

□ 1915

PROTECTING AND SECURING CHEMICAL FACILITIES FROM TERRORIST ATTACKS ACT OF 2023

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4470) to extend the authorization of the Chemical Facility Anti-Terrorism Standards Program of the Department of Homeland Security, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. GUEST) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 1, not voting 23, as follows:

[Roll No. 366]

YEAS—409

Adams	Chavez-DeRemer	Fitzpatrick
Aderholt	Cheriflus-	Fleischmann
Aguiar	McCormick	Flood
Alford	Chu	Foster
Allen	Ciscomani	Foushee
Allred	Clark (MA)	Fox
Amodei	Clarke (NY)	Frankel, Lois
Armstrong	Cleaver	Franklin, C.
Arrington	Cline	Scott
Auchincloss	Cloud	Frost
Babin	Clyburn	Fry
Bacon	Clyde	Fulcher
Baird	Cohen	Gallagher
Balderson	Cole	Garamendi
Balint	Collins	Garbarino
Banks	Comer	Garcia (IL)
Barr	Connolly	Garcia (TX)
Barragan	Correa	Garcia, Mike
Bean (FL)	Costa	Gimenez
Beatty	Courtney	Golden (ME)
Bentz	Craig	Goldman (NY)
Bera	Crane	Gomez
Bergman	Crawford	Gonzales, Tony
Beyer	Crenshaw	Good (VA)
Bice	Crockett	Gooden (TX)
Biggs	Crow	Gosar
Bilirakis	Cuellar	Gottheimer
Bishop (GA)	Curtis	Granger
Bishop (NC)	D'Esposito	Graves (LA)
Blumenauer	Davidson	Green (TN)
Blunt Rochester	Davis (IL)	Green, Al (TX)
Boebert	Davis (NC)	Greene (GA)
Bonamici	De La Cruz	Griffith
Bost	Dean (PA)	Grothman
Bowman	DeGette	Guest
Boyle (PA)	DeLauro	Guthrie
Brecheen	DelBene	Hageman
Brown	Deluzio	Harder (CA)
Brownley	DeSaulnier	Harris
Buchanan	DesJarlais	Harshbarger
Buck	Diaz-Balart	Hayes
Bucshon	Dingell	Hern
Budzinski	Doggett	Higgins (NY)
Burchett	Donalds	Hill
Burgess	Duarte	Himes
Burlison	Duncan	Hinson
Bush	Dunn (FL)	Horsford
Calvert	Edwards	Houchin
Cammack	Ellzey	Houlahan
Caraveo	Emmer	Hoyer
Carbajal	Escobar	Hoyle (OR)
Cárdenas	Eshoo	Hudson
Carl	Españillat	Huizenga
Carson	Estes	Issa
Carter (GA)	Evans	Ivey
Carter (LA)	Ezell	Jackson (IL)
Carter (TX)	Fallon	Jackson (NC)
Cartwright	Feenstra	Jackson (TX)
Casas	Ferguson	Jacobs
Case	Finstad	James
Casten	Fischbach	Jayapal
Castor (FL)	Fitzgerald	Jeffries
Castro (TX)		Johnson (GA)

Johnson (LA)	Mooney	Scott, Austin
Johnson (OH)	Moore (AL)	Scott, David
Johnson (SD)	Moore (WI)	Self
Jordan	Moran	Sessions
Joyce (OH)	Morelle	Sherman
Joyce (PA)	Moskowitz	Sherrill
Kamlager-Dove	Moulton	Simpson
Kaptur	Mrvan	Slotkin
Kean (NJ)	Mullin	Smith (MO)
Kelly (IL)	Murphy	Smith (NE)
Kelly (MS)	Nadler	Smith (NJ)
Kelly (PA)	Napolitano	Smith (WA)
Khanna	Neal	Smucker
Kiggans (VA)	Neguse	Sorensen
Kildee	Nehls	Soto
Kiley	Newhouse	Spanberger
Kilmer	Nickel	Spartz
Kim (CA)	Norcross	Stanton
Kim (NJ)	Norman	Staubert
Krishnamoorthi	Nunn (IA)	Steel
Kuster	Obernolte	Stefanik
Kustoff	Ocasio-Cortez	Steil
LaHood	Ogles	Steube
LaLota	Omar	Stevens
LaMalfa	Owens	Strickland
Lamborn	Pallone	Strong
Landsman	Palmer	Swalwell
Langworthy	Panetta	Sykes
Larsen (WA)	Pappas	Takano
Larson (CT)	Pascrell	Tenney
Latta	Payne	Thanedar
LaTurner	Pelosi	Thompson (CA)
Lawler	Peltola	Thompson (PA)
Lee (CA)	Pence	Tiffany
Lee (FL)	Perez	Timmons
Lee (PA)	Perry	Titus
Leger Fernandez	Peters	Tlaib
Lesko	Pettersen	Tokuda
Letlow	Pfleger	Tonko
Levin	Phillips	Torres (CA)
Lieu	Pingree	Torres (NY)
Lofgren	Pocan	Trahan
Loudermilk	Porter	Turner
Lucas	Posey	Underwood
Luetkemeyer	Pressley	Valadao
Luna	Quigley	Van Drew
Luttrell	Ramirez	Van Dune
Lynch	Raskin	Van Orden
Mace	Reschenthaler	Vargas
Magaziner	Rodgers (WA)	Vasquez
Malliotakis	Rogers (AL)	Veasey
Mann	Rogers (KY)	Velázquez
Mast	Rose	Wagner
Matsui	Rosendale	Walberg
McBath	Ross	Waltz
McCaul	Rouzer	Wasserman
McClain	Roy	Schultz
McClellan	Ruiz	Waters
McCollum	Ruppersberger	Watson Coleman
McCormick	Rutherford	Weber (TX)
McGarvey	Ryan	Webster (FL)
McGovern	Salazar	Wenstrup
McHenry	Salinas	Westerman
Meeks	Sánchez	Wexton
Menendez	Santos	Wild
Meng	Sarbanes	Williams (GA)
Meuser	Scalise	Williams (NY)
Mfume	Scanlon	Williams (TX)
Miller (IL)	Schakowsky	Wilson (SC)
Miller (OH)	Schiff	Wittman
Miller (WV)	Schneider	Womack
Miller-Meeks	Scholten	Yakym
Mills	Schrier	Zinke
Molinaro	Schweikert	
Moolenaar	Scott (VA)	

NAYS—1

Massie

NOT VOTING—23

Carey	Grijalva	McClintock
Fletcher	Higgins (LA)	Moore (UT)
Gaetz	Huffman	Sewell
Gallego	Hunt	Stansbury
Garcia, Robert	Jackson Lee	Stewart
Gonzalez,	Keating	Thompson (MS)
Vicente	Lee (NV)	Trone
Graves (MO)	Manning	Wilson (FL)

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So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. MANNING. Madam Speaker, I was not recorded on rollcall No. 366. Had I been recorded, I would have voted "yea" on rollcall No. 366.

PERSONAL EXPLANATION

Mr. GRAVES of Missouri. Madam Speaker, I missed a series of rollcall votes. Had I been present, I would have voted "yea" on rollcall No. 365 and "yea" on rollcall No. 366.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

MOMENT OF SILENCE IN MEMORY OF OFFICER JACOB J. CHESTNUT AND DETECTIVE JOHN M. GIBSON

The SPEAKER pro tempore. The Chair asks that the House now observe a moment of silence in memory of Officer Jacob J. Chestnut and Detective John M. Gibson of the United States Capitol Police who were killed in the line of duty defending the Capitol on July 24, 1998.

UNMANNED AERIAL SECURITY ACT

Mr. GUEST. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1501) to prohibit the Secretary of Homeland Security from operating or procuring certain foreign-made unmanned aircraft systems, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1501

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 "Unmanned Aerial Security Act" or the "UAS Act".

SEC. 2. PROHIBITION ON OPERATION OR PROCUREMENT OF CERTAIN FOREIGN-MADE UNMANNED AIRCRAFT SYSTEMS.

(a) PROHIBITION ON AGENCY OPERATION OR PROCUREMENT.—Except as provided in subsection (b) and subsection (c)(3), the Secretary of Homeland Security may not operate, provide financial assistance for, or enter into or renew a contract for the procurement of—

(1) an unmanned aircraft system (UAS) that—

(A) is manufactured in a covered foreign country or by a business entity domiciled in a covered foreign country;

(B) uses flight controllers, radios, data transmission devices, cameras, or gimbals manufactured in a covered foreign country or by a business entity domiciled in a covered foreign country;

(C) uses a ground control system or operating software developed in a covered foreign

country or by a business entity domiciled in a covered foreign country; or

(D) uses network connectivity or data storage located in a covered foreign country or administered by a business entity domiciled in a covered foreign country;

(2) a software operating system associated with a UAS that uses network connectivity or data storage located in a covered foreign country or administered by a business entity domiciled in a covered foreign country; or

(3) a system for the detection or identification of a UAS, which system is manufactured in a covered foreign country or by a business entity domiciled in a covered foreign country.

(b) WAIVER.—

(1) IN GENERAL.—The Secretary of Homeland Security is authorized to waive the prohibition under subsection (a) if the Secretary certifies in writing to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate that a UAS, a software operating system associated with a UAS, or a system for the detection or identification of a UAS described in any of paragraphs (1) through (3) of such subsection that is the subject of such a waiver is required—

(A) in the national interest of the United States;

(B) for counter-DAS surrogate research, testing, development, evaluation, or training; or

(C) for intelligence, electronic warfare, or information warfare operations, testing, analysis, and or training.

(2) NOTICE.—The certification described in paragraph (1) shall be submitted to the Committees specified in such paragraph by not later than the date that is 14 days after the date on which a waiver is issued under such paragraph.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—This Act shall take effect on the date that is 120 days after the date of the enactment of this Act.

(2) WAIVER PROCESS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish a process by which the head of an office or component of the Department of Homeland Security may request a waiver under subsection (b).

(3) EXCEPTION.—Notwithstanding the prohibition under subsection (a), the head of an office or component of the Department of Homeland Security may continue to operate a UAS, a software operating system associated with a UAS, or a system for the detection or identification of a UAS described in any of paragraphs (1) through (3) of such subsection that was in the inventory of such office or component on the day before the effective date of this Act until—

(A) such time as the Secretary of Homeland Security has—

(i) granted a waiver relating thereto under subsection (b); or

(ii) declined to grant such a waiver; or

(B) one year after the date of the enactment of this Act, whichever is later.

(d) DRONE ORIGIN SECURITY REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a terrorism threat assessment and report that contains information relating to the following:

(1) The extent to which the Department of Homeland Security has previously analyzed the threat that a UAS, a software operating system associated with a UAS, or a system for the detection or identification of a UAS

described in any of paragraphs (1) through (3) of subsection (a) operating in the United States poses, and the results of such analysis.

(2) The number of UAS, software operating systems associated with a UAS, or systems for the detection or identification of a UAS described in any of paragraphs (1) through (3) of subsection (a) in operation by the Department, including an identification of the component or office of the Department at issue, as of such date.

(3) The extent to which information gathered by a UAS, a software operating system associated with a UAS, or a system for the detection or identification of a UAS described in any of paragraphs (1) through (3) of subsection (a) could be employed to harm the national or economic security of the United States.

(e) DEFINITIONS.—In this section:

(1) BUSINESS ENTITY.—The term “business entity” has the meaning given such term in section 334 of the Graham-Leach-Bliley Act (15 U.S.C. 6764).

(2) COVERED FOREIGN COUNTRY.—The term “covered foreign country” means a country that—

(A) the intelligence community has identified as a foreign adversary in its most recent Annual Threat Assessment; or

(B) the Secretary of Homeland Security, in coordination with the Director of National Intelligence, has identified as a foreign adversary that is not included in such Annual Threat Assessment.

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

(4) UNMANNED AIRCRAFT SYSTEM; UAS.—The terms “unmanned aircraft system” and “UAS” have the meaning given the term “unmanned aircraft system” in section 44801 of title 49, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. GUEST) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. GUEST. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1501.

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

There was no objection.

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

Madam Speaker, I rise in support of H.R. 1501. It is imperative that the Department of Homeland Security is equipped to protect the Nation against all threats. This protection includes ensuring that the unmanned aircraft systems, or drones, that DHS uses and buys are not made in foreign countries that do not align with our interests, countries like China.

DHS requires the dominant, air domain capabilities that drones provide to accomplish many of its land and maritime missions. DHS uses drones for everything from surveilling the border to the Coast Guard National Security Cutter's operational need for a persistent airborne surveillance capability. Utilizing drones is a cost-effective

way to cover large areas of the homeland.

However, many of the commercial drones used in the United States are manufactured in China, which dominates the United States' market. Of the top 10 drone manufacturers that supply the United States market, a single Chinese manufacturer towers over the others with nearly 77 percent of market share.

Because of this threat, several other Departments, such as Commerce and Interior, have taken actions to ground their drone fleets until the threat to U.S. Government data can be determined.

DHS has also issued warnings in recent years about Chinese-made drones, specifically citing concerns that they may be sending sensitive data to their manufacturers in China where it can then be assessed by the Chinese Government.

Our colleagues in the Senate share our concerns. In fact, Senator RICK SCOTT and MARK WARNER have introduced similar legislation to ban the purchase and use of these drones across the Federal Government, not just at DHS.

Given the role drones have in protecting homeland security, it is more important than ever to require DHS to assess its drone fleets. Once DHS has identified the extent of the problem, we can then work with the Department to find a suitable solution.

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This bill would require DHS to provide a threat assessment report to Congress on whether the agency has analyzed the threat of its drones that are manufactured in covered countries. It would also require that they report the number of these drones the department has in operation and the extent to which the information gathered by these drones may be a threat to the homeland or economic security of the United States.

Second, the bill would prohibit DHS from buying or using drones made in a covered foreign country going forward.

I am proud to say that this bill was passed out of the House Homeland Security Committee in a bipartisan fashion.

I thank my friend and colleague, Chairman GREEN, for being an original cosponsor of this bipartisan legislation and Congressman CUELLAR for being a cosponsor of this bill. I am grateful that this body passed this measure in a bipartisan fashion last Congress, and I am optimistic that we will be able to do so again today.

Madam Speaker, with China looming as a growing threat on the horizon, maintaining our homeland security is of the utmost importance. I urge my colleagues to support H.R. 1501, and I reserve the balance of my time.

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

Madam Speaker, to help carry out its many missions, the Department of

Homeland Security has increasingly come to rely on unmanned aircraft systems, or drones.

DHS utilizes these eyes in the sky to make timely assessments about the extent of damage caused by hurricanes, tornadoes, and other natural disasters in instances where the Federal Emergency Management Agency cannot easily deploy personnel to affected areas.

The Coast Guard uses drones to enhance its ability to collect and disseminate information on maritime hazards and threats. In remote parts of the land border, DHS uses them to detect and prevent illicit smuggling activities.

Many unmanned aircraft systems in the marketplace today are manufactured in nations considered foreign adversaries. As such, there are legitimate security concerns about the integrity of the data drones collect.

Recent reports suggest that Chinese-manufactured drones might be compromised and used to send sensitive information to the Chinese Government.

In response to security concerns, the Departments of the Interior and Defense have taken steps to limit their use of foreign-made drones.

H.R. 1501, the Unmanned Aerial Security Act, would direct the Department of Homeland Security to take similar protective measures.

It would prohibit DHS from purchasing or using drone systems manufactured in a foreign country that is deemed to be an adversary by either the intelligence community's annual threat assessment or the Secretary of Homeland Security.

Importantly, H.R. 1501 allows the Secretary of Homeland Security to waive the prohibition in certain circumstances, such as the national interest of the United States or for research or intelligence purposes.

Finally, the bill requires DHS to report to Congress on information related to drones, including the results of any threat assessments conducted.

H.R. 1501 has bipartisan support and was reported out of the Homeland Security Committee by voice vote.

Madam Speaker, I commend my colleague from Mississippi (Mr. GUEST) for introducing this bill that seeks to ensure the integrity and security of the drone systems that the Department of Homeland Security operates.

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

Mr. GUEST. Madam Speaker, I, again, urge my colleagues to support H.R. 1501, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. LUNA). The question is on the motion offered by the gentleman from Mississippi (Mr. GUEST) that the House suspend the rules and pass the bill, H.R. 1501, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GUEST. Madam Speaker, I object to the vote on the ground that a

quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

FIRST RESPONDER ACCESS TO INNOVATIVE TECHNOLOGIES ACT

Mr. GUEST. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3254) to amend the Homeland Security Act of 2002 to establish a process to review applications for certain grants to purchase equipment or systems that do not meet or exceed any applicable national voluntary consensus standards, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3254

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 "First Responder Access to Innovative Technologies Act".

SEC. 2. APPROVAL OF CERTAIN EQUIPMENT.

(a) IN GENERAL.—Section 2008 of the Homeland Security Act of 2002 (6 U.S.C. 609) is amended—

(1) in subsection (f)—

(A) by striking "If an applicant" and inserting the following:

"(1) APPLICATION REQUIREMENT.—If an applicant"; and

(B) by adding at the end the following new paragraphs:

"(2) REVIEW PROCESS.—The Administrator shall implement a uniform process for reviewing applications that, in accordance with paragraph (1), contain explanations to use grants provided under section 2003 or 2004 to purchase equipment or systems that do not meet or exceed any applicable national voluntary consensus standards developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747).

"(3) FACTORS.—In carrying out the review process under paragraph (2), the Administrator shall consider the following:

"(A) Current or past use of proposed equipment or systems by Federal agencies or the Armed Forces.

"(B) The absence of a national voluntary consensus standard for such equipment or systems.

"(C) The existence of an international consensus standard for such equipment or systems, and whether such equipment or systems meets such standard.

"(D) The nature of the capability gap identified by the applicant and how such equipment or systems will address such gap.

"(E) The degree to which such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed existing consensus standards.

"(F) Any other factor determined appropriate by the Administrator.""; and

(2) by adding at the end the following new subsection:

"(g) REVIEW PROCESS.—The Administrator shall implement a uniform process for reviewing applications to use grants provided under section 2003 or 2004 to purchase equip-

ment or systems not included on the Authorized Equipment List maintained by the Administrator."".

(b) INSPECTOR GENERAL REPORT.—Not later than three years after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report assessing the implementation of the review process established under paragraph (2) of subsection (f) of section 2008 of the Homeland Security Act of 2002 (as added by subsection (a) of this section), including information on the following:

(1) The number of requests to purchase equipment or systems that do not meet or exceed any applicable consensus standard evaluated under such review process.

(2) The capability gaps identified by applicants and the number of such requests granted or denied.

(3) The processing time for the review of such requests.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. GUEST) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. GUEST. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous materials on H.R. 3254.

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

There was no objection.

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

Madam Speaker, I rise today in support of H.R. 3254, the First Responder Access to Innovative Technologies Act. It is a great piece of commonsense legislation that will put in place a better process for our first responders to access FEMA grants to purchase new equipment.

I commend my colleague across the aisle, Mr. PAYNE, for his work on this legislation and supporting first responders. H.R. 3254 passed unanimously out of committee in May, and I urge my colleagues to support its final passage on the floor today.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, our communities look to our first responders to keep us safe. They are our hometown heroes, and it is a local and national tragedy whenever a first responder loses their life in the line of duty.

Earlier this month, two brave Newark firefighters, Augusto Acabou and Wayne Brooks, Jr., lost their lives fighting a shipboard fire in the Port of Newark.

That blaze also injured five of their courageous colleagues.

I believe it is critical for first responders to be prepared by having the