maternal and Obstetric Care Training Demonstration program, which

would provide grants to schools for health care professionals to provide training in practices aimed at improving prenatal, labor and delivery, and postpartum care in rural, community-based settings. The Secretary of HHS would be directed to report to the Congress on the program's activities and their results. Based on historical spending patterns for similar activities, CBO estimates that the program would cost $21 million over the 2021-2026 period. The rest would be spent after 2026.

The CBO staff contact for this estimate is Alice Burns. The estimate was reviewed by Leo Lex, Deputy Director of Budget Analysis.