

HAGEMAN) that the House suspend the rules and pass the bill, S. 3706.

The question was taken.

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

Ms. HAGEMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

IMPROVING ACCESS TO OUR COURTS ACT

Mr. ISSA. Mr. Speaker, I move to suspend the rules and pass the bill (S. 227) to amend title 28, United States Code, to provide an additional place for holding court for the Pecos Division of the Western District of Texas, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 227

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 “Improving Access to Our Courts Act”.

SEC. 2. ADDITIONAL PLACES FOR HOLDING COURT.

(a) PECOS DIVISION OF THE WESTERN DISTRICT OF TEXAS.—Section 124(d)(6) of title 28, United States Code, is amended, in the matter preceding paragraph (7), by inserting “and Alpine” after “Pecos”.

(b) WESTERN DISTRICT OF WASHINGTON.—Section 128(b) of title 28, United States Code, is amended by inserting “Mount Vernon,” after “Tacoma.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ISSA) and the gentleman from New York (Mr. NADLER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on S. 227.

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

There was no objection.

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

Mr. Speaker, Americans depend on the Federal court system to protect their rights and obtain relief when their rights are violated. It is also where criminals are prosecuted, highlighting the importance of making our communities safer. That is why improving and ensuring accessibility to courts for our citizens is so important.

This important bill adds four courts to the United States Code to save thousands of Americans in Texas and Washington from having to make long, burdensome trips just to reach the nearest Federal courthouse.

The bill authorizes Federal courts in the Western District of Texas and

Western District of Washington to hold court in Alpine, Texas, and Mount Vernon, Washington, respectively.

Both Alpine and Mount Vernon already have existing facilities necessary to hold court, so the cost of the bill is little or nothing. By authorizing these districts to utilize their locations already built, we will reduce the administrative burdens on the court system and logistic burdens on which businesses count.

For example, the Judicial Conference of the United States has noted that Americans in the Western District of Texas must drive as far as 100 miles to reach the courthouse in Pecos, Texas.

The Judicial Conference identified a similar hardship for Americans in the Western District of Washington. That is why I support this commonsense, bipartisan legislation and urge both sides of the aisle to do the same.

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

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

Mr. Speaker, the Improving Access to Our Courts Act would amend title 28 of the United States Code to provide an additional place for holding court in the Western District of Texas and in the Western District of Washington.

These additional courthouses are needed to better serve the 12.2 million people who call these two districts home.

Both districts are comprised of wide areas of land. The Western District of Washington takes up half of Washington State and the Western District of Texas covers the western 68 counties of the State, which is over 92,000 square miles and is so large that it is in two separate time zones.

Consequently, the citizens of these two districts often need to travel for hours to access the courthouse doors. On paper, our basic rights do not change depending on where we live, yet in practice that is exactly what is happening.

It makes no sense that just because someone lives in a more rural, expansive district, they should incur dramatically increased travel time and administrative costs to seek justice. Adding courthouses is a small step in the right direction toward making the judicial system accessible to all Americans no matter where they live.

The Judicial Conference has recommended the addition of these two courthouses, a recommendation that grew even more urgent after the Western District of Washington's Beltingham facility had part of its roof collapse.

□ 1700

This country cannot have a flourishing justice system when its buildings are falling apart, its staff are underpaid, and there is a perpetual shortage of judges to fairly administer the laws.

This bill will not fix all of these problems, but it will take a small step to

help millions of Americans gain equal access to justice, and I think it is a step worth taking.

We previously passed the House version of this legislation, and I look forward to once again voting in favor of this important legislation, this time to send it to President Biden's desk.

Finally, I thank Representatives TONY GONZALES, RICK LARSEN, and SUZAN DELBENE in the House and Senators CORNYN, MURRAY, CRUZ, and CANTWELL in the Senate for working on a bipartisan basis to introduce this legislation to improve the lives of the residents of Texas and Washington.

Mr. Speaker, this legislation makes a modest but important change to help improve access to justice for millions of Americans. I thank the sponsors, and I yield back the balance of my time.

Mr. ISSA. Mr. Speaker, I join my colleague from New York in urging that this bipartisan bill be passed.

Mr. Speaker, I will close simply by saying it is seldom that people come before this body saying: I have something that will cost the government little or nothing but will save Americans a great deal.

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

The SPEAKER pro tempore (Mr. WEBER of Texas). The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill, S. 227.

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. ISSA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

FOREIGN EXTORTION PREVENTION TECHNICAL CORRECTIONS ACT

Mr. ISSA. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4548) to make a technical correction to the National Defense Authorization Act for Fiscal Year 2024 by repealing section 5101 and enacting an updated version of the Foreign Extortion Prevention Act.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 4548

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 “Foreign Extortion Prevention Technical Corrections Act”.

SEC. 2. TECHNICAL CORRECTION TO 2024 NDAA.

(a) REPEAL OF PREVIOUS VERSION OF FEPA.—Section 5101 of the National Defense Authorization Act for Fiscal Year 2024 (Public Law 118-31) is repealed, and each provision of law amended by that section is

amended to read as it read on the day before the date of enactment of that Act.

(b) PROHIBITION OF DEMAND FOR BRIBE.—

(1) IN GENERAL.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following:

“§ 1352. Demands by foreign officials for bribes

“(a) DEFINITIONS.—In this section:

“(1) FOREIGN OFFICIAL.—The term ‘foreign official’ means—

“(A)(i) any official or employee of a foreign government or any department, agency, or instrumentality thereof; or

“(ii) any senior foreign political figure, as defined in section 1010.605 of title 31, Code of Federal Regulations, or any successor regulation;

“(B) any official or employee of a public international organization;

“(C) any person acting in an official capacity for or on behalf of—

“(i) a government, department, agency, or instrumentality described in subparagraph (A)(i); or

“(ii) a public international organization.

“(2) PUBLIC INTERNATIONAL ORGANIZATION.—The term ‘public international organization’ means—

“(A) an organization that is designated by Executive order pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288); or

“(B) any other international organization that is designated by the President by Executive order for the purposes of this section, effective as of the date of publication of the order in the Federal Register.

“(b) PROHIBITION OF DEMAND FOR A BRIBE.—

“(1) OFFENSE.—It shall be unlawful for any foreign official or person selected to be a foreign official to corruptly demand, seek, receive, accept, or agree to receive or accept, directly or indirectly, anything of value personally or for any other person or non-governmental entity, by making use of the mails or any means or instrumentality of interstate commerce—

“(A) from—

“(i) any person (as defined in section 104A of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-3), except that that definition shall be applied without regard to whether the person is an offender) while the foreign official or person selected to be a foreign official, or a person acting on behalf of the foreign official or person selected to be a foreign official, is in the territory of the United States;

“(ii) an issuer (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))), or any officer, director, employee, or agent of an issuer or any stockholder thereof acting on behalf of the issuer; or

“(iii) a domestic concern (as defined in section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2)), or any officer, director, employee, or agent of a domestic concern or any stockholder thereof acting on behalf of the domestic concern; and

“(B) in return for—

“(i) being influenced in the performance of any act or decision of the foreign official or person selected to be a foreign official in the official capacity of the foreign official or person selected to be a foreign official;

“(ii) being induced to do or omit to do any act in violation of the lawful duty of the foreign official or person selected to be a foreign official;

“(iii) conferring any improper advantage; or

“(iv) using the influence of the foreign official or person selected to be a foreign official with a foreign government or instrumentality thereof to affect or influence any act

or decision of that government or instrumentality,

in connection with obtaining or retaining business for or with, or directing business to, any person.

“(2) PENALTIES.—Any person who violates paragraph (1) shall be fined not more than \$250,000 or 3 times the monetary equivalent of the thing of value, imprisoned for not more than 15 years, or both.

“(3) JURISDICTION.—An offense under paragraph (1) shall be subject to extraterritorial Federal jurisdiction.

“(4) REPORT.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Attorney General, in consultation with the Secretary of State as relevant, shall submit to the Committee on the Judiciary and the Committee on Foreign Relations of the Senate and the Committee on the Judiciary and the Committee on Foreign Affairs of the House of Representatives, and post on the publicly available website of the Department of Justice, a report—

“(A) focusing, in part, on demands by foreign officials for bribes from entities domiciled or incorporated in the United States, and the efforts of foreign governments to prosecute such cases;

“(B) addressing United States diplomatic efforts to protect entities domiciled or incorporated in the United States from foreign bribery, and the effectiveness of those efforts in protecting such entities;

“(C) summarizing major actions taken under this section in the previous year, including enforcement actions taken and penalties imposed;

“(D) evaluating the effectiveness of the Department of Justice in enforcing this section; and

“(E) detailing what resources or legislative action the Department of Justice needs to ensure adequate enforcement of this section.

“(5) RULE OF CONSTRUCTION.—This subsection shall not be construed as encompassing conduct that would violate section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd-1) or section 104 or 104A of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2; 15 U.S.C. 78dd-3) whether pursuant to a theory of direct liability, conspiracy, complicity, or otherwise.”

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 63 of title 18, United States Code, is amended by adding at the end the following:

“1352. Demands by foreign officials for bribes.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ISSA) and the gentleman from New York (Mr. NADLER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ISSA. 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 on S. 4548.

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

There was no objection.

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

Mr. Speaker, S. 4548 makes technical and conforming changes to the Foreign Extortion Prevention Act, which was enacted as part of last year's National Defense Authorization Act.

The FEPA was introduced to create a Federal offense that would contemplate a Foreign Corruption Practices Act. Again, the Foreign Corruption Practices Act, which has been in place for many years, is the act that the American people rely on to make sure that Americans, no matter where they are doing business, abide by U.S. practices, no bribes, and no mislaid funds. In fact, it is the reason that the United States is the envy of the world when it comes to contracting with our companies.

While the FCPA prohibits the paying of a bribe to a foreign official, the FEPA prohibits the demanding of a bribe by a foreign official. However, the FEPA text that was enacted last year in the NDAA had several flaws.

First, the law was added to the domestic bribery statute in title 18, creating an inconsistency in the sections that are being defined in the elements of the crime. These inconsistencies may prevent the FEPA and the domestic bribery statute from operating in the way that Congress intended.

Second, there were inconsistencies between the language of the FCPA and the FEPA. Because these statutes are intended to be complementary, with parts of them addressing the same problem, we need to harmonize it.

For that reason, this technical and conforming change has been brought to the committee's attention. We stand for it, we have reviewed it, and in fact, we hope that all will vote on it.

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

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

Mr. Speaker, I rise in strong support of S. 4548, the Foreign Extortion Prevention Technical Corrections Act.

Last year, we enacted the Foreign Extortion Prevention Act, or FEPA, landmark legislation that would combat kleptocracy and help protect the rule of law.

FEPA was the first expansion of our country's antibribery and anticorruption laws in nearly 50 years. This law provides another useful tool to combat corruption and stop it at its source by making it a crime for any foreign official to solicit or accept a bribe from any American person or American company.

It was already the law that U.S. persons who offer to pay bribes overseas could be prosecuted, but there was no corresponding law prohibiting foreign entities and officials from demanding or accepting bribes.

Foreign corrupt officials too often demand bribes from companies hoping to do business with them. This unethical practice unfairly benefits dishonest companies, granting them a competitive advantage, and placing law-abiding companies and citizens, including American ones, at a disadvantage.

FEPA changed that by stopping corruption at its source. The passage of FEPA was a watershed moment for our

democracy, particularly because research shows that the vast majority of bribe-demanding foreign officials never face consequences in their own countries. FEPA makes it much harder for these foreign officials to cultivate a culture where corruption and bribery are the norm.

After FEPA was enacted into law, it became clear that certain technical corrections were necessary to fully effectuate the law. This legislation would make those necessary changes to ensure that our fight to end corruption is well equipped. I was proud to vote for FEPA last year, and I am proud to vote for it again through this bill.

I must observe that consideration of this bill is bittersweet today because the House sponsor of FEPA was our late, beloved colleague, SHEILA JACKSON LEE, who we lost just this past weekend.

Her impact on this Chamber was immeasurable, and she was the champion of so many issues from criminal justice to voting rights to civil rights and civil liberties and so much more.

She was also passionate about fighting against corruption, both at home and abroad, and passage of today's bill would be a small tribute to the mark that she has left on this country and on all of us.

This legislation simply makes technical corrections to the Foreign Extortion Prevention Act, important bipartisan anticorruption legislation, which was enacted last year. This bill has already passed the Senate.

I urge all Members to support the bill and send it to the President's desk, and I yield back the balance of my time.

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

Mr. Speaker, the bill before us isn't just another example of the hard-working SHEILA JACKSON LEE that both of us served with for more than two decades.

In closing, I take a moment to pay tribute to the gentlewoman, not on my side of the aisle, not always on my side of a vote, but never has our committee had a harder working, more dedicated Member, a Member who I had the honor of traveling with to many places, including the Middle East, Africa, and elsewhere.

She would get up early. She would work late. She would add meetings on top of meetings, even on congressional delegations that seemed to be filled beyond the possibility of doing it all.

I don't remember a piece of legislation on which she wasn't prepared to opine with accuracy and proper briefing, and I don't remember an opportunity missed to offer an amendment or a need for greater transparency.

I join my colleague, Mr. NADLER, in saying she will be missed. She will be missed because nobody could have had somebody more interested in transparency, in proper reporting, and quite frankly, the importance of this body. She was a person of the House, and she will be missed.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill, S. 4548.

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.

PROTECTING AND ENHANCING PUBLIC ACCESS TO CODES ACT

Mr. ISSA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1631) to amend title 17, United States Code, to reaffirm the importance of, and include requirements for, works incorporated by reference into law, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1631

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 "Protecting and Enhancing Public Access to Codes Act" or the "Pro Codes Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Congress, the executive branch, and State and local governments have long recognized that the people of the United States benefit greatly from the work of private standards development organizations with expertise in highly specialized areas.

(2) The organizations described in paragraph (1) create technical standards and voluntary consensus standards through a process requiring openness, balance, consensus, and due process to ensure all interested parties have an opportunity to participate in standards development.

(3) The standards that result from the process described in paragraph (2) are used by private industry, academia, the Federal Government, and State and local governments that incorporate those standards by reference into laws and regulations.

(4) The standards described in paragraph (3) further innovation, commerce, and public safety, all without cost to governments or taxpayers because standards development organizations fund the process described in paragraph (2) through the sale and licensing of their standards.

(5) Congress and the executive branch have repeatedly declared that, wherever possible, governments should rely on voluntary consensus standards and have set forth policies and procedures by which those standards are incorporated by reference into laws and regulations and that balance the interests of access with protection for copyright.

(6) Circular A-119 of the Office of Management and Budget entitled "Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities", issued in revised form on January 27, 2016, recognizes the benefits of voluntary consensus standards and incorporation by reference, stating that "[i]f a standard is used and published in an agency document, your agency must observe and protect the rights of the copyright holder and meet any other similar obligations."

(7) Federal agencies have relied extensively on the incorporation by reference system to leverage the value of technical standards and voluntary consensus standards for the benefit of the public, resulting in more than 23,000 sections in the Code of Federal Regulations that incorporate by reference technical and voluntary consensus standards.

(8) State and local governments have also recognized that technical standards and voluntary consensus standards are critical to protecting public health and safety, which has resulted in many such governments—

(A) incorporating those standards by reference into their laws and regulations; or

(B) entering into license agreements with standards development organizations to use the standards created by those organizations.

(9) Standards development organizations rely on copyright protection to generate the revenues necessary to fund the voluntary consensus process and to continue creating and updating these important standards.

(10) The people of the United States have a strong interest in—

(A) ensuring that standards development organizations continue to utilize a voluntary consensus process—

(i) in which all interested parties can participate; and

(ii) that continues to create and update standards in a timely manner to—

(I) account for technological advances;

(II) address new threats to public health and safety; and

(III) improve the usefulness of those standards; and

(B) the provision of access that allows people to read technical and voluntary consensus standards that are incorporated by reference into laws and regulations.

(11) As of the date of enactment of this Act, many standards development organizations make their standards available to the public free of charge online in a manner that does not substantially disrupt the ability of those organizations to earn revenue from the industries and professionals that purchase copies and subscription-access to those standards (such as through read-only access), which ensures that the public may read the current, accurate version of such a standard without significantly interfering with the revenue model that has long supported those organizations and their creation of, and investment in, new standards.

(12) Through this Act, and the amendments made by this Act, Congress intends to balance the goals of furthering the creation of standards and ensuring public access to standards that are incorporated by reference into law or regulation.

SEC. 3. WORKS INCORPORATED BY REFERENCE INTO LAW.

(a) IN GENERAL.—Chapter 1 of title 17, United States Code, is amended by adding at the end the following:

"§ 123. Works incorporated by reference into law

"(a) DEFINITIONS.—In this section:

"(1) CIRCULAR A-119.—The term 'Circular A-119' means Circular A-119 of the Office of Management and Budget entitled 'Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities', issued in revised form on January 27, 2016.

"(2) INCORPORATED BY REFERENCE.—

"(A) IN GENERAL.—The term 'incorporated by reference' means, with respect to a standard, that the text of a Federal, State, local, or municipal law or regulation—

"(i) references all or part of the standard; and

"(ii) does not copy the text of that standard directly into that law or regulation.

"(B) APPLICATION.—The creation or publication of a work that includes both the text of a law or regulation and all or part of a standard